

National Assembly of State Arts Agencies

KNOWLEDGE ★ REPRESENTATION ★ COMMUNITY

State Legislative Roundup

November 2020

Introduction

Every year, state legislatures around the country consider hundreds of bills relevant to state arts agencies (SAAs) and the cultural sector. Although the [2020 legislative session](#) differed drastically from previous years as COVID-19 shuttered halls and required immediate action, most legislatures continued to hear bills regarding SAAs throughout their start-and-stop legislative calendars. This year, NASAA reviewed more than 550 bills and closely tracked 205 of them. This roundup summarizes 115 of the most important bills considered in state legislatures this year. We continued to highlight current legislative trends across eight categories of cultural policy, and have added sections on COVID-19 and Diversity, Equity and Inclusion for the 2020 legislative year. This year, we updated the Public Art category to include legislation that affects artwork, like monuments, in public spaces.

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

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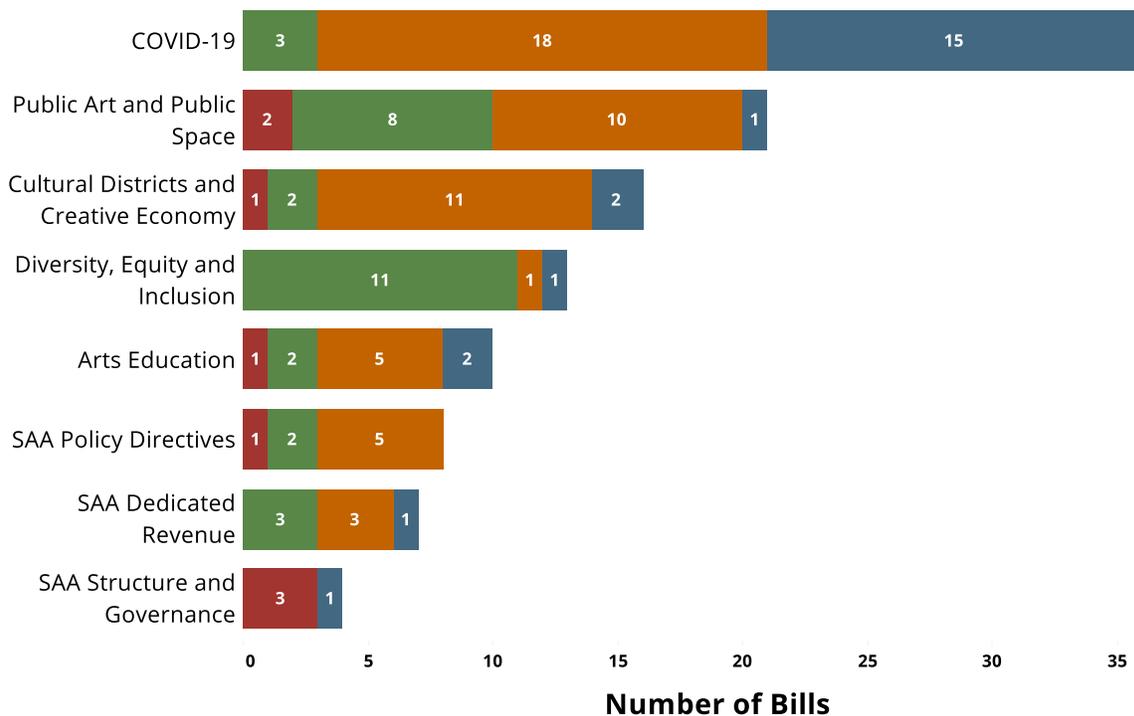
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¹ In this report, an *engrossed* bill has passed one chamber of a state legislature and been sent to the other chamber for consideration. An *enrolled* bill has passed both chambers and been sent to the governor. An *enacted* bill has been signed by 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.

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 Associate [Declan Wicks](#). 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.

Legislative Status of Bills Summarized, by Category [Return to Table of Contents](#)

