

Honorable Members of the House Appropriations Committee

TESTIMONY IN SUPPORT OF HB 0961  
Commissioned Public Art - Artist Rights

Dear Members,

I strongly urge you to vote in favor of HB 961. This legislation will protect artist rights and, in the interests of the citizens of Maryland, preserve the integrity of public art commissioned by entities receiving state funding.

I am an artist who has created public art across Maryland and many other states over fifty years. In addition, as an advocate for the arts, I have worked closely with public officials and members of the public to recognize and preserve the integrity of my artwork and that of other artists. I am keenly aware that despite our intense efforts to educate those who may be responsible for art in the public sector, there needs to be clear guidance from you, the Maryland State Legislature, for stewardship of our artistic and cultural treasures.

This bill is a simple and focused way to do that. This bill stipulates that in contracting with artists, entities receiving state dollars will not require that artists waive their rights to protect their work in public space from being altered so that it no longer represents their intention in creating it.

Maryland is a national leader in public art programs. Since the passage of Baltimore City's 1% for Art ordinance in 1964, local jurisdictions and the Maryland State Legislature have initiated public art programs greatly enriching our state's cultural landscape. Federally funded works of art grace our communities as well. As Maryland's collection has been integrated into many more communities and the individual works of art continue to grow in value, it is evident that the investment that has been made and is continuing to be made is considerable. At the same time, the need for protection and preservation of public art has become more clear as we have seen work compromised through being altered in ways that destroy its value.

The most basic way to protect the integrity of works of public art is to reflect those rights of the artist in the commissioning of the work in the first place. The cornerstone of preservation is the recognition of the value of the integrity of works of art. This is essential for the protection of the legacy and reputation of the individual artist who created the work. Equally important is the public's right to experience the work of art as it was commissioned and created by the artist.

In 1990, Congress passed the Visual Artist Rights Act to protect artists from their work being changed so that it no longer represents their intention in its creation. Unfortunately, some entities commissioning art in the public sector have required artists to forfeit not only their VARA rights but also their copyright protection which is even more deeply embedded in our judicial traditions. This is a disservice to the artist and to the public interest.

HB961 is critical as a recognition of the value of art in the public arena and the importance of protecting its integrity. It makes it clear that resources of the state should not support entities in coercion of artists to waive their VARA rights and surrender basic protection of their work under federal law. Hopefully, the guidance implicit in this bill will cause those who should be stewards of the integrity of public art to better fulfill their role.

Thank you for your consideration.

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Legislative District 41