



## 2022 State Legislative Roundup

Tracking Legislation Affecting State Arts Agencies

**NASAA** NATIONAL ASSEMBLY of  
STATE ARTS AGENCIES

Knowledge ▲ Representation ▲ Community

Every year, state legislatures around the country consider hundreds of bills relevant to state arts agencies (SAAs) and the cultural sector. As states grapple with how to recover from the effects of the COVID-19 pandemic, legislatures have continued to consider a wide range of issues—from the creative economy and public art to varied relief efforts for the arts and culture sector. In 2022, the National Assembly of State Arts Agencies (NASAA) reviewed 1,073 bills and closely tracked 264 of them. The amount of legislation tracked by NASAA has increased significantly in the past several years. This is primarily due to recent socially significant issues such as pandemic recovery and public monuments increasing the volume of cultural policy language in state legislatures.

This roundup summarizes 70 of the most important bills considered in state legislatures in 2022. We highlight current legislative trends across eight categories of cultural policy and end the report with a short overview of arts and cultural legislation from the past eight years.

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NASAA's annual Legislative Roundup is designed to help SAA staff and council members, arts advocates, local arts councils and other stakeholders understand the cultural policy landscape and inform efforts toward policy innovation and diffusion at the state level. To this end, this report considers a large volume 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 writing.<sup>1</sup>

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](#). Likewise, if you are

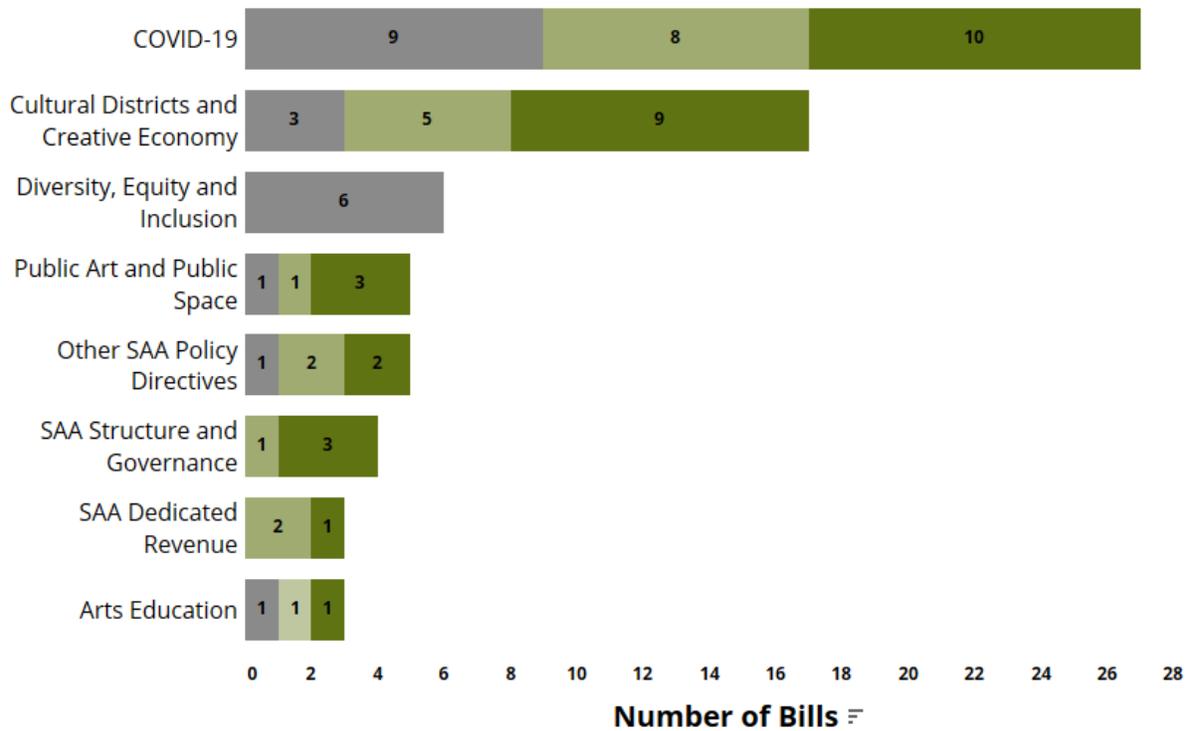
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<sup>1</sup> In this report, a bill *in committee* has been introduced to one chamber of a state legislature and is in committee but not yet engrossed. An *engrossed* bill has passed one chamber and has been sent to the other chamber for consideration. An *enrolled* bill has passed both chambers and has been sent to the governor. An *enacted* bill has been signed by the governor and has 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. Other state-specific status terms are used as appropriate.