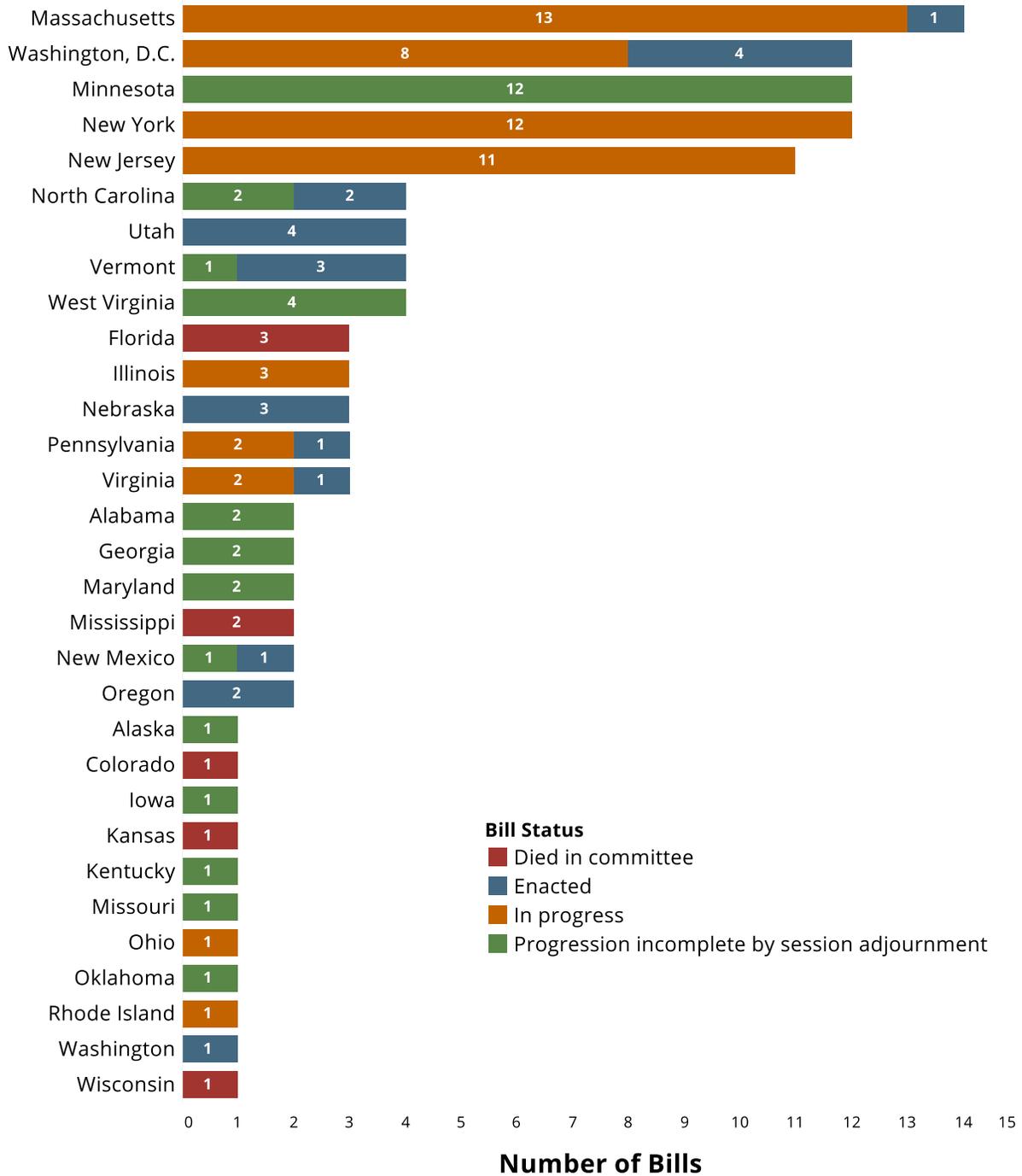
Primary Bill Category



Bill Status

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

Legislative Status of Bills Summarized, by State [Return to TOC](#)



Highlights of Individual Bills

SAA STRUCTURE AND GOVERNANCE [Return to TOC](#)

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, three state legislatures considered bills designed to restructure state government in ways that would affect SAAs.

Florida

[S. 1632](#) and [H. 0757](#)—Renaming the Division of Cultural Affairs

Status: Died in committee

Summary: These bills would have renamed the Florida Division of Cultural Affairs as the Division of Arts and Culture. The secretary of state would have had their title changed from chief cultural officer to chief arts and culture officer.

Kansas

[H.B. 2309](#)—Recreating the Kansas Arts Commission

Status: Died in committee

Summary: This bill would have effectively renamed the Kansas Creative Arts Industries Commission as the Kansas Arts Commission. The bill also would have narrowed the focus of the newly named Kansas Arts Commission from supporting the arts in all sectors of society to supporting only the film and movie industries.

Utah

[H.B. 0046](#)—Creating the Utah Arts and Museums Advisory Boards

Status: Enacted

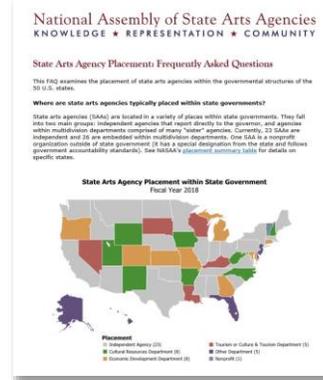
Summary: This bill created both the Utah Arts Advisory Board and the Utah Museums Advisory Board, repealing and replacing the previous Utah Arts Council board of directors. Both boards are selected by the governor and are responsible for advising the Utah Division of Arts & Museums and approving the allocation of arts and museum grant money. The bill also legally defines *arts* and makes it possible for museums to participate in the state arts and museums endowment fund.

SAA DEDICATED REVENUE [Return to TOC](#)

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 four others considered bills affecting streams of dedicated revenue.

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.



Alaska

[S.B. 169](#)—Modifying the Arts License Plate

Status: In committee at session adjournment

Summary: This bill would have created a fee for the "Celebrating Arts" vehicle registration plate—determined by the Alaska State Council on the Arts (ASCA)—that could be appropriated by the legislature to ASCA. Holding the competition for designing the plate every four years would have been made optional instead of mandatory, and the Council could have recommended a monetary award to pay the artist. The bill also would have designated the state attorney general as the arts council's legal counsel and allowed for nonprofit donations to the Council to be exempt from the Executive Budget Act.

Minnesota

[H.F. 4534](#) and [S.F. 4510](#)—Replacing the Legacy Amendment

Status: In committee at session adjournment

Summary: These bills would have proposed a constitutional amendment—subject to a vote during a general election—to fund roads and clean water by repealing the Legacy Amendment's Arts & Cultural Heritage Fund.

Nebraska

[L.B. 944](#)—Creating "Support the Arts" License Plates

Status: Enacted

Summary: This bill created "Support the Arts" license plates, which are accompanied by a \$5 or \$40 (if personalized) registration fee that is credited to the Nebraska Support the Arts Cash Fund. The design of the plates must be selected in consultation with the Nebraska Arts Council.

New Jersey

[A. 666](#)—Creating "We Support the Arts" License Plate

Status: In committee

Summary: This carryover bill from 2019 would create a "We Support the Arts" license plate that would be accompanied by a \$50 registration fee and \$10 annual fee that shall be credited (minus administration costs) to the New Jersey Support the Arts Fund.

New Jersey

[A. 4731](#)—Allocating All Occupancy Fees in Support of Arts, Historical Heritage and Tourism

Status: In committee

Summary: This bill would increase the current allocations to arts and culture from the hotel and motel occupancy fee. All revenue from the fee would be split between the New Jersey State Council on the Arts (56.7%), the New Jersey Historical Commission (9.6%), Division of Travel and Tourism (31.9%), and the New Jersey Cultural Trust (1.8%).

Pennsylvania

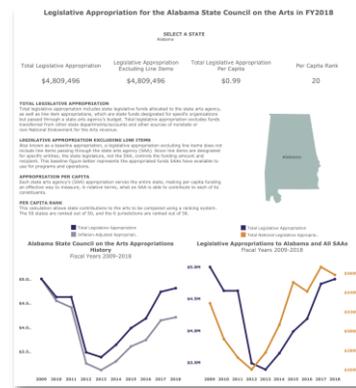
[H.B. 2098](#)—Creating the Tourism, Museum and Arts Funding Act

Status: Tabled for discussion at a later date

Summary: This bill would create the Tourism, Museum and Arts Trust Fund under the state treasury. Funding for the fund would come from one-sixth of the hotel occupancy tax outlined in the tax reform code of 1971. Revenue from the fund would be used for tourism marketing, museum assistance grants, arts grants and zoos until 2023, when funding would no longer support zoos.

