



# LEGISLATIVE RESEARCH SERVICES

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## Research Brief

TO: Representative Lynn Gattis  
FROM: Roger Withington, Legislative Analyst  
DATE: December 13, 2013  
RE: Percent for Art in Alaska  
*LRS Report 14.124*

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### *You asked for information regarding Alaska's Percent for Art Program.*

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Specifically, you wished to know the following.

- A history of Percent for Art Program.
- The entity that administers the Program.
- An explanation of how the Program funds are distributed.
- If there are any federal funds or mandates attached to Alaska's Percent for Art Program.
- What penalties, if any, are placed on a school district or department if the agency does not use their designated Percent for Art funds.
- If there have been any significant changes to the Program over the years.
- If there have been any attempts by previous legislatures to change or eliminate the Program, and
- If other states provide for art in public spaces in a way similar to that of Alaska.<sup>1</sup>

The Art Works in Public Buildings and Facilities program, established in 1975 and codified at AS 35.27.010 through AS 35.27.030, requires that a portion of the funds appropriated for capital projects for public facilities (such as schools, office buildings, court buildings, and state ferries) be set aside for the purchase and installation of works of art. According to the Alaska State Council on the Arts, the objectives of the Percent for Art Program are to

- provide access to works of art in public spaces;
- offer a variety of visual experiences in varied styles, methods and media to further humanize our man-made surroundings with the artistic statements of living artists;
- provide a supportive working environment and the opportunity for personal creative accomplishment;
- contribute to the development and recognition of a professional artistic community; and
- accomplish broad cultural goals by introducing new visual ideas to the general public.

Payments for purchases of art come from project funds for public buildings and schools; there are no individual appropriations or regular annual expenditures for the acquisition of public art. At least one percent of a project's construction or renovation costs must be dedicated to the purchase of art, although schools in Rural Education Attendance Areas (REAs) may reserve a lower amount (no less than one-half of one percent). If the project's costs are under \$250,000, or the project will receive minimal public use, the amount reserved for art is placed in the Art in Public Places Fund.

The Alaska State Council on the Arts (ASCA) manages the Fund (not the Program funds maintained by other agencies) and uses it to acquire art for other public buildings or to provide additional monies to a project if the actual cost for a work of art exceeds available funding.<sup>2</sup> In addition, the Council provides technical assistance to agencies in establishing community panels to select art, and in identifying possible public art projects. Funds for public art may be used only for the actual costs of

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<sup>1</sup> You also asked for a table summarizing Percent for Art expenditures for each of the last 10 years. This information will follow in a subsequent report as the agencies that maintain this information are unable to meet our deadline for this report.

<sup>2</sup> Generally Alaska State Council on the Arts provides technical assistance and consultation regarding best practices in the art adjudication process, collection management, and outreach to artists. The URL for the Alaska State Council on the Arts is <http://education.alaska.gov/aksca/>.

design, production, and mounting of artwork, and for the artist's direct administrative costs. For some projects, the ASCA manages the entire acquisition process.

The overall Program is not managed by a single agency, and there is no centralized repository of information on amounts spent for art in public places. Historically, entities such as the Alaska Court System and individual school districts have maintained their own accounting records on their projects; in general, the Department of Transportation and Public Facilities (DOTPF) maintains information on state building and facility projects, the Department of Education and Early Development (DEED) maintains information on school district projects, and the Alaska Court System maintains information on Court System projects. The Arts Council has no statutory requirement to compile information on these projects, nor does it have authority to require agencies to compile and report such information.

According to Shannon Daut, Executive Director of the Alaska State Council on the Arts, there are no federal funds or mandates attached to Alaska's Percent for Art Program, nor are school districts or departments penalized if they do not use their designated Percent for Art funds.<sup>3</sup>

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### Program History

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In 1975 (Ch 54 SLA 1975), the Alaska Legislature passed the Art Works in Public Buildings and Facilities statute (also referred to as the Percent for Art Program) requiring that one percent of the capital construction costs of public building, including renovations, be directed towards the acquisition and permanent installation of artwork.

Since its inception, the Art Works in Public Buildings and Facilities statute has been amended three times—only twice substantively.<sup>4</sup> Chapter 96 SLA 1977 provided that, under most instances, the artist who executes a work of art for public schools is selected by the Superintendent of the school district requiring the art work; changed the definition of public facilities to include schools, office buildings, court buildings, and other facilities designed for substantial public use; defined costs of construction; and in the case of a rural school facility, reduced the minimum percentage devoted to art work from one per cent to one-half of one per cent.

Chapter 176 SLA 1980 required that funds be reserved for use in the acquisition of works of art for buildings and facilities which are subject to substantial public use, defined the buildings and facilities to which the requirement applies, and established an "art in public places" fund to be managed by the Alaska State Council on the Arts. This fund would receive amounts reserved from appropriations for certain small public buildings or facilities or for buildings or facilities not subject to substantial public use for the placement of art in public buildings and facilities which are subject to public use.<sup>5</sup>

Since 1999, there have been 12 measures introduced that proposed, to some degree, a change to the Program. All but one of these proposals appear to have been small, ancillary components of a larger measure. House Bill 215, however, introduced in the Twenty-third Legislature, was solely directed at the Percent for Art Program and proposed its repeal. We summarize each of the 12 measures in Table 1.

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<sup>3</sup> Shannon E. Daut, Executive Director of the Alaska State Council on the Arts, can be contacted at 907-269-6607.

<sup>4</sup> The non-substantive amendment was Chapter 14 SLA 1987, the "Revisor's Bill," which removed an obsolete reference to the Department of Public Works.

<sup>5</sup> The Art in Public Places Fund is defined at AS 44.19.942.