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

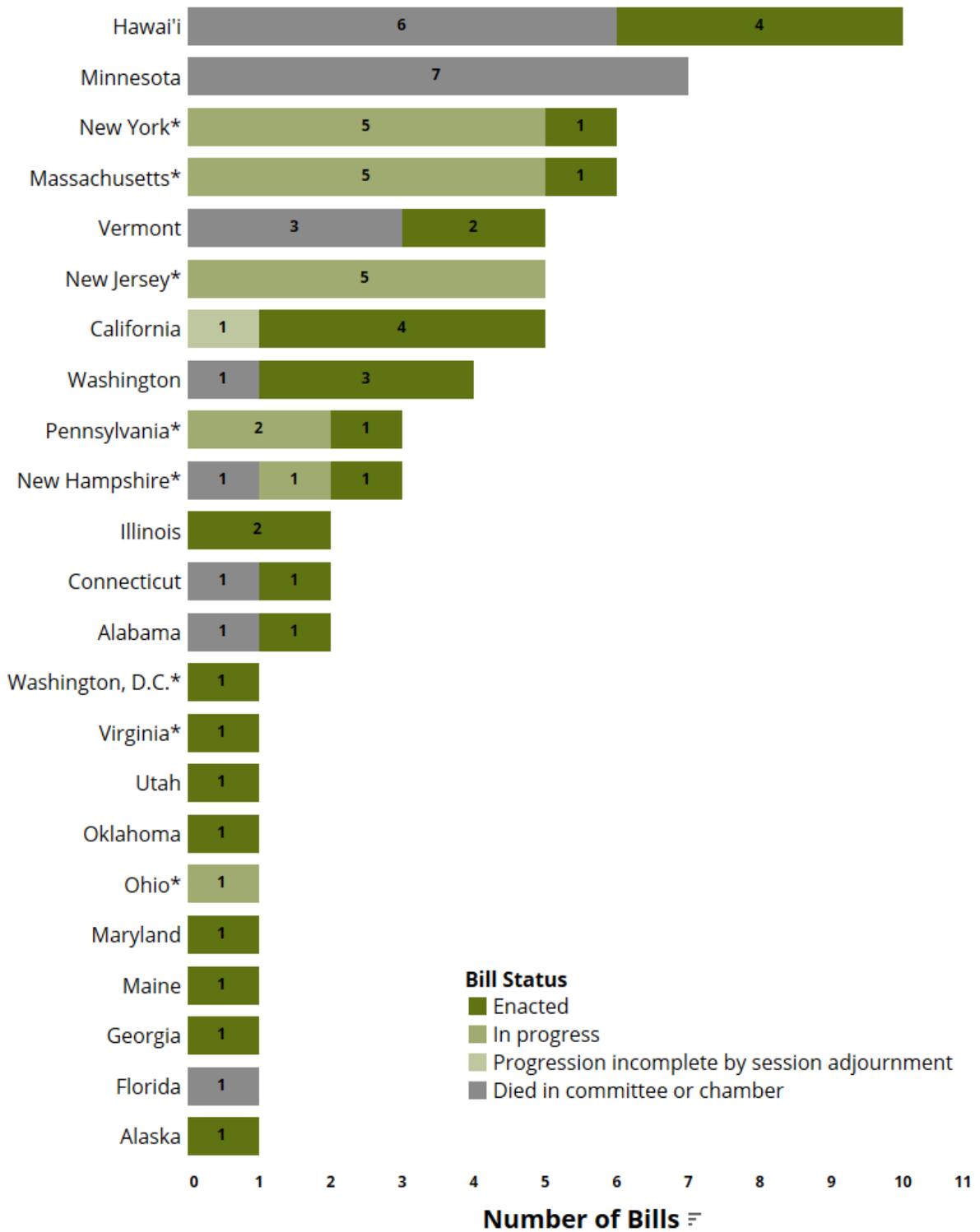
### Primary Bill Category



### Bill Status

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

## Legislative Status of Bills Summarized, by State



\* = state's legislature is currently in active session (November 2022)

## Highlights of Individual Bills

### State Arts Agency Structure and Governance

State arts agencies can experience structural changes driven by political philosophies, administrative reorganizations or other factors. NASAA watches closely for legislation that would alter the core authority of SAAs as well as their placement within state government. Four bills in 2022 primarily worked to update statutory language and provide technical changes to both fund structure and agency governance.

#### Alabama

[S.B. 214](#)—Updating Statutory Language

**Status:** Enacted

**Summary:** S.B. 214 updates the Alabama State Council on the Arts’s (ASCA) enabling legislation to clarify that the commission is tasked to “honor the arts by providing grants, programs, and services that enhance the quality of life and economic vitality for all Alabamians by providing support for the state’s diverse and rich artistic resources.” Appointees to the council shall reflect the gender, race and geographical makeup of the state, and the requirement that they be citizens of the state has changed to residency only. ASCA also is empowered to issue or award honorariums without entering into contracts and without regard for certain state competitive bidding requirements. This will allow the agency to adopt an important equity tactic of compensating grant panelists for their time.

#### Maine

[L.D. 1206](#)—Statute Change to Director’s Role

**Status:** Enacted

**Summary:** L.D. 1206 changes the employment terms of the Maine Arts Commission’s director from “indefinite subject to removal for cause” to serving at the pleasure of the Maine Arts Commission.

#### New Jersey

[A. 1945](#)—Altering the Council

**Status:** Introduced

**Summary:** A. 1945 would increase the number of public members on the New Jersey State Council on the Arts council from 17 to 21. Additionally, the 21 members must represent each of the state’s 21 counties.

#### Virginia

[S.B. 597](#)—Transferring the Virginia Arts Foundation Powers to the Commission for the Arts

**Status:** Enacted

**Summary:** S.B. 597 transfers the Virginia Arts Foundation fund—which held revenue from various sources dedicated to advancing the arts—to the Virginia Commission for the Arts (VCA). VCA is also tasked with exploring and recommending other possible dedicated revenue sources for the fund now under its administration.

## State Arts Agency 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. In 2022, states considered three bills with dedicated funding implications, although one would create funding for the state’s arts advocacy organization.

### Alaska

[S.B. 71](#)—Arts License Plate Revenue

**Status:** Enacted

**Summary:** S.B. 71, which was reported in NASAA’s 2021 Legislative Roundup, was successfully enacted into law this year. The final version of the legislation tasks the Alaska State Council on the Arts (ASCA) with setting a registration fee, not to exceed \$50, for purchase of this specialty license plate that promotes the arts. The annual estimated balance raised, minus the cost of issuing the plate, may then be appropriated to the newly created Arts and Cultural Investment fund. The bill also makes ASCA's competition to design a new license plate optional instead of being required every four years. The bill allows ASCA, in consultation with the department of administration, to pay the winning artist for their design, using funds generated by the arts license plate.

The duties of ASCA also are expanded to include managing and adopting policies for relocating, disposing of and exchanging works of art acquired through Alaska's Art Works in Public Buildings and Facilities program or its Art in Public Places Fund. The newly created Alaska Arts and Cultural Investment fund is placed under ASCA's responsibility and can be used to carry out the agency's normal responsibilities. The bill also sets the state attorney general as the legal counsel for ASCA.

### New Hampshire

[H.B. 1492](#)—License Plate Decals

**Status:** Introduced

**Summary:** H.B. 1492 would authorize the New Hampshire State Council on the Arts (NHSCA) to issue license plate decals and authorize the use of a hashtag (#) in license plates. Proceeds from the decal plate and hashtag license plate would be split 50% between NHSCA and the New Hampshire Division of Children, Youth, and Families Bureau of Foster Care and Adoptions Services.

