Introduction

Every year, state legislatures around the country consider hundreds of bills relevant to state arts agencies (SAAs) and the cultural sector. The 2019 legislative session, which for most states was January through June, is no exception. This year, NASAA reviewed more than 640 bills and closely tracked 132 of them. This roundup summarizes close to 60 of the most important bills considered in state legislatures this year and highlights current legislative trends in eight categories of cultural policy.

NASAA’s annual legislative roundup is designed to equip cultural policy leaders—including SAA staff and council members, arts advocates, local arts councils, individual artists and other stakeholders—with the knowledge to advance policies that ultimately can be beneficial to the arts at the state level. As a result, it considers a broad cross-section of legislation, including bills that could foster the arts as well as those that could have negative, neutral or uncertain impact. Likewise, it includes enacted and failed bills as well as those at other stages of the legislative process at the time of this writing.¹

Throughout the year, NASAA tracks relevant legislation in every state, monitors news sources, and, most importantly, listens to members about legislation affecting their agencies and departments. If you learn of a bill that is important to your agency—or that may be informative to other SAAs—NASAA would like to know about it. You can share legislative information by contacting NASAA Research Manager Paul Pietsch. If you are interested in initiating legislation in your own state, NASAA can help by identifying sample bills and information on similar efforts in other states.

¹ In this report, an engrossed bill has passed one chamber of a state legislature and been sent to the other chamber for consideration. An enrolled bill has passed both chambers and been sent to the governor. An enacted bill has been signed by the governor and become law. A vetoed bill has been rejected by the governor. A bill not enacted before a legislature’s adjournment or recess is effectively dead unless the legislature reconvenes in a special session to consider it. A resolution is a mechanism for legislative expression that is typically nonbinding. Resolutions aren’t enacted but passed, as they become operative upon approval of both legislative chambers and don’t require the governor’s signature.
Legislative Status by Category of Bills Summarized

Primary Bill Category

- Cultural Districts and Creative Economy: 4 - Enacted, 16 - In progress, 2 - Vetoed
- SAA Policy Directives: 2 - Enacted, 2 - In progress, 8 - Progression incomplete by session adjournment
- SAA Dedicated Revenue: 3 - Enacted, 5 - In progress
- Arts Education: 1 - Enacted, 2 - In progress, 3 - Progression incomplete by session adjournment, 1 - Died in committee
- SAA Structure and Governance: 1 - Enacted, 1 - In progress, 5 - Progression incomplete by session adjournment
- Public Art: 2 - Enacted, 2 - In progress

Bill Status:
- Enacted
- In progress
- Progression incomplete by session adjournment
- Died in committee
- Vetoed
Legislative Status by State of Bills Summarized

Bill Status
- Enacted
- In progress
- Progression incomplete by session adjournment
- Died in committee
- Vetoes

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State Legislative Roundup: September 2019

Highlights of Individual Bills

**SAA STRUCTURE AND GOVERNANCE**

State arts agencies can experience structural changes driven by political philosophies, administrative reorganizations or other factors. Every year, NASAA watches closely for legislation that would alter the core authority of SAAs as well as their placement within state government. This year, five state legislatures considered bills designed to restructure state government in ways that would affect SAAs.

**Alaska**

**H.B. 2001—Restoring Full Funding to the Alaska State Council on the Arts**

**Status:** Enacted

**Summary:** During the 2019 legislative session, the governor of Alaska initially vetoed funding for the Alaska State Council on the Arts, though the agency's authorization remained in effect. The legislature, in special session, ultimately restored full funding for the Council through H.B. 2001. While the governor vetoed portions of the bill, the Council's funding was enacted and the agency resumed operations in August.

**Arkansas**

**H.B. 1118—Creating the Department of Parks, Heritage and Tourism**

**Status:** Died in committee

**Summary:** This consolidation bill would have created the Arkansas Department of Parks, Heritage and Tourism, combining the existing Department of Heritage and Department of Parks and Tourism. As the Arkansas Arts Council is currently part of the Department of Heritage, it would have become part of the Department of Parks, Heritage and Tourism along with about 20 other state entities.

