

HCPR

9

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMORANDUM

TO: Senator Vic Fischer

FROM: Nancy Schaufelberger
Committee Staff *Nancy*

DATE: May 16, 1983

SUBJ: HCR 9--Removal of "Nimbus" and replacing it with a veteran's memorial.

BACKGROUND

In 1974 the Alaska Court System, the Alaska State Council on the Arts (ASCA) and the National Endowment for the Arts (NEA) agreed on a project application under the NEA's Art in Public Places Program to commission a contemporary sculpture for the courtyard of the new Juneau Court Building.

The NEA agreed to provide \$20,000 in grant funding if matching monies were made available by the state--the Alaska Court System agreed to provide \$10,000 and ASCA the other \$10,000. A selection committee was established consisting of representatives from the Alaskan community and those selected by the NEA. After following established grant guidelines and procedures, the committee voted, and unanimously selected Mr. Robert Murray as the artist of first preference.

NEA

On May 13, I spoke with Stacy Paleologos, Consultant to the Art in Public Places Program, at the NEA to inquire about the implications of replacing "Nimbus." Ms. Paleologos was very familiar with the sculpture, and the controversy surrounding it, and offered the following comments.

She indicated that the grant was given for a permanent work of art and to move it (which might possibly destroy it) would go outside the guidelines and would be considered a serious violation of the grant provisions by the NEA. She further indicated that moving "Nimbus" would warrant action of some kind by the NEA, possibly even repayment of the federal grant portion by the state. Additionally, Ms. Paleologos indicated that the NEA was very satisfied with the piece in question, and has included it in their pictorial book on art in public places.

Senator Vic Fischer
Page 2
May 16, 1983

VETERAN'S MEMORIALS

As another point, it is interesting to note that Juneau already has a memorial to veterans--the local library. According to library records, when the present library was opened in 1951 it was named Juneau Memorial Library and dedicated to those who served in the wars.

Also, more recently, Chapter 30, SLA 1981, created a memorial to Alaska veterans in Denali State Park near the Parks Highway. \$200,000 was appropriated for this purpose and the memorial should be completed this summer.

D.1.

WASHINGTON
DC 20506



Agency advised by the
National Council on the Arts

October 10, 1978

John B. Chenoweth
Legislative Counsel
Legislative Affairs Agency
Pouch Y
Juneau, Alaska

Dear Mr. Chenoweth:

The controversy surrounding the Juneau Art in Public Places project entitled "Nimbus" has come to our attention.

As you may already be aware, there do not presently exist any restrictions or conditions in Endowment grant provisions relating to removal or relocation of commissioned works from their proposed sites. However, reference should be made to the copyright laws of the United States, which indicate that the creator of a work retains rights regarding the manner and location of public exhibition of his work. (See Title 17, § 106(5) of the United States Code Annotated.)

In any event, the proposed disposition of the piece in question is of concern to us, since the project was made possible by a Federal grant program. Any action, especially destruction of the piece, which would undermine the purposes and intent behind the Federal Art in Public Places program could not be viewed with indifference by the Endowment.

Of course, we at the Endowment are sensitive to local concerns. We therefore hope an equitable resolution of this matter can be effected, hopefully one which takes into account the rights and interests of all involved parties, including the creator of the work.

Sincerely,

Robert Wade
General Counsel

cc: Roy Helms

Friends of the Library

FRIENDS OF THE JUNEAU BOROUGH LIBRARIES

9616 Stikine Street, JUNEAU, ALASKA 99801

BARBARA BERG, President

NEWSLETTER

SEPTEMBER 1980



The PAST, PRESENT, AND FUTURE of

LIBRARY SERVICE IN JUNEAU

- 1897 A Public Library Association, composed mainly of local ministers, provided for Juneau's first library collection. It was housed in the Court Building on the hill where the State Office Building now stands. This structure burned in 1898, and the library with it.
- 1914 The Draper Club, a local study group, took library service as a project in 1914. A building on Third Street was rented as reading room. Many organizations and individuals donated books as well as funds to heat and maintain the library. The Juneau Library Association was formed in 1915, and was the first non-profit corporation formed in Alaska.
- 1916 In 1916 the city assumed operation of the library. In 1918 the library moved into two rooms in City Hall, which was then at Fourth and Main Streets.
- 1951 The present main library at Fourth and Main Streets opened in 1951. Raising the \$82,000 for construction was an all-community effort by civic groups, businesses, individuals. The building was named Juneau Memorial Library and dedicated to those who served in the wars. It was intended to house up to 18,000 volumes and to serve a population as large as 15,000. In 1951 Juneau's population was 5,956.

- 1961 Just ten years after the opening of Juneau Memorial Library, the main floor was close to capacity with 17,760 volumes.
- 1963 The east wing of Juneau Memorial Library's basement was opened as a children's room. Shortly after, the west wing was utilized as a combination periodicals and reading room.
- 1969 Alaska's state plan for libraries designated Juneau as Regional Library for Southeast Alaska. Fairbanks and Anchorage were named as Regional Libraries for their areas.
- 1972 By assuming responsibility for Douglas Library, which was long operated by the Douglas Island Women's Club, the Juneau public library became a "system." The Douglas branch is housed above the Fire Hall on the main street of Douglas, at 1014 E Street.
- 1973 A second branch brought library service to patrons "out the road." The Valley branch is a cooperative community/school library in the Floyd Dryden Junior High School. The school buys junior high level materials and staffs the facility during school hours. The public library provides preschool and adult materials and staffs the library during late afternoon and evening hours.
- 1974 A building expansion and major remodeling plan for Juneau Memorial Library was abandoned by the city. The need for added space was recognized, but remodeling costs were too high for limited space to be gained.
- 1977 Fairbanks opened its new library facility, becoming the first of the Regional Libraries actually built and functioning.
- 1979 Anchorage voters said yes to a 14 million dollar bond proposal for their new headquarters library. When completed, this will be the state's second Regional Library.

Juneau Borough Libraries Annual Report for FY 1980 indicated that the Juneau Memorial Library collection at the end of the year totaled 37,467 items. This includes books, records, cassettes, microfilm, and other media. It also indicates the critical space problems presently faced by the facility. An engineering study reported that the main floor cannot support the weight of additional bookshelves. The library director presented plans for limited remodeling which would shift heavy stack areas to the basement.

- 1980 Friends of the Juneau Borough Libraries held several public meetings on the need for a new library in Juneau.

A public information campaign was begun by the Friends of the Library. At the request of the Friends, Library Director Nancy Gustavson prepared the following comparison study:

	Minimum Standards*	Juneau Library
Total square feet	15,000	7,900
Work space in sq. ft.	1,500	579
Seating	75	60
Professional librarians	4	2
Clerks	8	5.5 (FTE)
Open hours, main lib.	66 - 72	51.5
Open hours, branches	45 - 66	20.5 Valley 11 Douglas

*These figures have been taken from the guidelines for public libraries based on 25,000 population (American Library Association, Minimum Standards for Public Library Systems.)

Friends of the Library in April of 1980 presented the City-Borough Assembly with a list of priorities for improved library service. The number one priority was for a new main library building. Also proposed was a store-front branch in a Valley shopping center. As a first step, Friends recommended that a consultant be retained to study needs and alternatives. Other priority items included a professional children's librarian, extended open hours, and renovation of Juneau Memorial Library to meet present needs until a new building could be completed.

1980 continued The Juneau City and Borough Assembly allocated \$12,000 for a library planning consultant. Ray Holt, presently consultant for the new Anchorage Library, has been chosen to do Juneau's study. He will begin work in Juneau the week of October 13.

1981 Consultant's recommendations will be in.

Should bond proposal go to Juneau voters for new main library?

Juneau's population will be approximately 25,000. Improved library service for Valley will need to be addressed.

2000 Juneau's population (using City and Borough Planning Department figures) is estimated between a low of 43,900 and a high of 86,790. What services and facilities will library patrons need twenty years from today?

* * * * *

Friends of Juneau Borough Libraries
9616 Stikine Street
Juneau, AK 99801

HB 306 Veterans burial benefits

Linda Edgewater, aide to Representative Liska (prime sponsor) testified for the bill. She said the bill is designed to correct a situation where survivors are denied federal veterans benefits if they are eligible for a lesser state benefit.

Paul Arnoldt, Director of the Division of Business Loans and Veteran's Affairs, testified for the bill. He reiterated the testimony of the previous witness.

Senator Rodey moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

HB 406 National Guard reenlistment bonus

Richard Roundtree, Department of Military Affairs, testified for the bill. He said the bill merely clarifies the intent of the existing law.

Senator Fischer asked if the bill granted additional benefits. The witness said "no".

Senator Kelly moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

HR 9 Veteran's memorial

Committee staff presented a committee substitute for consideration.

Senator Ray objected to the resolution on the grounds that the sculpture "Vimbus" belongs to the court system and is not under the control of the Legislature. He said that a constitutional separation of powers question may be involved. He further suggested an amendment which would clarify that the memorial would honor veterans of undeclared wars, such as Vietnam and Korea, as well as declared wars.

Senator Rodey moved and asked unanimous consent for the committee to adopt the committee substitute as amended. There was no objection. He then moved and asked unanimous consent for the committee substitute to move from committee. There was no objection.

The meeting adjourned at 3:30 p.m.



12 May 1983

Nancy Schaufelberger
Senator Vic Fischer's Office
Pouch V
Juneau, Alaska 99811

Dear Nancy:

As we discussed on the telephone yesterday and this morning, I have enclosed some background information on Nimbus, the sculpture by Robert Murray in front of the Court Building in Juneau. The outline includes details of who was involved in actually getting a piece of sculpture for the site as well as the steps which were taken and funds which were granted to select and pay the artist. You can see that planning began in 1974. The piece was permanently installed in June, 1978.

I understand that House Concurrent Resolution 9 calls for the organization of a task force to study ways to remove Nimbus and plan for the installation of a war memorial on the Court Plaza Site. The Director of the State Arts Council is named in the resolution as a member of the task force.

There are several issues at stake regarding the removal of Nimbus:

- no one will argue against the creation of a war memorial only against the removal of another creative work on the same site. The State Arts Council and its Public Art Panel would happily provide technical assistance on the selection of an alternative site should that be an option
- the actual Juneau Court Building Plaza was redesigned for the installation of Nimbus. Murray asked that the "downhill" side of the plaza be opened up to allow for a broader view of his work. Therefore, his piece incorporates the plaza and is, as I understand it, protected by his copyright. Copies of the drawings and construction documents are in our office and can be obtained from Mr. Murray.
- is it appropriate for the Legislature to censor, in

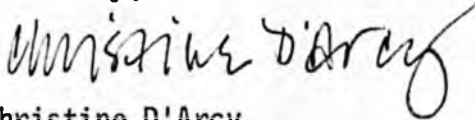
Alaska State Council on the Arts

619 Warehouse Avenue, Suite 220/Anchorage, Alaska 99501/(907) 279-1558

effect, the kinds of artwork the public is exposed to simply because individual members have different feelings regarding a particular work? The State Arts Council agrees that any government censorship is not a good thing.

I know that I have only touched upon a few things regarding the piece and philosophies on public art. Please feel free to call me prior to the Senate State Affairs meeting Tuesday when public comment on the resolution will be taken.

Sincerely,

A handwritten signature in cursive script that reads "Christine D'Arcy". The signature is written in dark ink and is positioned above the typed name.

Christine D'Arcy
Acting Executive Director

cc: Alaska State Council on the Arts Members

enclosures

CD:mt

Juneau Courthouse Sculpture Project

The following is a listing in order of the events and actions to date concerning the commissioning of a sculpture for the Juneau Courthouse Plaza.

