
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**

Introduced and read first time: February 9, 2005

Assigned to: Rules

A BILL ENTITLED

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 the Maryland Public Art Initiative Program;
5 requiring the Maryland State Arts Council to develop regulations to implement
6 the Maryland Public Art Initiative Program; establishing the Maryland
7 Commission on Public Art; specifying the membership of the Commission;
8 requiring the Commission to make recommendations concerning disbursement
9 of the funds of the Maryland Public Art Initiative Program; and generally
10 relating to funding for public art.

11 BY repealing and reenacting, with amendments,
12 Article - State Finance and Procurement
13 Section 8-114
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - State Government
18 Section 9-1021
19 Annotated Code of Maryland
20 (2004 Replacement Volume)

21 BY adding to
22 Article 83A - Department of Business and Economic Development
23 Section 4-6A-01 through 4-6A-03, inclusive, to be under the new subtitle
24 "Subtitle 6A. Maryland Public Art Initiative Program"
25 Annotated Code of Maryland
26 (2003 Replacement Volume and 2004 Supplement)

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

3 **Article - State Finance and Procurement**

4 8-114.

5 (a) The Department of Budget and Management annually shall prepare for
6 the Governor a draft of the part of the consolidated loan budget that relates to general
7 construction projects.

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

10 (1) the consolidated loan budget; and

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

13 (c) The consolidated loan budget shall:

14 (1) contain a complete plan of the proposed projects that any
15 accompanying bills would fund; and

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

17 (i) general construction projects;

18 (ii) school construction projects; [and]

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

21 [(iii)] (IV) other special projects.

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

24 (2) An authorization of State debt to fund any part of the consolidated
25 loan budget shall be deemed to be a single work, object, or purpose under Article III,
26 § 52 of the Maryland Constitution.

27 **Article - State Government**

28 9-1021.

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

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

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

4 (2) At such time as the State acquires the Peabody Art Collection from
5 the Peabody Institute, the Commission shall become the official custodian of the
6 Collection.

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

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

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

16 (i) the competence of the artist;

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

18 (iii) the quality, historical significance, and appropriateness of the
19 work.

20 (C) THIS SUBTITLE DOES NOT APPLY TO ARTWORK ACQUIRED THROUGH THE
21 MARYLAND PUBLIC ART INITIATIVE PROGRAM ESTABLISHED UNDER ARTICLE 83A, §
22 4-6A-01 OF THE CODE.

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

24 SUBTITLE 6A. MARYLAND PUBLIC ART INITIATIVE PROGRAM.

25 4-6A-01.

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

28 (B) TO FUND THE PROGRAM, THE GOVERNOR SHALL ANNUALLY PROVIDE AN
29 AMOUNT EQUAL TO 0.5% OF THE TOTAL CONSOLIDATED LOAN BUDGET FOR:

30 (1) THE ACQUISITION OF PUBLIC ART TO BE OWNED BY THE STATE OF
31 MARYLAND;

32 (2) MAINTENANCE OF PUBLIC ART ASSETS; AND

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

3 (C) THE STATE ARTS COUNCIL SHALL DEVELOP REGULATIONS TO
4 IMPLEMENT THE MARYLAND PUBLIC ART INITIATIVE PROGRAM THAT SHALL
5 ADDRESS THE FOLLOWING:

6 (1) PROCEDURES FOR ARTIST AND ART SELECTION;

7 (2) COMPOSITION OF SELECTION PANELS;

8 (3) BUDGET ALLOCATIONS FOR EACH PROJECT;

9 (4) LOCAL COMMUNITY INVOLVEMENT; AND

10 (5) CONSERVATION AND MAINTENANCE CONCERNS.

11 4-6A-02.

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

14 (2) "COMMISSION" MEANS THE MARYLAND COMMISSION ON PUBLIC
15 ART.

16 (3) "PROGRAM" MEANS THE MARYLAND PUBLIC ART INITIATIVE
17 PROGRAM.

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

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

21 (2) THE INSTITUTIONAL MEMBERS ARE:

22 (I) THE EXECUTIVE DIRECTOR OF THE STATE ARTS COUNCIL OR A
23 MEMBER OF THE STATE ARTS COUNCIL;

24 (II) THE EXECUTIVE DIRECTOR OF THE HISTORICAL TRUST OR A
25 MEMBER OF THE HISTORICAL TRUST;

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

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

29 (3) (I) THE SECRETARY SHALL APPOINT THE PUBLIC MEMBERS WITH
30 APPROVAL OF THE GOVERNOR.

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

4 (III) THE PUBLIC MEMBERS SHALL SERVE AT THE PLEASURE OF
5 THE SECRETARY.

6 (4) FROM TIME TO TIME, WITH THE APPROVAL OF THE GOVERNOR, THE
7 SECRETARY SHALL DESIGNATE A PUBLIC MEMBER OF THE COMMISSION TO SERVE
8 AS CHAIRMAN.

9 (D) A MEMBER OF THE COMMISSION:

10 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

13 (E) THE STATE ARTS COUNCIL SHALL PROVIDE STAFF SUPPORT FOR THE
14 COMMISSION.

15 4-6A-03.

16 (A) (1) THE COMMISSION SHALL WORK WITH THE DEPARTMENT OF
17 GENERAL SERVICES, THE DEPARTMENT OF TRANSPORTATION, AND THE UNIVERSITY
18 SYSTEM OF MARYLAND TO ENSURE THAT NEW PUBLIC FACILITIES CONSTRUCTED BY
19 STATE AGENCIES INCLUDE THE INSTALLATION OF ARTWORK FOR THE ENRICHMENT
20 OF THE PUBLIC.

21 (2) THE COMMISSION SHALL ALLOCATE FUNDS FROM THE PROGRAM
22 FOR THE COMMISSIONING OF WORKS OF ART FOR INSTALLATION AT PUBLIC
23 FACILITIES AROUND THE STATE.

24 (3) THE COMMISSION SHALL ESTABLISH SELECTION PANELS TO MAKE
25 RECOMMENDATIONS FOR THE SELECTION OF ARTISTS AND ARTWORK TO BE
26 FUNDED BY PROGRAM FUNDS.

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

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

31 (2) THE MARYLAND HISTORICAL TRUST SHALL BE RESPONSIBLE FOR
32 THE INVENTORY, MAINTENANCE, AND PRESERVATION OF ALL ARTWORK ACQUIRED
33 THROUGH THE PROGRAM.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 June 1, 2005.