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Comparison of HB 519 (Fin) and the proposed Rules CS.

Section 1. AS 35.27.010 Same as Finance version.

Section 2. AS 35.27.020(a) Changes the approval on the inclusion of artwork in a project from the building owner to the governing body of a community or a school board, as applicable. Also adds language requiring a local public meeting or consultation with local residents prior to the approval decision.

Section 3. AS 35.27.020(b) Changes the consultation requirements on the department in charge of the project from the "owner" to the "governing body or school board", as applicable.

Section 4. AS 35.27.020(c) Changes the term "rural" school facility to "REAA" school facility. Also changes the authority to approve the inclusion of art in a project from the "owner" to the local "governing body" or "school board", as applicable.

Section 5. AS 35.27.020(e) Adds a cross reference to the following subsection (f), and changes the term "owner" to "governing body of a community", in keeping with previous changes.

Section 6. AS 35.27.020(f) Clarifies that the superintendent of both school districts and regional educational attendance areas have the authority to select artists involved in projects.

Section 7. AS 35.27.020(g) Deletes the term "resident", as the requirement that the artists be a resident may restrict otherwise acceptable choices.

Section 8. AS 35.27.030(1) Added section which changes the existing definition of "department" from 'DOT/PF' to any department that has the authority to build a facility.

Section 9. AS 35.27.030(4) Added section which changes the existing definition of "Commissioner" to reflect the new definition of department on section 8.

Section 10. AS 35.27.030(5) Adds a new definition of "governing body" to reflect the changes made in the Rules CS.

Section 11. Same as section 8 in the Finance bill

Section 12. Same as section 9 in the Finance bill.



COMMITTEE REPORT

HOUSE

3/23

FURTHER:

Date: 3-22-84

Mr. Speaker:

The Committee on Rules has had HB 519

An Act relating to art works in public buildings and facilities

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with HCS for HB 519 (Rules)  same title
- new title
- and recommends Individual Recommendations as Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

[Signature]

[Signature]

[Signature]

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MEMBERS HAVING OTHER RECOMMENDATIONS:

Mr. Killip Do NOT PASS

[Signature]

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\_\_\_\_\_

[Signature]

CHAIRMAN

COMMITTEE REPORT

HOUSE

FURTHER: ✓

Date: 3-22-84

Mr. Speaker:

The Committee on Rules has had HB 519

*An Act relating to art works in public buildings and facilities*

under consideration and reports it back as follows:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with HCS for HB 519 (Rules) ~~[ ]~~ same title [X] new title

and recommends Individual Recommendations

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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[Signature]  
[Signature]  
[Signature]  
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\_\_\_\_\_  
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\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Mike Kelly, DO NOT PASS  
ROD E. BRIDGES, No Rec.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
CHAIRMAN

PRIME SPONSOR: ADAMS. GENERAL DOLLARS: \$0 (F. NOTE)  
 OTHER DOLLARS: \$0  
 CO-SPONSORS: WARD, SZYMANSKI.  
 CURRENT STATUS: 2/01/84 IN (H) RULES

HB 519	HOUSE	ACTION		12:44	3/21/84	PAGE	2 OF	2
DATE	SEQ	PAGE	LEGISLATIVE ACTION					
01/16/84	01	2270	-----					
01/27/84	02	2372	FIRST READING -- COMMITTEE REPORTS					
01/27/84	03	2373	S.A. -- DP04, DNP02, NR01					
02/01/84	04	2414	S.A. F/NOTE EQUALS ZERO					
02/01/84	05	2414	FIN -- DNP03, CS04, NR02					
02/01/84	06	2414	FIN F/NOTE EQUALS ZERO					
			ANALYSIS HSE SUPPL #88					
			RULES					
****	**	**	*** *** ***					

*3/22*

= Changes between  
Finance + Rules CS

Original sponsors: Adams, Ward  
and Szymanski

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 519 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to art works by Alaska artists in  
7 public buildings and facilities; and providing for an  
8 effective date."

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

10 \* Section 1. AS 35.27.010 is amended to read:

11 Sec. 35.27.010. PURPOSE. The state recognizes its responsibil-  
12 ity to foster culture and the arts and the necessity for the viable  
13 development of Alaska [ITS] artists and craftsmen. The legislature  
14 declares it to be a state policy that a portion of appropriations for  
15 capital expenditures may be set aside for the acquisition of works of  
16 art by Alaska artists to be used for state buildings and other public  
17 facilities.