### Dedicated Revenue

NASAA's [SAA Dedicated Revenue Strategies Policy Brief](#) offers an overview of the multiple state and private funding mechanisms that support SAAs. NASAA also provides a state-by-state overview of the following strategies:

- [Specialty License Plates](#)
- [Special Taxes and Fees](#)
- [Lottery and Gaming Taxes](#)

## Ohio

[S.B. 353](#)—Creative Ohio License Plate

**Status:** Introduced

**Summary:** S.B. 353 would create the “Creative Ohio” license plate, with its logo and words to be selected by the Ohio Citizens for the Arts Foundation. The additional license plate fee, set at \$25, would be allocated to the Ohio Citizens for the Arts Foundation to support advocacy, education and professional development programs.

## Public Art and Public Space

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. In 2022, states debated existing percentages for public art programs, considered new, large-scale public art projects, and worked to update existing statehouse art collections policy.

## Connecticut

[S.B. 00465](#)—Eliminating the State Percent for Art Program Requirement

**Status:** Died in committee

**Summary:** S.B. 465 would have made the state’s percent for art program funding discretionary, removing the 1% for art requirement. The bill would have allowed for the transfer of works of art from existing state buildings to newly constructed, reconstructed or remodeled buildings.

## New Jersey

[A. 3435](#)—Earth Art Committee

**Status:** Introduced

**Summary:** This bill would establish an Earth Art Committee to create a public competition for the installation of three pieces of land art for North, Central and South Jersey. The New Jersey State Council on the Arts (NJSCA) would be required to assist the committee in selecting artists and ensuring the feasibility of the project. NJSCA’s executive director would sit on the 17-member committee. The legislation would create an Earth Art Fund to hold money for the projects, but no funding would be allocated.

## Oklahoma

[S.B. 257](#)—Authorizing the Creation of an Arts Endowment for Collections Management

**Status:** Enacted

**Summary:** This bill authorizes the Oklahoma Arts Council (OAC) to partner with other state agencies and/or nonprofit organizations to create an irrevocable endowment that could trade, sell or barter donated and deaccessioned collection items that are not covered by OAC’s collection policies. Proceeds from any actions can be used for the acquisition, conservation or care of current OAC collections.

## Vermont

[S. 0173](#)—State House Art Collections

**Status:** Enacted

**Summary:** This bill adds the state curator to the Legislative Advisory Committee on the State House, which oversees the statehouse's art collection. Instead of requiring the Legislative Advisory Committee to develop a collections policy, the legislation tasks the state curator with developing the policy, which must continue to represent Vermont's diverse people and history. Other small technical changes were made to committee size and meeting and voting policy.

## Public Art Resources

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](#). NASAA also provides an overview of public art and equity in the report, [Diversity, Equity and Inclusion in State Arts Agency Public Art Programs](#).

## Washington

[H.B. 1647](#)—Technical Changes to Building for the Arts

**Status:** Enacted

**Summary:** H.B. 1647 increases the cap on state funding for nonprofit arts and cultural capital projects by \$6 million to a total of \$18 million. The funding percentage cap for each project is increased from 22% to 33.3%.

## Cultural Districts and Creative Economy

The 17 bills affecting cultural districts and the creative economy included a range of policy decisions that sought to promote the arts as a tool for economic development, job creation and creative placemaking. The bills below considered funding to spur creative workforce development, updated and extended tax credits, and supported rural economic development through targeted film and media programs. Two other bills examine how arts and culture can promote state tourism and strengthen local municipal strategic planning.

## California

[S.B. 1116](#)—Performing Arts Equitable Payroll Fund

**Status:** Enacted

**Summary:** S.B. 1116 creates the Performing Arts Equitable Payroll fund to support small nonprofit performing arts organizations in hiring and retaining employees. Administered by the California Office of Small Business Advocate, grants will fund a percentage of payroll per employee for organizations with budgets from \$250,000 to \$2 million. The grant amounts work on a tiered scale based on budget and range from \$2,000-\$8,000 per employee per quarter. Funding for the program must be appropriated by the legislature through additional legislation.

## California

[S.B. 154](#) and [A.B. 178](#)—Cultural District Funding and Measured Outcomes

**Status:** Enacted

**Summary:** California budget bill S.B. 154 and amending legislation A.B. 178 appropriate \$30 million in general funds to the California Arts Council (CAC) to enhance and expand California's Cultural District program. Funding should prioritize grants that promote diversity and equity of cultural districts and economic development in underserved communities. CAC must report on what steps it took to ensure diversity and equity in the program, expected outcomes and final measurements of those outcomes.

## Connecticut

[H.B. 05267](#)—Statewide Tourism Planning

**Status:** Enacted

**Summary:** This bill amends the Connecticut Department of Economic and Community Development's strategic planning process to include the enhancement of arts and culture industries' economic impact in its statewide marketing plan.

## Georgia

[H.B. 586](#)—Extending Performing Arts Sales

Tax Exemptions

**Status:** Enacted

**Summary:** H.B. 586 extends until 2027 a previously passed sales tax exemption for the sale of nonprofit performing arts, museum and exhibition tickets.

## Hawai'i

[H.B. 1923](#) and [S.B. 3222](#)—Creative Workforce Grant Program

**Status:** Died in committee

**Summary:** House Bill 1923 would have appropriated an undefined sum to create a creative arts workforce grant program. The Hawai'i State Foundation on Culture and the Arts would have been tasked with creating a grant program to support earn and learn programs for students, low-income creative workers and others interested in creative work; career exploration and participation for those who have faced systemic barriers to creative work; and workforce services for unemployed, underemployed and displaced creative workers. Senate Bill 3222 would have appropriated \$200,000 to support grants that promote employment opportunities for creative workers.

## State Creative Economy Data

State arts agencies actively measure and support creative workers and creative industries in their states. More information on the economic value of the arts and creativity by state can be found on [NASAA's creative economy page](#).

## Hawai'i

[S.C.R. 118](#)—Creative Resurgence Task Force Continuation

**Status:** Passed

**Summary:** S.C.R. 118 requested that the Creative Resurgence Task Force—created via 2021 S.C.R. 242—continue working until June 30, 2023, to examine policies and programs to foster creativity and innovation through arts, culture and the humanities.

## Hawai'i

[S.B. 2070](#)—Issuance of Bonds for Ecological and Cultural Practices

**Status:** Enacted

**Summary:** S.B. 2070 authorizes the issuance of \$50 million in bonds to assist the Hawaiian Legacy Reforestation Initiative in reforestation and other environmental rehabilitation programs. Fine arts, Hawai'iian cultural practice and Hawai'i-made products are also supported through these bonds.

