



House Education Committee Bill

House Bill 137 **"State Council on the Arts"** **Sectional Analysis**

Section 1 (Pages 1-4): Amends AS 39.25.110 concerning exempt state employees to add all employees of the Alaska State Council on the Arts (ASCA), thus making employees of ASCA exempt from the State Personnel Act.

Section 2 (Pages 5-7): Adds artists' submissions made in response to an inquiry or solicitation initiated by the Alaska State Council on the Arts, to the list of records that are exempt from public inspection under AS 40.25.120.

Section 3 (Page 7): Repeals and re-enacts AS 44.27.040 regarding the creation of ASCA, to establish the Council as a separate and independent public corporation of the state of Alaska within the Department of Education and Early Development (DEED).

Section 4 (Page 7): Amends AS 44.27.041 to charge ASCA to be governed by an 11 member board of trustees, adds literary arts as a field represented within the board, and a member's expertise, rather than interest, as a factor for consideration for board membership.

Section 5 (Page 7): Amends AS 44.27.042 to replace the term "members" with the term "trustees" and "council" with "board of trustees".

Section 6 (Page 8): Amends AS 44.27.043 to replace the term "member" with "trustee".

Section 7 (Page 8): Replaces the term "members" with the term "trustees" in AS 44.27.044 and replaces language that entitles trustees to be reimbursed for travel expenses at the same rate of members of state boards under AS 39.20.180.

Section 8 (Page 8): Amends AS 44.27.045 to use gender-neutral terms for board members.

Section 9 (Page 8-9): Amends AS 44.27.050 to require the council to encourage literary arts as well as other disciplines, invest in arts throughout the state, and conduct research into artistic and cultural activities throughout the state.

Section 10 (Page 9): Amends AS 44.27.052(a) to replace “educational” objectives with “strategic” objectives as it relates to the council’s ability enter into contracts and accept gifts, contributions, and bequests.

Section 11 (Page 9-10): Amends AS 44.27.054 to replace language with the proper terms “chair” and “trustees” previously established and makes a conforming amendment to Section 1.

Section 12 (Page 10): Adds a new section to AS 44.27 detailing the administration of affairs of the board of trustees. The board of trustees shall manage the assets of the council, establish and amend bylaws governing the business of the corporation, and employ an executive director to supervise the administration of ASCA. This section also exempts ASCA from the State Procurement Code (AS 36.30), instructs the board of trustees to establish procedures for procurement, and requires consistency with the Alaska Veterans preference established in AS 36.30.32(f). The operating budget of ASCA is subject to the provisions established in the Executive Budget Act (AS 37.07).

Section 13 (Page 10): Amends AS 44.27.058 to require that ASCA comply with the 20 U.S.C 951 – 960 (National Foundation on the Arts and the Humanities Act of 1965) as it relates to the receipt and disbursement of funds from the National Endowment for the Arts.

Section 14 (Page 10-11): Amends AS 44.27.060 to add new subsections (e) and (f) regarding confidentiality of artist submissions and adds a provision for public disclosure to submissions when the artist is awarded a commission for said submission. However, under subsection (g), subsections (e) and (f) do not apply if the submission was created as a work for hire under 17 U.S.C. 101 or if the artist’s copyright has been transferred under 17 U.S.C. 204.

Section 15 (Page 11): Amends AS 44.27 to add definitions for “board of trustees” and “council”.

Section 16 (Page 11-12): Creates transition language for ASCA to allow council members to remain on the board of trustees until their term is over, allows current employees to remain with ASCA, allows regulations, contracts, rights, liabilities, and obligations created under current law to remain in effect, and allows ASCA to retain all records, equipment, appropriations, and other property.

Section 17 (Page 12): Creates an effective date for this legislation as July 1, 2017.