

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 .