**Table 1: Summary of Measures Proposing a Change to the Percent for Art Program, 1999 through 2013**

Legislature	Bill Number	Prime Sponsor	Summary	Final Status
21 <sup>st</sup> (1999-2000)	HB 122	Jeannette James	Excludes “office buildings” from the Art Works in Public Buildings and Facilities statute.	House Finance
	HB 280	Gail Phillips	Makes the Alaska International Airport Authority responsible for compliance with regard to the public buildings and facilities of the Authority.	House Transportation
	SB 189	Tim Kelly		Withdrawn by Sponsor
	SB 208	Jerry Ward	Makes the Alaska Marine and Rail Transportation Authority responsible for compliance with regard to the public buildings, facilities, and vessels of the Authority.	Senate Transportation
	SB 302	Community and Regional Affairs	Makes the Anchorage International Airport Commission responsible for compliance with regard to the public buildings and facilities of the Commission.	Senate Transportation
22 <sup>nd</sup> (2001-2002)	HB 273	Jeannette James	Makes the Alaska Airport Authority responsible for compliance with regard to the public buildings and facilities of the Authority.	House Transportation
	SB 227	Drue Pearce		Senate Transportation
	SB 130	Robin Taylor	Makes the Alaska Marine Highway Authority responsible for compliance with regard to the public buildings, facilities, and vessels of the Authority.	Senate Finance
	SB 271	Jerry Ward		Senate Finance
23 <sup>rd</sup> (2003-2004)	HB 215	Bill Stoltze	The first version of HB 215 called for a repeal of the Percent for Art Program. The final version revised the calculation of the amount funds spent on works of art.	Senate Finance
	SB 235	John Cowdery	Makes the Alaska Airport Authority responsible for compliance with regard to the public buildings and facilities of the Authority.	Senate Transportation
28 <sup>th</sup> (2013-2014)	HB 81	2013 Revisor’s Bill	Makes corrective amendments to the Art Works in Public Buildings and Facilities statute.	Ch 9 SLA 2013
<b>Source:</b> Bill Action and Status Inquiry System, Alaska Legislature, <a href="http://www.legis.state.ak.us/basis/start.asp">http://www.legis.state.ak.us/basis/start.asp</a> .				

**Art in Public Places, Other State Programs**

According to the National Assembly of State Arts Agencies (NASAA), there are currently 26 jurisdictions with an active program that promotes access to the arts and increase the aesthetic value of public places. Using information from NASSA, we constructed Table 2 which summarizes the program funding mechanism in each of the 26 jurisdictions. As you will see, not all funding methods are identical nor are they all mandatory.

**Table 2: Summary of the Funding Mechanisms of State “Percent for Art” Programs**

State	Name of Program	Summary of Funding Mechanism
Alaska	Percent for Art	Up to one percent of capital construction costs of public buildings are set aside for acquisition and permanent installation of artwork and deposited into a fund managed by the State Arts Agency.
Colorado	Art in Public Places	Each capital construction appropriation for a public construction project shall include as a nondeductible item an allocation of not less than one percent of the state funded portion of the total capital construction costs for use in the acquisition of works of art. Any capital construction project that is the subject of a lease purchase agreement that provides for lease payments from moneys that have been appropriated in full or in part by the state must include in the project budget an allocation of not less than one percent of the total construction costs to be used for the acquisition of works of art.
Connecticut	Art in Public Spaces	The State Bond Commission, in the allocation of proceeds of state bonds for the purposes of construction, reconstruction or remodeling of any state building, shall allocate for works of art an amount not less than one percent of the total estimated cost of construction, reconstruction or remodeling.
District of Columbia	DC Creates!	An allocation exists in the capital budget of up to one percent for the commission and acquisition of artwork.
Florida	Art in State Buildings	Up to 0.5% of the construction appropriation is used to acquire artwork for permanent display in the interior or exterior of public access facilities. The amount is not to exceed \$100,000.
Hawai'i	Art in Public Places	One percent of all state funded appropriations for capital improvements are designated for funding to be used for acquisition costs, site modifications, maintenance, and storage and transport of artwork.
Illinois	Art-in-Architecture	One-half of one percent of the construction appropriation is set aside for the acquisition of artwork for all new and renovated public buildings financed by state funds.
Iowa	Art in State Buildings	Not less than 0.5% of the total estimated cost of such building or group of buildings.
Louisiana	Percent for Art	If the budget for constructing or renovating a state building is equal to or greater than \$2 million in state funds, then one percent of the state money is to be used to acquire, conserve or restore and install works of art for display in, on or on the grounds of the state building.
Maine	Public Art	In the construction or renovation of buildings funded through taxpayer dollars, one percent of the construction appropriation (with a cap of \$50,000 for K-12 schools) is appropriated for acquiring works of art. State office buildings, universities, transportation facilities and courthouses are eligible for the full one percent. Prisons and infrastructure projects are exempt. Any site can opt out of the process.
Maryland	Commission on Public Art	A mandatory appropriation not to exceed \$1 million each fiscal year is placed in the state budget for the Maryland Public Art Fund. Grants made to local governments must be matched.
Minnesota	Percent for Art in Public Places	The program may purchase or commission original works of art for state building projects financed wholly or in part by the State. Up to one percent of new construction or renovation projects that cost at least \$500,000 may be used for the acquisition of artwork.
Montana	Percent for Art	Capital project appropriations by the state legislature include a maximum of one percent of the total appropriation for use by the State Art Agency to acquire new artworks, maintain existing works and pay for administration costs.
Nebraska	1% for Art	One percent of the original construction appropriation for state buildings is used in the acquisition of artwork, less certain construction costs and any State Art Agency administrative fees and costs related to the project.

