

**ENROLLED BILL**

-- Budget and Taxation/Appropriations --

Introduced by **Senators Ruben, Britt, Colburn, Currie, Dyson, Exum, Forehand, Frosh, Garagiola, Giannetti, Gladden, Green, Grosfeld, Hafer, Hollinger, Jones, Kelley, Kramer, Lawlah, McFadden, Middleton, Munson, Pinsky, and Teitelbaum**

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.

\_\_\_\_\_  
President.

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

1 shall be paid into the Fund, providing for the composition of the Fund; requiring  
 2 the Commission to administer the Fund; providing that money in the Fund may  
 3 only be used for certain purposes; providing for the termination of this Act;  
 4 requiring the Commission to make recommendations concerning disbursement  
 5 of the funds of the Maryland Public Art Initiative Program; and generally  
 6 relating to funding for public art.

7 ~~BY repealing and reenacting, with amendments,~~  
 8 ~~Article - State Finance and Procurement~~  
 9 ~~Section 8-114~~  
 10 ~~Annotated Code of Maryland~~  
 11 ~~(2001 Replacement Volume and 2004 Supplement)~~

12 BY repealing and reenacting, with amendments,  
 13 Article - State Government  
 14 Section 9-1021  
 15 Annotated Code of Maryland  
 16 (2004 Replacement Volume)

17 BY adding to  
 18 Article 83A - Department of Business and Economic Development  
 19 Section 4-6A-01 through ~~4-6A-03~~ 4-6A-04, inclusive, to be under the new  
 20 subtitle "Subtitle 6A. Maryland Public Art Initiative Program"  
 21 Annotated Code of Maryland  
 22 (2003 Replacement Volume and 2004 Supplement)

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

25 **~~Article - State Finance and Procurement~~**

26 ~~8-114.~~

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

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

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

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

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



- 1 (i) the competence of the artist;
- 2 (ii) the proposed location of the object; and
- 3 (iii) the quality, historical significance, and appropriateness of the
- 4 work.

5 (C) THIS SUBTITLE DOES NOT APPLY TO ARTWORK ACQUIRED THROUGH THE  
 6 MARYLAND PUBLIC ART INITIATIVE PROGRAM ESTABLISHED UNDER ARTICLE 83A, §  
 7 4-6A-01 OF THE CODE.

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

9 SUBTITLE 6A. MARYLAND PUBLIC ART INITIATIVE PROGRAM.

10 4-6A-01.

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

13 ~~(B) TO FUND THE PROGRAM, THE GOVERNOR SHALL ANNUALLY PROVIDE AN~~  
 14 ~~AMOUNT EQUAL 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 \$500,000 \$1,000,000 FOR THE PROGRAM IN  
 18 THE 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 MARYLAND 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

1 (5) CONSERVATION AND MAINTENANCE CONCERNS.

2 4-6A-02.

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

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

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

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

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

12 (2) THE INSTITUTIONAL MEMBERS ARE:

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

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

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

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

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

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

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

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

30 (D) A MEMBER OF THE COMMISSION:

31 (1) MAY NOT RECEIVE COMPENSATION; BUT

32 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
33 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 FUNDS TO IMPLEMENT THE  
6 MARYLAND PUBLIC ART INITIATIVE PROGRAM.

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

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

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

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

14 (G) THE FUND CONSISTS OF:

15 (1) APPROPRIATIONS IN THE STATE BUDGET; AND

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

18 (H) THE COMMISSION SHALL ADMINISTER THE FUND.

19 (I) MONEY IN THE FUND MAY ONLY BE EXPENDED TO CARRY OUT THE  
20 PURPOSES OF THIS SUBTITLE.

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

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

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

30 (3) NO PART OF THE GRANTEE'S MATCHING FUND MAY CONSIST OF  
31 REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO ~~THE~~  
32 DATE THE GRANT IS AWARDED JUNE 1, 2005.

1 4-6A-04.

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

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

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

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

15 (B) (1) ALL ARTWORK FUNDED BY THE PROGRAM SHALL BE THE PROPERTY  
16 OF THE MARYLAND HISTORICAL TRUST, IN COOPERATION WITH THE DEPARTMENT  
17 OF GENERAL SERVICES.

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

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