**Kansas**

**H.B. 2309—Creating the Kansas Arts Commission**

**Status:** In committee at session recess

**Summary:** This bill would have created the Kansas Arts Commission as the official SAA and transferred to it all officers and employees of the current SAA, the Kansas Creative Arts Industries Commission (KCAIC). The bill also would have authorized the Kansas Arts Commission Tax-Return Checkoff Fund as a dedicated funding mechanism for the new SAA. While the new SAA would have assumed most of KCAIC's powers, duties and functions, it would not have completely replaced it. KCAIC would have continued to exist to cultivate opportunities for the film industry in Kansas.

**Missouri**

**H.B. 612—Transferring the Missouri Arts Council to the Office of the Lieutenant Governor**

**Status:** Enacted

**SAA Structure and Governance Resources**

NASAA's resources on **SAA structure and governance** include information about SAAs' placement within state government, staffing and organizational structures, and council terms, powers and duties.
Summary: This law transfers the Missouri Arts Council from the Department of Economic Development to the Office of the Lieutenant Governor. The Louisiana Division of the Arts is the only other SAA housed within the office of a state's lieutenant governor.

Washington, D.C.
B. 23-0209 and B. 23-0352—Establishing Agency Independence from the Office of the Mayor
Status: Enacted
Summary: This law makes the DC Commission on the Arts and Humanities an independent agency by removing it from the Office of the Mayor. It also reaffirms the Commission's authority to nominate and appoint the agency's director for renewable four-year terms, requires a council-confirmation process for the mayor's appointment of the Commission chair, and tasks the Commission with fostering freedom of artistic expression from censorship. Additionally, the new law mandates that no more than 23% of the Commission's annual budget be allocated to administrative costs and at least 77% be allocated to its grant programs.

SAA DEDICATED REVENUE

Every state arts agency secures Partnership Agreement funding from the National Endowment for the Arts and appropriations from its state legislature. Some SAAs, however, have additional sources of dedicated funding—such as a cultural trust or a designated stream of tax revenue—that are legislatively authorized. This year, one state enacted and two others considered bills establishing streams of dedicated revenue.

New Jersey
S. 3501—Authorizing a Special Arts License Plate
Status: In committee
Summary: This bill would authorize a special "We Support the Arts" license plate and fee that would generate proceeds for the New Jersey State Council on the Arts.

New York
A. 7994 and S. 3570—Authorizing an Income-Tax Checkoff for the Arts
Status: A. 7994 in committee and S. 3570 enrolled
Summary: These bills would create a personal income tax return checkoff that would generate a dedicated revenue stream for the New York State Council on the Arts. The dedicated revenue would not offset the Council's annual state appropriations.

Washington, D.C.
B. 22-0914 and B. 22-1070 and P.R. 22-1175—Establishing a Temporary Dedicated Tax-Revenue Stream
Status: Enacted
Summary: This law amends the tax code of Washington, D.C., so as to apply the excess of the district's Internet sales tax revenue collected between January 1, 2019, and September 30, 2019, to the DC Commission on the Arts and Humanities.

SAA Revenue Resources

NASAA's website features a number of resources for analyzing SAA revenue, including dynamic data visualizations of funding trends, state-by-state funding comparisons, and reports and policy briefs about dedicated revenue strategies.
Washington, D.C.
B. 23-0209 and B. 23-0352—Allocating Recovered Debt Funds to the Arts

**Status:** Enacted

**Summary:** This law mandates the annual allocation of up to $2.5 million from the district's Delinquent Debt Recovery Fund to its Arts and Humanities Fund, which supports the DC Commission on the Arts and Humanities.

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**PUBLIC ART**

States foster the exhibition of art in public spaces to generate opportunities for artists, increase access to culture, and enliven government buildings, town squares and other community spaces. Many SAAs support public art through a percent for art program, through which a small portion (typically 1%) of the capital costs of constructing or renovating state-owned buildings is set aside to underwrite public art. These programs generally have statutory authorization, which makes them vulnerable to legislative challenges. NASAA tracked seven public art bills in 2019, including two enacted that modify statewide percent for art policies and two more still under consideration that would launch a new statewide percent for art program.

- **Maryland**
  - **S.B. 12—Modifying Percent for Art Policy**
    - **Status:** Enacted
    - **Summary:** This law makes Maryland's percent for art policy applicable to the construction or renovation of state buildings that are funded in part (up to 50%) by private entities. Previously, the policy applied only to projects fully funded by the state.

