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By: **Delegates Madaleno, McIntosh, Jones, Griffith, and Bobo**

Introduced and read first time: February 9, 2005

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Finance and Procurement - Capital Budget - Funding for Public Art**

3 FOR the purpose of providing certain funds from the consolidated loan budget to be  
4 used to fund certain activities of the Maryland Public Art Initiative Program;  
5 requiring the Maryland State Arts Council to develop regulations to implement  
6 the Maryland Public Art Initiative Program; establishing the Maryland  
7 Commission on Public Art; specifying the membership of the Commission;  
8 establishing the Maryland Public Art Fund; providing for the purpose of the  
9 Fund; specifying that the Fund is a special, nonlapsing fund; specifying that the  
10 State Treasurer shall hold the Fund separately and that the Comptroller shall  
11 account for the Fund; specifying that certain proceeds shall be invested and  
12 reinvested in a certain manner; specifying that certain earnings shall be paid  
13 into the Fund; providing for the composition of the Fund; requiring the  
14 Commission to administer the Fund; providing that money in the Fund may  
15 only be used for certain purposes; providing for the termination of this Act;  
16 requiring the Commission to make recommendations concerning disbursement  
17 of the funds of the Maryland Public Art Initiative Program; and generally  
18 relating to funding for public art.

19 ~~BY repealing and reenacting, with amendments,~~  
20 ~~Article - State Finance and Procurement~~  
21 ~~Section 8-114~~  
22 ~~Annotated Code of Maryland~~  
23 ~~(2001 Replacement Volume and 2004 Supplement)~~

24 BY repealing and reenacting, with amendments,  
25 Article - State Government

1 Section 9-1021  
 2 Annotated Code of Maryland  
 3 (2004 Replacement Volume)

4 BY adding to  
 5 Article 83A - Department of Business and Economic Development  
 6 Section 4-6A-01 through ~~4-6A-03~~ 4-6A-04, inclusive, to be under the new  
 7 subtitle "Subtitle 6A. Maryland Public Art Initiative Program"  
 8 Annotated Code of Maryland  
 9 (2003 Replacement Volume and 2004 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article—State Finance and Procurement**

13 ~~§ 114.~~

14 (a) ~~The Department of Budget and Management annually shall prepare for~~  
 15 ~~the Governor a draft of the part of the consolidated loan budget that relates to general~~  
 16 ~~construction projects.~~

17 (b) ~~On or before the 20th day of each regular session of the General Assembly,~~  
 18 ~~the Governor shall submit to the General Assembly:~~

19 (1) ~~the consolidated loan budget; and~~

20 (2) ~~if necessary, 1 or more bills that authorize new State debt to fund the~~  
 21 ~~consolidated loan budget.~~

22 (c) ~~The consolidated loan budget shall:~~

23 (1) ~~contain a complete plan of the proposed projects that any~~  
 24 ~~accompanying bills would fund; and~~

25 (2) ~~show, by dollar amount and percent, the allocation for:~~

26 (i) ~~general construction projects;~~

27 (ii) ~~school construction projects; [and]~~

28 (iii) ~~THE MARYLAND PUBLIC ART INITIATIVE PROGRAM~~  
 29 ~~ESTABLISHED UNDER ARTICLE 83A, § 4-6A-01 OF THE CODE; AND~~

30 [(iii)] (iv) ~~other special projects.~~

31 (d) (1) ~~Each bill that the Governor submits under this section shall comply~~  
 32 ~~with the requirements of Article III, §§ 34 and 52 of the Maryland Constitution.~~

1           (2)     ~~An authorization of State debt to fund any part of the consolidated~~  
2 ~~loan budget shall be deemed to be a single work, object, or purpose under Article III,~~  
3 ~~§ 52 of the Maryland Constitution.~~

4

**Article - State Government**

5 9-1021.

6       (a)     (1)     The Commission is the official custodian of all valuable paintings and  
7 other objects of decorative art owned by or loaned to the State, except those located in  
8 a State room of the Government House. With respect to the objects subject to its  
9 official custody, the Commission shall:

10                   (i)     keep a continuing inventory of the objects; and

11                   (ii)    be responsible for and supervise the acquisition, custody,  
12 display, location, preservation, proper care, security, and restoration of the objects.

13           (2)     At such time as the State acquires the Peabody Art Collection from  
14 the Peabody Institute, the Commission shall become the official custodian of the  
15 Collection.