*Table 2 is continued on the following page.*

**Table 2: Summary of the Funding Mechanisms of State “Percent for Art” Programs (continued)**

State	Name of Program	Summary of Funding Mechanism
New Hampshire	Percent for Art	Half of one percent of the first \$15 million of the bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund. “Major addition” is defined as any addition which increases the square footage of the building to which it is being added by 25% or more.
New Jersey	Arts Inclusion	Up to 1.5% of the state financed construction budget is allocated for the commissioning and installation of artwork.
New Mexico	Art in Public Places	For each appropriated capital expenditure over \$100,000, a nondeductible amount is allocated that is equal to one percent or \$200,000 (whichever is less). If the total amount is not required for the artwork then the remainder returns to the Art in Public Places Fund and is used to acquire artwork for existing state buildings.
Ohio	Percent for Art	If a capital project is appropriated more than \$4 million, then one percent of the total appropriation is allocated for the acquisition of artwork. The contracting agency purchases the artwork from the State Art Agency.
Oklahoma	Art in Public Places	One and one-half percent of capital construction costs above \$250,000 are allocated for artwork with a maximum, single project assessment of \$500,000. If private money is provided, the amount goes into a subaccount for each project and does not replace the state's allocation.
Oregon	Public Art	No less than one percent of direct construction funds for new or remodeled state building budgets above \$100,000 is set aside for the acquisition of artwork. If the total allocation is not used, the State Art Agency and contracting agency can negotiate ways to use the remaining funds.
Rhode Island	Public Art	At least one percent of construction cost is appropriated for the inclusion of artwork. If construction costs are less than \$250,000, any funds for artwork can be transferred for other buildings.
South Carolina	Percent for Art	Projects are funded through the construction or renovation project budget. Since the Percent for Art Program is voluntary, state agencies do not have to set aside funding for artwork, but they may allocate up to 0.5% of the total construction or renovation cost.
Utah	Public Art	One percent of all state building construction costs (new or renovated) is allocated for existing or commissioning of new artwork. Any funds not used are considered non-lapsing and do not revert to the general fund.
Vermont	Public Art	Up to \$50,000 is transferred each year from capital funds already appropriated for projects over \$1 million; the amount remaining in the art acquisition fund does not revert to general fund.
Washington	Art in Public Places	Half of one percent of capital appropriations for new construction (and renovation projects exceeding \$200,000 for universities and colleges) is allocated for the acquisition and conservation of artwork, as per state statute. Capital projects include K-12 public schools, state colleges and universities, and state buildings.
Wyoming	Art in Public Buildings	One percent of new state construction costs is allocated for acquisition of artwork, not to exceed \$100,000.
<b>Source:</b> National Assembly of State Arts Agencies, as of September 2013, <a href="http://www.nasaa-arts.org/Research/Key-Topics/Public-Art/State-Percent-for-Art-Programs.php">http://www.nasaa-arts.org/Research/Key-Topics/Public-Art/State-Percent-for-Art-Programs.php</a> .		

In 2013 the National Assembly of State Arts Agencies published a “Policy Brief” that summarizes state level percent for art policy and program trends which you may find helpful. We include this Brief as Attachment A.

We hope this is helpful. If you have questions or need additional information, please let us know.

# STATE POLICY BRIEFS

## Tools for Arts Decision Making

National Assembly of  
State Arts Agencies

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State Arts Agencies  
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## PERCENT FOR ART

State percent for art policies are mechanisms for enhancing the built environment and for making public spaces more appealing, useful or accessible through the incorporation of artworks. With these policies, legislatively created in almost all cases, a small portion of the budget for construction or renovation of state buildings is set aside for the purchase, installation and/or maintenance of public artwork, which is usually installed on the grounds of the capital project.

This NASAA State Policy Brief summarizes state level percent for art policy and program trends, examining benefits as well as challenges. The brief is designed to equip arts leaders and policymakers—as well as cultural advocates and public art managers—with a succinct overview of how these policies can work at the state level and what factors should be taken into account by any state considering changes to its current policies. Although its primary focus is on state laws, this document also may be of value to county and municipal decision makers and to program managers responsible for stewardship of public art at the local level.

### percent for art: a special type of public art

While a layman's definition of public art may be "art installed in public spaces," public art is more than that. State arts agencies and public art practitioners stress that public art is a product of community investment and stakeholder dialogue that doesn't just occupy but also actively shapes public space.

The goals, forms and media of public art should reflect community context as much as the installation site. Common goals are commemoration and celebration, fostering public appreciation for art, civic dialogue, community development, enhancing the functionality or accessibility of spaces, place making, cultural tourism, and connecting artists and communities. Similarly, public art takes many forms: enhancements to natural and built environments in both rural and urban settings, memorials and historical monuments, temporary installations, functional elements, performance events, community development projects, and even artist-in-residence programs. The media of public art is likewise varied and includes sculptural materials, murals, mosaics, digital mediums, and ephemeral mediums like dance and relational aesthetics.

