

HB 387_Commerce_Support.pdf

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Wes Moore | Governor
Aruna Miller | Lt. Governor
Harry Coker, Jr. | Secretary of Commerce

DATE: February 3, 2026
BILL NO: House Bill 387
BILL TITLE: Commissioned Public Art - Artist Rights and Registration of Art
COMMITTEE: House Appropriations
POSITION: Support

The Maryland Department of Commerce (Commerce) supports House Bill 387 - Commissioned Public Art - Artist Rights and Registration of Art.

Bill Summary:

House Bill 387 prohibits an entity from requiring an artist to waive copyright protections or certain federal rights in a contract for commissioned State public art. It also requires an entity that commissions State public art to register that art with the Maryland State Arts Council (MSAC).

Background:

The Maryland Public Art Initiative (MPAI), under the authority of Economic Development Article §4-601 through 4-608, promotes the inclusion of public artwork in eligible state capital projects and establishes the Maryland Public Art Commission (MPAC) to oversee the process of selecting artists and commissioning new artworks for state buildings. MSAC provides staff support to the MPAC and supports state agency partners in the procurement and contracting of artists who are commissioned to produce State Public Art through this program.

Rationale:

The rights afforded to artists through federal law help hold entities that commission public art to good management practices and give artists confidence that their works will be well kept and managed with integrity. HB 387 demonstrates Maryland's commitment to upholding these rights. In addition to serving as an example to local municipalities and organizations throughout the State, the passage of this law will be noticed and acknowledged by local public art programs in the Mid-Atlantic region and viewed by comparable State Arts Agencies nationally as an artist-friendly policy that can and should be replicated.

The passage of HB 387 would also expand MSAC's inventory/collection management responsibilities. This process will ensure that eligible State Public Art is monitored and accounted for, and will help guard against accidental damage, vandalism, or theft of works that are overlooked or unaccounted for. Creating an official registry of State public art will also provide MSAC and local arts agencies with an additional resource to promote this work to visitors and art enthusiasts.

Commerce respectfully requests a favorable report on House Bill 387.

HB387_Letter_and_Testimony-Lauren Dugas Glover 1-2

Uploaded by: Lauren Glover

Position: FAV

Lauren Dugas Glover
1905 Parkside Drive, Bowie, MD 20721
LaurenDugasGlover@gmail.com ~ 301-717-5633

Support Bill HB 387 – Commissioned Public Art: Artist Rights and Registration of Art

January 29, 2026

**The Honorable Members of the House Appropriations Committee
Maryland General Assembly
Annapolis, MD**

Dear Chair Barnes; Vice Chair Kaiser and Members of the Committee:

I am writing in strong support of House Bill 387 (HB 387), which protects the rights of artists commissioned for State public art installations and establishes a registration process with the Maryland State Arts Council.

HB 387 ensures that contracts for State public art may not require artists to waive their copyright protections or rights under the Visual Artist Rights Act (VARA), unless the artist voluntarily chooses to do so in writing. This is a critical safeguard for preserving artistic integrity and protecting the reputation and legacy of artists whose work is publicly funded. **Protecting the rights of public artists is paramount, as it is in any creative profession.**

Public art is a lasting investment in Maryland's communities by enhancing neighborhoods, boosting the economy, and supporting residents' well-being. It shapes identity, builds pride, and creates a lasting cultural legacy. When public artworks are altered or damaged without the artist's consent, the integrity of that investment is compromised, harming both artists and the public.

HB 387 also establishes a clear and practical system for registering State public art with the Maryland State Arts Council, including basic information such as the artist's name, the location, the type of art, the title, and the date of installation or creation. This ensures accountability, transparency, and long-term stewardship of Maryland's public art assets.

This legislation affirms that Maryland respects artists' rights and recognizes the public's interest in preserving the integrity and legacy of publicly funded art. It is appropriately limited in scope to projects involving State funds, and it balances protection with flexibility by allowing voluntary, written waivers when truly necessary.

As a chief advocate of the legislation creating the state's Commission on Public Art and a former director and commissioner, I bring nearly 25 years' experience in public art administration across Prince George's County, Maryland, and D.C., as well as advisory roles throughout Maryland. I value the integrity and community impact of public art, and believe its sustained significance is vital. For effective care of the state's investment, conservation, collaborating with the artist helps preserve the work's integrity and ensures proper materials and care are used.

Establishing a framework that safeguards artists and supports administrators and others responsible for the installation and conservation of public art is vital. HB 387 achieves this objective and clearly demonstrates that Maryland values both its artists and the public spaces enriched by their work.

For these reasons, I respectfully urge a favorable report on House Bill 387.

Sincerely,



Lauren Dugas Glover

FAV_MCA_HB387.pdf

Uploaded by: Nicholas Cohen

Position: FAV



Chairman Ben Barnes
Vice Chair Anne Kaiser
Honorable Member of the House Appropriations Committee
2/3/2026

TESTIMONY IN SUPPORT OF HB 387

On behalf of Maryland Citizens for the Arts, I urge you to support HB387, an important measure that upholds the rights of artists and ensures the preservation of public art commissioned by entities receiving state funding.