1. In July, 1974 Lou Cassetta, architect of the Juneau Courthouse, met with Roy Helms of the ASCA to discuss possible matching funding from the National Endowment for the Arts for works of art in conjunction with the new building. Under consideration at that time was the restoration of a totem pole, the construction of display cases for museum pieces in the lobby of the building, and a piece of sculpture in or adjacent to the plaza. (re.: July 24, 1974 letter from Lou Cassetta to Arthur Snowden II)
2. By the time the application was filed the inclusion of the totem pole was set aside since this would not be an new work of art, but a restoration, and fibre wall hangings were included for the four court rooms.
3. The National Endowment responded on November 6, 1974 indicating that they could only consider funding for one project, the sculpture for the plaza. (Letter from Richard Koshalek, November 6, 1974).
4. The Court System confirmed that there was no conflict between the guidelines of the National Endowment for the Arts and the legislative appropriation limitations. The manner in which to spend \$25,000 for works of art was left to the discretion of the Court System by the Legislature. (Letter of August 5, 1974 from Arthur Snowden, II to Lucian Cassetta.)
5. In December, 1974 the project application to the National Endowment was changed to include only the plaza sculpture. A total of \$10,000 was applied for with \$10,000 matching pledged by the Alaska Court System. (Letter of December 13, 1974 from Roy Helms to David Bancroft).
6. On August 18, 1975 Brian O'Doherty, Director of the Visual Arts Programs of the National Endowment indicated a reluctance on the part of the review panel to consider a sculpture project with such a low budget. He indicated that they would be willing to fund \$20,000 if there were \$20,000 matching available.
7. The Alaska State Council on the Arts was approached by the Alaska Court System on August 20, 1975 for the additional \$10,000. This was approved by telephone conference on August 29, 1975 of the Visual Arts Committee and the Executive Committee.
8. On June 28, 1976, a grant was awarded to the Alaska State Council on the Arts from the National Endowment for the Arts in the amount of \$20,000 for the Juneau Sculpture Project. The grant conditions included adherence to the guidelines under which the Alaska State Council on the Arts applied which included:

- a. Appointment by the ASCA of three individuals with knowledge of the local area and of contemporary art to a selection committee.
 - b. Appointment by the National Endowment for the Arts of three nationally recognized experts to the selection committee.
 - c. The selection committee will be empowered to select the artist for the commission. The selection will be made on the basis of the review of previous work of artists of national or regional significance.
 - d. The selected artist will prepare a model for the project for review by the Alaskan members of the selection committee. The National Council on the Arts will also have the opportunity to review the model.
 - e. The National Council on the Arts advised that the selection process be extended widely to include artists both outside and inside the state.
9. On June 14, 1976 the ASCA granted Arts Alaska, Inc. \$10,000 from the Public Art program for the Juneau Sculpture project.
 10. On September 15, 1976 the ASCA granted Arts Alaska, Inc. \$20,000 from the National Endowment grant for the Juneau Sculpture project.
 11. On April 19, 1977 the Alaska Court System issued a check to Arts Alaska in the amount of \$10,000 for the Juneau Sculpture project.
 12. Selection procedures:
 - a. Notification of the availability of the commission was made in the press and in "The Arts in Alaska". Alaskan sculptors were encouraged to have their portfolios filed with the ASCA for review by the selection committee.
 - b. The Alaskan portion of the selection committee was appointed by the ASCA including Ron Senungetuk, Lou Cassetta, and Justice Connor.
 - c. The National Endowment portion of the selection committee was appointed to include Sebastian Adler, Museum of Contemporary Art, LaJolla, CA; Suzanne Foley, San Francisco Museum of Modern Art; and Maurice Tuchman, Los Angeles County Museum.
 - d. The committee met in Juneau at the site on November 19, 1976. (Connie Boochever substituting for Justice Connor.)
 - e. The committee first viewed the site, discussed its unique needs, and then began reviewing slides of artists work. They first reviewed the portfolios of 21 Alaskan artists. They then reviewed slides of sculptors' work from the rest of the United States.
 - f. Each of the committee members was asked to list those artists that stood out in their minds as fulfilling the criterion set forth. From this list discussion took place. (See addendum)



- g. The committee eventually voted and unanimously selected the following three artists in the ranked preference listed
 1. Robert Murray.
 2. Cliff Westermann.
 3. Robert Breer.
12. Robert Murray was contacted and was willing to undertake the commission. A contract between Arts Alaska, Inc. and Robert Murray was negotiated effective 23 December, 1976.
13. Robert Murray visited the site on 18 January 1977, met with Justices Boochever, Connor, and Stewart to discuss the proposed sculpture, the desired changes in the concrete pad in the plaza, and desired alterations to the surrounding buildings for long-term planning purposes.
14. It is intended that the model for the sculpture will be ready for review by the committee in mid-June, 1977. At that time the three Alaskan members of the selection committee will meet with Murray in Juneau to review the plans and approve or disapprove the proposed sculpture.

ADDENDUM: Criterion outlined relative to the site and the selection process

1. The sculpture will be viewed from all sides and heights, including above and below.
2. If the sculpture is to be centered in the circular central space in the plaza a net diameter of 20' is possible.
3. Consideration needs to be given to the "gray" nature of the climate in Juneau. The material and finish would desirably be highly reflective or brightly colored.
4. There is a potential of strong winds from all directions which should be taken into consideration when considering large, flat surfaces.
5. The work of art to be commissioned is to be of national or regional significance. This was interpreted to the committee as meaning that the artist selected should have a demonstrated record of nationally or regionally recognized work as a contemporary sculptor.
6. The general vicinity of the plaza is "busy" visually with closely built structures of varying heights and colors. It was agreed that a "busy" sculpture would not be appropriate and this was kept in mind when reviewing artists.
7. A variety of philosophies about the proposed nature of the to-be-commissioned work were suggested including consideration of "strength" as descriptive of the Court System and accessibility to the community (especially the children of the community).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 13, 1983

SUBJECT: Copyright implications for the removal of
"Nimbus"

TO: Senator Vic Fischer
Chairman, Senate State Affairs Committee

FROM: *LFK* Linn H. Asper
Legislative Counsel

You have asked for an opinion on copyright law provisions that would affect the HCR 9 proposal to remove the sculpture "Nimbus" from its present location in front of the State Court and Office Building in Juneau. In the material I was given as background information to this request is a 1978 memorandum from Robert Wade, general counsel of the National Endowment for the Humanities, to Jack Chenoweth, formerly of this office. (Copy attached.) In that memorandum, Mr. Wade indicates that there are no conditions in the N.E.H. grant for "Nimbus" that would prevent the state from removing or re-locating the sculpture. Mr. Wade did, however, indicate that the creator of the work might be able to object to the removal of "Nimbus" under the federal copyright laws (17 U.S.C. 106(5)). The referenced section gives the owner of the copyright on a sculptural work the exclusive right to authorize the public display of the copyrighted work. Although the federal law creating this right is of recent origin and the extent of the exclusive display right has not yet been determined in the courts, it might well be interpreted to give an artist the right to prevent the destruction, removal, or relocation of a copyrighted work of art.

Despite what has been stated above, it is my opinion, based on the information available to me at this time, that the state need not be concerned about any objection to the removal of "Nimbus" that might be raised by the artist. This is so because the contract between the artist and Arts Alaska, Inc. clearly states that the copyright to "Nimbus" belongs to Arts Alaska, Inc. (Contract, Appendix B,

Senator Vic Fischer

Page 2

May 13, 1983

Section J., copy attached.) Since the copyright was purchased along with the sculpture by Arts Alaska, Inc., the artist has no cause to object under federal law, which states that the exclusive rights referred to above belong to the "owner of copyright". On the other hand, as owner of the copyright, Arts Alaska, Inc., a nonprofit corporation affiliated with the Alaska State Council on the Arts, can object to the proposal to remove "Nimbus" and might be able to prevent the move under the copyright law previously referred to. I assume that Arts Alaska as a quasi-state agency is less likely to object than the artist, but you should be aware of the possibility. In view of the N.E.H. interest in the sculpture and the Arts ALaska, Inc. copyright rights, it would be advisable to relocate, rather than store or destroy "Nimbus" and the committee that is to investigate this matter if HCR 9 is passed should consult with Arts Alaska, Inc., the Alaska State Council on the Arts, and the National Endowment for the Humanities before making its recommendations to the legislature.

LHA:ljb

20/001

J. All drawings, models or maquettes shall remain the Artist's property. The copyright in the Work of Art, however, belongs to the Corporation, and no more copies than are required in the Project may be made or ~~caused to be made by anyone without prior written approval from the Corporation.~~

K. All aspects of the Project shall be guaranteed by the Artist against faulty execution or defective or inferior materials, equipment or workmanship for one (1) calendar year after completion and acceptance of the Project by the Corporation, during which period the Work of Art shall be repaired, restored or replaced at the Artist's expense, *with the exception of the painted surface.*

L. It is understood that under the terms of the Contract, the Artist is an "Independent Contractor" who shall indemnify and save harmless the Corporation and the State of Alaska from and against any and all manner of actions, liabilities, and claims of any person arising out of or in connection with the performance of the services to be performed by the Artist under this Contract. Any work under this Agreement shall not be construed as employment with the State of Alaska or Arts Alaska, Inc. The Artist will be required to obtain and pay for his gross income license and be responsible for payment of income, social security, and other taxes.

M. The artist shall not assign or transfer any interest in this Agreement without the prior written consent of the Corporation; provided, however, that claims for money due or to become due from The Corporation under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Corporation.

N. In the event that the Artist dies before the date fixed for completion or becomes permanently incapacitated and/or unable to complete the work on the Project, ~~the Corporation may within thirty (30) days after notice thereof, elect in writing to pay a proportionate share of the agreed price for work completed to the satisfaction of the Corporation, and acquire the unfinished work. This Agreement shall then be cancelled and the Corporation be entitled to the return of such part of the price above the proportionate share, as the Artist has already been paid.~~

the heirs or executors will make every effort to complete the project per the original design.

O. A program of regular maintenance will be planned by the Corporation for the State of Alaska that is acceptable to the artist.

Original sponsors: Bettisworth, Cato,
Phillips and Flood

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

Calling for erection of a suitable memorial to honor veterans of all wars involving the United States ^{in the capital} ~~on the site~~ ^{city of Juneau} presently occupied by "Nimbus".

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaska veterans who served in wars involving the United States should be honored in Alaska; and

WHEREAS Alaska veterans who served at least 180 days active duty with a United States military organization during time of war, or were discharged sooner as a result of illness or injury in service in a war in which the United States participated, deserve special recognition: and

WHEREAS the capital city of Juneau is an appropriate site for a memorial honoring these veterans;

WHEREAS this memorial should be placed in an area to which the general public has free and unimpeded access;

BE IT RESOLVED by the Alaska State Legislature that the erection of a suitable memorial, in the capital city of Juneau, honoring Alaska veterans of all wars involving the United States should be studied; and be it

FURTHER RESOLVED that a committee be established consisting of the ^{Adjutant General of the state} ~~Chief Justice of the Alaska Supreme Court~~ or the designee of the ^{Adjutant} ~~Chief~~

General

Justice, who shall serve as chairman of the committee, a representative of the Veterans of Foreign Wars, a representative of the American Legion, a representative from the Vietnam Veterans of Alaska, the director of the Alaska State Council on the Arts or the designee of the director, the mayor of the City and Borough of Juneau or the mayor's designee, a member of the House of Representatives of the Alaska State Legislature, appointed by the speaker of the house, and a member of the Alaska State Senate, appointed by the president of the senate, to meet and make recommendations to the legislature on or before March 1, 1984 on

- (1) at least three options for the type of memorial to be constructed, with estimated costs for each option; and
- (2) appropriate sites for location of the memorial, which may include sites currently occupied by existing sculptures providing ^{and a relocation site} relocation costs are specified; and
- (3) the time frame for construction of the memorial; and be it

FURTHER RESOLVED that the memorial should be commissioned to an Alaskan artist; and be it

FURTHER RESOLVED that public contributions be accepted to help pay the cost of this memorial.

