

CS FOR HOUSE BILL NO. 215(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/6/03

Referred: Finance

Sponsor(s): REPRESENTATIVES STOLTZE, Hawker, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to art requirements for public buildings and facilities; relating to**
2 **identification, monitoring, maintenance, and reporting of art in public buildings and**
3 **facilities; and relating to the art in public places fund."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 35.27.020(c) is amended to read:

6 (c) At least one percent [OR, IN THE CASE OF A RURAL SCHOOL
7 FACILITY, AT LEAST ONE-HALF OF ONE PERCENT] of **the first \$10,000,000**
8 **of the state funding for** the construction [COST] of a building or facility approved
9 for construction by the legislature after September 1, 1977, **and at least one-half of**
10 **one percent of that portion of the state funding that exceeds \$10,000,000 for the**
11 **construction of a building or facility approved for construction by the legislature**
12 **shall** [WILL] be reserved for the following purposes: the design, construction,
13 mounting, [AND] administration, **and maintenance** of works of art in a school, office
14 building, court building, vessel of the marine highway system, or other building or

1 facility **that** [WHICH] is **designed for** [SUBJECT TO] substantial public use. **Of the**
 2 **total amount that is received for works of art for a building or facility under this**
 3 **subsection, at least five percent shall be deposited in the art in public places fund**
 4 **established under AS 44.27.060 to meet future maintenance needs of art works in**
 5 **public buildings and facilities.**

6 * **Sec. 2.** AS 35.27.020(d) is amended to read:

7 (d) A building or facility with an estimated construction cost of less than
 8 \$250,000 is exempt from the requirements of this chapter unless inclusion of works of
 9 art in the design and construction of the building or facility is specifically authorized
 10 by the department. **A building or facility exempt under this subsection is subject**
 11 **to AS 44.27.060.**

12 * **Sec. 3.** AS 35.27.020(g) is amended to read:

13 (g) The architect, superintendent, department, and the Alaska State Council on
 14 the Arts shall encourage the use of state cultural resources in these art works and **shall,**
 15 **to the extent permitted by law, select** [THE SELECTION OF ALASKA
 16 RESIDENT] artists for the commission of these art works **who are residents of the**
 17 **state under AS 01.10.055.**

18 * **Sec. 4.** AS 35.27 is amended by adding new sections to read:

19 **Sec. 35.27.022. Identification, monitoring, and maintenance of art works.**

20 (a) For each work of art purchased under this chapter, the building or facility owner
 21 shall install a permanent plaque containing the name or title of the work of art, the
 22 name of the artist, and the year of completion on or near the work.

23 (b) Each work of art acquired under this chapter, regardless of its cost, shall be
 24 included in the inventory records of state property under AS 37.05.160 or in the
 25 building or facility owner's inventory system.

26 (c) For each building or facility subject to this chapter, the building or facility
 27 owner shall report to the Alaska State Council on the Arts

28 (1) the amount of state funding for the project;

29 (2) the total cost of art;

30 (3) the title, artist, location, cost, inventory reference, and anticipated
 31 maintenance requirements of each work of art acquired;

1 (4) photo documentation according to the specifications of the Alaska
2 State Council on the Arts of each work of art.

3 **Sec. 35.27.024. Report to the legislature.** The Alaska State Council on the
4 Arts shall prepare an annual report listing the buildings and facilities subject to this
5 chapter and each work of art purchased, including the cost, amount deposited into the
6 art in public places fund (AS 44.27.060) for maintenance, and inventory reference.
7 The Alaska State Council on the Arts shall submit the report to the Legislative Budget
8 and Audit committee within 30 days after the convening of each regular session of the
9 legislature.

10 * **Sec. 5.** AS 35.27.030(1) is amended to read:

11 (1) "building" or "facility" means a permanent improvement
12 constructed by the department; the term

13 (A) includes, but is not limited to,

14 (i) schools, office buildings, and court buildings;

15 (ii) other buildings **that** [WHICH] the commissioner
16 determines are designed for substantial public use;

17 (iii) boats and vessels of the marine highway system;

18 (iv) transportation facilities **that** [WHICH]
19 accommodate traveling passengers;

20 (B) excludes

21 **(i) [OTHER] transportation facilities not described in**
22 **(A)(iii) and (iv) of this paragraph;**

23 **(ii) correctional facilities, as that term is defined in**
24 **AS 33.30.901;**

25 **(iii) buildings that are not designed for substantial**
26 **public use;**

27 * **Sec. 6.** AS 35.27.030(3) is amended to read:

28 (3) "construction cost" is that cost expended for the actual construction
29 of the facility, exclusive of the costs of land acquisition, site investigation, design
30 services, administrative costs, equipment purchases, and any other costs not
31 specifically incurred within the construction contract or contracts awarded for the

1 construction of the facility, **and exclusive of costs, including costs incurred due to**
 2 **change orders, not included in the original construction contract or contracts**
 3 **awarded for the construction of the facility.**

4 * **Sec. 7.** AS 35.27.030 is amended by adding a new paragraph to read:

5 (4) "state funding" means

6 (A) an appropriation of state funds by the legislature; or

7 (B) general obligation bond proceeds.

8 * **Sec. 8.** AS 44.27.060(c) is amended to read:

9 (c) The council may use the money in the art in public places fund

10 (1) to commission or purchase a work of art that is to be made a
 11 permanent part of, or placed on loan in, a building or facility owned or leased by the
 12 state that has substantial public use; [AND]

13 (2) to meet expenses for a commissioned work of art for a building or
 14 facility that has substantial public use if the cost of the work of art exceeds the amount
 15 reserved under AS 35.27.020(c); **and**

16 **(3) to maintain and repair existing works of art acquired under**
 17 **AS 35.27.**

18 * **Sec. 9.** AS 44.27.060(d) is amended to read:

19 (d) In (c) of this section, "building" or "facility" means

20 (1) a building or facility of the state, as defined by AS 35.27.030, that
 21 is designed for [AND THAT IS SUBJECT TO] substantial public use; and

22 (2) a building or facility that is leased by the state and **designed for**
 23 [SUBJECT TO] substantial public use.

24 * **Sec. 10.** AS 44.27.060 is amended by adding new subsections to read:

25 (e) The commissioner of a department responsible for the design and
 26 construction of a building or facility or the owner of a building or facility subject to
 27 AS 35.27 shall deposit into the art in public places fund at least five percent of the
 28 total amount that is received for works of art for a building or facility under AS 35.27.

29 (f) Money deposited in the art in public places fund does not lapse at the end
 30 of a fiscal year unless otherwise provided by an appropriation.

31 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITIONAL PROVISIONS. The provisions of this Act apply to art purchased
3 with state funds appropriated and general obligation bonds approved by the voters on or after
4 July 1, 2003.