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.



PUBLIC ART AND PUBLIC SPACE [Return to TOC](#)

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 state arts agencies 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. For more information on public art and percent for art programs, refer to NASAA's [Percent for Art State Policy Brief](#). For individual state programs, please see NASAA's [Public Art Resources page](#).

Although no traditional bills related to SAAs and public art appeared this year, many state legislatures have continued to address issues related to monuments, memorials and political imagery in public spaces. NASAA tracked more than 30 such bills, of which examples can be found below. This year, we saw a larger variety of goals in this legislation. Many 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. 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. Other new resolutions and bills considered expanding the scope of protections to include monuments of abolitionists and civil rights leaders. A few legislatures recommended removing Confederate monuments or lowering penalties for defacing them. Finally, one state delegated the power to remove monuments to those who live in the same jurisdiction as the monument.

While most of these policy debates fall outside the purview of state arts agencies, NASAA's [Communicating about Arts Controversies](#) is a practical guide to managing arts related controversy, and NASAA can recommend additional relevant resources upon request.

Alabama

[S.B. 127](#)—Increasing Fines for Altering Monuments and Other Places of Historical Value

Status: In committee at session adjournment

Summary: This bill would change the fine for an entity that has removed or defaced a public monument or other memorial from \$25,000 per violation to \$10,000 per day until the protected item is restored to its original condition. Waivers to remove or relocate shall also have a rebuttable presumption against the alteration, automatically assuming that the relocation is unnecessary unless proven otherwise.

Georgia

[H.B. 1212](#) and [H.B. 1211](#)—Expanding the Definition of Monument and Precluding the Display of Confederate and Other Related Monuments

Status: In committee at session adjournment

Summary: These bills would add plaques, markers and memorials that are dedicated to the military service of past or present military personnel to the list of monuments that are unlawful to deface, while also removing the treble-damage fines associated with removing these monuments. H.B. 1212 also would bar state agencies and local authorities from erecting, maintaining or displaying monuments dedicated to the Confederate States of America and those who were complicit in or advocated for slavery. However, these monuments would be allowed to be displayed in museums or other historically accurate places, such as battlefields. In addition, H.B. 1212 would remove the protected status of the flag of the Confederate States of America.

Missouri

[H. B38](#)—Establishing the Missouri Monument Preservation Act

Status: In committee at session adjournment

Summary: The bill would allow local governments to remove or otherwise alter monuments with a supermajority of the vote at a general election. Also, the state of Missouri could not remove or alter monuments without the approval of the Missouri Advisory Council on Historic Preservation. A fine of \$50,000 would also be levied against the state or local government that removes or alters a monument not in accordance with these provisions. This fine would then be awarded to the respective subdivision's historic preservation revolving fund.

Mississippi

[H.B. 1204](#)—Adding Protected Status to Statues of Civil Rights Leaders

Status: Died in committee

Summary: This bill would add statues and monuments of Dr. Martin Luther King, Jr., and any other civil rights activist to the list of protected historical monuments and structures.

Mississippi

[S.B. 2043](#)—Protections against Removing Monuments

Status: Died in committee

Summary: This bill would prohibit the renaming, removal or alteration of monuments associated with historical U.S. wars. Violations of this law would include a fine up to \$10,000 and/or imprisonment up to six months. Damaging monuments on public property would carry more severe penalties.

New Jersey

[A. 4495](#), [S. 620](#), [A. 1999](#), and [A. 304](#)—Increasing Penalties Associated with Defacing a Historical Monument

Status: In committee

Summary: These bills establish the act of desecrating a historical monument as either a third- or fourth-degree offense, carrying a sentence of fines and jail time.

New York

[S. 03990](#), [A. 01891](#), and [A. 04976](#)—Establishing Penalties for Defacing Historical Monuments

Status: In committee

Summary: These bills would establish either a class A misdemeanor or a class C felony as the criminal penalty for desecrating a historical or military monument.

Pennsylvania

[H.R. 954](#)—Urging the Removal of All Confederate Monuments and Statues in Pennsylvania

Status: In committee

Summary: Recognizing the malevolent intent of erecting Confederate monuments and statues, this resolution would urge the removal of all Confederate monuments and statues in Pennsylvania.

Virginia

[S.B. 183](#) and [H.B. 5030](#)—Allowing Localities to Remove Monuments to the Veterans of Wars

Status: S.B. 183 has been enacted and H.B. 5030 is engrossed

Summary: S.B. 183 allows localities to remove or otherwise alter monuments to war veterans provided that the locality publicize the monument's removal and hold a public hearing and a vote by the governing body. A locality also may petition for a public vote on the removal of such a monument. Removed monuments shall be offered to museums, historical societies, government or military battlefields. H.B. 5030 would remove the requirement that localities publicize their intent to remove a monument.

Nebraska

[L.B. 780](#)—Creating State-Designated Cultural Districts

Status: Enacted

Summary: This bill amends the responsibilities of the Nebraska Arts Council (NAC) to include formulating and providing to the legislature a plan to divide the state into creative districts. The bill also asks NAC to prepare a plan to create a competitive grant program for the creative districts, and allows NAC to use funds from the Arts and Humanities Cash Fund to support the grant's administration.

New York

[A. 03723](#) and [S. 01425](#)—Amending the Arts and Cultural Affairs Law to Create Cultural Districts

Status: In committee

Summary: These bills, originally introduced in 2019, would instruct the New York State Council on the Arts (NYSCA) to develop the criteria, guidelines and assistance necessary to create state-designated arts and cultural districts. These bills define the basic geographic areas that would circumscribe a cultural district and also task NYSCA and the Urban Development Corporation with providing assistance with, at a minimum, grant applications to cultural districts.

