

SENATE BILL 702

C8

3lr1274
CF 3lr2699

By: **Senators Madaleno, Raskin, Conway, DeGrange, Garagiola, Klausmeier,
Manno, Robey, and Simonaire**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Public Art Initiative Program – Revisions**

3 FOR the purpose of altering a provision of law relating to the qualifications for
4 appointment as a public member of the Maryland Commission on Public Art;
5 requiring the Commission to include additional State agencies and departments
6 in the Maryland Public Art Initiative Program; requiring the Commission to
7 determine which projects are subject to a certain requirement of the Program;
8 requiring the Commission, in cooperation with the Department of General
9 Services, to be responsible for the management of the collection, including the
10 inventory, conservation, preservation, and deaccession of all artwork acquired
11 through the Program; altering the sources of funding for the Maryland Public
12 Art Fund; repealing a certain provision of law relating to an annual
13 appropriation for the Program in the State operating or capital budget;
14 requiring certain State agencies or departments or other recipients of State
15 funds for certain construction or renovation projects to set aside a certain
16 percentage of the money allocated for the projects to be paid into the Fund;
17 providing that money paid into the Fund under a certain percentage set aside
18 requirement may be used for certain purposes; establishing the intent of the
19 General Assembly that a certain percentage set aside requirement not result in
20 an increase in certain costs; repealing certain provisions of law establishing that
21 all artwork funded by the Program is the property of the Maryland Historical
22 Trust; repealing certain provisions of law relating to the responsibilities of the
23 Trust; establishing, with a certain exception, that all artwork funded by the
24 Program is the property of the Commission; and generally relating to the
25 Maryland Public Art Initiative Program.

26 BY repealing and reenacting, without amendments,
27 Article – Economic Development
28 Section 4–601, 4–603(a), and 4–606
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Volume and 2012 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Economic Development
4 Section 4–603(b), 4–604, 4–605, and 4–608
5 Annotated Code of Maryland
6 (2008 Volume and 2012 Supplement)

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

9 **Article – Economic Development**

10 4–601.

- 11 (a) In this subtitle the following words have the meanings indicated.
- 12 (b) “Commission” means the Maryland Commission on Public Art.
- 13 (c) “Fund” means the Maryland Public Art Fund.
- 14 (d) “Program” means the Maryland Public Art Initiative Program.

15 4–603.

- 16 (a) There is a Maryland Commission on Public Art.
- 17 (b) (1) The Commission consists of the following 11 members:
- 18 (i) as designated by the chair of the Council, either the
19 Executive Director or a member of the Maryland State Arts Council established under
20 Subtitle 5 of this title;
- 21 (ii) as designated by the chair of the Trust, either the Director
22 or a member of the Maryland Historical Trust established under Title 5A, Subtitle 3 of
23 the State Finance and Procurement Article;
- 24 (iii) as designated by the State Archivist, either the State
25 Archivist or a member of the Commission on Artistic Property established under Title
26 9, Subtitle 10 of the State Government Article;
- 27 (iv) the Comptroller or the Comptroller’s designee; and
- 28 (v) seven public members appointed by the Secretary with the
29 approval of the Governor.

1 (2) (i) The Secretary shall include as public members
2 representatives of the artistic community who have professional expertise **SUCH** as
3 artists, curators, art historians, art educators, or architects.

4 (ii) A public member serves at the pleasure of the Secretary.

5 4-604.

6 The Commission shall:

7 (1) work with the Department of General Services, the State
8 Department of Transportation, [and] the University System of Maryland, **AND OTHER**
9 **STATE AGENCIES AND DEPARTMENTS** to ensure that new public facilities
10 constructed by State units include the installation of artwork;

11 **(2) DETERMINE WHICH PROJECTS, UP TO A MAXIMUM OF 10**
12 **PROJECTS PER FISCAL YEAR, ARE SUBJECT TO THE PROGRAM PERCENTAGE**
13 **SET ASIDE REQUIREMENT ESTABLISHED UNDER THIS SUBTITLE;**

14 **[(2)] (3)** allocate money from the Fund to commission artwork for
15 installation at public facilities around the State;

16 **[(3)] (4)** establish selection panels to recommend artists and artwork
17 to be funded by the Fund; [and]

18 **[(4)] (5)** make final recommendations concerning the disbursement of
19 money allocated to the Program; **AND**

20 **(6) IN COOPERATION WITH THE DEPARTMENT OF GENERAL**
21 **SERVICES, BE RESPONSIBLE FOR THE MANAGEMENT OF THE COLLECTION,**
22 **INCLUDING THE INVENTORY, CONSERVATION, PRESERVATION, AND**
23 **DEACCESSION OF ALL ARTWORK ACQUIRED THROUGH THE PROGRAM.**

24 4-605.