## Massachusetts

[S. 280](#)—Creative Economy Master Plan

**Status:** Introduced

**Summary:** This bill would require the secretary of housing and economic affairs—in consultation with the executive directors of Mass Cultural Council and the Massachusetts Office of Travel and Tourism and the secretary of labor and workforce development—to develop a master plan for state's creative economy. The legislation would direct the plan to focus on job creation, workforce training and skills development. The bill also outlines a public hearing process for the plan and schedules plan updates for every three years.

## Massachusetts

[H. 283](#) and [H. 5027](#)—Art in Municipal Master Plans

**Status:** Introduced

**Summary:** H. 283 would allow municipal master plans to optionally include an arts and culture element for the enhancement and appreciation of arts and culture. H. 5027 is an accompanying order to study the proposal in H. 283.

## New Jersey

[A.R. 79](#)—Urging Local Goods in Parks and Historic Sites

**Status:** Introduced

**Summary:** This assembly resolution would urge the New Jersey Division of Parks and Forestry to market and offer for sale varying goods, including art and craft work made by New Jersey based artists, at parks and historic sites. The resolution would encourage the New Jersey State Council on the Arts to assist in generating participation in the program.

## New York

[S. 09220](#)—Labor Agreements

**Status:** Introduced

**Summary:** S. 9220 would require any organization applying for grant funds from the New York State Council on the Arts to certify that it will enter in a labor peace agreement with at least one labor organization if a labor organization is representing or going to represent employees providing services by the grantee. A labor peace agreement would prohibit members from engaging in work stoppages, picketing, boycotts and other “economic interference.”

## Utah

[S.B. 0049](#)—State Film Tax Credits

**Status:** Enacted

**Summary:** This bill enables the Governor’s Office of Economic Opportunity to issue an additional \$12 million in tax credit certificates for rural film productions. These additional tax credits for rural productions build on an original \$15 million in tax credits designed to incentivize in-state motion picture productions.

## Washington

[S.B. 5760](#)—Updating the Motion Picture Competitiveness Program

**Status:** Died in chamber

**Summary:** This legislation would have expanded the board of directors for the Washington Motion Picture Competitiveness (MPC) program to include members from motion picture financing, interactive entertainment, dedicated geographic areas, the board’s equity committee and the film leadership council. The board would have been required to expend at least 20% of the MPC program’s funds on productions in rural communities. The MPC program would have been authorized to support professional development—with a focus on people from marginalized or rural communities—and develop resources for filming in rural communities, including a 10% enhancement bonus award to productions located in rural communities.

## Washington, D.C.

[P.R. 24-0858](#)—Amending the Performing Arts Promotion Tax Rebate

**Status:** Enacted

**Summary:** Washington, D.C., passed the Performing Arts Promotion Amendment Act in 2017 to provide tax rebates to small performing arts venues. After finding it challenging to apply for the rebate, this legislation makes the application process easier by moving administration of the application process from the D.C. Office of Tax and Revenue to the Office of Cable Television, Film, Music and Entertainment.

## Arts Education

Legislative action on arts education in 2022 typically supported increased opportunities and accessibility for students. As states continue to recognize the [value of a strong arts education](#), legislatures continue to codify the educational merit of arts and culture.

## California

[A.B. 1718](#)—Instruction Material in Visual and Performing Arts

**Status:** In committee at session adjournment

**Summary:** Subject to a one-time appropriation of funds, A.B. 1718 would require the California Superintendent of Public Instruction to allocate funding for instructional materials in visual and performing arts for grades K-12 and for professional development in those subjects.

## Minnesota

[S.F. 4547](#)—Including Arts in Extracurricular Programming

**Status:** Died in committee

**Summary:** S.F. 4547 would have named various arts programming as a possibility for extracurricular offerings as part of a new full-service community school plan. In addition, the legislation would have named the arts as part of the array of academic enrichment activities that could be offered as part of a new statewide after-school community learning grant program.

## Washington

[S.B. 5878](#)—Visual and Performing Arts Instruction

**Status:** Enacted

**Summary:** S.B. 5878 requires all [common schools](#) to give instruction in visual and performing arts. The legislation also requires school districts with more than 200 enrolled students to offer regular instruction in at least one visual or performing art, and each student must receive instruction in at least one arts discipline during their elementary and middle education experience. Arts instruction must be provided by an instructor with or pursuing relevant certification.

## Other State Arts Agency Policy Directives

State legislatures have the authority to enact arts focused policy directives and task state agencies with implementing them. In 2022, bills in two states aimed to realize policy directives by focusing on state arts agency programs: Florida considered a new capital grant programs and Hawai'i urged the creation of a poet laureate program. Also, New York considered establishing a census of museums and a study of their funding.

## Florida

[S. 1464](#)—Funding for Cultural and Historical Grant Programs

**Status:** Died in committee

**Summary:** S. 1464 would have set an annually recurring appropriation of at least \$35 million for cultural facilities grants, to be administered by the Florida Division of Arts and Culture, and \$25 million for historic preservation grants.

## Hawai'i

[S.R. 75](#) and [S.C.R. 83](#)—Urging the Creation of a State Poet Laureate Program

**Status:** Passed

**Summary:** Both passed resolutions request the Hawai'i State Foundation on Culture and the Arts, the Hawai'i Council for the Humanities, and the Hawai'i State Public Library System to

collaborate and propose a State Poet Laureate program. The report on their findings is due prior to the convening of the 2023 legislative session.

## New York

[A. 09710](#) and [S. 08934](#)—Study of Public and Private Museums

**Status:** Engrossed

**Summary:** Assembly Bill 9710 would require the New York Department of Economic Development, in conjunction with the New York State Council on the Arts and other state departments, to conduct a study of public and private museums in the state. The study would include a census of museums, an examination of funding, information on current funding and recommendations to the legislature on equitable future support. The study also would examine the feasibility of a single reporting system for this funding, with active oversight.