New York

[A. 07064](#), [A. 08548](#), and [A. 08551](#)—Creating Regional Arts, Cultural Affairs and Parks Grants

Status: In committee

Summary: These three bills would task the governor with establishing 10 regional councils with the purpose of issuing competitive capital, accessibility and sustainability grants to arts and cultural affairs organizations and parks organizations. Guidelines would guarantee that equal amounts of money are distributed between organizations making more than and less than \$5 million (\$10 million in New York City).

New Mexico

[S.B. 118](#)—Creating the Local and Regional Economic Development Support Fund

Status: Enacted

Summary: This bill created the Local and Regional Economic Development Support Fund—to be funded with gifts, grants, donations and bequests—in the state treasury. The fund is to be used to support a wide array of economic development projects, including supporting public cultural facilities.

Oklahoma

[S.B. 106](#)—Creating State-Designated Cultural Districts

Status: Engrossed at session adjournment

Survey: This bill would have created a statewide cultural district program to be administered by the Oklahoma Arts Council (OAC). The bill outlined the responsibilities of OAC regarding cultural districts and would have allowed the legislature to appropriate funds to OAC for the cultural district act.

Rhode Island

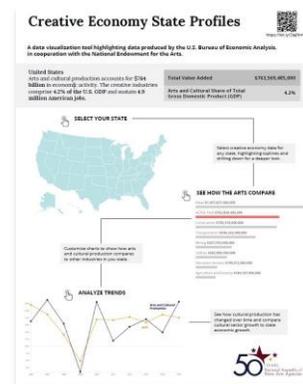
[H. 7169](#)—Expanding the Definition of Creative Work

Status: In committee

Summary: This bill would include fiction and nonfiction books that are "executed for one-of-a-kind limited production" under the category of artwork that is not subject to sales tax.

Creative Economy Resources

NASAA offers 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.



Vermont

[H. 0898](#)—Creating the Vermont Working Hands Enterprise Fund

Status: In committee

Summary: Recognizing the value of the creative economy, this bill would create the Vermont Working Hands Enterprise Fund—composed of legislative appropriations and other private and/or public funds—under the state treasury. The bill also would create the Vermont Working Hands Enterprise Board, with four representatives appointed by the Vermont Arts Council, to administer the fund. The fund would be used to support grants, loans and incentives for Vermont's creative workers and economy.

Wisconsin

[A.B. 66](#)—Creating Economic Development Initiative Grants

Status: Failed

Summary: This bill would have developed a grant program—to be administered by the Wisconsin Arts Board in the department of tourism—to support the creative economy. Grants up to \$40,000 could have been awarded to for-profit organizations, nonprofits, local government agencies and business development organizations with a 1:2 match.

ARTS EDUCATION [Return to TOC](#)

Legislative action on arts education was generally positive this year. One state enacted legislation to include an arts education requirement for graduating secondary school students, while another state guaranteed equal access to arts programming statewide. Eight other bills still in committee feature unique initiatives ranging from creating an educational pilot program for juvenile offenders to convoking an education roundtable on opportunity and development that explicitly focuses on arts education.

Florida

[H. 1123](#)—Creating a Florida Seal of Fine Arts Program

Status: Died in committee

Summary: This bill would have created a Florida Seal of Fine Arts program to recognize high school graduates who attained high levels of skill in fine arts coursework. The seal would have been set on the student's diploma. Earning the distinction would have required coursework, extracurricular activities, and community service all relating to the arts.

Illinois

[H.B. 2549](#)—Creating the Roundtable on Education

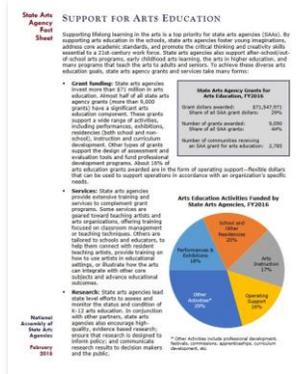
Opportunity and Development

Status: Engrossed

Summary: This bill would create the Roundtable on Education Opportunity and Development to study ways to fund and expand educational opportunities. Two of the many objectives are "promoting and funding the arts" and developing a school model that prioritizes arts education for young students. An Educational Opportunity and Development Fund also would be created to accept private donations and public funding for use in facilitating these goals.

Arts Education Resources

NASAA's [Arts Education page](#) features a compendium of statewide arts education assessments, professional development resources for SAA staff, links to national partners and a collection of research tools, including the Arts Education Partnership's [ArtScan](#) database of policies across all 50 states.



Illinois

[H.B. 2550](#)—Creating School and Community Arts Programming

Status: In committee

Summary: This bill would appropriate \$10 million from the General Revenue Fund to fund grants from the state board of education for after-school, arts based programs in schools with a low-income pupil count greater than 70%. Another \$10 million would be appropriated from the General Revenue Fund for the Illinois Arts Council Agency to administer community arts education and arts therapy programs in census tracts that are 125% below the poverty level.

Iowa

[S.C.R. 8](#)—Establishing a Fine Arts Program Interim Study Committee

Status: In committee at session adjournment

Summary: This bill would have created a Fine Arts Program Interim Study Committee to review Iowa's fine arts standards that were adopted in 2017. The committee would have been tasked with studying funding; staffing and professional development; course offerings; parental, family and community engagement; procurement and access; and state priorities. The bill also would have encouraged the committee to seek public input from specifically listed community arts organizations, state agencies and school districts.

Kentucky

[H. B. 37](#)—Requiring Schools to Offer All Students Instruction in the Visual and Performing Arts

Status: Engrossed at session adjournment

Summary: Recognizing the value of arts education, this bill would have added sequenced visual and performing arts instruction to the public school curriculum for kindergarten through 8th grade. The bill also would have required the department of education to develop standards for these new programs, facilitate the implementation of these programs and report to the Interim Joint Committee on Education each year on the implementation of these new requirements.

Massachusetts

[S. 2718](#)—Enumerating State Responsibility in Child Welfare

Status: In committee

Summary: This bill would add the options of informal, school based arts, music or theater groups to the comprehensive child welfare program that the department of children and family services would be required to provide and administer.

