



Percent for Art

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

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

Percent for Art: A Special Type of Public Art

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

The goals, forms and media of public art should reflect community context as much as the installation site. Common goals are commemoration and celebration, fostering public appreciation for art, civic dialogue, community development, enhancing the functionality or accessibility of

What Is Percent for Art?

State percent for art policies are regulations that recommend or require a designated portion of the budget for capital investment in state facilities to be set aside for artworks. Typically, about one percent of the construction or renovation costs are allocated for the commission, purchase and/or maintenance of artwork to be exhibited permanently in public space. Existing percent for art policies, with the exception of the District of Columbia, are products of state legislation.

Funding Mechanisms

Percent for art policies stipulate that a portion of a public property's capital construction or renovation costs be dedicated to the creation and installation of artworks. The stipulated percentage varies from 0.25% to 1.5%, with the most common increment being one percent.

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

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

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

Policy Chronology

- 1967 Hawai'i
- 1974 Washington
- 1975 Alaska
- 1975 Oregon
- 1977 Colorado (revised 2010)
- 1977 Illinois
- 1978 Connecticut
- 1978 Nebraska
- 1978 New Jersey
- 1979 Florida
- 1979 Guam (renewed 2011)
- 1979 Iowa (rescinded 2017)
- 1979 Maine
- 1979 New Hampshire
- 1979 Texas
- 1980 Michigan (rescinded 1991)
- 1980 Wisconsin (rescinded 2011)
- 1981 Massachusetts (rescinded 1991)
- 1981 South Carolina (inactive 2014)
- 1982 North Carolina (rescinded 1995)
- 1983 Montana
- 1984 Minnesota
- 1985 Arkansas (rescinded 2017)
- 1985 Utah
- 1986 District of Columbia (inactive)
- 1986 New Mexico

Other Policy Components

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

Designation of Responsibilities

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

Project Parameters

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

Exemptions from Percent for Art Installations

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

Site Selection

For the most part, policies specify that percent for art installations are sited either indoors or outdoors at the location of the capital project. Some state policies, however, have mechanisms

Policy Chronology (continued)

- 1987 Rhode Island
- 1988 Vermont
- 1990 Ohio
- 1991 Wyoming
- 1999 Louisiana
- 2004 Oklahoma (moratorium fiscal years 2012-2014)
- 2005 Maryland (revised 2013)
- 2013 District of Columbia (Department of General Services)
- 2014 Massachusetts (inactive)
- 2017 Connecticut (moratorium 2018-2019)

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

Accessibility

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

Artwork and Artist Selection

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

Preferences for In-State Artists

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



Artist Joe Feddersen's *Plateau Fish Trap* is inspired by the fish traps of the Plateau Native people of Eastern Washington. It celebrates ingenuity, architectural beauty, and a historic relationship to the land and fisheries. Located at Spokane Falls Community College, Spokane. Part of Washington's State Art Collection

Artist Contracts

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

Installation, Maintenance and Conservation

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

Administrative Costs

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

Ownership of Artwork and Curation of State Art Collection

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

Public Education and Related Programming

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

Policy Rationales

In many states, legislation authorizing the percent for art policy enumerates why it is necessary and what it should aim to achieve. In other states, the public purposes of these policies are more extensively detailed in program guidelines developed by the managing state arts agency.

Regardless of the source of policy rationales, most tend to reference the following goals and types of benefits to states and citizens:

Public Space Enhancement

Public art is an effective tool for enhancing built environments, natural environments and other spaces. One state's percent for art policy notes that public art can "create a more humane environment of distinction, enjoyment, and pride for all its citizens."² Percent for art installations can enrich social and physical environments and shape how people experience public buildings, government institutions, transportation corridors and other spaces that affect citizens' daily lives.

Community Development

Some states utilize percent for art as a tool of civic stewardship. Public art is more than an art object integrated into public space—it is also a public "process of dialogue, involvement, and participation involving all segments of a community."³ Beyond paint, stone or steel, public art is built from the medium of "citizen involvement" that results in a "collective expression."⁴ As artists and project managers gather citizen input and involve community stakeholders, the process behind a percent for art installation can become a powerful lever for community engagement and revitalization.

Artistic Development

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

Program Threats

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

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

Specific information on state percent for art programs that are inactive or that have been terminated can be found on page 3 under [Policy Chronology](#) and on page 11 under [Percent for Art Program Websites, Statutes, Administrative Rules](#).

