

Percent for Art Program

The following is an informational piece that will inform you of the possibilities of when we can have clients work with the “Percent for Art Program.” The way it was explained to me is that the building has to be state owned and the money for the building actually appropriate during a legislative session. For example-the Alexandria Law Enforcement training center that is seeking funding from the legislature-will be able to have the percent for art funding as outlined in the statute. They are seeking funding in the 2008 session-and they want a life size in their atrium. The State Architects Office (SAO) which is coordinated by the State Art’s Board is involved with Percent for Art Program, which is governed by MS 16B.35 and it only pertains to state owned buildings. There may be other art programs for non-State buildings, but SAO is not involved with them. The following is MS 16B.35 and it reads as follows:

16B.35 Art in State Buildings

Subdivision 1. **Percent of appropriations for art.** An appropriation for the construction or alteration of any state building may contain an amount not to exceed the lesser of \$100,000 or one percent of the total appropriation for the building for the acquisition of works of art, excluding landscaping, which may be an integral part of the building or its grounds, attached to the building or grounds or capable of being displayed in other state buildings. If the appropriation for works of art is limited by the \$100,000 cap in this section, the appropriation for the construction or alteration of the building must be reduced to reflect the reduced amount that will be spent on works of art. Money used for this purpose is available only for the acquisition of works of art to be exhibited in areas of a building or its grounds accessible, on a regular basis, to members of the public. No more than ten percent of the total amount available each fiscal year under this subdivision may be used for administrative expenses, either by the commissioner of administration or by any other entity to whom the commissioner delegates administrative authority. For the purposes of this section “state building” means a building the construction or alteration of which is paid for wholly or in part by the state.

Subd. 1a. **Not in prisons.** Notwithstanding subdivision 1, no part of a state appropriation may be used to acquire or install works of art in a state correctional facility.

Subd. 1b. **Exception.** A prohibition on using state appropriations to pay for art in correctional facilities does not apply to art produced through programming in correctional facilities.

Subd. 2 **Exempt for buildings.** A building for which the appropriation is less than \$500,000 for construction or alteration or a building for which the commissioner of administration has determined that this section is inappropriate is exempt from the requirements of this section.

Subd. 3. **Unused funds.** If an amount made available under subdivision 1 is not expended for works of art for the building, the unexpected portion is available to the Minnesota Board of the Arts for the commission or purchase of works of art for the state buildings existing or for which an appropriation was made prior to June 15, 1983, and is not available to pay construction costs of the building.

Subd. 4. **Campuses.** Art for a building on a public college or university campus shall be selected by the campus, in consultation with the Arts Board. Consideration of the artwork of faculty and students on that campus is encouraged.

Subd. 5. **Contractor’s bond not required.** Sections 574.26 to 574.32 do not apply to this section.

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**The information is based on
MN statutes so make sure to see
if they apply to your state
guidelines.**