North Carolina

[S. 681](#)—Creating an Arts Education Credit Requirement

Status: Enacted

Summary: This bill modified high school graduation requirements to include one arts education credit taken between 6th and 12th grade. The state board of education will establish the minimum criteria necessary to meet the arts education graduation requirement and establish the procedures and time line for phased-in implementation.

New Jersey

[A. 793](#)—Creating an Arts Education Pilot Program for Juvenile Offenders

Status: In committee

Summary: This bill would task the Juvenile Justice Commission with establishing an arts education pilot program for juvenile offenders. The program would incorporate three model arts education programs over a five-year period. The program would be undertaken in consultation with the New Jersey State Council on the Arts.

New York

[A. 03134](#)—Establishing a Report on Arts Education

Status: In committee

Summary: This bill would task the commission of education with establishing a process to collect data on school district compliance with current arts education and instruction requirements and to suggest improvements to these requirements. This information would be used by the state education department to prepare a report on the requirements and impacts of arts education and how arts education could be integrated into general education. The report would have to be presented no later than July 1, 2021.

Washington

[S.B. 5792](#)—Standardizing Access to Cultural Programming

Status: Enacted

Summary: This law amends existing public education cultural programming to guarantee that the countywide, public-school cultural access program must provide appropriate off-site cultural experiences for every school and all grade levels. The program must also provide transportation to such programs if at least 40% of a district's students are eligible for free and reduced-price school meals.

SAA POLICY DIRECTIVES [Return to TOC](#)

State legislatures have the authority to enact arts focused policy directives and task state agencies with realizing them. Bills in six states this year focused on realizing policy directives by creating new state arts agency programs. In one case, legislation focused on how state procurement proceeds with artistic works. Other states considered the benefits of creating new grants programs under their SAAs.

Colorado

[H.B. 1223](#)—Creating a Rural Arts Grant Program

Status: Died in committee

Summary: This bill would have created a rural arts grant program within Colorado Creative Industries, a division of the office of economic development. Grants would have been provided for individual artists who had been sponsored by a qualified organization. The grant program would have been funded through an annual transfer of \$50,000 from the general fund to the Creative Industries Cash Fund that would have been created by this bill.

Maryland

[S.B. 287](#) and [H.B. 127](#)—Creating the Maryland Arts and Culture Capital Grant Program

Status: S.B. 287 was engrossed and H.B. 127 was in committee at session adjournment

Summary: These bills would have established the Maryland Arts and Culture Capital Grant Program and tasked the Maryland Arts Council with hiring a coordinator to administer the new program. An annual appropriation of \$10 million would have also been included for the program for fiscal years 2022-2027, of which \$5 million must be awarded in grants every year. Grant application requirements also were outlined in this bill. S.B. 287 would have set aside only \$3 million and included a few other minor differences.

Massachusetts

[H. 2931](#) and [S. 2029](#)—Adding Artistic Services to Procurement Exemptions

Status: In committee

Honor and Recognition [Return to TOC](#)

Every year, state lawmakers honor and recognize—through both legislation and resolutions (which are typically nonbinding but are important indicators of legislative climate nonetheless)—the people, actions and ideas they see as significantly benefiting the communities they represent.

This year, a number of legislatures passed resolutions championing arts education. Several others designated an arts day or month to celebrate the value of culture in the state.

Summary: These bills would add "contracts or agreements to repair, purchase or commission artistic services, works of art, public art, and/or artifacts of a unique or intrinsic artistic character" to the list of services and purchases that are exempt from state procurement laws. The bills also would define *artistic services*.

New Jersey

[A. 3504](#)—Creating the Historical Mural Program

Status: In committee

Summary: This bill would allow the New Jersey State Council on the Arts to develop and promote a mural program that highlights local communities' unique histories across the state. The council also would be permitted to develop and promote—in consultation with the New Jersey Historical Commission—a statewide program to celebrate the 250th anniversary of the Declaration of Independence.

New York

[S. 01387](#)—Creating an Artistic Merit Award and Honorarium

Status: In committee

Summary: This bill would permit the New York State Council on the Arts (NYSCA) to award certificates of merit with an honorarium—not to exceed \$10,000 per certificate—to individuals in artistic or cultural disciplines. The guidelines for the program would be decided upon by NYSCA.

Ohio

[H.B. 663](#)—Repealing the Prevailing Wage Law

Status: In committee

Summary: This bill would repeal the prevailing wage laws in public capital construction projects, including port authority educational and cultural facilities.

COVID-19 [Return to TOC](#)

As it has with everything, the COVID-19 pandemic has had a significant impact on the state legislative system. Legislatures were forced to deal with suspended and postponed sessions alongside the use of new, remote technology, all while trying to legislatively respond to the pandemic at hand. States took a variety of approaches in responding to one of the hardest-hit sectors, arts and culture. Five states legislatively appropriated additional Coronavirus Aid, Relief and Economic Security (CARES) Act funds for state arts agencies, while other states dealt with claims immunity and addressing a wide range of secondary effects, like tax-rebate qualifications. This list is not comprehensive of the actions taken by states in response to COVID-19. For more information on gubernatorial actions, from supplemental relief to reopening policies, [contact NASAA](#).

Alabama

[S.B. 330](#)—Creating Immunity for Claims Relating to COVID-19 Exposure

Status: In committee at session adjournment

Summary: This bill would provide civil immunity from claims relating to COVID-19 exposure for cultural institutions. Institutions would still be liable in cases of "wanton, reckless, willful, or intentional misconduct" relating to COVID-19 safety. This bill would cover previous claims made before its enactment.

Massachusetts

[H. 4808](#)—Appropriating for COVID-19

Status: Enacted

Summary: This comprehensive COVID-19 appropriations bill includes a \$2 million appropriation for grants to be administered by the Massachusetts Cultural Council. Grants will go to nonprofit organizations negatively impacted by COVID-19 and may be used for "general operation support, payroll and benefits, mortgage interest, rent, utilities and interest on other debt obligations."

Massachusetts

[H. 4755](#)—Appropriating \$75 million for Nonprofit Cultural Organization Grants

Status: In committee

Summary: This bill would create the COVID-19 Nonprofit Cultural Organizations Emergency Relief Fund and would appropriate \$75 million for the fund. Grants would support nonprofit cultural organizations that are experiencing financial distress from COVID-19 and would be administered by the Massachusetts Cultural Council.