HB387 ensures that contracts for State public art may not require artists to waive their copyright protections or rights under the Visual Artist Rights Act (VARA), unless the artist voluntarily chooses to do so in writing. This is a critical safeguard for preserving artistic integrity and protecting the reputation and legacy of artists whose work is publicly funded.

Public art is a lasting investment in Maryland's communities. It enhances the vibrancy of our neighborhoods, contributes to economic growth, and supports the health and well-being of residents. It creates identity, fosters pride, and leaves a cultural legacy for future generations. When public artworks are altered or damaged without the artist's consent, the integrity of that investment is compromised, harming both artists and the public.

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This legislation affirms that Maryland respects artists' rights and recognizes the public's interest in preserving the integrity and legacy of publicly funded art. It is appropriately limited in scope to projects involving State funds, and it balances protection with flexibility by allowing voluntary, written waivers when truly necessary.

I strongly encourage you to vote in favor of this legislation and thank you for your leadership in protecting Maryland's vibrant arts community.

Sincerely,

Nicholas S Cohen,
Executive Director, MCA

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HB 387 Testimony-Public Art Rights-Kathy O'Dell-02

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Position: FAV

Kathy O'Dell, Ph.D., to the House Committee

Thank you, Delegate Embry and Senator Kagan for bringing forward House Bill 0961 and Senate Bill 41

Public art advocate Thomas Wyans once said "[Artists are visual historians, so public art tells the community what's really happening now. It reflects and preserves the times.](#)"

In my role as an art historian, former UMBC faculty member, former Chair of the Maryland Public Art Commission, and current arts writer on public art for *BmoreArt* magazine, I would add: There is no public art without its artists having implemented their intellect, their creativity, and their productivity in creating that public art. The artists, then, own that work – forever – whether a state, county, city, corporation, or collector buys the work and therefore “owns” it in material terms. While we as citizens and you as legislators cannot control what private corporations and collectors do with regard to the art they commission and own, we together can do what’s right with regard to the art that a State (and by extension, county or city) commissions.

Artists’ intellectual and creative ownership of their public artworks has been protected by the Visual Artist Rights Act (VARA) since 1990, insisting that contracts for commissioned artwork include copyright protections, disallowing its disappearance (as has happened to at least 13 pieces in Baltimore City) or alteration. Cementing VARA rights by passing the bill before you is not only the right thing to do but the most logical. For there is no public art without taxpayer monies having supported that work.

Intellectual property is at stake here. The protection of taxpayer dollars is at stake here. The cultural richness that public art provides is at stake here. And what Thomas Wyans called representation of “what’s really happening now... the reflection and preservation of the times” is at stake here.

Please support HB 916 and SB 41 .

HB387_Letter_and_Testimony-MAP.pdf

Uploaded by: Nicholas Cohen

Position: FAV

The Honorable Members of the House Appropriations Committee
Maryland General Assembly | Annapolis, MD

Re: Support for House Bill 387 – Commissioned Public Art: Artist Rights and Registration of Art

Dear Chair Barnes and Members of the Appropriations Committee,

I am writing in strong support of House Bill 387, which protects the rights of artists commissioned for State public art and establishes a registration process with the Maryland State Arts Council.

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Public art is a lasting investment in Maryland's communities. It enhances the vibrancy of our neighborhoods, contributes to economic growth, and supports the health and well-being of residents. It creates identity, fosters pride, and leaves a cultural legacy for future generations. When public artworks are altered or damaged without the artist's consent, the integrity of that investment is compromised, harming both artists and the public.

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This legislation affirms that Maryland respects artists' rights and recognizes the public's interest in preserving the integrity and legacy of publicly funded art. It is appropriately limited in scope to projects involving State funds, and it balances protection with flexibility by allowing voluntary, written waivers when truly necessary.

On behalf of Maryland Art Place (MAP) and the thousands of state artists we serve each year, I encourage you to pass this Bill. It is especially important during this politically uncertain climate that artists rights are preserved. I have seen firsthand how public art strengthens communities and how vulnerable artworks can become when protections are weakened. HB387 sends a clear message that Maryland values both artists and the public spaces their work enriches.

For these reasons, I respectfully urge a favorable report on House Bill 387.

Sincerely,



Amy Cavanaugh, Executive Director
Maryland Art Place
amy@mdartplace.org
#917-545-5385

HB387_Letter_of_Suppport_BH.pdf

Uploaded by: Nicholas Cohen

Position: FAV

Barbara Hauck
Create Baltimore
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443-255-4809

January 29, 2026

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Maryland General Assembly
Annapolis, MD

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As an arts administrator, minister, and resident of Baltimore City, this bill matters to me

because artists are consistently undervalued, when, in reality, it is artists and their work that make a place memorable. Public art makes public places safer; they give an area character; and they can serve as a visual record of a community's values.

I have seen firsthand how public art strengthens communities and how vulnerable artworks can become when protections are weakened. HB387 sends a clear message that Maryland values both artists and the public spaces their work enriches.

For these reasons, I respectfully urge a favorable report on House Bill 387.

Sincerely,
Barbara Hauck