## COVID-19

With the longer timeline that the American Rescue Plan (ARP) Act and the use of general funds provides, states are still developing long-term and comprehensive COVID-19 pandemic recovery plans. Alongside their executive branch, state legislatures have continued to appropriate federal funds from the ARP Act to bolster the creative economy and mitigate the effects of the pandemic. The forms of relief varied often, coming either as part of targeted programs or woven into larger, multisector relief packages. Other states, seeing the unique impact COVID-19 had on arts and culture, took the opportunity to propose studies and form new commissions on the state of the creative economy.

Because this list focuses solely on legislative action (and does not include executive orders), it is not comprehensive of the actions taken by states in response to COVID-19. NASAA's [State Arts Agency Revenues: Fiscal Year 2022](#) report contains information on FY2021 and 2022 supplemental Coronavirus Aid, Relief and Economic Security (CARES) Act and ARP funding. For more information on gubernatorial actions, from supplemental relief to reopening policies, [contact NASAA](#).

## California

[S.B. 193](#)—Amending the Nonprofit Performing Arts grant, Venues Grant and Small Business COVID-19 Relief Grant

**Status:** Enacted

**Summary:** This bill extends the Nonprofit Performing Arts Grant program by one year, to June 30, 2023. The bill also expands the Venues Grant program to include performing arts companies, theatre companies, dance companies, musical groups and artists, performing arts promoters, and other arts, educational, and cultural organizations.

Other technical changes have been made to the Small Business COVID-19 Relief Grant program, including refinements for handling repeat applicants and enumerating the types of nonprofit cultural institutions eligible for the original \$50 million in dedicated nonprofit cultural grant funding. Likewise, the amendment would add a new priority on granting to nonprofit cultural organizations with the largest operating losses relative to their budget and past performance.

## Hawai'i

[H.R. 164](#) and [H.C.R. 164](#)—Addressing Learning Loss

**Status:** Died in committee

**Summary:** House Resolution 164 and House Concurrent Resolution 164 would have urged the Department of Education to increase access to arts and cultural education in public schools to address COVID-19 related learning loss.

## Hawai'i

[H.C.R. 112](#) and [H.R. 108](#)—Urging the Appointment of a Creative Resurgence Coordinator

**Status:** Died in committee

**Summary:** Both the House Concurrent Resolution 112 and House Resolution 108 would have urged the governor to appoint a creative resurgence coordinator to the governor's cabinet.

## Illinois

[H.B. 0900](#) and [H.B. 4700](#)—\$50 Million in Relief Funding for the Arts

**Status:** Enacted

**Summary:** H.B. 0969 appropriates \$50 million from the State Coronavirus Urgent Remediation Emergency Fund to the Illinois Department of Commerce and Economic Opportunity for the relief and recovery of the creative sector. The resulting grants will support independent live venue operators, performing/presenting arts organizations, arts education organizations, and museums or cultural heritage organizations. The state fund from which the appropriation came was a consolidated fund for all federal emergency funding for COVID-19. H.B. 4700 is the authorizing legislation for the grant program.

## Massachusetts

[H. 4269](#)—\$148.5 Million for Arts and Culture

**Status:** Enacted

**Summary:** House Bill 4269, which appropriates nearly \$4 billion for economic recovery from the COVID-19 pandemic, allocates \$66.1 million from the federal COVID-19 response fund (ARP funds) and the [Transitional Escrow Fund](#) (comprised of the state's net FY2021 surplus) to Mass Cultural Council to deliver recovery assistance grants for cultural organizations and artists. The grants can support facility upgrades, safe reopening, and direct financial support for staffing and other operational needs. The grant criteria must consider racial, geographic and programmatic diversity. An additional \$88.4 million is earmarked for specific arts and culture organizations.

## Massachusetts

[S. 2696](#) and [S. 2602](#)—Commonwealth Recovery Council

**Status:** Introduced

**Summary:** S. 2602 would establish a Commonwealth Recovery Council to assist in expediting the recovery of the state economy following COVID-19. Two members from geographically diverse regions who represent the cultural and creative economy would sit on the council. S. 2696 directs the State Administration and Regulatory Oversight Committee to study bill S. 2602.

## Maryland

[S.B. 290](#)—\$40 Million for Arts COVID-19 Relief

**Status:** Enacted

**Summary:** S.B. 290 contains \$40 million for arts grants; it is appropriated from the general fund. All \$40 million will go to the Maryland State Arts Council to provide COVID-19 relief grants that are not limited to entities traditionally funded by the Council.

## Minnesota

[S.F. 2551](#) and [H.F. 2637](#)—\$100 Million for Arts and Culture Relief

**Status:** Died in committee

**Summary:** These two bills would have appropriated \$100 million from the state fiscal recovery fund (ARP funds) to the commissioner of employment and economic development for a tiered relief grant program. Nonprofit arts and cultural organizations that experienced at least a 25% reduction in gross receipts due to the COVID-19 pandemic and had previously received funding from the Minnesota State Arts Board, a regional arts council, the Minnesota Humanities Center or the Minnesota Historical Society would have been eligible.

## New Hampshire

[H.B. 2](#) and [Joint Legislative Fiscal Committee FIS 22-082](#)—\$1 million for Live Performance Recovery

**Status:** Enacted and approved

**Summary:** As catalogued in NASAA's 2021 Legislative Roundup, New Hampshire's H.B. 132 had died in chamber; the legislation would have created the Save Our Granite Stages Fund to support for-profit and nonprofit live venues affected in the wake of the COVID-19 pandemic. The New Hampshire State Council on the Arts was tasked with administering the grant program.

The program was instead incorporated into H.B. 2, which did pass later in 2021 without securing an appropriation for the grants. During a Joint Legislative Fiscal Committee session in February 2022, an appropriation of \$1 million was made to fund the grant program.

## New Hampshire

[H.B. 1369](#)—Performing Arts Venues COVID-19 Policies

**Status:** Died in chamber

**Summary:** H.B. 1369 would have empowered owners, operators and promoters of performing arts venues to establish COVID-19 policies to protect the health and safety of their venue patrons, staff and performers even after the New Hampshire state of emergency ended. They would also have been immune from civil liability arising from enforcing such policies.

## New Jersey

[S. 2800](#) and [A. 4233](#)—\$70 Million for Arts and Cultural Relief Grants

**Status:** Introduced

**Summary:** S.B. 2800 and A. 4233 would appropriate \$70 million in federal funds to support arts and culture organizations impacted by the COVID-19 pandemic. The New Jersey Economic Development Authority, in consultation with the New Jersey State Council on the Arts, would administer the grants. Of this amount:

- \$50 million would support grants for financial recovery, resiliency, and growth of arts and culture organizations;
- \$10 million would support arts education organizations that provide programs for school districts, charter schools or afterschool programs; and
- \$20 million would support placemaking projects.