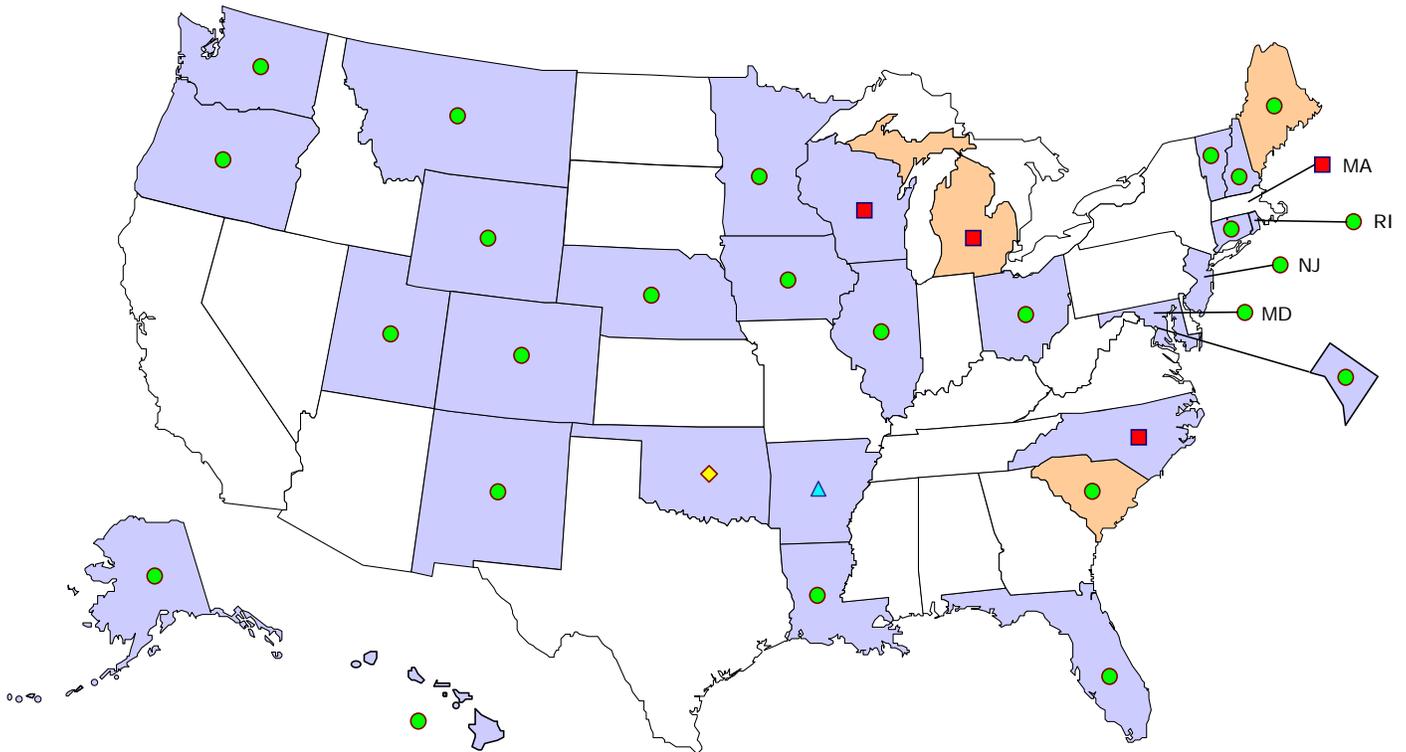
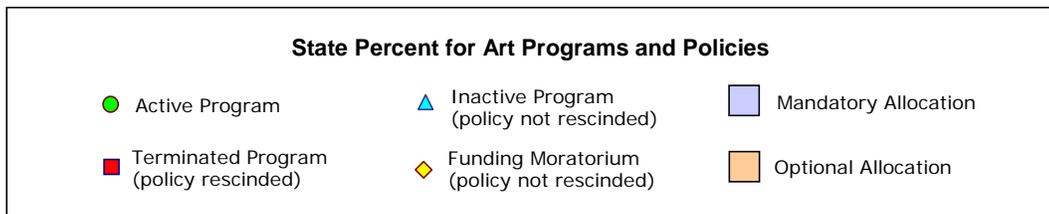
### What Is Percent for Art?

Percent for art policies are regulations that recommend or require a designated portion of the budget for capital investment in state facilities to be set aside for artworks. Typically, about 1% of the construction or renovation costs are allocated for the commission, purchase and/or maintenance of artwork to be exhibited permanently in public space. With the exception of South Carolina, existing percent for art policies are initiated by state legislatures.

**PERCENT FOR ART**

Percent for art is a type of public art, but it categorically stands apart from other public art forms for several reasons. First, percent for art installations have formal and strategic funding mechanisms, generally 1% of the capital costs of the associated construction or renovation project, while other types of public art projects can be funded through agency allocations, legislative appropriations and private donations. Second, percent for art installations are limited by state laws to public space, whereas other types of public art can be sited in corporate office buildings and other private spaces. Similarly, by design, percent for art projects endeavor to shape and project the utility and identity of public property, whereas other public art may or may not share that intent. Finally, since percent for art projects create only permanent installations, they preclude types of public art that are ephemeral in nature, such as performances and time-limited installations.

**funding mechanisms**



Map does not include county or municipal percent for art programs, which exist in numerous jurisdictions.

Percent for art policies stipulate that a portion of a public property's capital construction or renovation costs be dedicated to the creation and installation of artworks. The stipulated percentage varies from 0.25% to 1.25%, with the most common increment being 1%.

Integration of public art costs into capital budgets offers several advantages to states and localities opting for this approach:

- Presence of a required percentage helps to ensure equity of access and consistent implementation. Other funding mechanisms (such as private funding, departmental allocations or other means), when used alone, may not ensure that public art reaches economically disadvantaged areas or smaller sites.
- Supporting art through capital outlays usually obviates the need for general funds to be appropriated on a project-by-project basis. This streamlines the funding and budgeting process for states.
- Including funds for art in construction and renovation budgets creates opportunities for architects, engineers and site managers to work with artists to integrate art and design into the vision for the site, enhancing the overall quality of the development plan.

### Policy Chronology

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1967	Hawai'i
1974	Washington
1975	Alaska
1975	Oregon
1977	Colorado (revised 2010)
1977	Illinois
1978	Connecticut
1978	Nebraska
1978	New Jersey
1979	Florida
1979	Iowa
1979	Maine
1979	New Hampshire
1980	Michigan (rescinded 1991)
1980	Wisconsin (rescinded 2011)
1981	Massachusetts (rescinded 1991)
1981	South Carolina
1982	North Carolina (rescinded 1995)
1983	Montana
1984	Minnesota
1985	Arkansas (inactive)
1985	Utah
1986	District of Columbia
1986	New Mexico
1987	Rhode Island
1988	Vermont
1990	Ohio
1991	Wyoming
1999	Louisiana
2004	Oklahoma (moratorium FY2012-2014)
2005	Maryland (revised 2013)

While in many states, any qualifying capital project automatically triggers the percent for art funding mechanism, not every state's policy is mandatory. Policies in some states allow for agency discretion in using the funding. Where percent for art policies aren't mandatory, agencies are able to decline installation projects for various reasons, including high costs and inaccessible or inappropriate sites.