Further resolved that the memorial contain suitable recognition of the contributions of both male and female veterans and the unique contributions made by the Eskimo Scout Battalion of the Alaska Territorial Guard; and be it

rep. of the Juneau Arts Council;
rep. of the SE. AK. Visual Artists Assoc.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (Finance) am
Title Calling for erection of a suitable memorial to honor veterans of all wars involving
World War II in the United States on the site presently occupied by "Nimbus".

Requested by: Senate State Affairs Committee

Date: 05/13/83

II. FISCAL DETAIL

Agency Affected Legislature

Program Category Affected General Government

BRU, Program, Or Subprogram(s) Affected Legislative Council

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		2.5				
200 TRAVEL		6.7				
300 CONTRACTUAL		0.5				
400 COMMODITIES		0.2				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		9.9				

FUNDING (Thousands of Dollars)

GENERAL FUND		9.9				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY		1				

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Assumption 1: Temporary/part-time clerical - @\$10.30/hr x 4 hrs daily for 60 working days = \$2,472.00

Assumption 2: 3 meetings - Travel 4 roundtrip tickets for 4 members from Anchorage to Jnu = \$3,840.00

Per diem @\$80 x 4 members for 2 days x 3 meetings ----- = \$1,920.00

Per diem @\$80 x 4 members for 1 day x 3 meetings ----- = \$ 960.00 \$2,880.00

Total Travel & per diem \$6,720.00

Assumption 3: An office in the Capitol will be used at no charge. Credit card toll calls \$500.00

Assumption 4: Office supplies, etc. ----- \$200.00

Assumption 5: Use existing legislative office equipment at no charge.

IV. DATE 05-13-83

PREPARED BY Wally Harrison, Director, Admin. Services

AGENCY Legislative Affairs Agency

Original: Legislative Finance

PHONE 465-3850

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

Representative Robert H. Bettisworth
THE STATE CAPITOL
Pcuch "V" (MS 3100)
Juneau, Alaska 99811

April 1, 1983

Dear Representative Bettisworth,



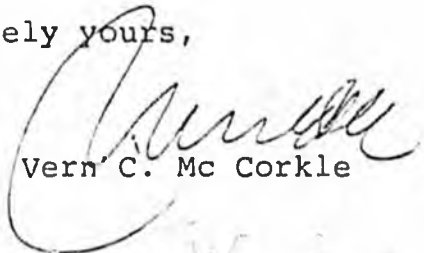
Three Cheers!

If the Resolution passes, you have my personal pledge for \$100.00 to start your fund.

Please ask one of your staff to let me know when it passes, and the check will be in the return mail.

Keep up the good work!

Sincerely yours,


Vern C. Mc Corkle

'Deep-six' Juneau statue, say lawmakers of Nimbus

JUNEAU (AP)—"In the jewel-like capital of our great land is a monument to nothing, a sight I can't stand. It could be useful at last if right now and fast, it were a chainless anchor for the Wickersham."

That bit of doggerel, penned by an anonymous Alaska legislator, describes many lawmakers' opinion of Nimbus, an abstract piece of metal sculpture erected in ~~the~~ ~~the~~ ~~the~~ 4th Street from the Capitol Building.

On Monday, the House ~~unanimously~~ ~~approved~~ a resolution to remove the ~~sculpture~~ ~~to~~ parts unknown and use the spot for a memorial to war veterans.

The resolution, primarily sponsored by Rep. Bob Bettisworth, R-Fairbanks, calls for a "suitable memorial honoring military personnel who served 180 days or more active duty with a United States military organization during time of war, or were discharged sooner as a result of illness or injury in service in a war in which the United States participated."

The resolution, which goes to the

Senate for consideration, calls for creation of a committee to recommend within 45 days the fate of "Nimbus," the type of memorial to be constructed and the time frame for its construction.

Bettisworth said the plan is to try to raise money from citizens for at least part of the cost of the veterans' memorial, with the Legislature kicking in the rest of the money, if necessary.

Nimbus was designed and constructed by artist Robert Murray at a cost of ~~approximately \$100,000~~ ~~and~~ ~~several~~ ~~thousand~~, according to Bettisworth.

The aquamarine-shaded sculpture—which seems to be the piece of art everybody loves to hate—is supposed to suggest the Mendenhall Glacier, according to Bettisworth.

He and his colleagues feel it would make a good "chainless anchor" for the Wickersham, once the flagship of the state's ferry system before it was sold because it violated the federal Jones Act and could not be used between American ports.

Handwritten notes:
99-700

*I thought you might be interested in my effort in this regard.
Maybe we could try re-selling it to some Eastern gallery.*

Dear Governor Sheffield,

I was gratified to hear that you have accepted the resignations of the entire State Council for the Arts. As an individual Alaskan, I would like to make a suggestion to you which could correct two injustices, beautify Juneau and win the gratitude of the vast majority of Juneau-ites -- at no cost to the State.

As you may know, "Nimbus" -- the misshapen piece of bluish metal in our court building's plaza -- may have been the old Art Council's worst error of judgement. A big-name Eastern "sculptor" was (lavishly) commissioned, and the resulting "Nimbus" outrage filled the EMPIRE's "Letters to the Editor" section longer than anything else since. (My own letter read, "A piece of junk is a piece of junk is a") Maybe most galling was the stipulation that "Nimbus" had to be re-sold rather than simply scrapped if found to be unacceptable. There was even a petition against Nimbus -- ignored by the Arts Council, of course. Even now "a Nimbus" means a snob-appeal boondoggle.

A local resident, Ed Way, did the "Hard Rock Miners" bronze sculpture for the new *Marine Park*. It is a brilliant and moving tribute to those men whose honest sweat originally built this town. Ed is an acquaintance of mine, and his business sense has never kept pace with his artistic skill and vision. Forging the sculpture in California, Ed "went over" his original bid (by more than \$20,000!), believing Juneau-ites would support (and expecting our Borough Assembly would compensate) his comm. tment.

When Ed petitioned the Assembly for compensation last week, Bill Overstreet led the (unpopular) vote against it. Bill's opposition was basically out of a sense of fiscal duty, not wanting to set a dangerous precedent for other contractors.

COULD YOU, AS ALASKA'S GOVERNOR, INTERCEDE IN THIS UNFORTUNATE SITUATION AND OFFER TO SELL "NIMBUS" SO THAT THE PROCEEDS COULD BE USED TO HELP FULLY RECOMPENSE ED WAY FOR HIS/OUR "HARD ROCK MINERS"? --ASSUMING SOMEONE MIGHT BUY SUCH SCRAP, OF COURSE.

I do not know the legal status of Nimbus, but such an action could be a beautiful and appreciated gesture appropriate to the new beginning you intend for Alaska.

Thank you for your time and for your consideration of my idea.

Respectfully,

Gov. Sheffield,

I discussed this with Bill last night. He instead prefers a private fund-raising, wanting to leave government out of it. However, a private effort may not raise much "after the fact", and a good excuse to get rid of Nimbus should be used. More importantly, this situation is a bronzen opportunity to re-emphasize what Alaskan art should be.

D.1.

WASHINGTON
DC 20506



Agency advised by the
National Council on the Arts

~~October 10, 1978~~

John B. Chenoweth
Legislative Counsel
Legislative Affairs Agency
Pouch Y
Juneau, Alaska

Dear Mr. Chenoweth:

The controversy surrounding the Juneau Art in Public Places project entitled "Nimbus" has come to our attention.

As you may already be aware, there do not presently exist any restrictions or conditions in Endowment grant provisions relating to removal or relocation of commissioned works from their proposed sites. However, reference should be made to the copyright laws of the United States, which indicate that the creator of a work retains rights regarding the manner and location of public exhibition of his work. (See Title 17 §106(5) of the United States Code Annotated.)

In any event, the proposed disposition of the piece in question is of concern to us, since the project was made possible by a Federal grant program. Any action, especially destruction of the piece, which would undermine the purposes and intent behind the Federal Art in Public Places program could not be viewed with indifference by the Endowment.

Of course, we at the Endowment are sensitive to local concerns. We therefore hope an equitable resolution of this matter can be effected, hopefully one which takes into account the rights and interests of all involved parties, including the creator of the work.

Sincerely,

Robert Wade
General Counsel

cc: Roy Helms

MEMORANDUM

TO: Senator Vic Fischer

FROM: Nancy Schaufelberger
Comm. Staff

DATE: May 16, 1983

SUBJ: HCR 9--Calling for an erection of a suitable memorial to honor veterans of all wars involving the United States on the site presently occupied by "Nimbus."

On May 16, 1983, I contacted the National Endowment for the Arts (NEA) in Washington, D.C. regarding the implications of HCR 9, since Nimbus was created through a matching federal grant program.

I was referred to Stacy Paleologos, Consultant to the Art in Public Places Program, within the National Endowment for the Arts. She was very familiar with the sculpture "Nimbus," and while she could not give me a legal opinion, she made the following comments regarding its replacement and/or removal.

She indicated that the grant was given for a permanent work of art and to move it (which might possibly destroy it depending on how it is imbedded in the concrete) would go outside the guidelines and would be considered a serious violation of the grant provisions by the NEA. She further indicated that moving "Nimbus" would warrant action of some kind by the NEA, but she declined to speculate on what that might entail. She did, however, confirm the above comments for me with the Assistant Director of the Art in Public Places program, Leonard Hunter.

The file on "Nimbus" which contains a copy of the original grant guidelines has been "retired," however, I have requested that she retrieve it from Archives and send me the pertinent information--this will take between a week and a half and two weeks.

Additionally, she indicated that the NEA was totally satisfied with the piece of work, and has even included a picture of it in their book, Art in Public Places.

might include repayment.

note: juno memo. library

outline arts -

process -

*parksbury -
amount of
money
spent*

BACKGROUND

After a series of correspondence (considering and rejecting various projects) between the Alaska Court System, the Alaska State Council on the Arts (ASCA) and the National Endowment for the Arts (NEA) a project application was made to the NEA for a sculpture for the new Juneau Courthouse Plaza.

NEA agreed to provide \$20,000 in grant funding if matching monies were provided by the state--the Alaska Court System agreed to provide \$10,000 and ASCA the other \$10,000.

The grant conditions included these guidelines:

- 1) Appointment by ASCA of three individuals with knowledge of the local area and of contemporary art to a selection committee.

** (Persons appointed were Ron Senungetuk, Lou Cassetta and Justice Conner--Connie Boocheever substituted for Justice Connor.)

- 2) Appointment by the NEA of three nationally recognized experts to the selection committee;

** (Persons appointed were Sebastian Adler, Museum of Contemporary Art, LaJolla, CA; Suzanne Foley, San Francisco Museum of Modern Art; and Maurice Tuchman, Los Angeles County Museum.)

- 3) The selection committee was empowered to select the artist for the commission, and the selection was to be made on the basis of the review of previous work of artists of national or regional significance.

** (After appropriate notification of the work to be commissioned, the committee reviewed proposals, voted and unanimously selected the following three artists in the ranked preference listed: 1) Robert Murray; 2) Cliff Westermann, 3) Robert Breer.)