## New York

[S. 08003](#)—\$50 million for Arts and Cultural Recovery

**Status:** Enacted

**Summary:** This state budget bill appropriates \$40 million from the general fund for grants to arts and cultural organizations to assist in recovery from COVID-19. Funds are to be used for general operating support in a COVID-19-compliant environment. An additional \$10 million in funding is appropriated to regional arts and cultural councils to assist in recovery. The New York State Council on the Arts will administer the funding.

## New York

[S. 09457](#) and [A. 10600](#)—Extending Seed Funding Eligibility for Independent Arts Contractors

**Status:** Introduced

**Summary:** This legislation would amend an existing seed funding grant program, which supports COVID-19 recovery for new small businesses, to include independent arts contractors who had been in business before the eligibility cutoff date of 2018.

## Pennsylvania

[S.B. 1185](#) and [H.B. 2683](#)—\$25 Million for Arts and Culture Recovery

**Status:** Introduced

**Summary:** S.B. 1185 would appropriate \$25 million from the ARP Act to seed a newly created Arts and Culture Stability and Recovery Fund. The \$25 million would be transferred to the Pennsylvania Council on the Arts (PCA) and split into three separate programs that provide grants for organizations that have not received more than \$500,000 from previous relief programs. The three programs would support:

- regranting to PCA's Partners in the Arts or other entities,
- direct grants for operating support and programming, and
- grants for community recovery and resiliency through partnerships, with priority given to low-income, transitional, at-risk and/or distressed communities.

## Pennsylvania

[H.B. 1421](#)—\$15 Million Transfer for COVID-19 Relief

**Status:** Enacted

**Summary:** H.B. 1421 transfers \$15 million in ARP funds from the COVID Relief Cultural and Museum Preservation Grant Program to the Commonwealth Financing Authority to provide grants to nonprofit arts and culture organizations, local arts and culture districts and arts and culture professionals. The maximum grant award is \$500,000 per applicant. An additional amount of remaining money from the pool of \$4,093,000 appropriated to the tourism office will be used to

plan, market and conduct a series of arts and cultural activities that generate statewide and regional economic impact.

## Vermont

[H. 0624](#) and [S. 0202](#)—Supporting the Creative Economy and Workforce

**Status:** Died in committee

**Summary:** These bills would have allocated \$17.5 million in ARP Act funds to the Vermont Arts Council to provide grant programs that would support creative-sector businesses and cultural organizations. The funding would have been used for grants for operating costs, health related adaptations, statewide promotion and marketing of the creative sector, implementation of the CreateVT Action Plan, and revitalization of vacant downtown storefronts.

## Vermont

[S. 0011](#)—Arts and Culture Sector Recovery

**Status:** Enacted

**Summary:** S. 11 provides \$9 million in direct ARP Act funds to the Vermont Arts Council. The resulting grant program will cover monthly operating costs, including rent, mortgage, utilities and insurance, for creative economy businesses and nonprofits that have sustained substantial losses due to the pandemic. The law also creates a Vermont Film and Media Industry Task Force, convened by the Vermont Arts Council, to study effective ways to cultivate the film and media industry in Vermont.

An additional \$19 million is allocated for a short-term forgivable loan program through the Vermont Economic Development Authority to support Vermont businesses, and the arts and culture sector may be prioritized for loans in this program. Another \$10 million is appropriated for community revitalization and recovery grants for nonprofits, for-profit businesses and municipalities. The Vermont Agency of Commerce and Community Development may designate arts and culture as a priority sector during the grant process.

## Washington

[S.B. 5693](#)—Working Washington

**Status:** Enacted

**Summary:** The Washington State Legislature has allocated an additional [\\$70 million in ARP Act](#) funds for the fifth round of [Working Washington](#) grants. Sixty percent of these funds will be available for small arts-, heritage- and science-sector businesses and nonprofits. The Washington State Department of Commerce will administer the grant program in partnership with the Washington State Arts Commission.

## Diversity, Equity and Inclusion

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

## Alabama

[S.B. 327](#)—Inclusive Representation through Public Art

**Status:** Died in committee

**Summary:** S.B. 327 would have created a new fund—The Tuskegee Airmen Freedom Fund—to support public art projects that align with the idea of “healing history” through creating inclusive representation at current monuments and memorials. The Alabama State Council on the Arts (ASCA) would have been responsible for administering the fund and the resulting grant program. The bill also would have created a new, appointed commission for review of the art requests within ASCA. The legislation would have created a tax revenue appropriation for the fund as well.

## Minnesota

[H.F. 4758](#) and [S.F. 4496](#)—Accessibility Grant Program

**Status:** Died in committee

**Summary:** H.F. 4758 and S.F. 4496 would have created a new grant program to support accessibility within the arts and cultural economy. The Minnesota Commissioner of Employment and Economic Development, via regranting to a community development financial institution, would have administered the program. Each grant would have been capped at \$2 million for accessibility and capital projects, and a one-time appropriation of \$50 million would have been made.

## Minnesota

[H.F. 284](#) and [S.B. 847](#)—State Emblems Redesign Commission

**Status:** Died in committee

**Summary:** These bills would have established a State Emblems Redesign Commission to recommend new designs for the state flag and seal. The design would have been required to reflect Minnesota’s shared history, resources and diverse cultural communities. The chair of the Minnesota State Arts Board or the chair’s designee would have sat on the commission.

## Vermont

[H. 0406](#)—Promoting Racial and Social Equity in Economic Opportunity

**Status:** Died in committee

**Summary:** H. 0406 would have amended the definition of *economic development* to include a fifth interrelated principle in which Vermont would have embraced its responsibility to correct the historical impact of racial and ethnic discrimination against

### Divisive Concepts Bills

Numerous state legislatures have considered bills defining the types of diversity, equity and inclusion training that public entities (such as state agencies, state universities and K-12 public schools) can deliver. Often phrased as “divisive concepts” bills, these statutes typically contain provisions that restrict some kinds of anti-racism training, classroom curricula and contracting. Because they do not explicitly reference the arts, this Legislative Roundup does not include details on such bills. However, NASAA monitors this as a policy topic with the potential to affect certain aspects of state arts agency operations. For more information, contact [NASAA](#).