Massachusetts

[H. 4887](#), [S. 2842](#), and [H. 4879](#)—Providing for Economic Infrastructure and Opportunity

Status: H. 4887 is engrossed while S. 2842 and H.4879 are in committee

Summary: These bills would provide for improvements to Massachusetts's economic infrastructure and promote economic opportunity. As part of these bills, an appropriation of \$6 million would be made to promote artists and increase remote access to and provide programming for local museums. Another \$5 million would be made available for grants to assist public school districts in accessing cultural experiences remotely. Both grants would be administered by the Massachusetts Cultural Council. These bills also would establish a special legislative commission to address the recovery of the cultural and creative sector from COVID-19.

Massachusetts

[S. 2382](#) and [H. 4907](#)—Establishing the Massachusetts Works Progress Administration

Status: In committee

Summary: These bills would establish a Massachusetts Works Progress Administration (MWPA) with the goal of providing work for people who have been unemployed for longer than 60 days. Potential work projects stemming from the MWPA would include commissioned projects that enhance the creative economy, such as public works of visual art and public performances.

Nebraska

[L.R. 458](#)—Recognizing the Significance of Cultural Events Affected by COVID-19

Status: Passed

Summary: This resolution recognizes the cancellation and postponement of significant cultural events across the state because of COVID-19 and proclaims the state's gratitude to the organizers and supporters of these events.

New Jersey

[S. 2914](#) and [A. 4691](#)—Appropriating Supplemental COVID-19 Relief

Status: In committee

Summary: These bills would appropriate \$10 million from general fund CARES Act money to support grants for nonprofit arts and cultural organizations. The grants would be administered by the New Jersey Economic Development Authority and would be available for organizations that have had a 50% or greater reduction in revenue (not including tax-deductible charitable donations) in any monthly period from March 1 to August 31, 2020.

New York

[A. 10480](#) and [S. 08440](#)—Establishing the New York Works Progress Program

Status: In committee

Summary: These bills would establish the New York Work Progress Program (NYWPP) under the department of labor to provide work for those unemployed longer than 60 days. Potential work projects stemming from the NYWPP would include commissioned projects that enhance the creative economy, such as public works of visual art and public performances.

North Carolina

[H. 1068](#) and [S. 738](#)—Appropriating Relief for the North Carolina Arts Council

Status: In committee at session recess

Summary: These bills would have appropriated \$3 million from the Relief Fund to the North Carolina Arts Council to be distributed to nonprofit arts organizations negatively affected by COVID-19.

North Carolina

[H. 1105](#)—Appropriating for COVID-19 Relief

Status: Enacted

Summary: This bill appropriated \$19.7 million to the department of natural and cultural resources to support nonprofit arts organizations and other cultural and historical attractions. Of that appropriation, \$9.4 million was set aside for grants to nonprofits that are to be administered by the North Carolina Arts Council and local arts councils.

Oregon

[H.B. 5221](#)—Reducing Funding in Response to the COVID-19 Emergency

Status: Enacted

Summary: This amendment reduces the original 2019 appropriation for the Oregon Film and Video Office and Arts and Cultural Trust in response to the economic crisis caused by COVID-19.

Oregon

[S.B. 5723](#)—Reducing Funding in Response to the COVID-19 Emergency

Status: Enacted

Summary: As part of an emergency response to COVID-19, this bill reduces funding to the Oregon Arts Commission by \$332,938 and reduces other line item grants from the Arts and Cultural Trust.

Pennsylvania

[H.B. 2510](#)—Creating a Comprehensive COVID-19 Response

Status: Enacted

Summary: This comprehensive COVID-19 response bill includes an appropriation of \$20 million from the COVID-19 Response Restricted Account to create the Cultural and Museum Preservation Grant. The grant—up to \$500,000 for any organization—and funds are administered by the Commonwealth Financing Authority, which is part of the department of community and economic development.

Utah

[H.B. 5010](#)—Creating a Comprehensive COVID-19 Response

Status: Enacted

Summary: This bill used \$9 million from CARES Act funds to create the COVID-19 Cultural Assistance Grant Program. Known as Create in Utah, this grant program is administered by the Utah Division of Arts & Museums and supports the largest cultural, artistic, botanical, recreational and zoological organizations.

Utah

[H.B. 6002](#)—Supplementing COVID-19 Appropriations

Status: Enacted

Summary: Among other budget appropriations, including a one-time appropriation of \$8,500 for the Department of Heritage and Arts, this bill appropriated another \$7.5 million for the COVID-19 Cultural Assistance Grant Program created in H.B. 5010.

Utah

[S.B. 6009](#)—Amending a COVID-19 Recovery Bill

Status: Enacted

Summary: This bill amended H.B. 5010 to make only nonprofits eligible for the second round of Create in Utah grants. Recreational activities and for-profit businesses have been recategorized as eligible for the Shop in Utah grant. The bill also removed the minimum \$5 million yearly operational expenditure requirement for the Create in Utah grant. Likewise, organizations are no longer required to have a cost equal to or exceeding 50% of the amount requested.

Vermont

[H. 0966](#)—Enacting Comprehensive COVID-19 Appropriations

Status: Enacted

Summary: Among other provisions made in response to COVID-19, this bill appropriated \$5 million to create a new grant program to help nonprofit arts organizations that support activities for the public and have suffered a reduction 50% or more in revenue from COVID-19 in any one-month period. Grants provide 10% of the previous fiscal year's program revenue and are part of the extant Vermont Emergency Economic Recovery Grants, which are housed under the agency of commerce and community development.

Vermont

[H. 0969](#)—Amending Previous COVID-19 Appropriations and Setting the Budget

Status: Enacted

Summary: This bill, besides setting the FY2021 budget, amends H. 0966 to allow nonprofit arts and cultural organizations to include tax-deductible charitable contributions when calculating reductions in revenue while applying for COVID-19 grant relief.

Washington, D.C.

