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The Honorable Members of the Senate Budget and Taxation Committee
Maryland General Assembly
Annapolis, MD

Re: Support for Senate Bill 41 – Commissioned Public Art: Artist Rights and
Registration of Art

Dear Chair Guzzone, Vice Chair Rosapepe and Members of the Committee,

I am writing in strong support of Senate Bill 41 (SB 41), which protects the rights of artists commissioned for State public art projects and establishes a registration process of the artwork with the Maryland State Arts Council.

SB 41 ensures that contracts for State public art commissions 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 is not decoration or just a physical asset, like a fleet of cars. It enhances the vibrancy of our neighborhoods, contributes greatly to economic growth and development, and supports the health and well-being of residents. It acts as a communal gathering point and wayfinding. 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.

SB 41 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 former art maker whose 20 year professional career included acting as museum registrar and public art project manager, and as current Chair of the Maryland Public Art Commission, this bill deeply matters to me. Public art is not only a unique artistic creation, but like all artistic expressions (including artworks found in museums and galleries, dance, poetry, music, film...) it marks a time, a place in society and a point in a town/city/state/world's history. It is a communication between artist, stakeholder and the citizens who view it. It is a driver of economic development. It can become a landmark, a symbol of a place. Perhaps most importantly, it is free and accessible for all people. I have seen firsthand how public art strengthens communities and how vulnerable artworks can become when protections are weakened. SB 41 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 Senate Bill 41.

Sincerely,
Judy Kwon