

**Department of Legislative Services**  
 Maryland General Assembly  
 2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 222 (Senator Kagan, *et al.*)  
 Education, Health, and Environmental Affairs

**Maryland State Song - Repeal and Replace - State Song Selection Panel**

This bill repeals the State song and establishes a State Song Selection Panel. The panel must develop a plan for and conduct a State song competition, as specified. Among other things, the panel must develop and implement a specified online voting platform. The panel may solicit private contributions for a prize not to exceed \$5,000 to be awarded to the winner. The Maryland State Arts Council (MSAC) must provide staff for the panel. By December 1, 2016, the panel must report a winner and recommend legislation to be introduced in the 2017 session that designates the winning song as the official State song.

The bill takes effect July 1, 2016. The panel terminates June 30, 2017.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by *at least* \$23,000 in FY 2017 only for MSAC to hire a full-time contractual staff member to staff the panel. This estimate does not include any costs to develop and implement the online voting platform; thus, costs are likely higher. Special fund revenues and expenditures increase by up to \$5,000 in FY 2017 only due to private funds collected for a prize and awarded to the winner.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
SF Revenue	-	\$0	\$0	\$0	\$0
GF Expenditure	\$23,000	\$0	\$0	\$0	\$0
SF Expenditure	-	\$0	\$0	\$0	\$0
Net Effect	(\$23,000)	\$0	\$0	\$0	\$0

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

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The panel must:

- develop a plan for and conduct a State song competition in which contestants, either individually or as a group, may submit to the panel a song about the State of Maryland;
- develop rules and guidelines for the State song competition that includes specified elements;
- select at least 3 but no more than 10 finalists from the number of contestants who submitted a song and complied with the competition rules and guidelines, giving preference to contestants who are State residents;
- develop and implement an online voting platform with specified features;
- develop and implement safeguards and security measures for the online voting platform designed to ensure that each voter is a resident of the State and, if practicable, that each voter may cast only one vote;
- promote the State song competition and the online voting platform on the MSAC website and through media outlets; and
- confirm the winner of the State song competition.

The panel consists of 13 members, including 2 members of the Senate and 2 members of the House of Delegates. The Governor must designate the chair of the panel. A member of the panel may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

**Current Law:** The Maryland State Flag was adopted as the State flag in 1904 followed by the adoption of the Black-eyed Susan as the State flower in 1918. Since then, the State has adopted many additional official symbols, as shown in **Exhibit 1**. The Governor is also authorized to designate a citizen as the State's Poet Laureate.

The official State song consists of the lyrics from "Maryland! My Maryland!" written by James Ryder Randall in 1861 set to the tune of "Lauriger Horatius."

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**Exhibit 1**  
**State Symbols of Maryland**

<u>Type</u>	<u>Name</u>	<u>Statutory Authority</u>
Bird	Baltimore Oriole	Ch. 54 of 1947
Boat	Skipjack	Ch. 788 of 1985
Cat	Calico Cat	Ch. 194 of 2001
Crustacean	Blue Crab	Ch. 724 of 1989
Dessert	Smith Island Cake	Chs. 164/165 of 2008
Dinosaur	<i>Astrodon johnstoni</i>	Chs. 403/404 of 1998
Dog	Chesapeake Bay Retriever	Ch. 156 of 1964
Drink	Milk	Ch. 220 of 1998
Exercise	Walking	Chs. 400/401 of 2008
Fish	Rockfish (Striped Bass)	Ch. 513 of 1965
Flower	Black-eyed Susan	Ch. 458 of 1918
Folk Dance	Square Dance	Ch. 707 of 1994
Fossil Shell	<i>Ecphora gardnerae gardnerae</i>	Ch. 688 of 1994
Gem	Patuxent River Stone	Ch. 272 of 2004
Horse	Thoroughbred Horse	Ch. 359 of 2003
Insect	Baltimore Checkerspot Butterfly	Ch. 253 of 1973
Reptile	Diamondback Terrapin	Ch. 476 of 1994
Song	“Maryland, My Maryland”	Ch. 451 of 1939
Sport	Jousting	Ch. 134 of 1962
Team Sport	Lacrosse	Ch. 272 of 2004
Theater	Center Stage	Ch. 1003 of 1978
Theater – Summer	Olney Theatre	Ch. 1003 of 1978
Tree	White Oak	Ch. 731 of 1941

Source: Maryland State Archives

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**Background:** As noted in the preamble, “Maryland! My Maryland!” was composed by James Ryder Randall in 1861 at a time when he was despondent over the death of a friend who was shot while protesting Union troops as they marched through Baltimore. Randall, who was born in Baltimore, wrote the poem while working as an English and Classics professor at Poydras College in Louisiana, according to the Baltimore Literary Heritage Project. The poem, which calls for Maryland to “spurn the Northern Scum” was adopted by Southern troops as a battle hymn during the Civil War. It was adopted as the State song in 1939.

The State Song Advisory Group, headed by the State Archivist, convened in October 2015 and recommended six alternatives to the current State song. The final [report](#) of the advisory group can be found on the Maryland State Archives website.

**State Fiscal Effect:**

*MSAC Administrative Costs*

General fund expenditures increase by *at least* \$22,992 in fiscal 2017, which accounts for the bill’s July 1, 2016 effective date and the report deadline. This estimate reflects the cost of hiring one full-time contractual staff member to coordinate the panel meetings, develop and monitor timelines, promulgate contest guidelines, manage promotional outreach, develop and implement a fundraising plan, engage with potential applicants, review applications for compliance with guidelines, prepare scoring rubric, and facilitate the State song selection process and panel in general. It includes a salary, fringe benefits, one-time start-up costs. The information and assumptions used in calculating the estimate are stated below:

- all current MSAC staff are already working at full capacity with current responsibilities;
- due to the short timeframe in which the bill’s requirements must be completed, the contractual employee is hired on July 1, 2016;
- termination of the contractual employee on December 1, 2016, after completion of the required report;
- MSAC can conduct the required media campaign with existing budgeted resources by incorporating it into other related activities and campaigns; and
- any expense reimbursements for panel members are minimal and absorbable within existing budgeted resources.

Contractual Position	1
Salary and Fringe Benefits	\$18,376
Operating Expenses	<u>4,616</u>
<b>Minimum FY 2017 Administrative Expenditures</b>	<b>\$22,992</b>

This estimate does not include any costs to develop an online voting platform; thus, costs are likely higher. Designing a website for the online voting platform with the required features, including the required safeguards and security measures, is anticipated to be expensive and difficult, if not impossible. Although a reliable estimate of the costs to develop the online voting platform cannot be made at this time, based on general research, the cost to develop a commercial website without any safeguards or security measures can total between \$4,000 and \$100,000. Thus, it is assumed that a custom website with only

minimal safeguards and security measures likely costs at least \$10,000, if not significantly more, to design and implement.

*Private Contributions for a Prize*

In addition to the impact on general funds, special fund revenues increase by up to \$5,000 in fiscal 2017 only, due to the collection of any private contributions for the prize. Special fund expenditures increase correspondingly in fiscal 2017 as the prize is awarded to the winner of the State song competition. The size of the prize depends on the amount of private contributions collected but may not exceed \$5,000 under the bill.

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### **Additional Information**

**Prior Introductions:** None. However, several bills were introduced in the 2009, 2002, and 2001 sessions to replace the State song.

**Cross File:** None.

**Information Source(s):** Baltimore Literacy Heritage Project, Western Maryland Regional Library, Department of Commerce, Maryland State Archives, [www.executionists.com](http://www.executionists.com), Department of Legislative Services

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