[B. 23-0848](#), [B. 23-0849](#), [B. 23-0850](#), and [P.R. 23-0887](#)—Amending the DC Commission on the Arts and Humanities Grants Budget

Status: Retained by the Council

Summary: These bills would amend the DC Commission on the Arts and Humanities (DCCA) budget to change the 17% dedicated in grants to the Arts and Humanities Cohort and the National Capital Arts Cohort to general operating support (GOS) grants. Exclusively for FY2021, the grants also would support rent and mortgage payments for the awardee's place of art making. These bills would prevent members of the National Capital Arts Cohort from receiving any of these new GOS grants from DCCA during FY2021. Furthermore, unspent grant money awarded to the National Capital Arts Cohort would have to be returned to DCCA no later than the last day of the grant's fiscal year. All funds given to a grant-managing entity under the Humanities Grant Program also would be returned to DCCA at the end of the pertinent fiscal year.

Washington, D.C.

[B. 23-0910](#), [P.R. 23-0950](#), and [B. 23-0911](#)—Amending DC Commission on the Arts and Humanities Grants

Status: B. 23-0910 has been enacted, P.R. 23-0950 has been passed and B. 23-0911 is enrolled

Summary: These bills would allow for the 17% of grant funding used to support the Arts and Humanities Cohort and the National Capital Arts Cohort to be used on rent and mortgage expenses during FY2021.

Washington, D.C.

[B. 23-0781](#)—Supporting Performing Arts Venues

Status: Notice of intent to act

Summary: This bill would amend the definition of a *qualified business* for the real-property tax rebate for businesses with seating capacities of fewer than 300. Instead of having to meet a qualification of 48 hours per month of live performances to qualify for a FY2020 rebate, performing arts venues would need to have only 48 hours per month for five months to qualify.

Washington, D.C.

[B. 23-0763](#)—Revising the Local Budget Emergency Act of 2020

Status: Enacted

Summary: This emergency bill rescinds \$983,010 from the local funds for the DC Commission on the Arts and Humanities. Another \$222,753 was rescinded from the Arts and Humanities Enterprise Fund and a further \$1,245,000 in dedicated taxes for the Commission was rescinded in response to the COVID-19 economic crisis.

Washington, D.C.

[B. 23-0833](#)—Creating a Temporary Grants Program to Support Business

Status: Enacted

Summary: This law will create a grants program under the discretion of the mayor to support businesses. Up to \$100 million can be utilized from CARES Act funding, and 14.5% of that funding would be made into grants for the sports and entertainment sector, including theatres and art galleries. The grant will cover up to 15% of lost revenue from April-June in 2020.

Washington, D.C.

[B. 23-0904](#) and [B. 23-0905](#)—Providing for Public Space Maintenance

Status: Enrolled

Summary: These bills would allow the mayor of D.C. to enter into an agreement with a business improvement district corporation to maintain public space—including public art—during a public emergency and for 30 days afterward.

DIVERSITY, EQUITY AND INCLUSION [Return to TOC](#)

Although initiatives that foster diversity, equity and inclusion (DEI) practices can exist across all the categories of legislation presented above, state legislatures also are considering bills that specifically address histories of inequality and discrimination. The following bills take proactive measures to include more equitable practices involving arts and culture across state arts agencies, grant making, public education, urban development and creative placemaking.

Minnesota

[H.F. 4471](#) and [S.B. 4443](#)—Apportioning Grant Funding for Celebrating African American and Black Arts Organizations

Status: In committee at session recess

Summary: These bills would have directed an already appropriated \$250,000 to grants toward community organizations with arts and cultural programming celebrating African American and Black communities. This funding would have come from the \$17 million that had already been appropriated to the Minnesota Humanities Center for its Community Identity and Heritage Grant Program.

Minnesota

[H.F. 85](#), [H.F. 86](#), [H.F. 87](#), and [S.F. 158](#)—Creating the Metropolitan Area Redevelopment Corporation

Status: In committee at session adjournment

Statewide DEI Initiatives

Beyond legislation and policies that address equity involving artistic and cultural practices, many state arts agencies also will be included in statewide initiatives to make state agencies more diverse, equitable and inclusive. For example, [S.B. 7 in New Mexico](#) would require all state agencies to develop and implement antiracist practices. For more examples of the discussions around fostering antiracist state and institutional policies, see:

- [Nevada Declares Racism a Public Health Crisis, Other States Explore Similar Action](#)
- [Advancing Racial Equity in California State Government](#)
- [Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations: Recommendations to the Legislature](#)

Summary: These bills would have created the Metropolitan Area Redevelopment Corporation with the goal of identifying and addressing the adverse impacts of racial discrimination. As part of the process of creating redevelopment plans, the corporation's board would have used a design process that "includes using art and culture to support and define the community."

Minnesota

[S.B. 4496](#) and [H.F. 4555](#)—Adding Indigenous Education to the PreK-12 Curriculum

Status: In committee at session adjournment

Summary: These bills would have added indigenous education, including culture, to the curriculum. The department of education would have monitored and audited these new programs and implementation.

Minnesota

[S.F. 25](#) and [H.F. 4](#)—Adding Culturally Relevant Curricula

Status: In committee at session adjournment

Summary: These bills would have guaranteed culturally relevant or ethnic studies curricula using culturally responsive methodologies for all learners. The bills also would have woven culturally responsive methodologies into the responsibilities and professional development of administrators and teachers. Current curricula would have been examined and revised to become more culturally relevant and inclusive of various racial and ethnic groups.

New Jersey

[A. 4706](#)—Creating the Black Heritage Trail and the New Jersey Black Cultural and Heritage Commission

Status: In committee

Summary: This bill would create the New Jersey Black Cultural and Heritage Commission, under the department of state, to promote awareness and appreciation of Black history, heritage and culture in the New Jersey. This commission would be tasked with identifying Black heritage sites that would constitute the New Jersey Black Heritage Trail.

New Mexico

[H.B. 306](#)—Protecting Native American Culture

Status: Postponed indefinitely

Summary: This bill would create the Native American Cultural Protection Division within the office of the attorney general. The division, in collaboration with the Indian affairs department and the cultural affairs department, would be tasked with protecting Native American dances and songs as state cultural resources and developing policy toward that end.