16           (3)     In exercising its custodial responsibilities, the Commission may loan  
17 objects owned by the State to qualified institutions and may contract with such  
18 institutions for the performance of curatorial services.

19       (b)     (1)     Each person or agency that desires to acquire a painting or object of  
20 decorative art for display in or on the premises of any State building, except in a room  
21 of the Government House, must receive both prior approval and final acceptance from  
22 the Commission.

23           (2)     Before giving prior approval or final acceptance in accordance with  
24 this subsection, the Commission shall consider:

25                   (i)     the competence of the artist;

26                   (ii)    the proposed location of the object; and

27                   (iii)   the quality, historical significance, and appropriateness of the  
28 work.

29       (C)     THIS SUBTITLE DOES NOT APPLY TO ARTWORK ACQUIRED THROUGH THE  
30 MARYLAND PUBLIC ART INITIATIVE PROGRAM ESTABLISHED UNDER ARTICLE 83A, §  
31 4-6A-01 OF THE CODE.

Article 83A - Department of Business and Economic Development

SUBTITLE 6A. MARYLAND PUBLIC ART INITIATIVE PROGRAM.

3 4-6A-01.

4 (A) THERE IS A MARYLAND PUBLIC ART INITIATIVE PROGRAM TO PROMOTE  
5 THE INSTALLATION OF ARTWORK IN PUBLIC FACILITIES IN THE STATE.

6 (B) TO FUND THE PROGRAM, ~~BEGINNING WITH FISCAL YEAR 2007, THE~~  
7 GOVERNOR ~~SHALL~~ MAY ANNUALLY PROVIDE AN ~~AMOUNT EQUAL TO 0.5% OF THE~~  
8 ~~TOTAL CONSOLIDATED LOAN BUDGET~~ APPROPRIATION IN THE STATE BUDGET OR AN  
9 AMOUNT UP TO 0.5% OF THE TOTAL CONSOLIDATED LOAN BUDGET FOR:

10 (1) THE ACQUISITION OF PUBLIC ART TO BE OWNED BY THE STATE OF  
11 MARYLAND;

12 (2) ~~MAINTENANCE~~ PRESERVATION OF PUBLIC ART ASSETS, INCLUDING  
13 ASSETS OF THE COMMISSION ON PUBLIC ART; AND

14 (3) A GRANT FUND AVAILABLE TO LOCAL GOVERNMENTS ~~THAT DO NOT~~  
15 ~~HAVE CAPITAL PROJECTS IN THE CONSOLIDATED LOAN BUDGET.~~

16 (C) THE STATE ARTS COUNCIL SHALL DEVELOP REGULATIONS TO  
17 IMPLEMENT THE MARYLAND PUBLIC ART INITIATIVE PROGRAM THAT SHALL  
18 ADDRESS THE FOLLOWING:

- 19 (1) PROCEDURES FOR ARTIST AND ART SELECTION;
- 20 (2) COMPOSITION OF SELECTION PANELS;
- 21 (3) BUDGET ALLOCATIONS FOR EACH PROJECT;
- 22 (4) LOCAL COMMUNITY INVOLVEMENT; AND
- 23 (5) CONSERVATION AND MAINTENANCE CONCERNS.

24 4-6A-02.

25 (A) (1) ~~IN THIS SECTION AND UNDER § 4-6A-03 OF THIS~~ SUBTITLE; THE  
26 FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

27 (2) "COMMISSION" MEANS THE MARYLAND COMMISSION ON PUBLIC  
28 ART.

29 (3) "PROGRAM" MEANS THE MARYLAND PUBLIC ART INITIATIVE  
30 PROGRAM.

31 (B) THERE IS A MARYLAND COMMISSION ON PUBLIC ART.

1 (C) (1) THE COMMISSION CONSISTS OF 11 MEMBERS, 4 OF WHOM ARE  
2 INSTITUTIONAL MEMBERS AND 7 OF WHOM ARE PUBLIC MEMBERS.

3 (2) THE INSTITUTIONAL MEMBERS ARE:

4 (I) THE EXECUTIVE DIRECTOR OF THE STATE ARTS COUNCIL OR A  
5 MEMBER OF THE STATE ARTS COUNCIL;

6 (II) THE EXECUTIVE DIRECTOR OF THE HISTORICAL TRUST OR A  
7 MEMBER OF THE HISTORICAL TRUST;

8 (III) THE STATE ARCHIVIST OR A MEMBER OF THE STATE  
9 COMMISSION ON ARTISTIC PROPERTY; AND

10 (IV) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE.