18 \* Sec. 2. AS 35.27.020(a) is amended to read:

19 (a) If the governing body of the community where the building or  
20 facility is constructed or the school board of a school district or a  
21 regional educational attendance area where a public school is con-  
22 structed approves, a [A] building or facility constructed after  
23 June 30, 1975, or remodeled or renovated after June 30, 1975, shall  
24 include works of art by Alaska artists, including but not limited to  
25 sculptures, paintings, murals or objects relating to Native art. The  
26 governing body of the community or a school board of a school district  
27 or a regional educational attendance area shall hold a public meeting  
28 or otherwise consult with the residents of the community or regional  
29 educational attendance area before deciding to approve or disapprove

1 the inclusion of art works under this chapter.

2 \* Sec. 3. AS 35.27.020(b) is amended to read:

3 (b) The department, before preparing plans and specifications  
4 for a building or facility, may [BUILDINGS AND FACILITIES, SHALL]  
5 consult with the Alaska State Council on the Arts and shall consult  
6 with the the governing body of the community or the school board of a  
7 school district or a regional educational attendance area regarding  
8 the desirability of inclusion of works of art.

9 \* Sec. 4. AS 35.27.020(c) is amended to read:

10 (c) Not more than [AT LEAST] one percent or, in the case of a  
11 regional educational attendance area [RURAL] school facility, not more  
12 than [AT LEAST] one-half of one percent, of the construction cost of a  
13 building or facility approved for construction by the legislature  
14 after September 1, 1977, may [WILL] be reserved for the following  
15 purposes: the design, construction, mounting and administration of  
16 works of an Alaska artist [ART] in a school, office building, court  
17 building, vessel of the marine highway system, or other building or  
18 facility which is subject to substantial public use. If the governing  
19 body of the community, or the school board of a school district or a  
20 regional educational attendance area, approves the use of funds for  
21 art works under this subsection, then the work of art must be that of  
22 an Alaska artist.

23 \* Sec. 5. AS 35.27.020(e) is amended to read:

24 (e) Except as provided in (f) of this section, the Alaska [THE]  
25 artist who executes these works of art shall be selected by the archi-  
26 tect for the department with the approval of the department, after  
27 consultation with the Alaska State Council on the Arts and the govern-  
28 ing body of the community where [PRINCIPAL USER OF] the public build-  
29 ing or facility is constructed [BUILDINGS OR FACILITIES].

1 \* Sec. 6. AS 35.27.020(f) is amended to read:

2 (f) The Alaska artist who executes these works of art in a [THE]  
3 public school [SCHOOLS] shall be selected by the superintendent of the  
4 [A] school district or regional educational attendance area in which  
5 the [A] public school is to be built with the approval of the school  
6 board. Should the department find in the best interest of the state  
7 that the superintendent's selection of an Alaska [THE] artist who  
8 executes these works of art [BY THE SUPERINTENDENT] may result in a  
9 cost overrun to the state or delay of construction, the department  
10 shall make the selection of the Alaska artist in consultation with the  
11 superintendent.

12 \* Sec. 7. AS 35.27.020(g) is amended to read:

13 (g) The architect, superintendent, department, and the Alaska  
14 State Council on the Arts shall encourage the use of state cultural  
15 resources in these art works and require the selection of Alaska  
16 [RESIDENT] artists for the commission of these art works.

17 \* Sec. 8. AS 35.27.030(1) is amended to read:

18 (1) "department" means the department responsible for the  
19 planning and construction of a building or facility [DEPARTMENT OF  
20 TRANSPORTATION AND PUBLIC FACILITIES];

21 \* Sec. 9. AS 35.27.030(4) is amended to read:

22 (4) "commissioner" means the commissioner of a department  
23 responsible for the planning and construction of a building or facili-  
24 ty [TRANSPORTATION AND PUBLIC FACILITIES].

25 \* Sec. 10. AS 35.27.030 is amended by adding a new paragraph to read:

26 (5) "governing body" means, as appropriate, a city council,  
27 a borough assembly, or one of the following in an unincorporated  
28 community: a village council organized under 25 U.S.C. 476 (Indian  
29 Reorganization Act), or a traditional village council recognized under

1 43 U.S.C. 1618(a) (Indian Self Determination Act), or a board of  
2 directors of a community nonprofit corporation.