Vermont

[H. 0611](#)—Establishing the Old Vermonters Act

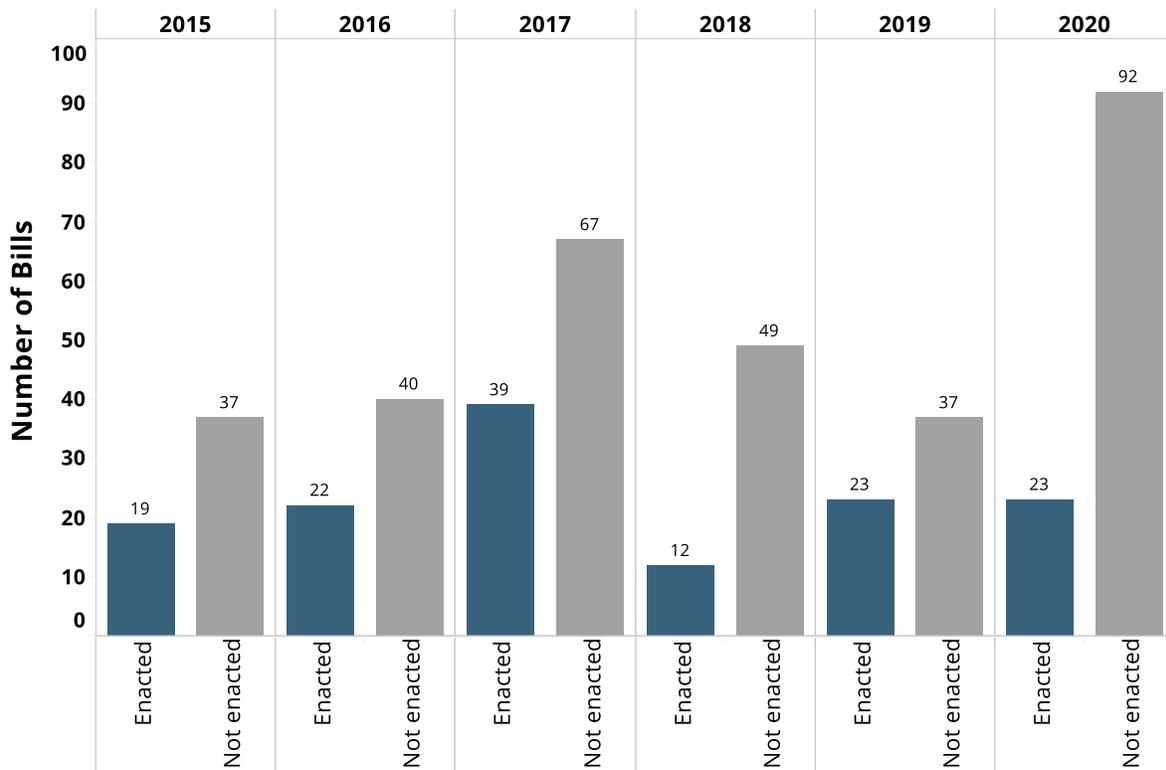
Status: Enacted

Summary: This bill would establish the Old Vermonters Act, a set of principles to guide the system of services and support of older Vermonters. Under "social connection and engagement," older Vermonters would be entitled to affordable and accessible opportunities, including arts and culture experiences.

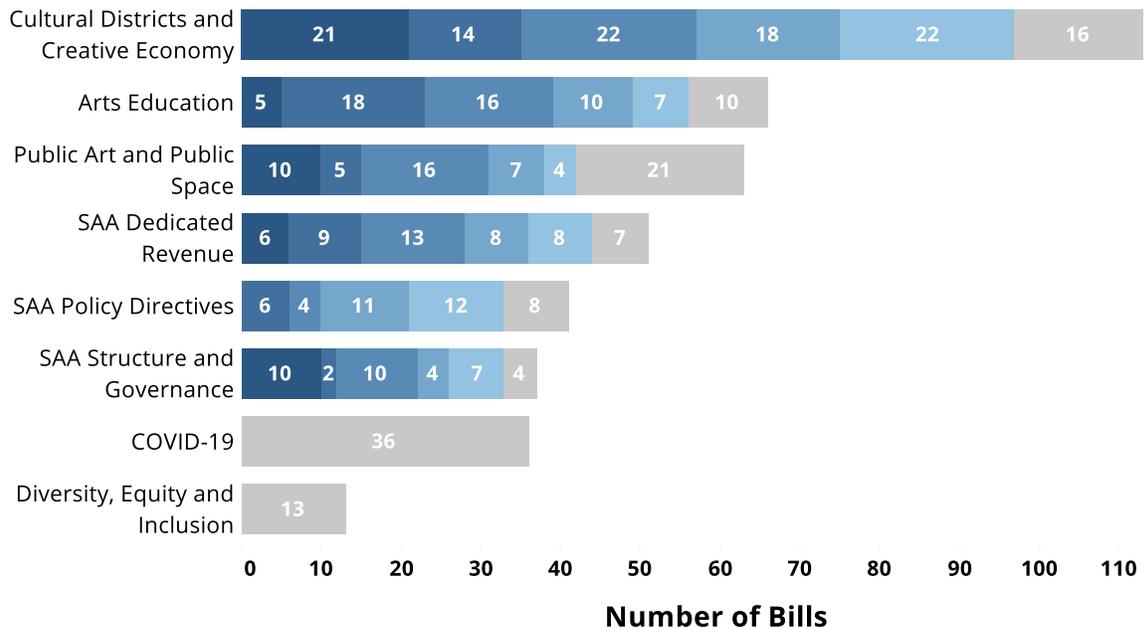
Recent Trends in State Legislation [Return to TOC](#)

To provide a longitudinal analysis of state legislative action relative to the arts, data from the 2020 State Legislative Roundup and the five previous editions of NASAA's annual summary of state legislation are visualized below. 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 (2015-2020)



Bills Summarized in the State Legislative Roundup, by Category (2015-2020)



Legislative Session

- 2020
- 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. Additionally, the Public Art category has been updated to include imagery and art in public spaces, which explains the large increase in legislation in 2020. The COVID-19 and Diversity, Equity and Inclusion categories were added this year.

