

ENROLLED BILL
-- Appropriations/Budget and Taxation --

Introduced by **Delegates Madaleno, McIntosh, Jones, Griffith, and Bobo**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

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~~ establishing the Maryland Public Art Initiative
5 Program; stating the intent of the General Assembly; requiring that certain
6 grantees provide and expend a matching fund prior to the award of certain
7 grants; requiring the Maryland State Arts Council to develop regulations to
8 implement the Maryland Public Art Initiative Program; establishing the
9 Maryland Commission on Public Art; specifying the membership of the
10 Commission; establishing the Maryland Public Art Fund; providing for the
11 purpose of the Fund; specifying that the Fund is a special, nonlapsing fund;
12 specifying that the State Treasurer shall hold the Fund separately and that the
13 Comptroller shall account for the Fund; specifying that certain proceeds shall be
14 invested and reinvested in a certain manner; specifying that certain earnings
15 shall be paid into the Fund; providing for the composition of the Fund; requiring
16 the Commission to administer the Fund; providing that money in the Fund may
17 only be used for certain purposes; providing for the termination of this Act;

1 requiring the Commission to make recommendations concerning disbursement
 2 of the funds of the Maryland Public Art Initiative Program; and generally
 3 relating to funding for public art.

4 ~~BY repealing and reenacting, with amendments,~~
 5 ~~Article—State Finance and Procurement~~
 6 ~~Section 8-114~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2001 Replacement Volume and 2004 Supplement)~~

9 BY repealing and reenacting, with amendments,
 10 Article - State Government
 11 Section 9-1021
 12 Annotated Code of Maryland
 13 (2004 Replacement Volume)

14 BY adding to
 15 Article 83A - Department of Business and Economic Development
 16 Section 4-6A-01 through ~~4-6A-03~~ 4-6A-04, inclusive, to be under the new
 17 subtitle "Subtitle 6A. Maryland Public Art Initiative Program"
 18 Annotated Code of Maryland
 19 (2003 Replacement Volume and 2004 Supplement)

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

22 **~~Article—State Finance and Procurement~~**

23 ~~§ 114.~~

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

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

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

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

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

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

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

2 (i) general construction projects;

3 (ii) school construction projects; [and]

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

6 [(iii)] (iv) other special projects.

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

9 (2) An authorization of State debt to fund any part of the consolidated
10 loan budget shall be deemed to be a single work, object, or purpose under Article III,
11 § 52 of the Maryland Constitution.

12 Article - State Government

13 9-1021.

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

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

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

21 (2) At such time as the State acquires the Peabody Art Collection from
22 the Peabody Institute, the Commission shall become the official custodian of the
23 Collection.

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

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

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

33 (i) the competence of the artist;

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

1 (iii) the quality, historical significance, and appropriateness of the
2 work.

3 (C) THIS SUBTITLE DOES NOT APPLY TO ARTWORK ACQUIRED THROUGH THE
4 MARYLAND PUBLIC ART INITIATIVE PROGRAM ESTABLISHED UNDER ARTICLE 83A, §
5 4-6A-01 OF THE CODE.

6 **Article 83A - Department of Business and Economic Development**

7 SUBTITLE 6A. MARYLAND PUBLIC ART INITIATIVE PROGRAM.
8 4-6A-01.

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

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

15 *(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, BEGINNING IN*
16 *FISCAL YEAR 2007 AND IN EACH YEAR THEREAFTER, THE GOVERNOR SHALL*
17 *APPROPRIATE AN AMOUNT NOT TO EXCEED \$1,000,000 FOR THE PROGRAM IN THE*
18 *STATE OPERATING BUDGET OR THE CAPITAL CONSOLIDATED LOAN BUDGET.*

19 *(C) PROGRAM FUNDS SHALL BE USED FOR:*

20 (1) THE ACQUISITION OF PUBLIC ART TO BE OWNED BY THE STATE OF
21 MARYLAND;

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

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

26 ~~(C)~~ *(D)* THE STATE ARTS COUNCIL SHALL DEVELOP REGULATIONS TO
27 IMPLEMENT THE MARYLAND PUBLIC ART INITIATIVE PROGRAM THAT SHALL
28 ADDRESS THE FOLLOWING:

29 (1) PROCEDURES FOR ARTIST AND ART SELECTION;

30 (2) COMPOSITION OF SELECTION PANELS;

31 (3) BUDGET ALLOCATIONS FOR EACH PROJECT;

32 (4) LOCAL COMMUNITY INVOLVEMENT; AND

33 (5) CONSERVATION AND MAINTENANCE CONCERNS.