3 \* Sec. 11. AS 35.27.020(d) and AS 44.27.060 are repealed.

4 \* Sec. 12. This Act takes effect immediately in accordance with AS 01.-  
5 10.070(c).

PROPOSED LANGUAGE FOR SECTION 6 FROM REPRESENTATIVE ADAMS

\* Sec. 6. A.S. 35.27.020(f) is amended to read:

(f) The Alaska artist who executes these works of art in a [THE] public school shall be ~~recommended~~ <sup>recommended</sup> by the superintendent of the [A] school district or regional education attendance area in which the [A] public school is to be built after final [WITH THE] approval by [OF] the school board. In selecting an artist under this section, the school board shall approve an artist who will execute a work of art without a cost overrun or delay in school construction.

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It may also be desirable to insert similar language regarding cost overruns and delays into section 5. An additional sentence could be added to section 5 as follows: "In selecting an artist under this section, the department shall approve an artist who will execute a work of art without a cost overrun or delay in construction of the public building or facility."

page 2 line 25

RULES COMMITTEE MEETING

WEDNESDAY, MARCH 21, 1984

1. Call to order, date and time.
2. Note attendance
3. AGENDA:

HB 519 - relating to art work in public buildings and facilities.

4. The Committee packets include:
  1. The sectional analysis prepared by Rep. Adams.
  2. The proposed rules CS.
  3. a copy of CSHB 51<sup>o</sup>(Fin)
  4. a copy of HB 519 as introduced
  5. a copy of Title 27, the existing art in public places statute.
5. Rep. Adams will testify on the proposed Rules CS.

( Jack - The sectional analysis done by Rep. Adam's office explains the bill, but does not compare the Finance and Rules versions. A comparison of the Finance and Rules bills is shown on the following page, in case there are questions specifically on how they are different. In general, the Rules CS inserts language authorizing the 'Governing body' or 'school district' in a community to make the decision on having art work in a facility rather than the project owner, and amends the definitions section to reflect this change in authority.)

6. Open the meeting to public testimony, if applicable? Bob Greene of the Assoc. of Alaska School Boards may want to speak - see 3<sup>rd</sup> page

7. Open the meeting to debate.

for his language

8. After debate subsides, take a motion on moving the Rules CS, with individual recommendations?

Comparison of HB 519 (Fin) and the proposed Rules CS.

Section 1. AS 35.27.010 Same as Finance version.

Section 2. AS 35.27.020(a) Changes the approval on the inclusion of artwork in a project from the building owner to the governing body of a community or a school board, as applicable. Also adds language requiring a local public meeting or consultation with local residents prior to the approval decision.

Section 3. AS 35.27.020(b) Changes the consultation requirements on the department in charge of the project from the "owner" to the "governing body or school board", as applicable.

Section 4. AS 35.27.020(c) Changes the term "rural" school facility to "REAA" school facility. Also changes the authority to approve the inclusion of art in a project from the "owner" to the local "governing body" or "school board", as applicable.

Section 5. AS 35.27.020(e) Adds a cross reference to the following subsection (f), and changes the term "owner" to "governing body of a community", in keeping with previous changes.

Section 6. AS 35.27.020(f) Clarifies that the superintendent of both school districts and regional educational attendance areas have the authority to select artists involved in projects. THIS IS THE SECTION FOR WHICH BOB GREEN MAY SUGGEST NEW LANGUAGE - See next page.

Has

Section 7. AS 35.27.020(g) Deletes the term "resident", as the requirement that the artists be a resident may restrict otherwise acceptable choices.

Section 8. AS 35.27.030(1) Added section which changes the existing definition of "department" from 'DOT/PF' to any department that has the authority to build a facility.

Section 9. AS 35.27.030(4) Added section which changes the existing definition of "Commissioner" to reflect the new definition of department on section 8.

Section 10. AS 35.27.030(5) Adds a new definition of "governing body" to reflect the changes made in the Rules CS.

Section 11. Same as section 8 in the Finance bill

Section 12. Same as section 9 in the Finance bill.

Per Bob Green <sup>3</sup>

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\* Sec. 6. AS 35.27.020 (f) is amended to read:

(f) The Alaska artist who executes these works of art in a (THE) public school (SCHOOLS) shall be recommended (SELECTED) by the superintendent of the (A) school district or regional education attendance area in which the (A) public school is to be built with the final approval by (of) the school board. A school board, under the provisions of this section, may not approve the selection of an Alaskan artist to execute a work of art if such execution would result in a cost overrun or a delay in school construction.