Economic Development

Beyond providing employment and artistic opportunities for artists and craftsmen, public art can offer economic benefits to the broader community. When labor, materials and services are secured locally, an installation's economic footprint may extend far beyond the artist's bottom line. Once completed, public art installations may attract residents and visitors and contribute to ongoing economic productivity. According to the National Governors Association, "The question of how to foster high-quality places is one of the most important in economic development today. By providing amenities, connectivity, and sense of place, public art and well-designed public spaces can be part of the answer."⁵ As an arts leader from Georgia succinctly put it, "a city enriched with public art, and one that offers cultural amenities, is a city that attracts business."⁶

Placemaking

Economic benefits are not the only rewards that a state derives from vibrant places. Placemaking through the arts creates vibrant areas marked by their livability, quality of life and creativity. Percent for art policies can be a useful part of placemaking efforts, helping communities improve their well-being. Washington, D.C., has a master public art plan that calls for its percent for art program to help exemplify how "economic growth and sound environmental practices can create good urbanism."⁷



Students greet artist Kazu Fukuda Kau'inānā at the dedication ceremony for his bronze sculpture "E Huli I Ka 'Ike," 2019.

Cultural Heritage

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

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

- **Supportive learning environments.** Public art manifests the cultural commitment of state colleges and universities. The place-making aspect of public art assists with student recruitment the same way it draws workers to communities: by creating environments conducive to productivity as well as fun.
- **Increasing public awareness of shared issues.** Works installed through percent for art programs can facilitate public awareness and knowledge of issues affecting a community, such as environmental stewardship and respect for diversity.

Roles and Challenges for State Arts Agencies

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

Partnerships and Coordination with Other State Agencies

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

Evaluating Percent for Art Programs

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

Art Controversies

Percent for art installations, like all public art, run the risk of sparking controversy. Not only are there as many aesthetic opinions as citizens, but these opinions change over time. What may be lauded today could be objectionable in the future, and vice versa. Furthermore, use of public property and money are topics that can elicit strong feedback. State arts agencies are responsible for designing and conducting the process for selecting artists and artwork in a thoughtful and responsive way. The selection process benefits when it is transparent, accounts for the state's diversity and represents the stakeholders of the community where the percent for art project is being installed. For more information on handling arts controversies, read NASAA's [Communicating about Arts Controversies](#).

Flexibility

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

Maintenance

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



Psyche (the butterfly) by Donald Lipski, located at the Auraria higher education center. This work is part of the Colorado percent for art collection.

Artist Registries

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

Aligning Percent for Art Projects with Strategic Plans

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

State Policy and Program Details

The following table lists each state's percent for art statute(s) and, where available, administrative rules. For a brief summary of all the programs, see NASAA's [State Percent for Art Programs](#).

Percent for Art Program Websites, Statutes, Administrative Rules

State	Name of Program	Statute	Additional Statute or Administrative Rule
AK	Percent for Art	Title 35, Chapter 35.27	(Additional statute) Title 44, Chapter 44.27, Section 44.27.060
AR	[Rescinded 2017] Public Art	Title 13, Chapter 8, Subchapter 2	
CO	Art in Public Places	Title 24, Other Agencies, Article 48.5, Part 3, Section 24-48.5-312 and Section 24-48.5-313	
CT	[Moratorium 2018-2019] Art in Public Spaces	Title 4b, Chapter 60, Section 4b-53.	(Legislation enacting moratorium) SB 1502 of 2017 (see Sec. 214 on p. 283)
DC	Percent for Art ⁸	Title 39, Subtitle II, Chapter 2, Section 39-205	(Municipal regulation) Title 10, Chapter 10-A14, Rule 10-A1406
FL	Art in State Buildings	Title, XVIII, Chapter 255, Section 225.043	(Administrative rule) Title 1, Division 1T, Chapter 1T-1, Section 1T-1.033
Guam	Art in Public Buildings	Title 1, Chapter 8, Article 2 (see p. 38)	
HI	Art in Public Places	Volume 1, Chapter 9, Section 9-21	(Additional statute) Volume 102, Chapter 103, Section 103-8.5
IA	[Rescinded 2017] Art in State Buildings	(Iowa Code) Title VII, Subtitle 7, Chapter 304A, Sections 304A.8 – 304A.14	