- **Massachusetts**
  - **H. 2941 and S. 2022—Codifying Percent for Art Program and the Massachusetts Public Art Commission**
    - **Status:** In committee
    - **Summary:** These bills would codify a statewide percent for art program and its administrative body, the Massachusetts Public Art Commission, which have yet to launch though they were established via a 2014 executive order.

- **Washington**
  - **H.B. 1318—Modifying Percent for Art Policy**
    - **Status:** Enacted
    - **Summary:** This law updates Washington's statewide percent for art policy by removing a sunset clause from a statutory provision. The provision, which previously applied only through 2019, allows up to 10% of a percent for art allocation to be expended during the project's design phase on artist selection and installation design.

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**Public Art and Percent for Art Resources**

NASAA's **Percent for Art State Policy Brief** succinctly summarizes the benefits and components of statewide percent for art programs.

For more information about individual states' programs, see NASAA's **Public Art page**.
NASAA tracked nearly 30 bills pertaining to cultural districts and the creative economy, more than any other category in this report. Examples include legislation that would create a new or modify an existing statewide cultural district certification program. Other bills would authorize municipalities to establish local arts and culture tax districts. Several bills focus on tax incentives, such as sales-tax exemptions on works of art and tax abatements in local cultural development districts. And two states considered bills that would develop grant programs supporting the creative economy.

**California**

**S.B. 736—Establishing the Creative Economy Incentive Program**

**Status:** Engrossed (passed senate)

**Summary:** This bill would create the Creative Economy Incentive Program. The program—which would be administered by the Governor's Office of Business and Economic Development and sunset in 2031—would award grants to public agencies and nonprofit organizations to fund creative economy events. The bill also would establish the Creative Economy Incentive Program Fund to underwrite the program's grants. Tax revenue derived from grantee events would be allocated to the Creative Economy Incentive Program Fund.

**Connecticut**

**H.B. 6939—Authorizing Municipalities to Establish a Cultural District**

**Status:** Enacted

**Summary:** This bill would authorize a municipality to establish by vote of its legislative body a local cultural district. Municipalities that establish a cultural district are required to create a commission to oversee it.

**Indiana**

**H.B. 1554—Authoring Local Admissions Tax on Performing Arts Centers**

**Status:** In committee at session adjournment

**Summary:** This bill would have authorized small counties (with a population of less than 15,500) that own an indoor performing arts center with more than 2,000 seats to impose an admissions tax of $1 per ticket sold. Revenue from the tax would have gone into a special fund that counties could have used to retire debt or pay for capital improvement on eligible performing arts centers.

**Indiana**

**S.B. 255—Modifying Indiana's Cultural District Certification Program**

**Status:** Engrossed (passed senate) at session adjournment

**Summary:** This bill would have updated the existing statewide cultural district certification program by requiring certified districts be subject to annual review and quadrennial recertification by the Indiana Arts Commission. It also would have required that municipalities applying for certification submit a creative economic development plan, evidence that certification would attract cultural and economic activity, or an agreement between the municipality and the Commission.

**Massachusetts**

**S. 1641—Authorizing Sales-Tax Exemptions for Original Works of Art**

**Cultural Districts Resources**

NASAA's [*State Cultural Districts Policy Brief*](#) is a primer on the goals, challenges, evaluation practices and other key components of statewide cultural district certification programs. For a deeper dive, see NASAA's [*State Cultural District Programs Strategy Sampler*](#), which explores issues of and approaches to program management.
Status: In committee
Summary: This bill would create a state sales-tax exemption for "original works of art" and define what media would be eligible for it.

Massachusetts
S. 225 and S. 227—Developing a Master Plan for the Creative Economy
Status: In committee
Summary: This bill would direct the Massachusetts Secretary of Housing and Economic Affairs—in consultation with the executive director of the Massachusetts Cultural Council, the executive director of Travel and Tourism and the Secretary of Labor and Workforce Development—to develop and maintain a master plan for the development and advancement of the state's creative economy. The plan would serve in part to support cultural districts.