HB 519 - RULES CS

1) Basically-rewrites existing law to require "Alaskan" art, to make program optional, and to make each department responsible for construction in charge of implementing program.

POSSIBLE PROBLEMS

2) SECTION 2 - requires a positive action by a community body to include art work. if no action, no artwork. Requiring each department to be responsible for the implementation of art program will just allow more opportunities for confusion in the program.

3) SECTION 2 - also puts decision on artwork in community. May cause questions on:

a) appropriateness of a community making decisions on artwork in state facilities.

b) definition of "governing body" includes IRA traditional council and non-profit entity. Although this may not cause problems, perhaps a better phrase would be "representative community body"

4) By making each department responsible, program is badly fragmented. If they had problems before, with positive implementation, they will really have problems with this.

5) Evidence suggests that program has worked pretty well, and is predominately Alaskan/former Alaskan. Problem with present program seems to be holding costs of artwork in line.

6) A.S.C.A. has been fairly heavy handed/inflexible in its demeanor and has irritated communities and staff. RULES CS cuts A.S.C.A. completely out of program, and eliminates "Art in Public Places" fund.

7) "Alaskan" artist is not defined. The term "resident" is deleted, but there is no additional guidance on the term "Alaskan". LAA Legal

not  
a  
problem

thinks term is OK, leaving discretion up to each project supervisor

# Alaska State Legislature

## House of Representatives



Official Business

Al Adams  
Chairman  
Committee on Finance

March 14, 1984

WHILE IN SESSION  
Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3706

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3320

1024 W. 6th  
Anchorage, Alaska 99501  
(907) 274-0615

### MEMORANDUM

TO: Members of the House Rules Committee

FROM: Representative Al Adams *APA*

SUBJ: HB 519 - Relating to Art Works by Alaskan Artists  
in Public Buildings and Facilities

### Background

I am the prime sponsor of the above captioned bill. The primary purpose of the bill is to make the so called "1% For Art" program optional instead of mandatory. Under the proposed Rules C.S., art work would only be purchased through the program if the community in which the building or facility is located approved the expenditure. Another change the bill makes to present law is that art work purchased through the program must be that of an Alaskan artist.

There are two main reasons that I think the program should be optional. The first and most important reason is that the first priority for rural capital projects is basic need. The cost of construction in my district is so high that funding provided by the state barely covers the total price tag of a capital project. It is important that we have enough funding for the proper building materials and construction design before we fund art work. I do not mean to imply that art is unimportant; only that when funding is limited, the building itself must come first.

The second reason I would like to make the program optional is that under the current mandatory language of the statute, many projects are built in Alaska without spending the required percentage on art work. When I researched the program this interim, I found that some school districts and state agencies do not routinely reserve a percent for art. Moreover, the program has not been well administered, probably because of the confusing language of the statute. My bill would clean up the statute and provide a clear mandate regarding when and how art will be included in future CIP projects.

## Bill History

The original bill had only one purpose: to make the program optional.

The House Finance Committee substitute attempted to clarify who would decide whether or not art work would be included by giving this responsibility to the building or facility owner. In other words, it attempts to define who will exercise the option regarding inclusion of art work. The CS also includes language to ensure that art work paid for by the program will be that of an Alaskan artist.

Today, I am proposing a Rules Committee substitute for your consideration. The proposed CS attempts to further refine language regarding who will decide on the inclusion of art work since the language of the Finance Committee substitute has been criticized for being too vague and, in some instances, inappropriate. Under the proposed CS, the community in which the building or facility is located would decide whether or not art work will be included in the total project. The proposed CS also makes other changes as described in the following sectional analysis of the bill.

### Sectional analysis of proposed CS HB 519 (Rules)

Section 1. Changes the purpose section of the statute to reflect the optional nature of the program and the fact that art work will be that of Alaskan artists, only. *pend. may be set aside for works of art.*

Section 2. States that art work shall be included if approved by the "governing body" of the community where the building or facility will be constructed. (See section 10 for the definition of "governing body".) The purpose of this change is to ensure local control of the program. Before deciding on inclusion of art work, the governing body is required to hold a public hearing or otherwise consult with the residents of the community. School boards are also required to go through the same process for school projects. Art work must be that of an Alaskan artist.