25 (a) There is a Maryland Public Art Fund.

26 (b) The purpose of the Fund is to provide money to carry out the Program.

27 (c) The Commission shall administer the Fund.

28 (d) (1) The Fund is a special, nonlapsing fund that is not subject to
29 reversion under § 7-302 of the State Finance and Procurement Article.

30 (2) The Treasurer shall hold the Fund and the Comptroller shall
31 account for the Fund.

1 (e) (1) The Fund consists of:

2 (i) MONEY MADE AVAILABLE TO THE FUND UNDER
3 SUBSECTION (F) OF THIS SECTION;

4 (II) money appropriated in the State budget for the Program;
5 and

6 [(ii)] (III) any other money accepted for the benefit of the Fund
7 from any other source.

8 (2) Any investment earnings of the Fund shall be paid into the Fund.

9 [(f) It is the intent of the General Assembly that for each fiscal year, the
10 Governor shall include in the operating or capital budget an appropriation not to
11 exceed \$1,000,000 for the Program.]

12 (F) (1) EACH STATE AGENCY OR DEPARTMENT OR OTHER RECIPIENT
13 OF STATE FUNDS FOR A CONSTRUCTION OR RENOVATION PROJECT THAT THE
14 COMMISSION DETERMINES TO BE SUBJECT TO THE PROGRAM SHALL SET ASIDE
15 1% OF THE MONEY ALLOCATED FOR THE CONSTRUCTION OR RENOVATION
16 PROJECT TO BE PAID INTO THE FUND IF:

17 (I) AT LEAST 50% OF THE CONSTRUCTION OR RENOVATION
18 PROJECT IS FUNDED THROUGH ALLOCATIONS IN THE STATE CAPITAL BUDGET;
19 AND

20 (II) THE TOTAL AMOUNT ALLOCATED FOR THE PROJECT IN
21 THE STATE CAPITAL BUDGET IS AT LEAST \$500,000.

22 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
23 PERCENTAGE SET ASIDE REQUIREMENT ESTABLISHED UNDER PARAGRAPH (1)
24 OF THIS SUBSECTION NOT RESULT IN AN INCREASE IN THE COST OF PROJECTS
25 FINANCED IN WHOLE OR IN PART BY THE PROCEEDS OF STATE GENERAL
26 OBLIGATION BONDS.

27 (g) The Treasurer shall invest the money of the Fund in the same manner as
28 other State money may be invested.

29 (h) Money in the Fund may only be spent:

30 (1) to carry out the purposes of this subtitle; [and]

31 (2) in accordance with the State budget process; AND

1 **(3) IF PAID INTO THE FUND UNDER SUBSECTION (F) OF THIS**
2 **SECTION, FOR:**

3 **(I) COMMISSIONING OR ACQUIRING ARTWORK FOR**
4 **PROPERTY OWNED OR LEASED BY THE STATE OR FOR PUBLIC SPACES;**

5 **(II) GRANTS TO LOCAL GOVERNMENTS OR**
6 **INSTRUMENTALITIES; AND**

7 **(III) THE COST OF COLLECTION MANAGEMENT AND**
8 **PROGRAM ADMINISTRATION.**

9 4-606.

10 (a) Before a grant is awarded to a local government under this subtitle, the
11 local government shall provide and spend a matching fund.

12 (b) A matching fund of a local government may not consist of:

13 (1) money provided, directly or indirectly, from appropriated or
14 unappropriated State money;

15 (2) real property;

16 (3) in kind contributions; or

17 (4) money spent before June 1, 2005.

18 4-608.

19 **[(a) All] EXCEPT FOR A PROJECT FUNDED BY A MATCHING FUND OF A**
20 **LOCAL GOVERNMENT, ALL** artwork funded by the Program is the property of the
21 **[Maryland Historical Trust] COMMISSION.**

22 **[(b) In cooperation with the Department of General Services, the Maryland**
23 **Historical Trust is responsible for the inventory, maintenance, and preservation of all**
24 **artwork acquired through the Program.]**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2013.