

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 532 (Delegate Carter, *et al.*)
 Health and Government Operations

State Government - Roger Brooke Taney Statue - Removal and Destruction

This bill requires the Commission on Artistic Property, by December 31, 2016, to remove the Roger Brooke Taney statue from the grounds of the State House and destroy it.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$77,500 in FY 2017 to remove the statue from the State House grounds, repair the brick and concrete surrounding the statue following removal, and, although the bill requires destruction of the statue, the cost to place the statue into permanent storage as discussed below. Future years reflect annualization and inflation of ongoing storage costs. Revenues are not affected.

| (in dollars) | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 |
|----------------|------------|-----------|-----------|-----------|-----------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 77,500 | 5,100 | 5,100 | 5,200 | 5,200 |
| Net Effect | (\$77,500) | (\$5,100) | (\$5,100) | (\$5,200) | (\$5,200) |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Commission on Artistic Property is the official custodian of all valuable painting and other objects of decorative art owned or loaned to the State, except

those located in a State room of the Government House. The commission must keep a continuing inventory of the objects in its custody and be responsible for and supervise the acquisition, custody, display, location, preservation, proper care, security, and restoration of the objects.

Background: Roger Brooke Taney served in the House of Delegates and State Senate and also as Attorney General of Maryland. In 1837, Taney was sworn in as Chief Justice of the U.S. Supreme Court. Taney is most well-known for writing the majority opinion in the *Dred Scott v. Sandford* case that held that African Americans, whether enslaved or free, were not and could not be American citizens as defined by the Constitution and therefore had no standing in federal court. The decision also declared the Missouri Compromise, which restricted slavery in federal territories, unconstitutional. The opinion, which was overturned by the Thirteenth and Fourteenth Amendments to the U.S. Constitution, is widely considered the most controversial and divisive Supreme Court decision in history, which accelerated the nation into civil war.

The bronze statue of Taney by the artist William Henry Reinhart is located directly outside the original front door of the State House. The statue was added to the grounds on December 11, 1872. According to the Maryland State Archives, the statue represents how history has changed, been interpreted, and progressed – the statue of Taney on one side of the State House symbolizes the historical perspective of the nineteenth century and is balanced on the other side of the State House with the Thurgood Marshall Memorial, which symbolizes the twentieth century historical perspective in honoring the first African American justice of the Supreme Court, also a Native Marylander.

State Expenditures: The Commission on Artistic Property advises that it does not under any circumstances recommend or support the destruction of a work of art in its care. The commission's collections management policy does not include any provision for the destruction of works of art. Further, destruction of works of art is not a standard nor accepted practice for museums or curators of collections. However, the statue could be removed, reinstalled at another location on State property, or put into storage.

Thus, general fund expenditures increase by at least \$77,500 in fiscal 2017, which reflects the bill's July 1, 2016 effective date and the requirement that the statue be removed by December 31, 2016. This estimate reflects the cost of excavation of the sculpture to unearth the granite pedestal (\$10,000), art handling to securely remove the statue from the State House grounds and transport it to an appropriate storage facility (\$50,000 to \$75,000), removal of all interpretive signage (\$5,000), repair of the surrounding brick and concrete by the Department of General Services following removal of the statue (\$10,000), and contractual expenses to store the statue in perpetuity (\$5,000 per year, prorated for fiscal 2017). The State Archives advises that the weight of the statue (approximately

83,000 pounds including the bronze statue and granite pedestal) exceeds limits for storage inside any Maryland State Archives facility; thus, a private storage facility is required.

Future years reflect annualization and inflation of ongoing storage costs.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 713 (Senators Muse and Nathan-Pulliam - Education, Health, and Environmental Affairs) is not identical.

Information Source(s): Department of General Services, Maryland State Archives, Department of Legislative Services

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