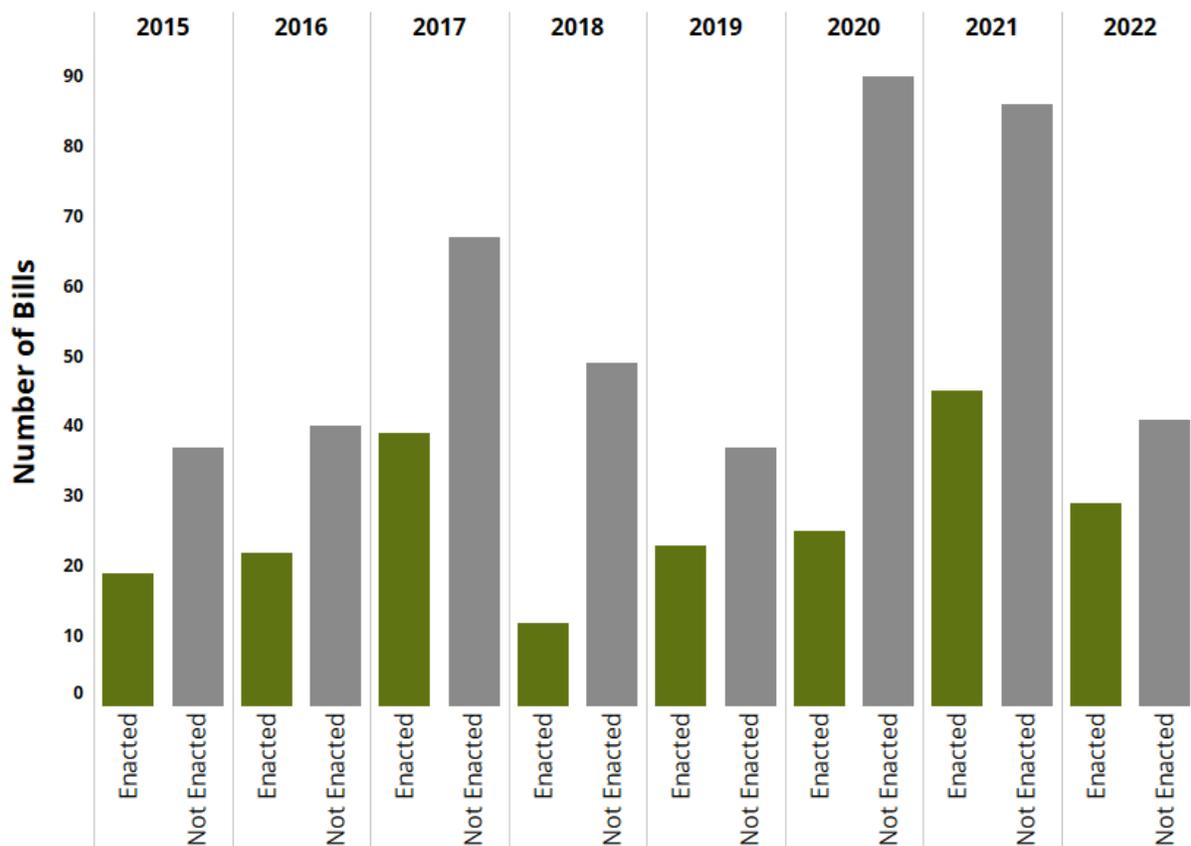
descendants of slavery and the greater Black, Indigenous and/or people of color community. The director of the Vermont Office of Economic Opportunity, the Department of Economic Development, the secretary of administration and the Department of Labor would have been tasked with carrying out various programs to this end.

The bill also would have created a new Department of Cultural Empowerment and Economic Advancement within the Vermont Agency of Commerce and Community Development, allocating \$10 million for grants to support a range of objectives, including access, cultivation, creation and curation of cultural arts.