Missouri
H.B. 266—Establishing the Missouri Historical Theater Designation Program
Status: Enacted
Summary: This law creates the Missouri Historical Theater Program through which the Missouri Arts Council will designate historical theaters. The law establishes the criteria for designating historical theaters. The Council is to coordinate with the Missouri Division of Tourism to promote theaters that receive the designation.

New Jersey
A. 3832 and S. 2459—Authorizing Municipalities to Establish an Arts and Culture Tax District
Status: A. 3832 engrossed (passed assembly) and S. 2459 in committee
Summary: This bill would authorize a municipality to establish by referendum vote an arts and culture tax district. The legislation would require municipalities implementing an arts and culture tax to designate a local arts council to manage the distribution of funds generated by the tax.

New Jersey
A. 4378 and S. 521—Establishing a Statewide Artist District Certification Program
Status: A. 4378 in committee and S. 521 engrossed (passed senate)
Summary: This bill would create a statewide "artist district" certification program and charge the New Jersey State Council on the Arts with developing and managing it. The legislation also would direct the Council to consult with the New Jersey Division of Travel and Tourism to adopt marketing standards and guidance for certified districts.

New Jersey
A. 4745 and S. 3193—Establishing the Brewery, Cidery, Distillery and Meadery Trail
Status: In committee
Summary: This bill would establish a Brewery, Cidery, Distillery, and Meadery Trail Program and charge the New Jersey State Council on the Arts with managing a competition for selecting original art to be displayed on the trail's signage.

Cultural Districts versus Cultural Tax Districts

Cultural districts are geographic concentrations of artists, arts organizations and other cultural institutions that are so designated to foster economic development and community vitality. Thirteen state arts agencies have a program to certify and support cultural districts.

Cultural tax districts are specific portions of municipalities or counties subject to a locally authorized tax levied to support arts and culture activities and investments within them.

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New York
A. 3723 and S. 1425—Establishing a Statewide Cultural District Certification Program
Status: In committee
Summary: This bill would authorize a statewide cultural district certification program and task the New York State Council on the Arts with developing and managing it. It would direct the Council to work with local urban development corporations to provide marketing and technical assistance to certified districts.

Oklahoma
S.B. 106—Codifying the Oklahoma Cultural District Certification Program
Status: In committee at session adjournment
Summary: This bill would have codified the Oklahoma Arts Council’s existing Cultural District Initiative, which, unlike many statewide cultural district programs, was not legislatively created. The certification component of the Council’s program—which to date has certified seven cultural districts—is currently on hiatus due to budget cuts.

Pennsylvania
H.B. 228—Authorizing Local Cultural Development Districts
Status: In committee
Summary: This bill would permit local municipalities, with authorization from the Pennsylvania Department of Community and Economic Development of the Commonwealth, to establish cultural development districts that would exist for five years. Residents and businesses residing within cultural development districts would receive tax abatements, which would phase out over the course of five years.

Pennsylvania
S.R. 193—Establishing an Advisory Committee to Conduct a Study of Creative Districts
Status: In committee
Summary: This resolution would direct the Joint State Government Commission—the bipartisan and bicameral research agency of the general assembly—to establish an advisory committee to undertake a study of cultural districts. The committee would include the executive director of the Pennsylvania Council on the Arts. The study would identify (1) the number, location, character and history of Pennsylvania’s existing cultural districts; (2) the differences between urban and rural cultural districts; (3) the assets common to cultural districts; (4) organizational and financial structures that support cultural districts; (5) jobs driven by cultural districts; and (6) best practices for fostering cultural districts.

Rhode Island
H. 5158—Expanding the Statewide Sales-Tax Exemption on Original Works of Art
Status: In committee at session adjournment
Summary: This bill would have added fiction and nonfiction writing to the list of types of original artwork that are exempt from state sales tax. (Rhode Island has a statewide sales tax exemption that applies to artists, writers and composers residing and working in the state.)

Creative Economy Resources
NASAA has a number of creative economy resources, including facts and figures, an interactive dashboard for exploring arts employment data, a database of state focused research, and a curated collection of creative placemaking literature.
Wisconsin

**A.B. 66 and S.B. 82—Establishing a Creative Economy Grant Program**

**Status:** In committee

**Summary:** This bill would authorize a creative economy grant program and task the Wisconsin Arts Board with administering it. The program would award grants of up to $40,000 to nonprofits, for-profit businesses, local government agencies and business-development groups that promote the arts, arts education, job creation, work-force training or economic development. The Arts Board would be required to report on the effectiveness of the program to the state legislature by 2021.