- 4) The selected artist was to prepare a model for review by both the Alaskan members and the NEA members of the selection committee;

- 5) The NEA advised that the selection process be extended widely to include artists both outside and inside the state.

SEE LETTER FROM CHRIS DARCY AND ATTACHED CORRESPONDENCE & NOTES FROM CONVERSATION WITH CONNIE BOOCHEEVER.

MSG 83-00004275 PRTY 1 03/29/83 19:03:01 ORIG: LA01 IN= 0007 OUT= 0103
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJKL SUBJ: POM

3/29/83, SHIRLEE ANC LIO, 4275

TO: ALL MEMBERS, ALASKA SENATE
ATTN: SENATOR FAIKS

FROM: HENRY ROESING, 5801 SOUTH TAHITI LOOP, ANCHORAGE 99507
H 563-7475 W 276-6563

I WOULD LIKE TO ENCOURAGE THE SENATE TO SUPPORT THE HOUSE
RESOLUTION TO REMOVE NIMBUS AND ALSO ENCOURAGE REPLACEMENT
OF IT WITH A MEMORIAL TO WAR VETERANS. SEVERAL YEARS AGO,
WHEN I LIVED IN JUNEAU, I RECOMMENDED REPLACING NIMBUS WITH
A TRIBUTE TO JUDGE WICKERSHAM. I STILL FEEL THE JUDGE SHOULD
BE HONORED IN SOME WAY.

May 13, 1983

SECOND REVISED
SENATE STATE AFFAIRS COMMITTEE
MEETING SCHEDULE

Butrovich Room

May 17, Tuesday, 3:00 p.m.

Drunk Driving and related issues
(SB 61, SB 226, HB 17)

HJR 28 Native Allotments
HB 184 Title for vehicles
HCR 9 Veteran's memorial
HCR 17 State medal of heroism
HCR 18 Display of flags
HB 165 Relating to the APCC
HB 106 Alaska bidder preference

May 19, Thursday, 3:00 p.m.

HB 128 Child prostitution penalties
HJR 2 Constitutional Amendment--length of session

May 24, Tuesday, 3:00 p.m.

HB 89 Repeal political contribution tax credit
HJR 7 Constitutional Amendment--election of Attorney General

May 26, Thursday, 3:00 p.m.

SB 110 State retirement benefits

**National
Endowment
for the Arts**

**Visual Arts
Program**

Guidelines



Fiscal Years 1975 and 1976

Works of Art in Public Places

The aim of the program is to give the public access to the best contemporary art in public situations outside museum walls.

The Endowment intends that the work of art will contribute to the public's enjoyment, education and enlightenment; that it will create a favorable climate for the reception of all the arts; and that a distinguished heritage of public art will be passed on to future generations.

The art works may be in any one of the following media: painting (murals), sculpture, prints, crafts (tapestries, ceramics, and weavings), photography (murals).

The art should be appropriate both for its immediate site and for the city and region.

Public places are defined as city spaces, outdoor and indoor; proposals for such public places as airports, subways, highways, etcetera, will also be considered.

Privately owned land may be used as a site, if such land is either under lease to local governments for public purposes, or is what may reasonably be considered as a "public area" i.e. an area to which the general public, or as in the case of a housing development or university complex, the local community has free and unimpeded access.

The program also aims to provide opportunities, challenges and employment for the nation's artists of exceptional talent.

A significant part of the program is the stimulation of an effective partnership between cities, states, private institutions, the private sector, and the Federal Government.

Matching funds are required for all Works of Art in Public Places Projects. The Endowment recommends that the local funds be raised on as wide a base as is practical for each project. Community interest and involvement in raising matching funds usually helps each project considerably. Applicants should break down the expected sources of matching funds as much as possible. The Endowment requires a firm assurance that matching funds will be available for each project.

Eligibility:

All cities, towns, and other non-federal governmental units; universities and non-profit tax-exempt private groups; state arts agencies. Artists selected for Works of Art in Public Places, wherever situated, should be of regional or national significance.

Grant Amounts:

Matching from \$5,000 to \$50,000.

Procedure:

Works of Art in Public Places is made up of a number of smaller programs each administered differently and each responding to different needs. Since each individual application tends to have its unique aspects, any application that does not fit easily into any of the following categories should be discussed — either by letter or telephone — with the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-7068.

In general, the financial scale of the proposed project has a distinct bearing on its mode of administration.

**Group I: Specially
Commissioned Work**

Grant amounts from \$20,000 to \$50,000 (matching) in sculpture; from \$10,000 to \$25,000 (matching) in murals (painting, prints, photography).

Applications:

May be received from eligible groups for matching grants. The application should be signed by the mayor and/or the official with authority to legally bind the group. Where the applicant is not a governmental unit, the nature of the site and of public access to the work should be described.

It is the Endowment's experience that successful projects require strong local support — both financial and administrative — from an aesthetically sophisticated group.

Selection of Artist:

After approval of a grant, the applicant should appoint three individuals with knowledge of the local area and of contemporary art to a selection committee. The Endowment will also appoint three nationally recognized experts to the selection committee. The six will meet to select the artist to be commissioned. The cost of the panel meeting will be borne by the local group. The local group will then approach the artist, who, if interested, will submit a model or maquette for the project, which the local representatives should approve. The National Council on the Arts will also have the opportunity to review the model. Contractual arrangements should be worked out directly between the local group and the artist. While the selection panel is of course free to come to what it considers an appropriate decision, the National Council suggests that the panel keep in mind the opportunities for younger and mid-career artists in the public art area are limited, and should, if possible, be encouraged.

Deadlines and Announcement Dates:

Applications will be accepted through the year for Group I. However, applications should be received six months before the project is scheduled to begin.

**Group II:
Purchased Work**

Grant amounts from \$10,000 to \$20,000 (matching) in sculpture; \$7,500 to \$15,000 (matching) in murals.

Applications:

As before, In addition, artists or artists' groups may apply *if* a community or other governmental unit has indicated sufficient interest in a specific proposal. Evidence of such support should be submitted with the application.

A) The applicants may propose to the Endowment a particular work they would like to purchase for an appropriate site. The application will be reviewed by an Endowment advisory committee and the National Council on the Arts which will make a recommendation to the Chairman. This recommendation will be based not only on the appropriateness of the art work for the particular site, but also on the concern of the National Coun-

cil that the program reflect the diversity of contemporary art, and avoid repeated patronage of a few artists.

B) Should the group require advice before coming to a decision on the art work they feel appropriate, the Endowment will make available a consultant to advise the group. This consultant will be a nationally recognized expert in contemporary public art. He will meet with the local group, inspect the site, discuss contemporary art with the applicants, make suggestions and generally provide professional assistance. The consultant's initial fee will be paid by the Endowment. After the approval of the grant, any further consultant's fees will be paid by the local group.

Application Material, Group II:

Applications to be complete *must* be accompanied by:

- 1) a photograph of the site in relation to surrounding buildings, interiors, etcetera.
- 2) a photograph of the work(s).
- 3) a composite photograph or mock-up of the work, in proper scale, as it would look in the site.

The following details should also be included:

- 1) the cost of the work
- 2) whether it is unique or one of an edition.
- 3) artist's fee.
- 4) the dealer's fee, if any.

Incomplete applications will not be submitted to the advisory committee for review.

(Note: The National Council on the Arts, acting both on its own initiative and on the recommendation of a number of Visual Arts advisory committees, has recommended to the Chairman that dealer's fees not exceed ten percent of the artist's fee, *after* manufacture or cost of the work was subtracted.)

The cost of site preparation is borne by the applicant.

Deadlines and Announcement Dates:

Applications for Fiscal Year 1975 in Category II must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 in Category II must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

NATIONAL OFFICE OF
EDUCATION DEPARTMENT OF
HEALTH, EDUCATION & WELFARE



Mr. W. H. ...
Executive Director
Alaska State Council on the Arts
150 "E" Street, Suite 100
Anchorage, Alaska 99501

Dear Mr. ...:

It is a pleasure to advise you that Grant #84-41-34 in the amount of \$10,000 is awarded to the Alaska State Council on the Arts. Grant funds are to support the commissioning of a sculpture for the plaza of the new State Court House in Juneau as outlined in your application (A01260-75) dated September 16, 1974 and correspondence referred to below. The grant starting date is July 1, 1976 and the grant ending date is July 31, 1977.

It is a condition of this grant that no Government funds provided may not exceed fifty percent of the total cost of this project. The obligation of the Government shall not be increased unless agreed to in writing by the Chairman or his duly authorized representative.

The National Council strongly approved your aim of having a work of national significance in Juneau. They also supported your desire to have the sculpture reflect regional identity and advised that the selection process should be extended widely to include artists both outside and inside the state.

A copy of the General Grant Provisions HHS 1-34 Revised May 1975 is attached. Please note that allowable costs under this grant shall be determined in accordance with the cost principles set forth in the Federal Management Circular No. 74-4. You are further reminded that this grant award requires adherence to Federal Management Circular No. 74-7, "Uniform administrative requirements for grants-in-aid to State and local governments." If for any reason you are unable to comply with any requirements and/or condition of the cost principles or the administrative requirements, or have questions about them, please advise the Visual Arts Program, (202) 634-1566, promptly.

As a help to the development of the program, the Endowment requests, in addition to the final reports due after the termination of the grant period, that you submit to the Grants Office a minimum of three 8" x 10" photographs documenting the project accomplished with grant funds. It is requested that both the Authorizing Official and the Project Director sign the Final Descriptive Report to indicate that the project for which Endowment funds were awarded has been accomplished.

In all published material and announcements regarding this program it is suggested that a special notice be made that: "This project is supported by a grant from the National Endowment for the Arts in Washington, D.C., a Federal agency."

Please assist us in the efficient handling of this grant by following the procedures set out below:

a. Confirm the acceptance of this grant and request initial payment by:

(1) signing and dating two copies of:

- (a) this letter;
- (b) the Project Budget;

(2) completing the following:

- (a) Labor Assurance Form (two copies);
- (b) Signature Card (two copies);

(c) one set of the Request for Advance or Reimbursement form (see Instruction Sheet attached thereto). Your Request should be submitted at least 20-working days before funds are needed (under no circumstances may funds be requested to cover expenditures incurred prior to the beginning of the grant period);

(3) returning the above in the enclosed envelope.

b. Use the enclosed envelopes for submitting future requests for funds.

c. Send all requests for grant amendments and revised budgets to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506 or use the enclosed envelopes.

Copies of your material will be forwarded to your regular program contact here at the Endowment. Your regular contact is aware of this new procedure.

Enclosed is a supply of envelopes to be used for sending such material to the Endowment. Additional envelopes may be obtained by contacting the Grants Office, (202) 634-6160.

Thank you for your cooperation.

Sincerely,

/s/ LAWRENCE L. REGER
ACTING CHAIRMAN FOR

Nancy Hanks
Chairman

Reference:

9/2/75 Ltr. R. Helms to B. O'Doherty w/Revised Application

Enclosures:

1. Grantee Acceptance Copies
2. Return Envelope
3. General Grant Provisions NFAH 1-54 Revised May 1975
4. Project Budgets
5. Labor Provisions
6. Labor Assurance Forms
7. Requests for Advance or Reimbursement
8. Signature Cards
9. Financial Status Report

ACCEPTED:

SIGNED

Roy H. Helms **RLH**

DATE

July 7, 1976

RECEIVED
NEW YORK OFFICE

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.