### other policy components

In addition to stipulating an allocation mechanism and allocation criteria, state percent for art statutes commonly include a variety of management provisions.

**Designation of responsibilities.** Policies designate whether the legislature or a state agency is responsible for managing the percent for art mechanism and ensuring the allocation of funds. Typical agency designees include capital development boards, state bond commissions and capital planning departments. Policy language also assigns responsibility for coordinating percent for art projects and/or managing the funds for them. While the state arts agency is frequently the designee, other agencies or committees, such as the department of transportation, can be tasked with this. In one case, policy directs the state arts agency to establish advisory relationships with third-party consultants, such as museums, arts organizations and professional associations.<sup>1</sup>

**Project parameters.** Policies establish provisions for qualifying projects. For example, there may be trigger points for percent for art mechanisms, such as baseline construction costs or minimum square footage. There also may be cost caps on art installations. In addition, policies set the formula for how percent for art allocations are calculated. When applicable, policies also state what should be done with excess percent for art funds.

**Exemptions from percent for art installations.** There are policies that exempt certain state properties or capital projects from the percent for art program, which are separate from the policies requiring a minimum construction cost or square footage for a percent for art installation. What is exempt depends on the state, but examples include agricultural facilities, bridges, environmental remediation facilities, garages, heating plants, maintenance facilities, motor pools, parking garages, prisons, pumping stations, service facilities at state parks and highway rest areas, temporary buildings, transmitter buildings, tunnels, state universities, and warehouses.

**Site selection.** For the most part, policies specify that percent for art installations are sited either indoors or outdoors at the location of the capital project. Some state policies, however, have mechanisms that fund public art at other locations. For example, there are policies that set aside a portion or save the excess amount of a percent for art budget for art to be installed at other state properties. All state policies designate responsibility for siting percent for art installations. Depending on the state, responsibility falls to the state arts agency, the project architect, the state comptroller, the agency in charge of capital construction or an ad-hoc percent for art committee. Generally, policies require the siting team to consult with the tenant or jurisdictional agency.

**Accessibility.** Many state policies require that percent for art installations remain accessible to the public. For example, policies bar installations from private offices and other restricted areas. Other policies stipulate that the artwork has to be in public view or on property with heavy foot traffic.

**Artwork and artist selection.** Policies assign responsibility and establish the process for purchasing artwork or selecting artists for commissions. Some state policies require the creation of an ad hoc selection committee for each percent for art project. Depending on the state, selection committee members may include representatives from the state arts agency, the agency managing construction, the contracted architectural firm, the jurisdictional agency and the tenant agency. Committee members may also include professional artists, arts educators, community members and state legislators. Other state policies, however, task the project architect or a specific agency with choosing the artwork or artist in consultation with specified stakeholders. The rules for the selection process may be statutory or they may be created by the state arts agency. Most often, percent for art projects are chosen through the state arts agency's artist registry or through an open or invitational competition.

**Preferences for in-state artists.** More than a quarter of the states with active percent for art programs have policies requiring or specifying preference for state- or region-based artists for percent for art projects.

**Artist contracts.** Policies establish the process for contracting artists commissioned for percent for art projects. Across the states, various agencies are responsible for executing artist contracts, including the state arts agency, the jurisdictional agency, the comptroller, the planning and budgeting office, and the agency responsible for capital projects.

**Installation, maintenance and conservation.** Generally, policies for installing, maintaining and conserving percent for art projects assign that responsibility to the state arts agency. Installation is a multistep process that includes shipping and related insurance, site preparation, postinstallation cleanup and documentation. In some states, tenant agencies and percent for art committees are in charge of conservation. A related policy measure is allocating a portion of percent for art funds to a dedicated maintenance and conservation fund, which enables the responsible party to attend to maintenance needs over time.

**Administrative costs.** Some states have policies allocating a portion of the percent for art budget to the state arts agency for administration of the percent for art program. The allocation for administrative costs ranges from 5% to 20%. In one state, the legislature covers the administrative costs through its annual appropriation to the state arts agency.

**Ownership of artwork and curation of state art collection.** Policies establish ownership of percent for art installations. Normally the state or a specific state agency owns the artwork, though some policies clarify that the artist possesses copyright of the work. Many policies add all percent for art installations to the state art collection. In states with government art collections, the arts agency or a state museum may be responsible for its curation. Curation could include facilitating loans of artwork from one state-owned facility to another or producing and disseminating information about and images of percent for art projects.

**Public education and related programming.** Policies set public-education and -engagement goals for percent for art installations. Some of these policies are geared toward attracting cultural tourists and some focus on citizens and students. These policies set goals for state arts agencies but don't prescribe curriculum. Arts agencies are responsible for designing an education strategy and producing interpretive materials, interactive media, classroom lesson plans or other tools.

## policy rationales

In many states, legislation authorizing the percent for art policy enumerates why it is necessary and what it should aim to achieve. In other states, the public purposes of these policies are more extensively detailed in program guidelines developed by the managing state arts agency. Regardless of the source of policy rationales, most tend to reference the following goals and types of benefits to states and citizens:

**Public space enhancement.** Public art is an effective tool for enhancing built environments, natural environments and other spaces. One state's percent for art policy says that such enhancement is a way to "humanize our man-made surroundings,"<sup>2</sup> while another notes that public art can "create a more humane environment of distinction, enjoyment, and pride for all its citizens."<sup>3</sup> Percent for art installations can enrich social and physical environments and shape how people experience public

buildings, government institutions, transportation corridors and other spaces that affect citizens' daily lives.

**Community development.** Some states utilize percent for art as a tool of civic stewardship. Public art is more than an art object integrated into public space—it is also a public "process of dialogue, involvement, and participation involving all segments of a community."<sup>4</sup> Beyond paint, stone or steel, public art is built from the medium of "citizen involvement" that results in a "collective expression."<sup>5</sup> As artists and project managers gather citizen input and involve community stakeholders, the process behind a percent for art installation can become a powerful lever for community engagement and revitalization.