1 4-6A-02.

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

4 (2) "COMMISSION" MEANS THE MARYLAND COMMISSION ON PUBLIC
5 ART.

6 (3) "PROGRAM" MEANS THE MARYLAND PUBLIC ART INITIATIVE
7 PROGRAM.

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

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

11 (2) THE INSTITUTIONAL MEMBERS ARE:

12 (I) THE EXECUTIVE DIRECTOR OF THE STATE ARTS COUNCIL OR A
13 MEMBER OF THE STATE ARTS COUNCIL;

14 (II) THE EXECUTIVE DIRECTOR OF THE HISTORICAL TRUST OR A
15 MEMBER OF THE HISTORICAL TRUST;

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

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

19 (3) (I) THE SECRETARY SHALL APPOINT THE PUBLIC MEMBERS WITH
20 APPROVAL OF THE GOVERNOR.

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

24 (III) THE PUBLIC MEMBERS SHALL SERVE AT THE PLEASURE OF
25 THE SECRETARY.

26 (4) FROM TIME TO TIME, WITH THE APPROVAL OF THE GOVERNOR, THE
27 SECRETARY SHALL DESIGNATE A PUBLIC MEMBER OF THE COMMISSION TO SERVE
28 AS CHAIRMAN.

29 (D) A MEMBER OF THE COMMISSION:

30 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

1 (E) THE STATE ARTS COUNCIL SHALL PROVIDE STAFF SUPPORT FOR THE
2 COMMISSION.

3 4-6A-03.

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

5 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO STATE AGENCIES
6 AND LOCAL GOVERNMENTS TO SATISFY THE GOALS OF FUNDS TO IMPLEMENT THE
7 MARYLAND PUBLIC ART INITIATIVE PROGRAM.

8 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
9 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10 (D) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL
11 ACCOUNT FOR THE FUND.

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

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

15 (G) THE FUND CONSISTS OF:

16 (1) APPROPRIATIONS IN THE STATE BUDGET; AND

17 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
18 BENEFIT OF THE FUND.

19 (H) THE COMMISSION SHALL ADMINISTER THE FUND.

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

21 (1) AWARD GRANTS FOR THE PROGRAM; AND

22 (2) PAY THE COSTS NECESSARY TO ADMINISTER THE FUND. TO CARRY
23 OUT THE PURPOSES OF THIS SUBTITLE.

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

27 (K) (1) PRIOR TO THE AWARD OF ANY GRANT TO A LOCAL GOVERNMENT
28 UNDER THIS SUBTITLE, THE GRANTEE SHALL PROVIDE AND EXPEND A MATCHING
29 FUND.

30 (2) NO PART OF THE GRANTEE'S MATCHING FUND MAY BE PROVIDED,
31 EITHER DIRECTLY OR INDIRECTLY, FROM FUNDS OF THE STATE, WHETHER
32 APPROPRIATED OR UNAPPROPRIATED.

1 (3) NO PART OF THE GRANTEE'S MATCHING FUND MAY CONSIST OF
2 REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO JUNE 1,
3 2005.

4 4-6A-04.

5 (A) (1) THE COMMISSION SHALL WORK WITH THE DEPARTMENT OF
6 GENERAL SERVICES, THE DEPARTMENT OF TRANSPORTATION, AND THE UNIVERSITY
7 SYSTEM OF MARYLAND TO ENSURE THAT NEW PUBLIC FACILITIES CONSTRUCTED BY
8 STATE AGENCIES INCLUDE THE INSTALLATION OF ARTWORK FOR THE ENRICHMENT
9 OF THE PUBLIC.

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

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

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

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

20 (2) THE MARYLAND HISTORICAL TRUST, IN COOPERATION WITH THE
21 DEPARTMENT OF GENERAL SERVICES, SHALL BE RESPONSIBLE FOR THE
22 INVENTORY, MAINTENANCE, AND PRESERVATION OF ALL ARTWORK ACQUIRED
23 THROUGH THE PROGRAM.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2005. It shall remain effective for a period of 5 years and, at the end of May
26 31, 2010, with no further action required by the General Assembly, this Act shall be
27 abrogated and of no further force and effect.