IL	Art-in-Architecture	Chapter 20, 20 ILCS 3105/14	
LA	Percent for Art	Revised Statutes, Title 25, Section 900.1	
MA	[Not Currently Operational] Percent for Art	Executive Order No. 553 of 2014	
MD	Maryland Public Art Initiative	Economic Development, Division 1, Section 4-601	(Additional statute) State Finance and Procurement, Division 1, Title 3, Subtitle 6, Section 3-602.2
ME	Public Art	Title 27, Chapter 16	
MI	[Rescinded 1991] Art in Public Places	Chapter 18, Sections 18.71 –18.81	
MN	Percent for Art in Public Places	Chapter 16B, Section 16B.35	(Administrative rule) Chapter 1900, Part 2210
MT	Percent for Art	Title 22, Chapter 2, Part 4	
NC	[Rescinded 1995] Artworks for State Buildings	Chapter 143, Article 47A (Rescinded)	(Administrative rule) Title 07, Chapter 12
NE	1% for Art	Chapter 82, Sections 82-317 – 82-329	
NH	Percent for Art	Chapter 19-A, Sections 19-A:8 –19-A:12	
NJ	Arts Inclusion	Title 52, Chapter 16A, Sections 52:16A-29 – 52:16A-34	
NM	Art in Public Places	NMSA Chapter 13, Article 4A	(Administrative code) Title 4, Chapter 12, Part 11
OH	Percent for Art	Title 33, Chapter 3379, Section 3379.10	
OK	Art in Public Places	Title 74, Sections 74-9030.1 – 74-9030.8	(Administrative rule) Title 320, Chapter 10
OR	Art in Public Places	Title 26, Chapter 276, Sections 073, 075, 080 and 090	(Administrative rule) Chapter 123, Division 475
RI	Public Art	Title 42, Chapter 42-75.2	
SC	[Inactive 2014] Percent for Art	Voluntary program that was encouraged by the now-disbanded State Budget and Control Board	
TX	Public Art	Government Code, Title 4, Subtitle D, Chapter 444, Subchapter A, Section 444.029	
UT	Public Art	Title 9, Chapter 6, Sections 9-6-401 – 9-6-409	
VT	Art in State Buildings	Title 29, Chapter 2	
WA	Art in Public Places	Title 43, Chapter 43.46, Sections 090 and 095 and Chapter 43.17, Sections 200, 205 and 210	(Administrative code) Title 30, Chapter 40
WI	[Rescinded 2011] Percent for Art	Chapter 41, Section 57 (formerly Chapter 44, Section 57)	(Administrative code) Chapter AB 4 (Rescinded)
WY	Art in Public Buildings	Title 16, Chapter 6, Article 8	(Administrative rule) State Parks & Cultural Resources Dept, Art in Public Buildings, Chapters 1 & 2

Recommended Resources

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

Additional information to assist with considering equity in public art can be found in [NASAA's Diversity, Equity and Inclusion in State Arts Agency Public Art Programs: A Roundtable Report](#). Minnesota based nonprofit, [Forecast](#), also provides a series of resources for public art practitioners interested in justice, health and human dignity.

The Americans for the Arts (AFTA) [Public Art Network](#) (PAN) has a number of good resources related to percent for art policies, including reports and model public-art agreements and contracts. In addition, PAN facilitates engagement among public art practitioners. Another way to stay up to date with current trends in percent for art and other types of public art is to follow AFTA's [Public Art Blog](#).

Notes

- ¹ New Jersey Statutes, Title 52, Section 52:16A-34, <https://law.justia.com/codes/new-jersey/2020/title-52/section-52-16a-34/>, accessed 9/9/21.
- ² Montana Code Annotated 2011, Title 22, Chapter 2, Part 4, Section 22-2-402, https://leg.mt.gov/bills/mca/title_0220/chapter_0020/part_0040/section_0020/0220-0020-0040-0020.html, accessed 9/10/21.
- ³ Louisiana Division of the Arts, Percent for Art Program, <http://www.crt.state.la.us/cultural-development/arts/percent-for-art/index>, accessed 2/1/24.
- ⁴ North Carolina Arts Council, "Creating Place: North Carolina's Artworks for State Buildings," 2002, p. 16, <https://digital.ncdcr.gov/Documents/Detail/creating-place-north-carolinas-artworks-for-state-buildings/849795?item=2387893>.
- ⁵ National Governors Association, [New Engines of Growth: Five Roles for Arts, Culture and Design](#), 2012, p. 34.
- ⁶ *Athens Banner-Herald*, "Caldwell: Public Art Has Positive Economic Impact," 3/21/12, <http://onlineathens.com/opinion/2012-03-21/caldwell-public-art-has-positive-economic-impact>, accessed 9/10/21.
- ⁷ DC Commission on the Arts & Humanities, DC CREATES! Public Art Master Plan, 2009, p. 9, http://dcarts.dc.gov/sites/default/files/dc/sites/dcarts/publication/attachments/Public%20Art%20Master%20Plan_0.pdf.
- ⁸ The currently active Percent for Art program operating in DC started in 2013 and is run by the Department of General Services. The DC Commission on Arts and Humanities' founding legislation also created a percent for art program, but this program is not active.

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

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

National Assembly of State Arts Agencies

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

The National Assembly of State Arts Agencies (NASAA) is a nonprofit, 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.



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