**Artistic development.** Artistic development and recognition are frequently cited as policy rationales for percent for art requirements. This view posits public art as a means to engender supportive working environments and professional opportunities for artists, which are necessary for a thriving creative class.

**Economic development.** Beyond providing employment and artistic opportunities for artists and craftsmen, public art can offer economic benefits to the broader community. When labor, materials and services are secured locally, an installation's economic footprint may extend far beyond the artist's bottom line. Once completed, public art installations may attract residents and visitors and contribute to ongoing economic productivity. According to the National Governors Association, "The question of how to foster high-quality places is one of the most important in economic development today. By providing amenities, connectivity, and sense of place, public art and well-designed public spaces can be part of the answer."<sup>6</sup> As an arts leader from Georgia succinctly put it, "a city enriched with public art, and one that offers cultural amenities, is a city that attracts business."<sup>7</sup>

**Place making.** Economic benefits are not the only rewards that a state derives from vibrant places. Place making through the arts creates vibrant areas marked by their livability, quality of life and creativity. Percent for art policies can be a useful part of place-making efforts, helping communities improve their well-being. In the words of the Vermont Arts Council, public art is a community investment signifying that "this is a place worthy of living in and preserving."<sup>8</sup> Washington, D.C., has a master public art plan that calls for its percent for art program to help exemplify how "economic growth and sound environmental practices can create good urbanism."<sup>9</sup>

**Cultural heritage.** Public art can celebrate, document and teach cultural traditions. An artwork can depict a state or community's heritage, promoting the history of a site and the diversity of its citizens. Such artworks make a community's cultural heritage a tangible asset, connecting citizens to their neighbors and shared history, thereby increasing community cohesion and pride.

While less frequently cited, the additional rationales below also may be useful for jurisdictions considering percent for art programs.

- **Worker productivity and morale.** Agencies in buildings with public art "report that artwork has a positive impact on morale, encourages employee creative problem solving, [and] helps create a sense of respect and pride...."<sup>10</sup>
- **Supportive learning environments.** Public art manifests the cultural commitment of state colleges and universities. The place-making aspect of public art assists with student recruitment the same way it draws workers to communities: by creating environments conducive to productivity as well as fun.

- **Increasing public awareness of shared issues.** Works installed through percent for art programs can facilitate public awareness and knowledge of issues affecting a community, such as environmental stewardship and respect for diversity.

## roles and challenges for state arts agencies

Program responsibilities and challenges vary for each state arts agency depending on the nature of the percent for art policy, details of specific percent for art installations and contextual variables within the state. Nonetheless, there are commonalities across states related to policy, politics, communications, and aesthetic opinions and goals. Examples of typical roles and their related challenges follow.

**Partnerships and coordination with other state agencies.** State arts agencies coordinate with other state agencies to realize percent for art installations, whether the partnership is policy-directed and formal or whether it is contextual and ad hoc. Regardless, managing relationships with other agencies is a critical part of percent for art programs. This can be challenging for a variety of reasons, including competition between agencies, disagreements about goals and processes, and the additional workload percent for art projects present. State arts agencies are the fulcrum of these projects and should work to leverage the expertise and assistance of other agencies.

**Evaluating percent for art programs.** Assessing percent for art programs is difficult because there are no clear statistical measures for the value of public art. There are many questions state arts agencies face when considering an evaluation effort. What is the return on investment of a percent for art installation? Should percent for art installations be measured in terms of the creative economy? If so, how? Would a simple tally of visitors suffice to evaluate engagement with public art, or should evaluation efforts focus on measuring other effects, such as educational, aesthetic and civic impacts?

**Art controversies.** Percent for art installations, like all public art, run the risk of sparking controversy. Not only are there as many aesthetic opinions as citizens, but these opinions change over time. What may be lauded today could be objectionable in the future, and vice versa.

## Program Threats

Periodically, individual state legislators or governors attempt to eliminate or severely curtail percent for art programs. For the most part, legislative attempts to end percent for art programs are not successful: to date, the majority of legislators have supported programs and threatening bills have failed.

Legislative efforts to terminate programs frequently cite reducing state expenditures as their rationale. However, the percent for art funding mechanism, drawing as it does from capital outlays, is typically independent of the state general fund. Furthermore, percent for art allocations exist within—not in addition to—capital construction outlays. A related challenge is when governors or legislators try to trim outlays by reducing or freezing overall funds for capital projects, which has the secondary effect of reducing or terminating financial support for percent for art installations. Advocates stress that it is important to educate lawmakers and community stakeholders on an ongoing basis about the benefits of public art and the funding mechanisms they employ.

Specific information on state percent for art programs that are inactive or that have been terminated can be found on page 3 under [Policy Chronology](#) and on page 9 under [Percent for Art Program Websites, Statutes, Administrative Rules](#).

Furthermore, use of public property and money are topics that can elicit strong feedback. State arts agencies are responsible for designing and conducting the process for selecting artists and artwork in a thoughtful and responsive way. The selection process benefits when it is transparent, accounts for the state's diversity and represents the stakeholders of the community where the percent for art project is being installed.

**Flexibility.** Broadly speaking, flexibility is a component of all state percent for art programs. While some state policies are more prescriptive than others, all states have to make choices relative to policy rules and goals as well as staff resources, relationships with other state agencies, and citizen stakeholders. Examples of situations that yield flexibility to state arts agencies are policies that charge agencies with creating program rules; policies that call on agencies to develop and implement public-art education components; policies that allow agencies to hire consultants; and policies that give agencies significant authority in the artwork selection process. The challenges of such flexibility include additional work and greater exposure to political backlash.