**PROJECT BUDGET
NATIONAL ENDOWMENT FOR THE ARTS**



IMPORTANT INSTRUCTIONS

THE BUDGET SET OUT BELOW IS DERIVED FROM YOUR APPLICATION, REVISED BUDGET AND/OR OTHER CORRESPONDENCE. EXPENDITURES ON THIS PROJECT SHOULD BE IN GENERAL AGREEMENT WITH THE BUDGET. DEVIATION WITHOUT PRIOR NEA WRITTEN APPROVAL WILL BE LIMITED TO THE STANDARDS SET FORTH IN THE GRANT AND THE APPLICABLE GRANT PROVISIONS. NEA'S OBLIGATION WILL NOT BE INCREASED BY ANY OF THE ABOVE UNLESS SPECIFICALLY AGREED TO IN WRITING.

THIS PROJECT BUDGET MUST BE SIGNED AND RETURNED ALONG WITH THE ACCEPTED GRANT LETTER AND THE SIGNED LABOR ASSURANCE FORM. RETAIN ONE COPY AS A GUIDE IN EXPENDITURES ON THE PROJECT IDENTIFIED IN GRANT NO. R60-41-34 STARTING July 1, 1976 ENDING July 1, 1977

CONTRIBUTIONS, GRANTS & REVENUES

CONTRIBUTIONS

CASH \$ 20,000
IN-KIND _____

TOTAL CONTRIBUTIONS \$ 20,000

GRANTS

NEA \$ 20,000
OTHER _____

TOTAL GRANTS \$ 20,000

REVENUES

\$ _____

GRAND TOTAL (CONTRIBUTIONS, GRANTS, & REVENUES) \$ 40,000

EXPENSES

DIRECT COSTS

SALARIES & WAGES \$ _____
FRINGE BENEFITS _____
SUPPLIES & MATERIALS _____
TRAVEL _____
SPECIAL _____
OTHER 40,000

TOTAL DIRECT \$ 40,000

INDIRECT COSTS

\$ _____

TOTAL ALLOWABLE PROJECT COSTS \$ 40,000

UNALLOWABLES

_____ \$ _____ **NEA**

TOTAL UNALLOWABLES \$ _____

TOTAL OF ALLOWABLE & UNALLOWABLE PROJECT COSTS \$ 40,000

ACCEPTANCE:

AUTHORIZING OFFICIAL

Roy H. Helms

DATE

7/6/76



AMENDMENT REQUEST

Alaska State Council on the Arts

619 Warehouse Avenue, Suite 220 • Anchorage, Alaska 99501 • (907)279-1558

February 28, 1977

Grants Office
National Endowment for the Arts
Washington, D.C. 20506

RE: Grant #R60-41-34
Art In Public Places

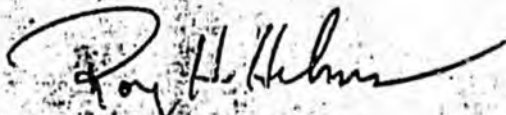
Dear Sirs:

The sculptor for this project, Robert Murray, has been selected and by mutual agreement the installation for the sculpture has been set for late summer of 1978. The contract has been written with this in mind and funds encumbered.

In light of this mutual agreement we need to extend the closing date of the Arts Endowment grant to September 15, 1978.

We appreciate your consideration.

Sincerely,



Roy H. Helms
Executive Director

/rhk

cc: Ira Licht

3. Type of Payment Requested a. <input checked="" type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement		b. <input checked="" type="checkbox"/> Final <input type="checkbox"/> Partial		4. Basis of Report <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrued Expenditures		5. Partial Payment Request Number	
6. Employer Identification No. 069-0250001-047		7. Grantee Account No. or Identifying No. FY77G-15		8. Period Covered (Month, Day, Year) FROM 7 1 76 TO 7 1 77			
9. Name of Grantee Organization Alaska State Council on the Arts Street Number and Name 619 Warehouse Avenue, Suite 120 City State Zip Code Anchorage Alaska 99501				10. Name of Payee (if different from item 9) Street Number and Name City State Zip Code			

11. COMPUTATION OF AMOUNT REQUESTED
(PROGRAMS - FUNCTIONS - ACTIVITIES)

	(1)	(2)	(3)	(4)	(5)	TOTAL
a. Total program outlays to date <u>4/1/77</u>	\$ 8,000	\$	\$	\$	\$	\$
b. Less: Cumulative program income	-0-					
c. Net program outlays	8,000					
d. Estimated net cash outlays for advance period	32,000					
e. Total of Lines c and d	40,000					
f. Non-Federal share of amount on Line e	20,000					
g. Federal share of amount on Line e	20,000					
h. Federal payments previously requested	-0-					
i. Federal share now requested	20,000					
j. Monthly advance requirements:						
(1) 1st month						
(2) 2nd month						
(3) 3rd month						

12. REMARKS (Attach additional sheets if necessary)

[Handwritten signature]

I certify that to the best of my knowledge and belief the data reported above is correct and that all outlays were made in accordance with grant conditions and that payment is due and has not been previously requested.

Name Roy H. Helms		Title Executive Director		TELEPHONE Area Code Number Ext. 907 279-1558	
Signature of Authorized Officer <i>[Signature]</i>				Date Report is Submitted 4/1/77	
<p>TOTAL PAYMENT Subject to 5-day review This cash request will be paid on <u>4/26</u></p>					
Approved <i>[Signature]</i> Program Director/Designee			Date Approved		

Extension _____ (Date) _____ PROGRAM

FEDERAL ASSISTANCE		2. APPLI- CANT'S APPLI- CATION	a. NUMBER	3. STATE APPLICA- TION IDENTI- FIER	a. NUMBER
1. TYPE OF ACTION <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION (Mark appropriate box) <input checked="" type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input checked="" type="checkbox"/> REPORT OF FEDERAL ACTION		Leave Blank	b. DATE Year month day 19	b. DATE Year month day 19	b. DATE Year month day 19
4. LEGAL APPLICANT/RECIPIENT			5. FEDERAL EMPLOYER IDENTIFICATION NO.		
a. Applicant Name : Alaska State Council on the Arts			6. PRO-GRAM (From Federal Catalog)		
b. Organization Unit :					
c. Street/P.O. Box : 619 Warehouse Avenue, Suite 220					
d. City : Anchorage					
f. State : Alaska					
g. ZIP Code: 99501					
b. Contact Person (Name) Roy H. Helms (Telephone No.) : (907) 279-1158			a. NUMBER 45 0 0 9 b. TITLE Visual Arts		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT			8. TYPE OF APPLICANT/RECIPIENT		
Costs are to support the commissioning of a major sculpture for the plaza of the new State Court House in Juneau, Alaska.			A-State B-Interstate C-Substate D-County E-City F-School District G-Special Purpose District		
			H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify): State Arts Agency Enter appropriate letter <input checked="" type="checkbox"/> X		
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.) Juneau, Anchorage, Alaska			11. ESTIMATED NUMBER OF PERSONS BENEFITING 300,000		12. TYPE OF APPLICATION A-New C-Revision E-Augmentation B-Renewal D-Continuation Enter appropriate letter <input checked="" type="checkbox"/> C
13. PROPOSED FUNDING		14. CONGRESSIONAL DISTRICTS OF:		15. TYPE OF CHANGE (For 15a or 15b)	
a. FEDERAL \$.00	b. APPLICANT .00	a. APPLICANT	b. PROJECT	A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation F-Other (Specify):	
c. STATE .00	d. LOCAL .00	16. PROJECT START DATE Year month day 19	17. PROJECT DURATION Months	Enter appropriate letter(s) <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> C	
e. OTHER .00	f. TOTAL \$.00	18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19	19. EXISTING FEDERAL IDENTIFICATION NUMBER		
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)				21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	
22. THE APPLICANT CERTIFIES THAT		a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurance if the assistance is approved.		b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: (1) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (2) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (3) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
23. CERTIFYING REPRESENTATIVE		a. TYPED NAME AND TITLE		b. SIGNATURE	
				c. DATE SIGNED Year month day 19	
24. AGENCY NAME National Foundation on the Arts and the Humanities			25. APPLICATION RECEIVED Year month day 19 74/09/24		
26. ORGANIZATIONAL UNIT National Endowment for the Arts			27. ADMINISTRATIVE OFFICE Visual Arts		
28. FEDERAL APPLICATION IDENTIFICATION R60-41-34			29. ADDRESS 2401 E Street, N.W., Washington, D.C. 20506		
30. FEDERAL GRANT IDENTIFICATION R60-41-34			31. ACTION TAKEN		
32. FUNDING			33. ACTION DATE Year month day 19		
a. FEDERAL \$ 20,000 .00			34. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number) Maria R. Goodwin 202 634-1566		
b. APPLICANT 20,000 .00					
c. STATE .00					
d. LOCAL .00					
e. OTHER .00					
f. TOTAL \$ 40,000 .00			35. STARTING DATE Year month day 19 76/07/01		
36. FEDERAL AGENCY A-95 ACTION			36. ENDING DATE Year month day 19 78/09/15		
			37. REMARKS ADDED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
38. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.			39. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)		

SECTION I - APPLICANT/RECIPIENT DATA

SECTION II - CERTIFICATION

SECTION III - FEDERAL AGENCY ACTION

NOTIFICATION OF GRANT AID ACTION

Do Not Use This Space

1. STATE APPLICATION IDENTIFIER

2. (Reserved for use by State central information reception agency)

3. GRANTOR: a. Federal agency

National Foundation on the Arts and Humanities

b. Organizational unit

National Endowment for the Arts

c. Administering office - (1) Name

Grants Office, NEA

(2) Address - Street or P.O. Box

City
Washington, DC

State

Zip Code
20506

4. FEDERAL AGENCY GRANT IDENTIFIER:

a. Code

R60-41-34

b. Title

Visual Arts Program
Works of Art in Public Places

c. Purpose

Costs are to support the commissioning of a sculpture for the plaza of the new State Court House in Juneau, Alaska.

5. GRANTEE:

a. Name

Alaska State Council on the Arts

b. Address - Street or P.O. Box

60 'K' St., Suite 240

City
Juneau

State
Alaska

Zip Code
99501

6. GRANTEE TYPE (Check only the single most applicable box)

a. State

b. Inter-state

c. County

d. City

e. School district

f. Special unit

g. Community action

h. Sponsored organization

i. Other

7. APPLICATION RECEIPT DATE

Year Month Day
74 09 24

8. ACTION DATE

Year Month Day

9. EFFECTIVE STARTING DATE

Year Month Day
76 07 01

10. ENDING DATE

Year Month Day
77 07 01

11. TYPE OF ACTION (Check as many boxes as apply to this action)

a. New grant

b. Continuation grant

c. Supplemental grant
(identify agency in item 16)

d. Change in existing grant

(1) Increase in duration

(2) Decrease in duration

(3) Cancellation

(4) Increase(\$)

(5) Decrease(\$)

12. AMOUNT OF CONTRIBUTION

a. Federal - (1) basic
\$ 20,000

(2) Supplemental

\$

b. State

\$

c. Local

\$

d. Other

\$ 20,000

13. CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM (if none, clarify in item 16)

a. Program Number
45.009

b. Supplemental Program Number

14. AUTHORIZATION

a. Federal Budget Accounts

31-35 0-0100-0-1-605

b. Public Laws

PL Title Sec. PL Title Sec. PL Title Sec.
89-203 (as amend) 502

c. U.S. Code

20 USC 951963

15. FACILITY LOCATION: (For facility grant actions only)

a. City

b. County

16. REMARKS

Maria R. Goodwin
202 634-1566

<p>I. APPLICANT ORGANIZATION (name and address with zip)</p> <p>Alaska State Council on the Arts 360 "K" Street Suite 240 Anchorage, Alaska 99501</p>	<p>PROJECT GRANT APPLICATION NATIONAL ENDOWMENT FOR THE ARTS WASHINGTON, D. C. 20506</p> <p style="text-align: center;">A01260 75 (revised)</p> <p>III. PERIOD OF SUPPORT REQUESTED</p> <p>START <u>9</u> <u>1</u> <u>75</u> END <u>9</u> <u>1</u> <u>76</u> <small>MONTH DAY YEAR MONTH DAY YEAR</small></p>
<p>II. PROGRAM UNDER WHICH SUPPORT IS REQUESTED</p> <p>Art in Public Places Category I</p>	

IV. SUMMARY OF PROJECT DESCRIPTION (COMPLETE IN SPACE PROVIDED. DO NOT CONTINUE ON ADDITIONAL PAGES.)

This application is for a commissioned sculpture for the plaza of the new State Court House presently under construction in Juneau, Alaska. It has been decided that the building will be location of the Office of the Governor as well as other key government offices.