Section 3. Requires the department, before preparing building plans, to consult with the appropriate governing body or school board regarding inclusion of art work. (See section 8 for new definition of "department".) Makes consultation with the Alaska State Council on the Arts optional.

Section 4. States that not more than one percent, or in the case of an REAA school not more than one half of a percent of the construction cost of a building or facility may be reserved for Alaskan art work. The permissive language is included in this section because the art work is only included if the appropriate governing body or school board approves. If approval is secured, then the art work must be that of an Alaskan artist.

Section 5. States that the artist shall be selected by the department after consulting the governing body of the community.

Section 6. States that a school district superintendent shall select the artist after consultation with the school board.

Section 7. Requires the selection of Alaskan artists. Removes the requirement for resident Alaskan artists due to the fact that many Alaskan artists live outside for part of their careers.

Section 8. Changes definition of "department" from DOT/PF to any department responsible for the planning and construction of a building or facility. This is due to the fact that some agencies, such as the Court system and the University of Alaska, do not always go through DOT/PF for building construction. This change will ensure that the percent for art law applies to all capital construction not just that of DOT/PF.

Section 9. Changes definition of "commissioner" for the same reasons stated in the description of section 8.

Section 10. Defines "governing body" to mean, as appropriate, a city council, borough assembly, or one of the following entities that functions like a governing body in unincorporated communities: an IRA Council, a traditional village council, or a nonprofit community organization. The language for the definition was developed in consultation with the Department of Community & Regional Affairs. It will ensure local control of the program. In other words, the appropriate governing body decides whether or not art work will be included.

Section 11. Repeals the parts of existing law that provide for an exemption from the program and where the funding goes if the exemption applies. Since the bill creates an optional program, there is no longer need for an exemption.

Section 12. Provides for an immediate effective date.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**  
 Bill/Resolution No.: CS HB 519 (Rules)  
 Title: Art in Public Places

**FISCAL DETAIL**  
 Agency Affected: ALL  
 Program Category Affected: \_\_\_\_\_

Sponsor: Adams  
 Requestor: Adams  
 Date of Request: 3/13/84

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Representative Al Adams *AAA* Phone: 465-3706  
 Division: Sponsor, HB 519 Date: 3/13/84

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

§ 35.25.020

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§ 35.27.010

PUBLIC BUILDINGS AND WORKS

§ 35.27.020

Effect of amendment. — The 1977 "Department of Public Works" in amendment substituted "Department of Transportation and Public Facilities" for paragraphs (2) and (6).

## Chapter 27. Art Works in Public Buildings and Facilities.

### Section

- 10. Purpose
- 20. Art requirements for public buildings and facilities
- 30. Definitions

**Sec. 35.27.010. Purpose.** The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

Legislative history report. — For (Finance), see 1975 Senate Journal, p. report on ch. 54, SLA 1975 (CSHB 133 939).

### Sec. 35.27.020. Art requirements for public buildings and facilities.

(a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least ~~one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977,~~ will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 — 4 ch 176 SLA 1980)

**Cross reference.** — For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see AS 44.27.060.

**Effect of amendments.** — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in subsection (c) and added subsections (f) and (g).

The 1980 amendment rewrote

subsections (a) and (d), substituted "buildings" for "public works" in subsection (b), and in subsection (c), substituted "September 1, 1977" for "the enactment date of this chapter," "a school, office building, court building, vessel of the marine highway system, or other" for "the public," deleted "public" preceding "facility" near the end of the subsection, and added "which is subject to substantial public use" at the end of the subsection.

#### Sec. 35.27.030. Definitions. In this chapter

(1) "department" means the Department of Transportation and Public Facilities;

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

(A) includes, but is not limited to,

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

(ii) other buildings which the commissioner determines are designed for substantial public use;

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

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

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

(4) "commissioner" means the commissioner of transportation and public facilities. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am Executive Order No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980)

§ 35.27.030

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§ 1980)

§ 35.30.010

PUBLIC BUILDINGS AND WORKS

§ 35.30.010

Effect of amendments. — The first  
1977 amendment inserted "schools, office  
buildings, court buildings and other  
facilities which are designed for  
substantial public use" in paragraph (2)  
and added paragraph (3).