**Maintenance.** Percent for art installations tend to require more maintenance than other artworks because they are sited in public spaces, which tend to have high pedestrian or vehicle traffic. In addition to the risks of integrating art into the flow of daily life is the damage caused by atmospheric conditions, especially when projects are sited outdoors. The necessary routines of inspecting and maintaining percent for art installations can be expensive and time-consuming, and therefore a strain on budgets and staff. Though some states have policies allocating a portion of percent for art funds to cover maintenance costs, those set-asides are not guaranteed to be sufficient. And while other states don't task their arts agency with maintenance responsibilities, these agencies may face the challenge of having to enforce percent for art maintenance protocols that are being ignored due to lack of expertise or willingness.

**Artist registries.** A number of states maintain on-line artist registries as part of their percent for art programs. In some cases, eligibility for commissions is limited to artists who are in the state's registry. Arts agencies with registries are responsible for managing them and for facilitating the process of including additional artists. Artist registries not only support percent for art programs, but also serve as a marketing tool for artists and states alike.

**Aligning percent for art projects with strategic plans.** Aligning programmatic work with state arts agencies' strategic plans is good practice, and public art programs are no exception. However, some factors unique to public art make this a complex challenge. Many factors outside the state arts agency's control drive the arc of this work, such as the plans and priorities of other agencies, capital budget decisions and the major differences in the needs and complexities of various project sites. For this reason, most state arts agency strategic plans do not set goals relating to the number, types or locations of percent for art installations. It may be more useful to set goals relating to the agency's capacity to facilitate a strong program, the relationships and resources needed for optimal policy implementation, educational programs relating to artworks, and long-term maintenance and conservation needs.

## state policy and program details

The following table lists each state's percent for art statute(s) and, where available, administrative rules. The table includes links to these policy documents. For contact information for each program, see NASAA's [Public Art page](#). For a brief summary of all the programs, see NASAA's [State Percent for Art Programs page](#).

### Percent for Art Program Websites, Statutes, Administrative Rules

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State	Name of Program	Statute	Additional Statute or Administrative Rule
AK	<a href="#">Percent for Art</a>	<a href="#">Title 35, Chapter 35.27</a>	<a href="#">(Additional statute) Title 44, Chapter 44.27, Section 44.27.060</a>
AR	[Inactive] Public Art	<a href="#">Title 13, Chapter 8, Subchapter 2</a>	
CO	<a href="#">Art in Public Places</a>	<a href="#">Title 24, Other Agencies, Article 48.5, Part 3, Section 24-48.5-312 and Section 24-48.5-313</a>	
CT	<a href="#">Art in Public Spaces</a>	<a href="#">Title 4b, Chapter 60, Section 4b-53.</a>	
DC	<a href="#">DC Creates!</a>	<a href="#">Title 39, Subtitle II, Chapter 2, Section 39-205</a>	<a href="#">(Municipal regulation) Title 10, Chapter 10-A14, Rule 10-A1406</a>
FL	<a href="#">Art in State Buildings</a>	<a href="#">Title, XVIII, Chapter 255, Section 225.043</a>	<a href="#">(Administrative rule) Title 1, Division 1T, Chapter 1T-1, Section 1T-1.033</a>
HI	<a href="#">Art in Public Places</a>	<a href="#">Volume 101, Chapter 9, Section 9-21</a>	<a href="#">(Additional statute) Volume 102, Chapter 103, Section 103-8.5</a>
IA	<a href="#">Art in State Buildings</a>	<a href="#">(Iowa Code) Title VII, Subtitle 7, Chapter 304A, Sections 304A.8 – 304A.14</a>	
IL	<a href="#">Art-in-Architecture</a>	<a href="#">Chapter 20, 20 ILCS 3105/14</a>	

**PERCENT FOR ART**

State	Name of Program	Statute	Additional Statute or Administrative Rule
LA	<a href="#">Percent for Art</a>	<a href="#">Title 25, Section 900.1</a>	
MA	[Rescinded 1991] Art in Public Places	n/a	n/a
MD	<a href="#">Commission on Public Art</a>	<a href="#">Economic Development, Section 4-601</a>	<a href="#">(Additional statute) State Finance and Procurement, Section 3-602.2</a>
ME	<a href="#">Public Art</a>	<a href="#">Title 27, Chapter 16</a>	
MI	[Rescinded 1991] Art in Public Places	<a href="#">Chapter 18, Sections 18.71 – 18.81</a>	
MN	<a href="#">Percent for Art in Public Places</a>	<a href="#">Chapter 16B, Section 16B.35</a>	<a href="#">(Administrative rule) Chapter 1900, Part 2210</a>
MT	<a href="#">Percent for Art</a>	<a href="#">Title 22, Chapter 2, Part 4</a>	
NC	[Rescinded 1995] Artworks for State Buildings	<a href="#">Chapter 143, Article 47A (Rescinded)</a>	<a href="#">(Administrative rule) Title 07, Chapter 12</a>
NE	<a href="#">1% for Art</a>	<a href="#">Chapter 82, Sections 82-317 – 82-329</a>	
NH	<a href="#">Percent for Art</a>	<a href="#">Chapter 19-A, Sections 19-A:8 – 19-A:12</a>	
NJ	<a href="#">Arts Inclusion</a>	<a href="#">Title 52 Chapter 16A, Sections 52:16A-29 – 52:16A-36</a>	
NM	<a href="#">Art in Public Places</a>	<a href="#">NMSA Chapter 13, Article 4A</a>	<a href="#">(Administrative code) Title 4, Chapter 12, Part 11</a>