It is the feeling of the architect and the Alaska State Council on the Arts that the involvement of panel members selected by the National Endowment for the Arts in the artist selection process will be very important at this time in the development of our involvement in art in public places.

Administrative costs for the panel meetings, etc. have been set aside outside the grant in addition to the \$20,000 matching pledged by the Alaska State Court System and the Alaska State Council on the Arts.

While there has been a desire expressed to have the resulting sculpture reflect regional identity it is also felt by the court system and the council that it is also highly desirable and of priority to set our goals toward having a work of national significance.

32' diameter site, Must keep 6' clear for sculptures - or 26' unobstructed

V. ESTIMATED NUMBER OF PERSONS EXPECTED TO BENEFIT FROM THIS PROJECT		300,000
VI. SUMMARY OF ESTIMATED COSTS (RECAPITULATION OF BUDGET ITEMS ON PAGES 2 AND 3)		
A. DIRECT COSTS		TOTAL COSTS OF PROJECT (rounded to nearest ten dollars)
SALARIES & WAGES	_____	\$ _____
FRINGE BENEFITS	_____	_____
SUPPLIES & MATERIALS	_____	_____
TRAVEL	_____	_____
SPECIAL	_____	_____
OTHER	<u>Commission</u>	40,000.00
	TOTAL DIRECT COSTS	\$ 40,000.00
B. INDIRECT COSTS	_____	_____
	TOTAL PROJECT COSTS	\$ 40,000.00

VII. TOTAL AMOUNT REQUESTED FROM NEA		\$ 20,000.00
VIII. ORGANIZATION TOTAL FISCAL ACTIVITY		
A. EXPENSES	ACT. MOST RECENT FISCAL PD. 1. \$ <u>600,000</u>	EST. FOR NEXT FISCAL PD. 2. \$ <u>750,000</u>
B. REVENUES GRANTS & CONTRIBUTIONS	1. \$ <u>600,000</u>	2. \$ <u>750,000</u>

DO NOT WRITE IN THIS SPACE

Est. of prior year(s) project(s) 1 2 3 4 PYS \$ _____ CFS \$ _____ Audit Report 1 2

IX. BUDGET BREAKDOWN OF TOTAL ESTIMATED COSTS OF PROJECT AS SUMMARIZED ON PAGE 1 (continued)

4. Special (list each item separately)
 DETAIL NOT REQUIRED WHEN REQUIRING \$10,000 OR LESS ON A PROJECT OF \$20,000 AND

	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Special	\$ _____

E. Other (list each major type separately)
 THIS SECTION MUST BE COMPLETED ON EVERY APPLICATION.

	Amount
<u>Commission to Sculptor</u>	<u>\$ 40,000.00</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Other	\$ 40,000.00

B. Indirect Costs

1. Rate established by attached indirect cost allocation plan

Rate _____ % Base \$ _____ Amount \$ _____

2. Rate established by attached rate negotiation agreement with Federal agency

Rate _____ % Base \$ _____ Amount \$ _____

X. CONTRIBUTIONS, GRANTS, AND REVENUES (FOR THIS PROJECT)

A. Contributions

1. Cash (do not include direct donations to NEA)

Alaska State Court System [non-federal funds] Amount \$ 10,000.00

Alaska State Council on the Arts [non-federal funds] 10,000.00

2. In-kind Contributions (list each major item)

_____ \$ _____

_____ \$ _____

Total Contributions **\$ 20,000.00**

B. Grants (do not list anticipated grant from NEA)

_____ \$ _____

_____ \$ _____

Total Grants **\$ _____**

C. Revenues

_____ \$ _____

_____ \$ _____

Total Revenues **\$ _____**

Total Contributions, Grants, and Revenues **\$ 20,000.00**

XI. STATE ARTS AGENCY NOTIFICATION

The National Endowment for the Arts urges you to inform your State Arts Agency of the fact that you are submitting this application.

Have you done so? _____ Yes _____ No

XII. CERTIFICATION

We certify that the information contained in this application, including all attachments and supporting materials, is true and correct to the best of our knowledge.

AUTHORIZING OFFICIAL(S)

Signature Roy H. Helms
Signature Roy H. Helms, Executive Director Date Signed 9 1 75
month day year
Telephone: AC 907 279 3824

[Original application 9-24-74]

Signature _____ Date Signed _____
month day year
Telephone: AC _____

PROJECT DIRECTOR

Signature Roy H. Helms
Signature Roy H. Helms, Executive Director Date Signed 9 1 75
month day year
Telephone: AC 907 279 3824

PAYEE (if other than authorizing official) (to whom grant payments will be sent)

Signature _____ Date Signed _____
month day year

CHECK LIST

1. Have you attached a copy of your organization's Federal Tax exemption letter or a document identifying the organization as a part of State or local government?
2. Have you summarized the project description in the space provided?
3. Have you completed the summary of estimated cost on page 1, also provided all detail required on pages 2 and 3, and attached all documentation required to substantiate proposed travel cost, purchase of equipment, and indirect cost?
4. Have you provided required detail under Other Support section?
5. Has the application been signed and dated in appropriate places?

A negative response to any of the above questions will cause delay in the consideration of this application and will increase the cost of processing.

PLEASE DETACH THE INSTRUCTION SHEET BEFORE SUBMITTING THIS APPLICATION



Alaska State Council on the Arts

360 "K" Street, Suite 240 • Anchorage, Alaska 99501 • (907) 272-5342 or 279-3824

September 2, 1975

Brian O'Doherty
Program Director
Visual Arts
National Endowment for the Arts
Washington, D.C. 20506

Dear Brian:

Enclosed is our revised application form for A01260 75, Art in Public Places Category 1, Juneau Courthouse project.

I am pleased to be able to come back in response to our telephone discussion about this project with another \$10,000 in hand and the enthusiastic endorsement of the council. We held a telephone conference call of the Visual Arts Advisory Committee and received a unanimous vote endorsing the project and the involvement with the NEA should the request be favorably received. The enthusiasm carried through on the Executive Committee of the council who voted to "do spend".

I was careful to note to the council that their additional pledge did not necessarily mean that the grant was secured from the NEA. They do realize, however, that the pledge of funds on their part was a step in the right direction and they are hopeful that the project can materialize.

In the discussion with the Visual Arts Committee it was realized that this could well be the most important work of art of this type in the State of Alaska to date. This was part of the reason for their enthusiasm for they felt the keen desire to be involved financially in such a project as well as "spiritually". They accepted without flinching that the eventual work will probably be controversial--and should be. They very much look forward to the process since it will be an important learning period for them.

Naturally, we look forward to as speedy a processing as possible. The application was originally made nearly a year ago now, and the building is nearing completion. I don't know your schedule, but we look forward to hearing from you as soon as possible.

I have not planned my next trip East at this time but will definitely plan on making an appointment with you on that trip.

Sincerely,

Roy H. Helms

Executive Director

I. APPLICANT ORGANIZATION
 (name and address with zip)
 Alaska State Council on the Arts
 360 "K" Street, Suite 240
 Anchorage, AK 99501

PROJECT GRANT APPLICATION
NATIONAL ENDOWMENT FOR THE ARTS
 WASHINGTON, D. C. 20506
 A O 1 2 6 0 7 5
 OCT 8 1974

III. PERIOD OF SUPPORT REQUESTED
 START 1 1 75 END 12 31 75
 MONTH DAY YEAR MONTH DAY YEAR

II. PROGRAM UNDER WHICH SUPPORT IS REQUESTED
 Visual Arts Program

IV. SUMMARY OF PROJECT DESCRIPTION (COMPLETE IN SPACE PROVIDED. DO NOT CONTINUE ON ADDITIONAL PAGES.)
 Under the category of Works of Art in Public Places, Group I, Specially Commissioned Work, the ASCA would like to make application for works of art for the new State Courthouse Building presently being constructed in Juneau, Alaska.
 The types of works desired by the judges and the architect are a sculpture for the plaza in front of the building a 6' by 12' tapestry for each of the four court rooms and a small sculpture for the Supreme Court Room.
 The matching funds have been appropriated by the State of Alaska for expenditure during Fiscal Year 1975 and a letter to the architect from the administrative Director of the Alaska Court System is attached indicating that the monies exist and may be used legally as a match for a grant from the National Endowment for the Arts.
 In cooperation with the architect and in consultation with the supreme court judges the \$40,000 budget has been prepared (\$20,000 State of Alaska, \$20,000 NEA funds) retaining \$5,000 of the State of Alaska funds for administrative costs of the selection committee and as a contingency for the projects.
 It is the intent of the judges, the architect, and the council that the works commissioned express in a contemporary way the spirit of Alaska.

V. ESTIMATED NUMBER OF PERSONS EXPECTED TO BENEFIT FROM THIS PROJECT

VI. SUMMARY OF ESTIMATED COSTS (RECAPITULATION OF BUDGET ITEMS ON PAGES 2 AND 3)

		TOTAL COSTS OF PROJECT (rounded to nearest ten dollars)
A. DIRECT COSTS		
SALARIES & WAGES	_____	\$ _____
FRINGE BENEFITS	_____	_____
SUPPLIES & MATERIALS	_____	_____
TRAVEL	_____	_____
SPECIAL	_____	_____
OTHER	<u>Commissions</u>	<u>40,000.00</u>
TOTAL DIRECT COSTS		\$ 40,000.00
B. INDIRECT COSTS		
TOTAL PROJECT COSTS		\$ 40,000.00

VII. TOTAL AMOUNT REQUESTED FROM NEA \$ 20,000.00

VIII. ORGANIZATION TOTAL FISCAL ACTIVITY

	ACT. MOST RECENT FISCAL PD.	EST. FOR NEXT FISCAL PD.
A. EXPENSES	1. \$ <u>502,900.00</u>	2. \$ <u>662,200.00</u>
B. REVENUES GRANTS & CONTRIBUTIONS	1. \$ <u>502,900.00</u>	2. \$ <u>662,200.00</u>

DO NOT WRITE IN THIS SPACE

Eval. of prior year(s) project(s) 1 2 3 4 PYS \$ _____ CPS \$ _____ Audit Report 1 2

4. Special (list each item separately)
 DETAIL NOT REQUIRED WHEN REQUESTING \$10,000 OR LESS ON A PROJECT OF \$20,000 AND LESS.

