

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 364  
Appropriations

(Delegate Conaway)

Education, Health, and Environmental Affairs

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**Baltimore City - Public Art - Report on Identification, Protection, and Maintenance**

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This bill requires Baltimore City and the Baltimore City Public School System to report to the members of the Baltimore City delegation to the General Assembly, by December 1, 2017, on the status of the implementation of the recommendations contained in the Baltimore City Office of the Inspector General's (OIG) March 4, 2016 report concerning the identification, protection, and maintenance of public art located on campuses and within buildings of Baltimore City and the Baltimore City Public School System.

The bill takes effect June 1, 2017.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. The bill's reporting requirements can be handled with Baltimore City's existing budgeted resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** During 2015, the Baltimore City OIG completed an evaluation of the preservation, protection, and maintenance of public art located on campuses and within various Baltimore City public school buildings. The evaluation was undertaken after OIG was informed that a large number of pieces of art, mainly sculptures

paid for with public funds and mostly displayed at various public schools in Baltimore City, were either missing, discarded, or in various stages of disrepair. The goal of the evaluation was to determine whether appropriate controls were in place to establish accountability, as well as responsibility for the preservation and protection of public art, primarily outdoor sculptures located at Baltimore City public schools.

The Baltimore City OIG report included the following two recommendations:

- Using the results of the Baltimore Office of Promotion and the Arts (BOPA) recently completed inventory of public artworks, BOPA, in coordination with the Chief Executive Officer (CEO) of the Baltimore City Public School System, should (1) promptly, and annually thereafter, notify the principals of the schools where artwork is located of their responsibility to protect the artwork and (2) provide a detailed listing by school and location at the school of the specific artwork for which each principal is responsible.
- BOPA, including the Public Art Commission, in coordination with the CEO of the Baltimore City Public School System, should commence planning to establish and implement a permanent maintenance and preservation program for the public art located in the exterior and interior of the school buildings of the Baltimore City Public School System.

#### *Baltimore Office of Promotion and the Arts*

BOPA is a nonprofit and cabinet level organization that is also the official Baltimore City Arts Council. BOPA administers grants available to artists and art organizations in Baltimore City. BOPA administers the city's Public Art Program, including staffing and managing the Baltimore City Public Art Commission, and operates two individual artist studio/exhibition spaces. BOPA also produces many events and arts programs on behalf of Baltimore City, including the New Year's Eve and July 4th celebrations at the Inner Harbor, Artscape, the Baltimore Book Festival, Baltimore Farmers Market and Bazaar, School 33 Art Center's Open Studio Tour, and the Dr. Martin Luther King Jr. Parade.

#### *Baltimore City Public Art Commission*

The Baltimore City Public Art Commission serves as a citizen review board that is charged with administering Baltimore City's Percent-for-Public Art program, as well as reviewing permanent gifts of public art to Baltimore City. The commission is both an advisory and decision-making body. The commission is composed of nine members, appointed by the mayor to serve for a term of four years. Members may be reappointed to serve up to

two consecutive terms. All members of the commission must be qualified and credentialed professionals.

*Percent-for-Public Art Program*

In 1964, Baltimore City became the second city in the country to pass a “one percent for art law.” The Percent-for-Public Art program requires Baltimore City to allocate one percent of all capital construction costs for public artwork. This program is a common form of funding public art programs across the United States. In 2007, Baltimore City renewed its commitment to the public art program by updating its ordinance to require at least one percent of all eligible funds to be used, among other things, for “the selection, acquisition, commissioning, fabrication, placement, installation, display, and maintenance of public artwork.”

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Department Legislative Services (Office of Legislative Audits); Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2017  
mm/tso Third Reader - March 29, 2017  
Revised - Amendment(s) - March 29, 2017

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