



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

DATE: March 31, 2026
BILL NO: House Bill 387
BILL TITLE: Commissioned Public Art - Artist Rights and Registration of Art
COMMITTEE: Senate Budget and Taxation
POSITION: Support As Amended

The Maryland Department of Commerce (Commerce) supports Senate Bill 41 - Commissioned Public Art - Artist Rights and Registration of Art as amended in the House.

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). The amendment to HB 387 requires MSAC to establish, maintain, and update a database of registered art on its website.

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 Commission on Public Art (MCPA) to oversee the process of selecting artists and commissioning new artworks for state buildings. MSAC provides staff support to the MCPA and to state agency partners procuring and contracting with 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-supportive 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 could otherwise be overlooked or unaccounted for. Creating an official registry of State public art will also provide MSAC and local arts agencies with an additional publicly available resource to promote this work to visitors and art enthusiasts.

Commerce respectfully requests a favorable report on House Bill 387 as amended.