	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Special	\$ _____

5. Other (list each major type separately)
 THIS SECTION MUST BE COMPLETED ON EVERY APPLICATION.

	Amount
<u>Commission for Four tapestries</u>	\$ _____
<u>Approx 6 ft x 12 ft each @\$5,000.00</u>	<u>20,000.00</u>
<u>Commission for a sculpture (planned for the plaza)</u>	<u>16,000.00</u>
<u>Commission for a sculpture</u>	\$ _____
<u>Planned for the Supreme Court Room</u>	<u>4,000.00</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Other	\$ 40,000.00

B. Indirect Costs

1. Rate established by attached indirect cost allocation plan	Amount
Rate _____ % Base \$ _____	\$ _____
2. Rate established by attached rate negotiation agreement with Federal agency	\$ _____
Rate _____ % Base \$ _____	\$ _____

X. CONTRIBUTIONS, GRANTS, AND REVENUES (FOR THIS PROJECT)

A. Contributions	
1. Cash (do not include direct donations to NEA)	Amount
<u>State of Alaska, non-federal funds</u>	<u>\$ 20,000.00</u>
2. In-kind Contributions (list each major item)	\$ _____
_____	\$ _____
_____	\$ _____
Total Contributions	\$ 20,000.00
B. Grants (do not list anticipated grant from NEA)	Amount
_____	\$ _____
_____	\$ _____
Total Grants	\$ _____
C. Revenues	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Revenues	\$ _____
Total Contributions, Grants, and Revenues	\$ 20,000.00



WORKS OF ART IN PUBLIC PLACES PROGRAM - CATEGORY I

To All Applicants and Grantees

The following procedures will be used by all Category I applicants whose proposals are approved for funding at either the partial or full amount requested:

1. At the discretion of the Advisory Panel and the National Council on the Arts, the prospective grantee will be notified, in writing, of any special requirements, restrictions, or additions that have been placed upon the applicant as a condition of the grant.
2. These conditions are to be agreed upon by the Authorizing Official, the Project Director, and all other major parties concerned with the proposal, by letter. Any questions concerning the conditions should be directed to the Works of Art in Public Places Program, by letter.
3. Upon written agreement of these conditions, official notice will be sent to the Authorizing Official, with a carbon copy to the Project Director. The Authorizing Official is to sign and date the required number of letter copies and return them to the Grants Office.

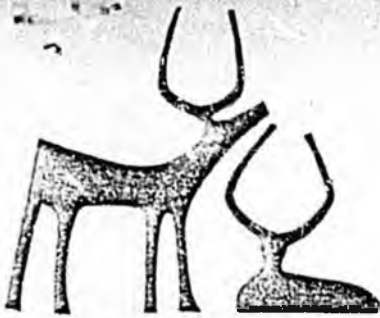
The Grants Office will appoint three individuals with knowledge of the local area, and of contemporary art, to a selection panel for the on-site panel meeting. Their names and resumes will be submitted to the Works of Art in Public Places Program for the files.
5. The National Endowment will select three nationally recognized experts to this panel, and the six, along with a chairman appointed by the National Endowment, will meet at or near the proposed site to select the artist to be commissioned. Viewing the site is to be a necessary part of the panel meeting.

6. The expenses for the on-site panel meeting will be borne by the grantee and include travel costs, a per diem allowance and an honorarium for each panelist appointed by the National Endowment. The expenses of the chairman will be borne by the National Endowment.
7. It will be the responsibility of the grantee to contact the panelists, set up a meeting date - to be located at or near the site - and make the necessary travel arrangements for all panelists. Travel arrangements for the chairman of the on-site panel will be made by the National Endowment.
8. At the on-site panel meeting artists' slides and resumes will be presented to the full panel for consideration. While each panelist is free to present slides and other additional visual and printed material of artists to the full panel, the panel is not bound, or obligated, to select the artist from any pre-determined list. The primary goal of the panel is that the artist selected be of national significance, and that the record of such grants be sustained at the highest level.
9. The panel will nominate three artists, by vote, in order of preference. The artist who has been listed as first choice is to be the first artist contacted for the commission.
10. The grantee will contact the artist, conduct the necessary negotiations with the artist, and submit an 8" x 10" photograph of the accepted model or maquette with a copy of the signed contract.
11. The Works of Art in Public Places Program is to be kept informed on the progress of the project on a quarterly basis, in the form of a written report with accompanying visuals or new articles that may be available at the time.
12. If questions should arise, at any time, during the project, the Authorizing Official and/or Project Director should contact the Works of Art in Public Places Program, in writing.
13. If a request for an extension of time, or any major change from the original project, is needed, the Program is to be contacted, by letter, requesting the approval for the change. This letter should be sent by the Authorizing Official. Requests for any major changes in a particular grant are subject to final approval by the Visual Arts Program.

14. At the conclusion of the grant, the grantee is to submit a detailed Final Descriptive Report, and visual and printed material of the completed project, as will be stated in the official grant letter.

Of Special Note:

It is a condition of all Group I grants that no form of competition be held. In the event that a previously held competition has produced names of artists, it is a condition of the grant that their names, while they may be presented at the panel meeting, are in no way binding to the panel.



Alaska State Council on the Arts

360 "K" Street, Suite 240 • Anchorage, Alaska 99501 • (907) 272-5342 or 279-3824

August 30, 1975

Jane Stewart, President
Juneau Arts and Humanities Council
925 Calhoun
Juneau, Alaska 99801

Dear Jane:

This letter is to inform you of action by the ASCA this week in relation to a State art-in-public-places project.

As you may be aware there have been plans to place a sculpture in front of the new State Courthouse in the plaza that is to be constructed. The State Court System has pledged \$10,000 toward this work of art.

The National Endowment has indicated that they would be willing to consider \$20,000 of funding toward the project if the project were to be a \$40,000 sculpture, i.e., a major work. Thus, an additional \$10,000 was needed to be raised.

A request for \$10,000 was made to the ASCA out of the monies available for art in public places projects. This has been approved.

The NEA request is still pending. No public announcement may be made until their grant is decided pro or con.

This could well be the most important major work in the State to date. . and I must say that the council is quite excited. The selection of the sculptor has not taken place and will follow the guidelines on the attached sheet. I feel that community input from Juneau will be important as well as input from the court system and the State Council. Expect to hear more about this from us at a latter date.


Sincerely,

A handwritten signature in dark ink, appearing to read 'Roy H. Helms', written over a vertical line.

Roy H. Helms
Executive Director

/rhh

In general, the financial scale of the proposed project has a distinct bearing on its mode of administration.

 Group I: Specially Commissioned Work

Grant amounts from \$20,000 to \$50,000 (matching) in sculpture; from \$10,000 to \$25,000 (matching) in murals (painting, prints, photography...

Applications:

May be received from eligible groups for matching grants. The application should be signed by the mayor and/or the official with authority to legally bind the group. Where the applicant is not a governmental unit, the nature of the site and of public access to the work should be described.

It is the Endowment's experience that successful projects require strong local support — both financial and administrative — from an aesthetically sophisticated group.

~~Selection of Artist:~~

After approval of a grant, the applicant should appoint three individuals with knowledge of the local area and of contemporary art to a selection committee. The Endowment will also appoint three nationally recognized experts to the selection committee. The six will meet to select the artist to be commissioned. The cost of the panel meeting will be borne by the local group. The local group will then approach the artist, who, if interested, will submit a model or maquette for the project, which the local representatives should approve. The National Council on the Arts will also have the opportunity to review the model. Contractual arrangements should be worked out directly between the local group and the artist. While the selection panel is of course free to come to what it considers an appropriate decision, the National Council suggests that the panel keep in mind the opportunities for younger and mid-career artists in the public art area are limited, and should, if possible, be encouraged.

Deadlines and Announcement Dates:

Applications will be accepted through the year for Group I. However, applications should be received six months before the project is scheduled to begin.

Group II:
Purchased Work

Grant amounts from \$10,000 to \$20,000 (matching) in sculpture; \$7,500 to \$15,000 (matching) in murals.

Applications:

As before, In addition, artists or artists' groups may apply *if* a community or other governmental unit has indicated sufficient interest in a specific proposal. Evidence of such support should be submitted with the application.

A) The applicants may propose to the Endowment a particular work they would like to purchase for an appropriate site. The application will be reviewed by an Endowment advisory committee and the National Council on the Arts which will make a recommendation to the Chairman. This recommendation will be based not only on the appropriateness of the art work for the particular site, but also on the concern of the National Council

Arts Alaska, Inc.

619 Warehouse Avenue • Suite 220
Anchorage, Alaska 99501 • (907)279-1558

SERVICE CONTRACT

This contract, effective as of the 23rd day of December, 1976, between Arts Alaska, Inc. (hereinafter called the "Corporation"), and Robert Murry (hereinafter called the "Artist").

WITNESSETH THAT: Whereas the Corporation is entering into this contract for professional services; and Whereas, the Corporation has the authority to enter into this contract by the approval of the Board of Directors of Arts Alaska, Inc.;

NOW THEREFORE, the parties hereto agree as follows:

Article I. The Services to be Performed.

The Artist is hereby commissioned to undertake and complete a metal sculpture for the Juneau courthouse plaza for the design to be submitted to the Alaska State Council on the Arts and reviewed by the judging panel. The work of art will be delivered and installed at the site at the expense of the Artist.

All materials used shall be selected, applied and treated in order to be reasonably protected against damage. Full instructions will be provided for the continued maintenance of the work of art.

The Artist will view the site of the planned space for the work of art at his own expense, prior to beginning the project.

The artist will be invited to participate in the unveiling ceremony. All

costs for such participation will be the responsibility of the Artist should he choose to participate.

Article II. The Period of Performance.

The period of performance under this contract shall commence on January 1, 1977, and expire on September 1, 1978. Performance may be extended for additional periods by the mutual written agreement of the parties.

Article III. Consideration.

In full consideration of the Artist's performance hereunder, the Corporation shall pay the Artist a total amount for the completed and accepted Work of Art of **FOURTY THOUSAND AND NO/100 DOLLARS (\$40,000)** and not more.

From the above amount, the Artist shall arrange and pay, or otherwise provide for all services, supplies and equipment for services, labor, materials, travel, hotel and subsistence, transportation, storage, fees, rentals, insurances, taxes, and all other cost and expenses required to complete the Project to the satisfaction of the Corporation.

Payment on account of the Cost of the Project shall be made as follows:

\$4,000 at the signing of the contract.

\$16,000 when the proposal submitted by the Artist is approved by the selected panel.

\$16,000 when notified that the piece is fabricated and ready for shipment.

\$4,000 upon final installation and acceptance by the State of Alaska.

Article IV. Additional Contract Provisions.

Appendix A attached hereto and made a part hereof sets forth special

conditions for the project.

Appendix B attached hereto and made a part hereof sets forth additional general provisions of this contract.

Article V. Changes.

Appendix C attached hereto and made a part hereof, sets forth any changes or additions that were made in this contract prior to its execution. (If appendix C is not attached hereto, there have been no such changes or additions).

Article VI. Special and General Conditions for the Project.

All articles of the attached General Conditions for the project shall be part of this agreement as if written herein in full.

By signing, the Artist declares that he has read and is in accord with the agreement and the terms identified in the General Conditions. If countersigned, this contract shall serve as an instrument of agreement.

IN WITNESS WHEREOF, the parties have executed this contract.

ARTIST

By: Robert Murry

DATE: 18 Jan. 77

ARTS ALASKA, INC.

