

HB1337/726188/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1337
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zucker” and substitute “Zucker, Hammen, Cullison, A. Kelly, Murphy, Morhaim, Nathan-Pullian, Oaks, Pena-Melnyk, Pendergrass, and V. Turner”; in line 2, strike “Revisions” and substitute “Selection of Art for Capital Projects”; strike beginning with “altering” in line 3 down through “Commission” in line 24 and substitute “providing that artwork funded by the Maryland Public Art Initiative Program is the property of the Maryland Commission on Public Art; providing that the Commission is responsible for the inventory, maintenance, and preservation of certain artwork; requiring the State to include public art into all construction projects and major renovation projects under certain circumstances; requiring, at a certain time, that a certain group determines the identification and selection of public art to be included in a certain project; requiring the Division of Tourism, Film, and the Arts to work with the Maryland State Arts Council and the Commission in the selection of certain public art; requiring the Department of Budget and Management and the Department of General Services to jointly establish a certain waiver process; declaring the intent of the General Assembly; defining certain terms”; and in line 25, after “Program” insert “and the selection of art for capital projects”.

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 1 on page 2, inclusive.

On page 2, in line 4, strike beginning with “4-603(b)” through “and”; and after line 6, insert:

“BY adding to
Article – State Finance and Procurement
Section 3-602.2”

(Over)

Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 10 on page 2 through line 17 on page 5, inclusive.

On page 5, in lines 19, 22, and 24, in each instance, strike the brackets; strike beginning with “**EXCEPT**” in line 19 down through “**ALL**” in line 20; in lines 22 and 23, strike “Maryland Historical Trust” and substitute “COMMISSION”; and after line 24, insert:

“Article – State Finance and Procurement

3-602.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMISSION” MEANS THE MARYLAND COMMISSION ON PUBLIC ART ESTABLISHED UNDER TITLE 4, SUBTITLE 6 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(3) “CONSTRUCTION PROJECT” MEANS THE CONSTRUCTION OF A NEW BUILDING THAT IS PROPOSED TO CONTAIN 15,000 OR MORE SQUARE FEET.

(4) “COUNCIL” MEANS THE MARYLAND STATE ARTS COUNCIL ESTABLISHED UNDER TITLE 4, SUBTITLE 5 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(5) “DIVISION” MEANS THE DIVISION OF TOURISM, FILM, AND THE ARTS ESTABLISHED UNDER TITLE 4, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(6) “MAJOR RENOVATION PROJECT” MEANS THE RENOVATION OF AN EXISTING BUILDING WHERE:

(I) THE BUILDING IS TO BE RECONSTRUCTED AND REUSED AFTER THE CONSTRUCTION;

(II) THE HEATING, VENTILATION, AND AIR CONDITIONING, ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND

(III) THE SCOPE OF THE RENOVATION IS 15,000 OR MORE SQUARE FEET.

(7) (I) “PUBLIC ART” MEANS:

1. AN ARCHITECTURAL ENHANCEMENT OF ARTISTIC SIGNIFICANCE; OR

2. AN INDIVIDUAL PIECE OF ART.

(II) “PUBLIC ART” INCLUDES:

1. A MURAL;

2. A TILE MOSAIC;

3. A PAINTING; OR

4. A SCULPTURE.

(B) (1) THIS SECTION APPLIES TO CAPITAL PROJECTS THAT ARE FUNDED ENTIRELY WITH STATE FUNDS.

(2) THIS SECTION DOES NOT APPLY TO THE FOLLOWING TYPES OF UNOCCUPIED BUILDINGS:

(I) WAREHOUSE AND STORAGE FACILITIES;

(II) GARAGES;

(III) MAINTENANCE FACILITIES;

(IV) TRANSMITTER BUILDINGS;

(V) PUMPING STATIONS; AND

(VI) OTHER SIMILAR BUILDINGS, AS DETERMINED BY THE DEPARTMENT.

(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE REQUIREMENTS OF THIS SECTION WILL NOT INCREASE THE COST OF A CONSTRUCTION PROJECT OR A MAJOR RENOVATION PROJECT.

(D) TO THE EXTENT PRACTICABLE AND EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE STATE SHALL INCLUDE PUBLIC ART IN ALL CONSTRUCTION PROJECTS AND MAJOR RENOVATION PROJECTS.

(E) DURING THE INITIAL DESIGN OF EACH CONSTRUCTION PROJECT AND MAJOR RENOVATION PROJECT, THE IDENTIFICATION AND SELECTION OF PUBLIC ART TO BE INCLUDED IN THE PROJECT SHALL BE DETERMINED BY A GROUP COMPOSED OF REPRESENTATIVES OF:

(1) THE UNIT OF STATE GOVERNMENT THAT WILL BE THE PRIMARY USER OF THE BUILDING;

(2) THE UNIT OF STATE GOVERNMENT RESPONSIBLE FOR PROJECT MANAGEMENT OF THE BUILDING; AND

(3) THE DIVISION.

(F) THE DIVISION SHALL WORK WITH THE COUNCIL AND THE COMMISSION IN THE SELECTION OF PUBLIC ART FOR ANY PROJECT UNDER THIS SECTION.

(G) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF GENERAL SERVICES SHALL JOINTLY ESTABLISH A PROCESS TO ALLOW A UNIT OF STATE GOVERNMENT TO OBTAIN A WAIVER FROM COMPLYING WITH THIS SECTION.

(2) THE WAIVER PROCESS SHALL:

(I) PROVIDE FOR CONSULTATION WITH THE DIVISION, ON BEHALF OF THE COUNCIL AND THE COMMISSION, TO DETERMINE IF THE

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INCLUSION OF PUBLIC ART IN A PROPOSED PROJECT IS TOO COSTLY OR NOT PRACTICABLE; AND

(II) REQUIRE THE APPROVAL OF THE SECRETARIES OF BUDGET AND MANAGEMENT AND GENERAL SERVICES.”.