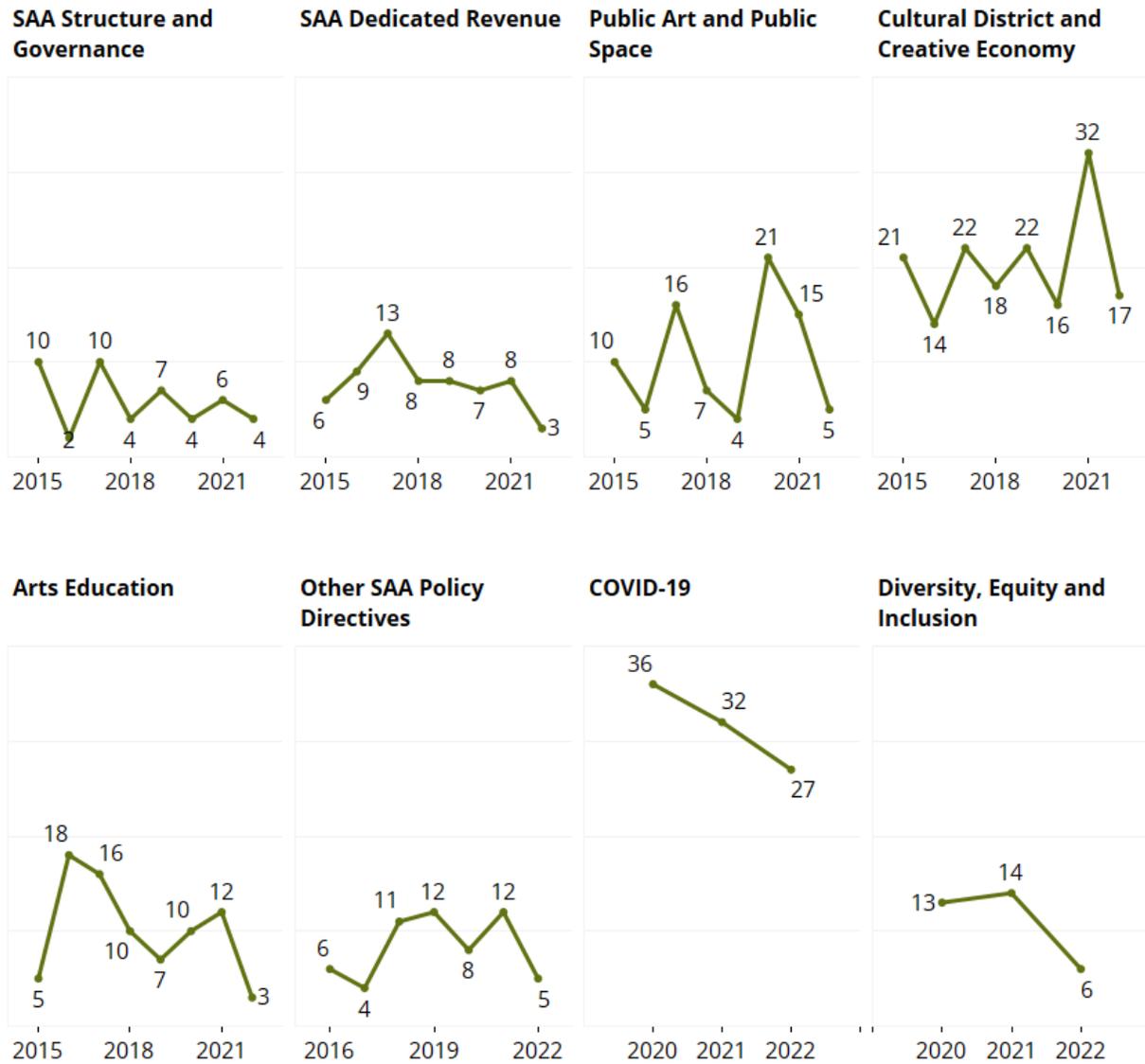
## Recent Trends in State Legislation

To provide a longitudinal analysis of state legislative action relative to the arts, data from the 2022 State Legislative Roundup and the seven previous editions of NASAA's annual summary of state legislation are visualized below. This analysis is a useful tool for recognizing trends and tracking the history of cultural policy throughout the country.

### Number of Bills Featured in the State Legislative Roundup, by Year (2015-2022)

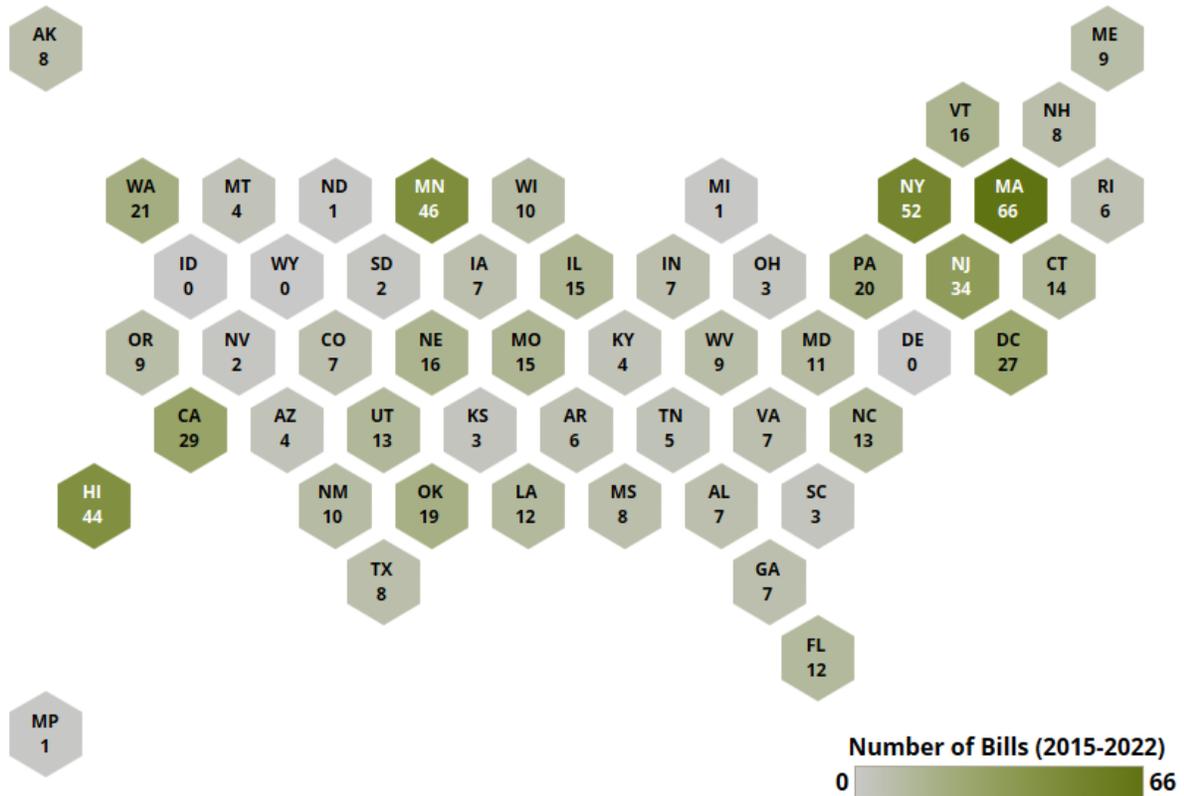


## Number of Bills Summarized in the State Legislative Roundup, by Category (2015-2022)



The above chart reflects the standardized bill categories NASAA has used since 2017 to track legislation. To enable a longitudinal comparison of eight 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 Other SAA Policy Directives category was added in 2016; the COVID-19 and Diversity, Equity and Inclusion categories were added in 2020.

## Number of Bills Highlighted in the State Legislative Roundup, by State (2015-2022)



## For More Information

For more information, contact NASAA Research Associate [Declan Wicks](#), who authored this roundup in December 2022.

The National Assembly of State Arts Agencies (NASAA) is a not-for-profit, nonpartisan organization. In collaboration with the nation's 56 state and jurisdictional arts councils, we advance the arts as a powerful path to economic prosperity, rural resilience, good health, education success and strong communities in which everyone thrives. NASAA serves as a clearinghouse for data and research about public funding for the arts as well as the policies and programs of state arts agencies. For more information about NASAA and the work of state arts agencies, visit [www.nasaa-arts.org](http://www.nasaa-arts.org).



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**Cover image:** *A Path Forward*, by Kelsey Harrison and Jason Manley, 2020

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