**ARTS EDUCATION**

Legislative action on arts education was generally positive this year. Three states considered bills to establish or improve arts learning graduation requirements. Another enacted legislation that creates a mechanism for recognizing students for their arts education achievement. Other pertinent legislation this year would enable a study of equity in arts education and establish a STEAM advisory council.

**Arizona**

**S.B. 1111—State Seal of Arts Proficiency**

**Status:** Enacted

**Summary:** This law creates a state seal of arts proficiency program designed to recognize students graduating high school who have attained a high level of expertise in the arts. School participation in the program, which will sunset in 2029, is to be voluntary.

**Illinois**

**H.B. 2550—Appropriating Funds to Support Arts Education and Arts Therapy**

**Status:** In committee

**Summary:** This bill would appropriate $10 million to the Illinois State Board of Education to provide grants for after-school art programs in schools serving low-income communities. It also would appropriate $10 million to the Illinois Arts Council for arts education and art therapy programs located in census tracts that are 125% below the poverty level.

**Kentucky**

**H.B. 377—Setting Arts Education Requirements**

**Status:** In committee at session adjournment

**Summary:** This bill would have required schools to offer all students instruction in the visual and performing arts and directed the Kentucky Department of Education to develop arts program standards and guidelines. It also would have prohibited schools from revoking arts instruction as a disciplinary measure and from reducing arts instruction time in effort to remediate student deficiencies in other subjects.

**Massachusetts**

**H. 395—Creating a STEAM Advisory Council**

**Status:** In committee

**Summary:** This bill would rename the existing STEM Advisory Council the STEAM Advisory Council. (STEAM is an acronym for science, technology, engineering, arts and...
The STEAM Advisory Council would be tasked with advising the governor and informing the work of the state’s secretary of education, secretary of labor and work-force development, and secretary of housing and economic development.

**New York**

**A. 3134—Revising Arts Education Requirements**

**Status:** In committee

**Summary:** This bill would direct the New York Commissioner of Education to create a procedure for school districts to report to the New York Department of Education on their compliance with the state’s current arts education requirements and their perspectives on how they could be improved. With this information, the Department of Education would develop a report for the governor and legislature about how state arts education requirements and standards could be improved to increase arts instruction time and to better promote arts education and appreciation.

**North Carolina**

**H. 966—Modifying State Graduation Standards**

**Status:** Vetoed

**Summary:** This bill would have directed the North Carolina State Board of Education to modify the state high school graduation requirements to include one credit in arts education. (Currently, arts education is an elective and not a requirement for graduation.) The State Board of Education also would have had to establish the minimum criteria to meet the new graduation requirement.

**Oklahoma**

**S.B. 625—Studying Equity in Arts Education**

**Status:** In committee at session adjournment

**Summary:** This bill would have created a task force to study equitable access to arts education in public schools. The task force would have included the executive director of the Oklahoma Arts Council. It would have been required to report recommendations to the governor by 2022, when the task force would sunset.

**SAA POLICY DIRECTIVES**

State legislatures have the authority to enact arts focused policy directives and task state agencies with realizing them. Bills in four states this year focused on realizing policy directives by creating new SAA programs. Legislation in two other states, meanwhile, were designed to foster greater transparency of SAAs. Finally, several states weighed bills that would foster equity in grant making, and one considered how best to protect the intellectual property of cultural heritage.

**California**

**S.B. 748—Establishing the California Youth Poet Laureate Position**

**Status:** Enacted

**Summary:** This law creates the California Youth Poet Laureate program. In this honorary position, young poets (aged 13-19 years old) are required to give at least six public readings around the state over their two-year term. The governor will appoint the Youth Poet Laureate from a...
slate of three nominees put forth by the California Arts Council. If funding is appropriated, the Council will provide an annual stipend of $10,000 to the laureate and pay the laureate's travel expenses.

