

SENATE BILL 12

P2, B5, C8

9lr0035

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Commerce)**

Requested: October 16, 2018

Introduced and read first time: January 9, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Capital Projects – Inclusion of Public Art**

3 FOR the purpose of expanding a certain requirement that public art be used in certain
4 capital projects; and generally relating to the inclusion of public art in capital
5 projects.

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 3–602.2
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2018 Supplement)

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

13 **Article – State Finance and Procurement**

14 3–602.2.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) “Commission” means the Maryland Commission on Public Art
17 established under Title 4, Subtitle 6 of the Economic Development Article.

18 (3) “Construction project” means the construction of a new building that is
19 proposed to contain 15,000 or more square feet.

20 (4) “Council” means the Maryland State Arts Council established under
21 Title 4, Subtitle 5 of the Economic Development Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) "Division" means the Division of Tourism, Film, and the Arts
2 established under Title 4, Subtitle 1 of the Economic Development Article.

3 (6) "Major renovation project" means the renovation of an existing building
4 where:

5 (i) the building is to be reconstructed and reused after the
6 construction;

7 (ii) the heating, ventilation, and air conditioning, electrical, and
8 plumbing systems are to be replaced; and

9 (iii) the scope of the renovation is 15,000 or more square feet.

10 (7) (i) "Public art" means:

- 11 1. an architectural enhancement of artistic significance; or
- 12 2. an individual piece of art.

13 (ii) "Public art" includes:

- 14 1. a mural;
- 15 2. a tile mosaic;
- 16 3. a painting; or
- 17 4. a sculpture.

18 (b) (1) This section applies to capital projects [that] **FOR WHICH AT LEAST**
19 **50% OF THE PROJECT COSTS** are funded [entirely] with State funds.

20 (2) This section does not apply to the following types of unoccupied
21 buildings:

22 (i) warehouse and storage facilities;

23 (ii) garages;

24 (iii) maintenance facilities;

25 (iv) transmitter buildings;

26 (v) pumping stations; and

27 (vi) other similar buildings, as determined by the Department.

1 (c) It is the intent of the General Assembly that the requirements of this section
2 will not increase the cost of a construction project or a major renovation project.

3 (d) To the extent practicable and except as provided in subsection (g) of this
4 section, the State shall include public art in all construction projects and major renovation
5 projects.

6 (e) During the initial design of each construction project and major renovation
7 project, the identification and selection of public art to be included in the project shall be
8 determined by a group composed of representatives of:

9 (1) the unit of State government that will be the primary user of the
10 building;

11 (2) the unit of State government responsible for project management of the
12 building; and

13 (3) the Division.

14 (f) The Division shall work with the Council and the Commission in the selection
15 of public art for any project under this section.

16 (g) (1) The Department of Budget and Management and the Department of
17 General Services shall jointly establish a process to allow a unit of State government to
18 obtain a waiver from complying with this section.

19 (2) The waiver process shall:

20 (i) provide for consultation with the Division, on behalf of the
21 Council and the Commission, to determine if the inclusion of public art in a proposed project
22 is too costly or not practicable; and

23 (ii) require the approval of the Secretaries of Budget and
24 Management and General Services.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2019.