

Chapter 83

(Senate Bill 12)

AN ACT concerning

Capital Projects – Inclusion of Public Art

FOR the purpose of expanding a certain requirement that public art be used in certain capital projects; and generally relating to the inclusion of public art in capital projects.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 3–602.2
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – State Finance and Procurement

3–602.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Commission” means the Maryland Commission on Public Art established under Title 4, Subtitle 6 of the Economic Development Article.

(3) “Construction project” means the construction of a new building that is proposed to contain 15,000 or more square feet.

(4) “Council” means the Maryland State Arts Council established under Title 4, Subtitle 5 of the Economic Development Article.

(5) “Division” means the Division of Tourism, Film, and the Arts established under Title 4, Subtitle 1 of the Economic Development Article.

(6) “Major renovation project” means the renovation of an existing building where:

(i) the building is to be reconstructed and reused after the construction;

(ii) the heating, ventilation, and air conditioning, electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 15,000 or more square feet.

(7) (i) “Public art” means:

1. an architectural enhancement of artistic significance; or
2. an individual piece of art.

(ii) “Public art” includes:

1. a mural;
2. a tile mosaic;
3. a painting; or
4. a sculpture.

(b) (1) This section applies to capital projects ~~[that] FOR WHICH AT LEAST 50% OF THE PROJECT COSTS~~ are funded ~~[entirely]~~ with State funds THAT ARE:

(I) FUNDED ENTIRELY WITH STATE FUNDS; OR

(II) 1. FUNDED WITH A COMBINATION OF AT LEAST 50% OF STATE FUNDS AND THE REMAINDER FROM FUNDS FROM PRIVATE ENTITIES; AND

2. NOT FUNDED AS A LEGISLATIVE BOND INITIATIVE IN THE STATE CAPITAL BUDGET IN THE ANNUAL STATE CAPITAL BUDGET AS:

A. A MISCELLANEOUS GRANT PROGRAM;

B. A LOCAL HOUSE OF DELEGATES INITIATIVE; OR

C. A LOCAL SENATE INITIATIVE.

(2) This section does not apply to the following types of unoccupied buildings:

- (i) warehouse and storage facilities;
- (ii) garages;
- (iii) maintenance facilities;

- (iv) transmitter buildings;
- (v) pumping stations; and
- (vi) other similar buildings, as determined by the Department.

(c) It is the intent of the General Assembly that the requirements of this section will not increase the cost of a construction project or a major renovation project.

(d) To the extent practicable and except as provided in subsection (g) of this section, the State shall include public art in all construction projects and major renovation projects.

(e) During the initial design of each construction project and major renovation project, the identification and selection of public art to be included in the project shall be determined by a group composed of representatives of:

- (1) the unit of State government that will be the primary user of the building;
- (2) the unit of State government responsible for project management of the building; and
- (3) the Division.

(f) The Division shall work with the Council and the Commission in the selection of public art for any project under this section.

(g) (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government to obtain a waiver from complying with this section.

(2) The waiver process shall:

(i) provide for consultation with the Division, on behalf of the Council and the Commission, to determine if the inclusion of public art in a proposed project is too costly or not practicable; and

(ii) require the approval of the Secretaries of Budget and Management and General Services.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.