Hawaii


Status: Passed

Summary: This resolution requests the Hawai’i State Foundation on Culture and the Arts, Department of Commerce and Consumer Affairs, Department of Land and Natural Resources, Department of Business, Economic Development, and Tourism, and other state agencies and relevant stakeholders to establish a Native Hawai’ian intellectual property task force. The task force would be charged with developing, by 2022, recommendations for a legal framework that recognizes and protects Native Hawai’ian cultural intellectual property, traditional cultural expressions, and genetic resources.

Memorials, Monuments and Political Imagery in Public Spaces

In 2019, a number of state legislatures addressed issues related to monuments, memorials and political imagery in public spaces. NASAA tracked more than 35 such bills. Most of them aimed to restrict the removal, relocation or alteration of public monuments and memorials by imposing a financial or criminal (misdemeanor or felony) penalty. Several would have given standing to residents to seek civil damages from whoever harms public monuments and memorials. Some of these bills focused on monuments and memorials to the Confederacy and others more generally addressed remembrances to all armed conflicts and historical events.

Most of these policy debates fall outside the purview of state arts agencies, but NASAA's Communicating about Arts Controversies is a practical guide, and NASAA can recommend additional relevant resources upon request.

Maryland

H.B. 1391—Establishing the Maryland Arts and Culture Capital Grant Program

Status: In committee at session adjournment

Summary: This bill would have established the Maryland Arts and Culture Capital Grant Program and tasked the Maryland State Arts Council with hiring a program coordinator to administer it. The grant program would have supported the renovation, expansion or repairs of facilities operated by an arts group. Every year from 2021 through 2026, the program would have received a line item of $12 million and the Arts Council would have been required to award at least $6 million of it.

Massachusetts

H.B. 4000—Overseeing State Funding of the Arts

Status: Enacted

Summary: This law directs the Massachusetts Cultural Council to develop guidelines ensuring it spends public funds on food and travel "in a manner consistent with other state agencies." In developing the guidelines, the Council is to consult with the state's ethics commission and comptroller. The guidelines must include a provision requiring council members' approval of staff's out-of-state travel budgets. The law also mandates that the Council allocate at least 75% of its budget to grant awards.

Minnesota

S.F. 2185—Making Public Data from Grant Applications

Status: In committee at session recess

Summary: This bill would have made public any nonproprietary data provided in grant applications submitted to the Minnesota State Arts Board or regional arts councils.

New York

S. 1387—Establishing an Artists Awards Program

Status: In committee

Summary: This bill would authorize the New York State Council on the Arts to create a program awarding "certificates of merit" and an honorarium of up to $10,000 to individual artists.
Pennsylvania
H.R. 151—Studying the Equity of Grant-Funding Formulas
Status: In committee
Summary: This resolution would direct the general assembly's bicameral Legislative Budget and Finance Committee to study the current budget and grant funding formula of the Pennsylvania Council on the Arts to determine whether the agency could make its grant making more equitable, especially to "newer, multicultural, rural and LGBT arts organizations."

Washington, D.C.
B. 23-0209 and B. 23-0352—Establishing a Decentralized Humanities Grant
Status: Enacted
Summary: This law creates a new decentralized "humanities grant" program and tasks the DC Commission on Arts and Humanities with administering it.

Recent Trends in State Legislation

Data from the 2019 State Legislative Roundup and the four previous editions of NASAA's annual summary of state legislation are visualized below, providing a longitudinal analysis of state legislative action relative to the arts. This analysis can be a useful tool for recognizing trends in and tracking the history of cultural policy throughout the country.

Number of Bills Featured in the State Legislative Roundup by Year (2015-2019)

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Bills Summarized in the State Legislative Roundup by Category (2015-2019)

Primary Bill Category

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Legislative Session

- 2019
- 2018
- 2017
- 2016
- 2015

NOTE: The above chart reflects the bill categories NASAA has used since 2017 to track legislation. To enable a longitudinal comparison of five years of state legislative research, NASAA recategorized some bills from the 2016 and 2015 State Legislative Roundup reports, as NASAA has amended some of the categories since it first published the roundup in 2015.
Total Bills by State Highlighted in the State Legislative Roundup (2015-2019)

For more information, contact NASAA Research Manager Paul Pietsch, who authored this roundup in August 2019.

The National Assembly of State Arts Agencies (NASAA) is the nonpartisan 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 nasaa-arts.org.

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