

arts and entertainment

## Lawmaker working to patch hole in "1 percent for art" statute

### Strengthening public art's wings

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The budget for "Psyche (The Butterfly)," Donald Lipski's planned sculpture on the Auraria campus, has been cut from \$540,000 to \$190,000, shrinking the piece from 25 to 14 feet across. (Donald Lipski )

The work was to have been funded by the state's 33-year-old law mandating that 1 percent of construction budgets for all state-funded projects be set aside for the purchase of art.



**Figure 2: Humanescence**  
by Rae Douglass

But an informal opinion from the Colorado Attorney General's Office a year ago (and formalized two weeks ago) said that a complex lease-purchase mechanism used to finance the building exempted it from the statute. That forced the suspension of Lipski's sculpture — and the discontinuation of 11 other artworks attached to similarly funded projects.

Some lawmakers say that was not right.

Senate Bill 94, introduced by state Sen. Pat Steadman, D-Denver, would close that loophole and restore what he and arts advocates see as the original intent of the Art in Public Places bill passed in 1977.

Proponents argue that, more than just a yawn-inducing modification of legal language, the change would preserve the long-standing directive that art should be part of all state buildings and help boost an important area of the state's economy.

"Art is not some separate thing that is disconnected from the economy," said Stephen Seifert, vice president of Arts for Colorado, an advocacy group supporting the bill.

"If what happens here is that there is not going to be any art in state construction projects financed in this particular way, then it means that part of the economy is suddenly not going to have work."



**Figure 1: The budget was set, the artist chosen and renderings completed. But Donald Lipski's planned \$540,000 sculpture was nowhere to be seen when the \$120 million Auraria Science Building addition opened earlier this month.**

According to a 2008 report commissioned by the Colorado Council on the Arts, the creative sector, encompassing occupations ranging from architects to filmmakers to graphic designers, is the fifth largest in the state. It employed more than 186,000 people in 2007.

Besides the artists who conceive public projects, Seifert said, such creations also employ an array of engineers, fabricators, contractors, transporters and installers.

### **One of a trio of bills**

SB 94 is one of a trio of bills unveiled in early January by the Ritter administration that are designed to boost the state's creative industry and create more jobs.

The other proposed legislation has two parts: a bill to consolidate the state's three arts programs into the Office of Economic Development and International Trade, and one to bolster incentives for film and video-game production in Colorado.

Since the 1 percent for art bill was enacted in 1977, \$8.2 million has been spent on the commission or purchase of 435 artworks. In 2006-07 and 2007-08 alone,



**Figure 3: The Big Drop  
by Elaine Calzolari**

more than \$3.5 million in art was underway or completed.

But in 2008-09, the art program came to a virtual standstill because of the opinion of the Attorney General's Office. Twelve building projects at colleges and universities statewide were funded that year by more than \$200 million in "certificates of participation" instead of typical bonds.

Through this mechanism, the state finances buildings through a kind of lease-to-own plan, taking over full ownership when the lease period is complete. The "rent" is paid to the upfront investors using state revenue from federal mineral leases.

### **Creating a loophole**

The legal opinion exempting projects financed in this way from the 1 percent statute meant those projects will have no public art. (A smaller, \$190,000 version of the Lipski piece is moving ahead using other funds.)

If the bill is not modified, and similar financing is employed for future buildings, they would have no public art either.

"So, the intent of the people, as represented by the statute, would be thwarted," Seifert said. "This (bill) is about avoiding the need to have a snoozy legal debate every time the state wants to build a building."

So far, no opposition to SB 94 has emerged, but Steadman, the bill's sponsor, said that colleges and universities, where much of the construction takes place, are paying close attention to it.

[http://www.denverpost.com/art/ci\\_14289181?source=email](http://www.denverpost.com/art/ci_14289181?source=email)

"I can tell you that I have had a lot of higher-ed lobbyists visiting me on a daily basis, wanting to ask questions and sort of understand my intentions behind the bill," he said.

Deborah Mendez-Wilson, a spokeswoman for the University of Colorado system, said it has consistently supported the Art in Public Places law and will continue to do so.

"We're working closely with the bill's sponsor just to make sure that the language would enable us to manage costs while complying with any new state requirements," she said.

One clause in SB 94 that Steadman admits might prove controversial is its extension of the 1 percent for art law to include construction funding at stage colleges and universities that comes from student fees.

### **Big art on campuses**

To make up for shortfalls in state appropriations for capital projects, students are increasingly helping pick up the tab. In 2006, for example, University of Colorado at Boulder students agreed to a \$100 annual fee, which increased to \$400 this year, to fund a new law school and three other buildings.

In the bill, universities have the right to opt out of devoting 1 percent of those student fees to art. But Steadman believes that, if given the choice, students would back setting aside that 1 percent.

"In my mind, if there's a public building in the state's real-estate portfolio that ought to have public art as part of that project, it's our buildings on college campuses," he said. "So if students voluntarily vote to assess a fee on themselves, I want 1 percent of that project cost to go to public art."

Seifert doesn't want the discussion around this proposed modification to a long-standing bill to turn into a debate over the value of public art in general.

"We're proposing only that the existing law continue in effect. Period," he said. "And we don't want the issue to become, 'Oh, my god, are the arts really essential to our society or not?' I don't want to have that argument."

So far, at least, there is no indication of that happening.

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### **In the works for the arts**

Gov. Bill Ritter's proposed bills to boost the creative sector:

**Colorado Creative Industry Division.** Three existing state arts programs — the Colorado Council on the Arts, Office of Film and Art in Public Places — would be consolidated into the Office of Economic Development and International Trade.

**Art in Public Places cleanup.** This bill would clarify a 33-year-old statute, ensuring that 1 percent of construction budgets for all state building projects would be set aside for art, no matter how the project is financed.

**Film Incentive cleanup.** This bill would amend state incentives for film producers, broadening their reach and lifting restrictive requirements, including one that required 75 percent of a film's non-payroll budget to be spent in Colorado.

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### **Art in your neighborhood: Where to see 1 percent for art projects**

A look at five works funded by Colorado's Art in Public Places statute:

**"The Big Drop"** (1994), Elaine Calzolari, pictured far right. Natural and Environmental Sciences Building, Colorado State University, Fort Collins, \$70,000. A 30-foot waterfall is integrated into the exterior masonry of the building.

**"Alchemy Works"** (2000), Carolyn Braaksma and David Griggs. Hill Hall, Colorado School of Mines, Golden, \$139,312. This work combines 11-color terrazzo flooring, an etched-glass window and exterior architectural details.

**"Humanescence"** (2009), Rae Douglass, pictured near right. University of Colorado Health Sciences Center, Anschutz Medical Campus, Aurora, \$200,000. The image of a human figure is imprinted on a three-dimensional matrix of 26-foot-tall stainless steel bands.

**"Mosaics"** (2009), Eileen Gray. Colorado Mental Health Institute, Pueblo, \$167,000. Nine patient-care stations are each adorned with four 4-by-6-foot mosaics with images of nature.

**"Pulsing Living Lenses"** (2009), Po Shu Wang and Louise Bertelsen. Science and Engineering Building, University of Colorado at Colorado Springs, \$128,150. A massive steel pendulum swings over a granite map and vortex.