The second 1977 amendment

substituted "Department of  
Transportation and Public Facilities" for  
"Department of Public Works" in  
paragraph (1).

The 1980 amendment rewrote  
paragraph (2), and added paragraph (4).

## Chapter 30. Consistency with Local Government Plans and Ordinances.

Section	Section
10. Review and approval by local planning authorities	30. Waiver
20. Compliance with municipal ordinances	40. Definitions

Cross reference. — As to construction  
procedures, see AS 35.15.010 et seq.

Sec. 35.30.010. Review and approval by local planning  
authorities. (a) Except as provided in (b) of this section, before  
commencing construction of a public project,

(1) if the project is located in a municipality, the department shall  
submit the plans for the project to the planning commission of the  
municipality for review and approval;

(2) if the project is located within two miles of a village, the  
department shall submit the plans to the village council for review and  
comment.

(b) Prior approval by a municipal planning commission may not be  
required before the commencement of construction of a highway or  
local service road if

(1) the Department of Transportation and Public Facilities and the  
municipality have entered into agreement for the planning of the  
project under AS 19.20.060 or 19.20.070 and the plans for the project  
are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan  
under AS 19.20.080 and the highway or local service road is consistent  
with the plan adopted; or

(3) the Department of Transportation and Public Facilities has  
entered into agreement with the municipality for the planning of  
transportation corridors under AS 19.10.280 and the plans for the  
project are completed in accordance with the provisions of that  
agreement.

(c) If final disapproval by resolution of the governing body of the  
affected municipality or village is not received within 90 days from the

Secs. 44.25.030 — 44.25.038. Loan provisions generally; expiration of program.

Repealed by § 72 ch 113 SLA 1982, effective June 25, 1982.

Editor's notes. — The repealed article derived from § 1, ch. 190, SLA 1972.

## Chapter 27. Department of Education.

### Articles

2. Alaska State Council on the Arts (§ 44.27.060)

### Article 2. Alaska State Council on the Arts.

#### Section

60. Art in public places fund

Editor's notes. — As enacted by § 4 of Executive Order No. 44 (1980), AS 44.27.041 — 44.27.058 were designated as AS 44.27.050 — 44.27.140 but were redesignated by the revisor of statutes pursuant to AS 01.05.031(b).

Sec. 44.27.060. Art in public places fund. (a) The art in public places fund is established. The council shall manage the fund.

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or facility is less than \$250,000; or

(2) the building or facility is not designed for substantial public use.

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

(1) to commission or purchase a work of art which is to be made a permanent part of, or placed on loan in, a building or facility owned or leased by the state which has substantial public use; and

(2) to meet expenses for a commissioned work of art for a building or facility which has substantial public use if the cost of the work of art exceeds the amount reserved under AS 35.27.020(c).

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

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

§ 44.27.060

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June 25, 1982.

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§ 44.29.020

STATE GOVERNMENT

§ 44.29.020

Effect of amendments. — The 1982 "which" in the introductory language of  
amendment, effective May 28, 1982, sub- subsection (b).  
stituted "if the building or facility" for

### Article 3. Alaska Historical Commission.

Editor's notes. — This article was was renumbered by the revisor of statutes  
enacted as AS 44.27.040 — 44.27.120 but pursuant to AS 01.05.031(b).

## Chapter 29. Department of Health and Social Services.

### Article

1. Organization (§ 44.29.020)

### Article 1. Organization.

#### Section

20. Duties of department

Sec. 44.29.020. Duties of department. The Department of Health  
and Social Services shall administer the state programs of public  
health and social services, including:

- (1) maternal and child health services;
- (2) preventive medical services;
- (3) public health nursing services;
- (4) (repealed)
- (5) nutrition services;
- (6) health education;
- (7) laboratories;
- (8) mental health treatment and diagnosis;
- (9) management of state institutions;
- (10) medical facilities;
- (11) adult public assistance;
- (12) aid to families with dependent children;
- (13) Repealed by § 7 ch 138 SLA 1982;
- (14) child welfare services;
- (15) general relief;
- (16) licensing and supervision of child care facilities; and
- (17) probation and parole supervision. (§ 12 ch 64 SLA 1959; am § 3  
ch 104 SLA 1971; am § 47 ch 71 SLA 1972; am Executive Order No.  
51, § 41 (1981); am § 98 ch 59 SLA 1982; am § 7 ch 138 SLA 1982)