

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 4, 2019

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (3) "Construction project" means the construction of a new building that is
2 proposed to contain 15,000 or more square feet.

3 (4) "Council" means the Maryland State Arts Council established under
4 Title 4, Subtitle 5 of the Economic Development Article.

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

7 (6) "Major renovation project" means the renovation of an existing building
8 where:

9 (i) the building is to be reconstructed and reused after the
10 construction;

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

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

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

15 1. an architectural enhancement of artistic significance; or

16 2. an individual piece of art.

17 (ii) "Public art" includes:

18 1. a mural;

19 2. a tile mosaic;

20 3. a painting; or

21 4. a sculpture.

22 (b) (1) This section applies to capital projects ~~[that] FOR WHICH AT LEAST~~
23 ~~50% OF THE PROJECT COSTS are funded [entirely] with State funds~~ THAT ARE:

24 (I) FUNDED ENTIRELY WITH STATE FUNDS; OR

25 (II) 1. FUNDED WITH A COMBINATION OF AT LEAST 50% OF
26 STATE FUNDS AND THE REMAINDER FROM FUNDS FROM PRIVATE ENTITIES; AND

27 2. NOT FUNDED AS A LEGISLATIVE BOND INITIATIVE IN
28 THE STATE CAPITAL BUDGET.

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

3 (i) warehouse and storage facilities;

4 (ii) garages;

5 (iii) maintenance facilities;

6 (iv) transmitter buildings;

7 (v) pumping stations; and

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

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

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

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

17 (1) the unit of State government that will be the primary user of the
18 building;

19 (2) the unit of State government responsible for project management of the
20 building; and

21 (3) the Division.

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

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

27 (2) The waiver process shall:

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

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1 (ii) require the approval of the Secretaries of Budget and
2 Management and General Services.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.