11 (3) (I) THE SECRETARY SHALL APPOINT THE PUBLIC MEMBERS WITH  
12 APPROVAL OF THE GOVERNOR.

13 (II) THE SECRETARY SHALL INCLUDE REPRESENTATIVES OF THE  
14 ARTISTIC COMMUNITY WHO HAVE PROFESSIONAL EXPERTISE AS AN ARTIST,  
15 CURATOR, ART HISTORIAN, ART EDUCATOR, OR ARCHITECT.

16 (III) THE PUBLIC MEMBERS SHALL SERVE AT THE PLEASURE OF  
17 THE SECRETARY.

18 (4) FROM TIME TO TIME, WITH THE APPROVAL OF THE GOVERNOR, THE  
19 SECRETARY SHALL DESIGNATE A PUBLIC MEMBER OF THE COMMISSION TO SERVE  
20 AS CHAIRMAN.

21 (D) A MEMBER OF THE COMMISSION:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

25 (E) THE STATE ARTS COUNCIL SHALL PROVIDE STAFF SUPPORT FOR THE  
26 COMMISSION.

27 4-6A-03.

28 (A) THERE IS A MARYLAND PUBLIC ART FUND.

29 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO STATE AGENCIES  
30 AND LOCAL GOVERNMENTS TO SATISFY THE GOALS OF THE MARYLAND PUBLIC ART  
31 INITIATIVE.

32 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §  
33 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (D) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL  
2 ACCOUNT FOR THE FUND.

3 (E) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED IN  
4 THE SAME MANNER AS OTHER STATE FUNDS.

5 (F) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

6 (G) THE FUND CONSISTS OF:

7 (1) APPROPRIATIONS IN THE STATE BUDGET; AND

8 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
9 BENEFIT OF THE FUND.

10 (H) THE COMMISSION SHALL ADMINISTER THE FUND.

11 (I) MONEY IN THE FUND MAY ONLY BE EXPENDED TO:

12 (1) AWARD GRANTS FOR THE PROGRAM; AND

13 (2) PAY THE COSTS NECESSARY TO ADMINISTER THE FUND.

14 (J) EXPENDITURES FROM THE FUND MAY ONLY BE MADE IN ACCORDANCE  
15 WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL  
16 STATE BUDGET OR BY AN APPROVED BUDGET AMENDMENT.

17 4-6A-04.

18 (A) (1) THE COMMISSION SHALL WORK WITH THE DEPARTMENT OF  
19 GENERAL SERVICES, THE DEPARTMENT OF TRANSPORTATION, AND THE UNIVERSITY  
20 SYSTEM OF MARYLAND TO ENSURE THAT NEW PUBLIC FACILITIES CONSTRUCTED BY  
21 STATE AGENCIES INCLUDE THE INSTALLATION OF ARTWORK FOR THE ENRICHMENT  
22 OF THE PUBLIC.

23 (2) THE COMMISSION SHALL ALLOCATE FUNDS FROM THE ~~PROGRAM~~  
24 MARYLAND PUBLIC ART FUND FOR THE COMMISSIONING OF WORKS OF ART FOR  
25 INSTALLATION AT PUBLIC FACILITIES AROUND THE STATE.

26 (3) THE COMMISSION SHALL ESTABLISH SELECTION PANELS TO MAKE  
27 RECOMMENDATIONS FOR THE SELECTION OF ARTISTS AND ARTWORK TO BE  
28 FUNDED BY ~~PROGRAM FUNDS~~ THE MARYLAND PUBLIC ART FUND.

29 (4) THE COMMISSION SHALL MAKE FINAL RECOMMENDATIONS  
30 CONCERNING THE DISBURSEMENT OF FUNDS ALLOCATED TO THE PROGRAM.

31 (B) (1) ALL ARTWORK FUNDED BY THE PROGRAM SHALL BE THE PROPERTY  
32 OF THE MARYLAND HISTORICAL TRUST.

33 (2) THE MARYLAND HISTORICAL TRUST, IN COOPERATION WITH THE  
34 DEPARTMENT OF GENERAL SERVICES, SHALL BE RESPONSIBLE FOR THE

1 INVENTORY, MAINTENANCE, AND PRESERVATION OF ALL ARTWORK ACQUIRED  
2 THROUGH THE PROGRAM.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2005. It shall remain effective for a period of 5 years and, at the end of May  
5 31, 2010, with no further action required by the General Assembly, this Act shall be  
6 abrogated and of no further force and effect.