
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

Re-referred: Budget and Taxation, February 21, 2005

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 5, 2005

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;
 18 ~~requiring the Commission to make recommendations concerning disbursement~~
 19 ~~of the funds of the Maryland Public Art Initiative Program; and generally~~
 20 relating to funding for public art.

21 ~~BY repealing and reenacting, with amendments,~~

22 ~~Article - State Finance and Procurement~~

23 ~~Section 8-114~~

1 Annotated Code of Maryland
 2 (~~2001 Replacement Volume and 2004 Supplement~~)

3 BY repealing and reenacting, with amendments,
 4 Article - State Government
 5 Section 9-1021
 6 Annotated Code of Maryland
 7 (2004 Replacement Volume)

8 BY adding to
 9 Article 83A - Department of Business and Economic Development
 10 Section 4-6A-01 through ~~4-6A-03~~ 4-6A-04, inclusive, to be under the new
 11 subtitle "Subtitle 6A. Maryland Public Art Initiative Program"
 12 Annotated Code of Maryland
 13 (2003 Replacement Volume and 2004 Supplement)

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

16 ~~Article - State Finance and Procurement~~

17 ~~§ 114.~~

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

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

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

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

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

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

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

30 (i) ~~general construction projects;~~

31 (ii) ~~school construction projects; [and]~~

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

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

2 SUBTITLE 6A. MARYLAND PUBLIC ART INITIATIVE PROGRAM.

3 4-6A-01.

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

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

8 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, BEGINNING IN
9 FISCAL YEAR 2007 AND IN EACH YEAR THEREAFTER, THE GOVERNOR SHALL
10 APPROPRIATE AN AMOUNT NOT TO EXCEED \$500,000 FOR THE PROGRAM.

11 (C) PROGRAM FUNDS SHALL BE USED FOR:

12 (1) THE ACQUISITION OF PUBLIC ART TO BE OWNED BY THE STATE OF
13 MARYLAND;

14 (2) ~~MAINTENANCE~~ PRESERVATION OF PUBLIC ART ASSETS INCLUDING
15 ASSETS OF THE MARYLAND COMMISSION ON PUBLIC ART; AND

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

18 ~~(C)~~ (D) THE STATE ARTS COUNCIL SHALL DEVELOP REGULATIONS TO
19 IMPLEMENT THE MARYLAND PUBLIC ART INITIATIVE PROGRAM THAT SHALL
20 ADDRESS THE FOLLOWING:

21 (1) PROCEDURES FOR ARTIST AND ART SELECTION;

22 (2) COMPOSITION OF SELECTION PANELS;

23 (3) BUDGET ALLOCATIONS FOR EACH PROJECT;

24 (4) LOCAL COMMUNITY INVOLVEMENT; AND

25 (5) CONSERVATION AND MAINTENANCE CONCERNS.

26 4-6A-02.

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

29 (2) "COMMISSION" MEANS THE MARYLAND COMMISSION ON PUBLIC
30 ART.

31 (3) "PROGRAM" MEANS THE MARYLAND PUBLIC ART INITIATIVE
32 PROGRAM.

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

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

4 (2) THE INSTITUTIONAL MEMBERS ARE:

5 (I) THE EXECUTIVE DIRECTOR OF THE STATE ARTS COUNCIL OR A
6 MEMBER OF THE STATE ARTS COUNCIL;

7 (II) THE EXECUTIVE DIRECTOR OF THE HISTORICAL TRUST OR A
8 MEMBER OF THE HISTORICAL TRUST;

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

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

12 (3) (I) THE SECRETARY SHALL APPOINT THE PUBLIC MEMBERS WITH
13 APPROVAL OF THE GOVERNOR.

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

17 (III) THE PUBLIC MEMBERS SHALL SERVE AT THE PLEASURE OF
18 THE SECRETARY.

19 (4) FROM TIME TO TIME, WITH THE APPROVAL OF THE GOVERNOR, THE
20 SECRETARY SHALL DESIGNATE A PUBLIC MEMBER OF THE COMMISSION TO SERVE
21 AS CHAIRMAN.

22 (D) A MEMBER OF THE COMMISSION:

23 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

26 (E) THE STATE ARTS COUNCIL SHALL PROVIDE STAFF SUPPORT FOR THE
27 COMMISSION.

28 4-6A-03.

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

30 (B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO IMPLEMENT THE
31 MARYLAND PUBLIC ART INITIATIVE PROGRAM.

32 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
33 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (D) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL
2 ACCOUNT FOR THE FUND.

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

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

6 (G) THE FUND CONSISTS OF:

7 (1) APPROPRIATIONS IN THE STATE BUDGET; AND

8 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
9 BENEFIT OF THE FUND.

10 (H) THE COMMISSION SHALL ADMINISTER THE FUND.

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

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

16 (K) (1) PRIOR TO THE AWARD OF ANY GRANT UNDER THIS SUBTITLE, THE
17 GRANTEE SHALL PROVIDE AND EXPEND A MATCHING FUND.

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

21 (3) NO PART OF THE GRANTEE'S MATCHING FUND MAY CONSIST OF
22 REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE
23 DATE THE GRANT IS AWARDED.

24 4-6A-04.

25 (A) (1) THE COMMISSION SHALL WORK WITH THE DEPARTMENT OF
26 GENERAL SERVICES, THE DEPARTMENT OF TRANSPORTATION, AND THE UNIVERSITY
27 SYSTEM OF MARYLAND TO ENSURE THAT NEW PUBLIC FACILITIES CONSTRUCTED BY
28 STATE AGENCIES INCLUDE THE INSTALLATION OF ARTWORK FOR THE ENRICHMENT
29 OF THE PUBLIC.

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

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

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

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

6 (2) THE MARYLAND HISTORICAL TRUST SHALL BE RESPONSIBLE FOR
7 THE INVENTORY, MAINTENANCE, AND PRESERVATION OF ALL ARTWORK ACQUIRED
8 THROUGH THE PROGRAM.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2005. It shall remain effective for a period of 5 years and, at the end of May
11 31, 2010, with no further action required by the General Assembly, this Act shall be
12 abrogated and of no further force and effect.