

1 IN THE HOUSE

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2

HOUSE BILL NO. 171

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to art in public places."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 35.27.010 is amended to read:

9 Sec. 35.27.010. PURPOSE. The state recognizes its responsibil-
10 ity to foster culture and the arts and the necessity for the viable
11 development of its artists and artisans [CRAFTSMEN]. The legislature
12 declares it to be a state policy that a portion of appropriations for
13 the construction and renovation of buildings or facilities [CAPITAL
14 EXPENDITURES] be used [SET ASIDE] for the acquisition, maintenance,
15 and display of works of art to be used for state buildings and other
16 public facilities.

17 * Sec. 2. AS 35.27.020 is repealed and reenacted to read:

18 Sec. 35.27.020. ART IN PUBLIC PLACES. (a) At least one percent
19 or, in the case of a rural school facility, at least one-half of one
20 percent of the state funds appropriated for construction or renovation
21 of a building or facility shall be reserved and used as required in
22 this section.

23 (b) Funds reserved under (a) of this section shall be deposited
24 in the art in public places fund established under AS 44.27.060 if the
25 amount of state funds appropriated for the building or facility is
26 less than \$250,000.

27 (c) If the amount of state funds appropriated for the building
28 or facility is \$250,000 or more, an administrative percentage of the
29 funds that are reserved under (a) of this section shall be deposited

1 in the art in public places fund established under AS 44.27.060, and
2 the balance shall be used by the recipient of the appropriation for
3 the

4 (1) purchase, design, construction, mounting, and mainte-
5 nance of works of art, including sculptures, paintings, murals, or
6 objects relating to Native art;

7 (2) purchase, display, and maintenance of works of art for
8 portable exhibits or collections;

9 (3) temporary art exhibits in buildings and facilities; or

10 (4) placement of works of art on public land.

11 (d) In the case of a grant made under AS 37.05.315 - 37.05.317
12 for the construction or renovation of a building or facility, the
13 grant recipient shall comply with this section, except that if the
14 grant is for less than \$250,000, the department that administers the
15 grant shall make the deposit required under (b) of this section before
16 distributing the balance of the funds to the grant recipient.

17 (e) Before preparing plans and specifications for buildings or
18 facilities, the Department of Transportation and Public Facilities
19 shall consult with the Alaska State Council on the Arts regarding the
20 desirability of inclusion of works of art.

21 (f) In (c) of this section, "administrative percentage" means
22 the percentage determined by regulation of the council to be necessary
23 to cover the administrative costs of the council under AS 35.27.025
24 for the building or facility.

25 * Sec. 3. AS 35.27 is amended by adding new sections to read:

26 Sec. 35.27.022. SELECTION OF ART AND ARTISTS. (a) The artist
27 who executes a work of art for a building or facility under AS 35.27.-
28 020 shall be selected by the council after consultation with the
29 architect for the Department of Transportation and Public Facilities

1 and the principal user of the building or facility. If the building
2 or facility is a public school, the council shall also consult with
3 the superintendent and school board of the school district.

4 (b) The council shall consider the use of state cultural re-
5 sources and artists who are state residents when selecting art works
6 under this section.

7 Sec. 35.27.025. ADMINISTRATION OF PROGRAM. The council shall
8 administer and enforce compliance with this chapter and shall adopt
9 regulations to implement this chapter, including regulations governing
10 the use of money reserved under AS 35.27.020.

11 * Sec. 4. AS 35.27.030 is repealed and reenacted to read:

12 Sec. 35.27.030. DEFINITIONS. In this chapter

13 (1) "building or facility" means a permanent improvement
14 that is subject to substantial public use and is constructed or ren-
15 ovated either partially or entirely with state funds; the term in-
16 cludes schools, office buildings, court buildings, and boats and
17 vessels of the marine highway system; the term excludes memorials to
18 state veterans under AS 44.35.030;

19 (2) "council" means the Alaska State Council on the Arts;

20 (3) "funds appropriated for construction" means the funds
21 appropriated for the actual construction of the building or facility,
22 exclusive of the costs of land acquisition, site investigation, design
23 services, administrative costs, equipment purchases and other costs
24 not specifically incurred within the construction contract or con-
25 tracts awarded for the construction of the building or facility.

26 * Sec. 5. AS 37.05 is amended by adding a new section to read:

27 Sec. 37.05.322. ART IN PUBLIC PLACES. (a) If a grant of
28 \$250,000 or more is made under AS 37.05.315 - 37.05.317 for construc-
29 tion or renovation of a building or facility, the department that

1 administers the grant shall require as part of the grant contract that
2 the recipient comply with AS 35.27.

3 (b) Notwithstanding AS 37.05.318, a recipient whose grant is
4 governed by (a) of this section shall comply with applicable regu-
5 lations adopted by the Alaska State Council on the Arts under AS 35.-
6 27.025.

7 (c) The department that administers a grant of less than
8 \$250,000 under AS 37.05.315 - 37.05.317 for construction or renovation
9 of a building or facility shall comply with AS 35.27.020(d).

10 (d) In this section "building or facility" has the meaning given
11 in AS 35.27.030.

12 * Sec. 6. AS 44.27.050 is amended to read:

13 Sec. 44.27.050. DUTIES OF COUNCIL. The [DUTIES OF THE] council
14 shall [ARE]

15 (1) [TO] stimulate and encourage throughout the state the
16 study and presentation of the performing, visual, and fine arts and
17 public interest and participation;

18 (2) [TO] make surveys, which are considered advisable, of
19 public and private institutions engaged in the state in artistic and
20 cultural activities, including but not limited to music, theatre,
21 dance, painting, sculpture, architecture, and allied arts and crafts,
22 and to make recommendations concerning appropriate methods to encour-
23 age participation in and appreciation of the arts to meet the legiti-
24 mate needs and aspirations of persons in all parts of the state;

25 (3) [TO] take steps necessary and appropriate to encourage
26 public interest in the cultural heritage of the state and to expend
27 the state's cultural resources;

28 (4) [TO] encourage and assist freedom of artistic expres-
29 sion essential for the well being of the arts;

- 1 (5) [REPEALED
2 (6) TO] manage the art in public places fund;
3 (6) administer AS 35.27.

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

5 (c) The council shall [MAY] use the money in the art in public
6 places fund to

7 (1) [TO] commission or purchase a work of art that [WHICH]
8 is to be made a permanent part of, or placed on loan in, a building or
9 facility that [OWNED OR LEASED BY THE STATE WHICH] has substantial
10 public use; and

11 (2) pay the administrative costs of the council under
12 AS 35.27.025 [TO MEET EXPENSES FOR A COMMISSIONED WORK OF ART FOR A
13 BUILDING OR FACILITY WHICH HAS SUBSTANTIAL PUBLIC USE IF THE COST OF
14 THE WORK OF ART EXCEEDS THE AMOUNT RESERVED UNDER AS 35.27.020(c)].

15 * Sec. 8. AS 44.27.060(d) is repealed and reenacted to read:

16 (d) In this section, "building or facility" has the meaning
17 given in AS 35.27.030.

18 * Sec. 9. AS 44.27.060(b) is repealed.

19 * Sec. 10. This Act applies to state funds that are appropriated on or
20 after the effective date of this Act for the construction or renovation of
21 a building or facility, as defined in AS 35.27.030, as amended by sec. 4 of
22 this Act.