

CS FOR HOUSE BILL NO. 215(STA) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 5/9/03

Offered: 5/6/03

Sponsor(s): REPRESENTATIVES STOLTZE, Hawker, Wilson, Ogg, Lynn

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 facility, at least one-
7 half of one percent of the first \$10,000,000 of the state funding for the construction
8 [COST] of a building or facility approved for construction by the legislature after
9 September 1, 1977, and at least one-half of one percent of that portion of the state
10 funding that exceeds \$10,000,000 for the construction of a building or facility
11 approved for construction by the legislature shall [WILL] be reserved for the
12 following purposes: the design, construction, mounting, [AND] administration, and
13 maintenance of works of art in a school, office building, court building, vessel of the
14 marine highway system, or other building or facility that [WHICH] is designed for

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

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

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

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

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

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

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

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

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

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

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

28 (2) the total cost of art;

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

31 (4) photo documentation according to the specifications of the Alaska

1 State Council on the Arts of each work of art.

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

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

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

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

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

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

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

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

19 (B) excludes

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

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

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

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

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

1 **change orders, not included in the original construction contract or contracts**
 2 **awarded for the construction of the facility.**

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

4 (4) "state funding" means

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

6 (B) general obligation bond proceeds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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