## PERCENT FOR ART

State	Name of Program	Statute	Additional Statute or Administrative Rule
OH	<a href="#">Percent for Art</a>	<a href="#">Title 33, Chapter 3379, Section 3379.10</a>	
OK	[Moratorium FY2012–2014] <a href="#">Art in Public Places</a>	<a href="#">Title 74, Sections 74-9030.1 – 74-9030.6</a>	<a href="#">(Administrative rule) Title 320, Chapter 10</a>
OR	<a href="#">Public Art</a>	<a href="#">Title 26, Chapter 276, Sections 073, 075, 080, &amp; 090</a>	<a href="#">(Administrative rule) Chapter 123, Division 475</a>
RI	<a href="#">Public Art</a>	<a href="#">Title 42, Chapter 42-75.2</a>	
SC	<a href="#">Percent for Art</a>	No statute. This voluntary program was not created by legislation.	
UT	<a href="#">Public Art</a>	<a href="#">Title 9, Chapter 6, Sections 9-6-401 – 9-6-409</a>	
VT	<a href="#">Public Art</a>	<a href="#">Title 29, Chapter 2</a>	
WA	<a href="#">Art in Public Places</a>	<a href="#">Title 43, Chapter 43.46, Sections 090 and 095 and Chapter 43.17, Sections 200, 205 and 210</a>	<a href="#">(Administrative code) Title 30, Chapter 40</a>
WI	[Rescinded 2011] <a href="#">Percent for Art</a>	<a href="#">Chapter 41, Section 57 (formerly Chapter 44, Section 57)</a>	<a href="#">(Administrative code) Chapter AB 4</a>
WY	<a href="#">Art in Public Buildings</a>	<a href="#">Title 16, Chapter 6, Article 8</a>	<a href="#">(Administrative rule) State Parks &amp; Cultural Resources Dept, Art in Public Buildings, Chapters 1 &amp; 2</a>

## notes

<sup>1</sup> New Jersey Statutes, Title 52, § 52:16A-34, [http://lis.njleg.state.nj.us/cgi-bin/om\\_isapi.dll?clientID=13799289&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutes.info&record={1579B}&softpage=Doc\\_Frame\\_PG42](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=13799289&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutes.info&record={1579B}&softpage=Doc_Frame_PG42), accessed 5/9/13. [back to article](#)

<sup>2</sup> Alaska State Council on the Arts, Percent for Art Program, <http://www.eed.state.ak.us/aksca/visual.htm>, accessed 5/9/13. [back to article](#)

<sup>3</sup> Montana Code Annotated 2011, Title 22, Chapter 2, Part 4, § 22-2-402, <http://leg.mt.gov/bills/mca/22/2/22-2-402.htm>, accessed 9/5/13. [back to article](#)

<sup>4</sup> Louisiana Division of the Arts, Percent for Art Program, <http://www.crt.state.la.us/arts/PercentForArt.aspx>, accessed 5/9/13. [back to article](#)

<sup>5</sup> North Carolina Arts Council, "Creating Place: North Carolina's Artworks for State Buildings," 2002, [http://www.ncarts.org/elements/docs/AWSB\\_catalogue.pdf](http://www.ncarts.org/elements/docs/AWSB_catalogue.pdf). [back to article](#)

<sup>6</sup> National Governors Association, [New Engines of Growth: Five Roles for Arts, Culture and Design](#), 2012, p. 34. [back to article](#)

<sup>7</sup> *Athens Banner-Herald*, "Caldwell: Public Art Has Positive Economic Impact," 3/21/12, <http://onlineathens.com/opinion/2012-03-21/caldwell-public-art-has-positive-economic-impact>, accessed 6/10/13. [back to article](#)

<sup>8</sup> Vermont Arts Council, Public Art in Vermont, <http://www.vermontartscouncil.org/ProgramsInitiatives/PublicArt/tabid/83/Default.aspx>, accessed 5/10/13. [back to article](#)

<sup>9</sup> DC Commission on the Arts & Humanities, DC CREATES! Public Art Master Plan, 2009, p. 9, [http://dcarts.dc.gov/sites/default/files/dc/sites/dcarts/publication/attachments/Public%20Art%20Master%20Plan\\_0.pdf](http://dcarts.dc.gov/sites/default/files/dc/sites/dcarts/publication/attachments/Public%20Art%20Master%20Plan_0.pdf). [back to article](#)

<sup>10</sup> Colorado Creative Industries, State of Colorado Public Art Program, <http://www.coloradocreativeindustries.org/about-program>, accessed 9/12/13. [back to article](#)

## recommended resources

To learn more about individual state percent for art policies, including the role of the arts agency, the source of funding, and the process for selecting artists and artwork, see NASAA's [State Percent for Art Programs page](#). To contact the state arts agency staff responsible for implementing these policies, see NASAA's [Public Art page](#).

The Americans for the Arts (AFTA) [Public Art Network](#) (PAN) has a number of good resources related to percent for art policies, including reports and model public-art agreements and contracts. In addition, PAN facilitates engagement among public art practitioners. Another way to stay up to

date with current trends in percent for art and other types of public art is to follow AFTA's [Public Art Blog](#).

## acknowledgements

This update is authored by Paul M. Pietsch. The State Policy Briefs series editor is Kelly J. Barsdate.

This NASAA State Policy Brief is based on information collected from multiple sources for each state's percent for art policy. It cites the program and policy information posted by arts agencies on their websites as well as the state legislation and administrative code that established the policies in question. State arts agency staff provided current contact information for each program and confirmed policy details such as the role of the agency, the source of funding, and the process for selecting artists and artwork.

State Policy Briefs synthesize research on key issues affecting the arts and state arts agencies. Designed to inform decision making at the state level, the series provides information on state arts agency policy alternatives and innovative strategies for serving the public. For information on ways to build political and constituent support for the arts, consult the [advocacy tools](#) available on the NASAA website, including the series [The NASAA Advocate: Strategies for Building Arts Support](#).

## the national assembly of state arts agencies

The National Assembly of State Arts Agencies (NASAA) is the membership organization that serves the nation's state arts agencies. NASAA helps state arts agencies fulfill their many citizen service roles by providing knowledge services, representation and leadership programs that strengthen the state arts agency community. NASAA also serves as a clearinghouse for data and research about public funding and the arts. For more information on the work of state arts agencies, call 202-347-6352 or visit [www.nasaa-arts.org](http://www.nasaa-arts.org).

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