By: R. W. Nelson
Executive Director

DATE: 12/23/76

Permanent address of Artist

First floor
66 Grand St.
New York, N.Y. 10013

Social Security # 092-42-3051

APPENDIX A

Special Conditions for the Project

- A. The Artist will visit the project site to survey and evaluate its visual, environmental and background characteristics.
- B. After consideration of the desires, views and expectations of the Selection Committee a written outline description of the work of art as you envision it along with drawings and/or maquettes showing the intended form, shall be prepared and submitted with a site plan noting the proposed location of the sculpture.
- X C. Site preparation specifications will be provided at such time as the proposal is accepted by the committee.
- D. The Selection Committee will review the proposal and recommend acceptance and/or modifications. Upon their acceptance the project will proceed as outlined. Should agreement not be accomplished this contract can be terminated by the Board of Directors of Arts Alaska, Inc. In such event the total compensation to the Artist will be the initial payment of \$4,000.
- E. The Artist is required to meet with the Selection Committee at the time of the review of the proposal. All expenses for travel and per diem related to this meeting will be paid by the Corporation or the Alaska State Court System.
- F. The Artist will obtain and pay, or otherwise provide for the services of professional consultants to assist in the preparation and documentation of data related to stress, climatic and organic damage, and firm and secure mounting.
- G. The Artist will provide all required facilities, equipment and labor to transport and to install the sculpture. After the installation all debris shall be removed from the site and all damage to the surrounding areas shall be repaired and rendered invisible.

APPENDIX B

General Conditions for the Project

- A. In the performance of the Project, the Artist shall be obligated to observe and conform to all applicable codes, ordinances, regulations, statutes and laws. *The Corporation will provide the artist with copies of any such restrictive codes, etc.*
- B. Portions of the Project may be sublet by the Artist at his expense, subject to prior written approval by the Corporation. Approval shall not be unreasonably withheld. All work shall be undertaken by the Artist personally or under his personal supervision.
- C. The Work on the Project shall commence immediately after signing of the agreement by all parties concerned and shall be pursued with reasonable dispatch and without interruptions, except when caused by forces beyond the Artist's control. It shall be so organized as to assure completion of the Project on or before the date stated in the agreement.
- D. All payments on account of the Project shall be subject to the receipt of a signed request for payment from the Artist, certifying that the work under this agreement is progressing as planned and in accordance with the agreement.
- E. Final payment will be made only when the completed work of art has been accepted by the Corporation with the concurrence of the Project Selection Committee.
- F. Actual payment process may take up to two weeks before transmittal of payment to the Artist.
- G. The Corporation reserves the right to suspend at any time and for any reason for any given or indefinite time the services to be rendered under this agreement upon written notice to the Artist. *The Corporation will be responsible for storage charges incurred during such delay.*
- H. The work under this agreement may be terminated by either party, subject to a written notice submitted fourteen (14) days before termination, provided that attempts to reconcile the reason for cancellation have been undertaken but have failed. Upon termination, payment on account of the Project shall be made in proportion to the work completed, ~~provided the artist will submit to the Corporation all work performed up to the effective date of cancellation in an orderly manner, and every effort will be considered for completing the work per the original design.~~
- I. The Corporation shall not be liable for payment for any additional services, unless such services and the cost thereof have been previously approved in writing. Any term of this agreement may be amended by a written Amendment to the Agreement, signed by both parties; subject to the authorization of the Board of Directors where required.

J. ~~All drawings, models or maquettes shall remain the Artist's property.~~
The copyright in the Work of Art, however, belongs to the Corporation, and no more copies than are required in the Project may be made or ~~caused to be made by anyone without prior written approval from the Corporation.~~

RM RHH

K. All aspects of the Project shall be guaranteed by the Artist against faulty execution or defective or inferior materials, equipment or workmanship for one (1) calendar year after completion and acceptance of the Project by the Corporation, during which period the Work of Art shall be repaired, restored or replaced at the Artist's expense, *with the exception of the painted surface.*

RM RHH

L. It is understood that under the terms of the Contract, the Artist is an "Independent Contractor" who shall indemnify and save harmless the Corporation and the State of Alaska from and against any and all manner of actions, liabilities, and claims of any person arising out of or in connection with the performance of the services to be performed by the Artist under this Contract. Any work under this Agreement shall not be construed as employment with the State of Alaska or Arts Alaska, Inc. The Artist will be required to obtain and pay for his gross income license and be responsible for payment of income, social security, and other taxes.

M. The artist shall not assign or transfer any interest in this Agreement without the prior written consent of the Corporation; provided, however, that claims for money due or to become due from The Corporation under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Corporation.

N. In the event that the Artist dies before the date fixed for completion or becomes permanently incapacitated and/or unable to complete the work on the Project, ~~the Corporation may within thirty (30) days after notice thereof, elect in writing to pay a proportionate share of the agreed price for work completed to the satisfaction of the Corporation, and acquire the unfinished work. This Agreement shall then be cancelled and the Corporation be entitled to the return of such part of the price above the proportionate share, as the Artist has already been paid.~~

RM RHH

the heirs or executors will make every effort to complete the project per the original design.

RM RHH

O. A program of regular maintenance will be planned by the Corporation for the State of Alaska that is acceptable to the artist.

Offered: 3/16/83 Referred: Rules

Original sponsors: Bettisworth, Cato,
Phillips and Flood

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Calling for erection of a suitable
6 memorial to honor veterans of all wars
7 involving the United States on the site
8 presently occupied by "Nimbus".

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

10 WHEREAS military personnel who served in wars involving the United
11 States should be honored in Alaska; and

12 WHEREAS military personnel who served at least 180 days active duty
13 with a United States military organization during time of war, or were
14 discharged sooner as a result of illness or injury in service in a war in
15 which the United States participated, deserve special recognition; and

16 WHEREAS a memorial to honor these persons would be appropriately
17 visible to the public if placed by the State Court and Office Building in
18 Juneau, Alaska; and

19 WHEREAS the sculpture "Nimbus", currently located on the grounds of
20 the State Court and Office Building in Juneau, could be located elsewhere;

21 BE IT RESOLVED by the Alaska State Legislature that the sculpture
22 "Nimbus" should be removed from the grounds of the State Court and Office
23 Building in Juneau and be replaced with a suitable memorial honoring mili-
24 tary personnel who served 180 days or more active duty with a United States
25 military organization during time of war or were discharged sooner as a
26 result of illness or injury in service in a war in which the United States
27 participated; and be it

28 FURTHER RESOLVED that a committee be established consisting of a rep-
29 resentative of the Veterans of Foreign Wars, a representative of the

1 American Legion, a representative from the Vietnam Veterans of Alaska, the
2 director of the Alaska State Council on the Arts or the designee of the
3 director, the mayor of the City and Borough of Juneau or the mayor's designee,
4 a member of the House of Representatives of the Alaska State Legislature,
5 appointed by the speaker of the house, and a member of the Alaska
6 State Senate, appointed by the president of the senate, to meet and make
7 recommendations to the legislature within 45 days on

8 (1) the disposition of "Nimbus";

9 (2) the type of memorial to be constructed; and

10 (3) the time frame for construction of the memorial; and be it

11 FURTHER RESOLVED that the memorial should be commissioned to an
12 Alaskan artist; and be it

13 FURTHER RESOLVED that public contributions be accepted to help pay the
14 cost of this memorial.

Offered: 6/1/83
Referred: Judiciary

Original sponsors: Bettisworth, Cato,
Phillips and Flood

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Calling for erection of a veterans
6 memorial in Juneau.

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

8 WHEREAS Alaska veterans who served in wars or military conflicts
9 involving the United States should be honored in Alaska; and

10 WHEREAS Alaska veterans who served at least 180 days active duty with
11 a United States military organization during time of war or military con-
12 flict, or were discharged sooner as a result of illness or injury in ser-
13 vice in a war or military conflict in which the United States participated,
14 deserve special recognition; and

15 WHEREAS the capital city of Juneau is an appropriate site for a memo-
16 rial honoring these veterans; and

17 WHEREAS the memorial should be placed in an area to which the general
18 public has free and unimpeded access;

19 BE IT RESOLVED by the Alaska State Legislature that erection of a
20 suitable memorial in Juneau, honoring Alaska veterans of all wars or mili-
21 tary conflicts involving the United States, should be studied; and be it

22 FURTHER RESOLVED that a committee be established consisting of a
23 chairman appointed by the governor, a representative of the Veterans of
24 Foreign Wars, a representative of the American Legion, a representative
25 from the Vietnam Veterans of Alaska, a representative of the Juneau Arts
26 and Humanities Council, a representative of the Southeast Alaska Visual
27 Artists Association, the director of the Alaska State Council on the Arts
28 or the designee of the director, the mayor of the City and Borough of
29 Juneau or the mayor's designee, a member of the House of Representatives of

1 the Alaska State Legislature, appointed by the speaker of the house, and a
2 member of the Alaska State Senate, appointed by the president of the
3 senate, to meet and make recommendations to the legislature on or before
4 March 1, ~~1984~~¹⁹⁸⁵ on

5 (1) at least three options for the type of memorial to be con-
6 structed, with estimated costs for each option;

7 (2) appropriate sites for location of the memorial, that may
8 include the site currently occupied by the sculpture "Nimbus" if relocation
9 costs and a site for the existing sculpture are specified; and

10 (3) the time frame for construction of the memorial; and be it

11 FURTHER RESOLVED that the memorial should be commissioned to an
12 Alaskan artist; and be it

13 FURTHER RESOLVED that the memorial should recognize the contributions
14 of both male and female veterans as well as the unique contributions of the
15 Eskimo Scout Battalion of the Alaska Territorial Guard; and be it

16 FURTHER RESOLVED that public contributions be accepted to help pay the
17 cost of this memorial.

<CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (FIN). am> by the Finance Committee,

Calling for erection of a suitable memorial to honor veterans of all wars involving the United States on the site presently occupied by "Nimbus",

was read the first time and referred to the State Affairs Committee and the Judiciary Committee.

The State Affairs Committee considered <CS FOR HOUSE CONCURRENT> <RESOLUTION NO. 9 (FIN) am> (calling for erection of a suitable memorial to honor veterans of all wars involving the United States on the site presently occupied by "Nimbus") and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE CONCURRENT
RESOLUTION NO. 9 (SA),

Calling for erection of a veterans
memorial in Juneau,

with a majority do pass. The report was signed by Senator Vic Fischery, Chairman and concurred in by Senators Kelly and Rodey. Senators Sturgulewski and Ray signed "no recommendation".

The committee attached a new fiscal note which appears in Senate Supplement No. 37 to today's journal.

CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (FIN) am was referred to the Judiciary Committee.

The Judiciary Committee considered <CS FOR HOUSE CONCURRENT> <RESOLUTION NO. 9 (FIN) am> (calling for erection of a suitable memorial to honor veterans of all wars involving the United States on the site presently occupied by "Nimbus") and recommended the following amendment to the State Affairs Senate Committee Substitute:

Page 2, line 4: delete "1984" and insert "1985"

Senator Ray, Chairman and Senator Pettyjohn signed "do pass". Senator Ziegler signed "no recommendation, should go to Senate Finance". Senator Josephson signed "no recommendation".

"SENATE JUDICIARY COMMITTEE
LETTER OF INTENT

SCS CSHCR 9 (SA)

It is hereby suggested by the Senate Judiciary Committee that the committee appointed to make recommendations to the Legislature on the relocation of the sculpture 'Nimbus' consider the Alaska State Museum Courtyard in Juneau as a possible site for the relocation of the sculpture 'Nimbus'.

</s/ Bill Ray ->
Senator Bill Ray, Chairman
Senate Judiciary Committee"

CS FOR HOUSE CONCURRENT RESOLUTION NO. 9 (FIN) am was referred to the Rules Committee.

4/12/84

TO: VF
FROM: ST
RE: Nimbus resolution

The Senate State Affairs version of the resolution expands the those who are to be honored to veterans involved in a war or active conflict (to include vets of Korean conflict, Viet Nam vets and most female vets).

The CS resolves that erection of a suitable memorial in Juneau be studied honoring Alaska Vets (page 1, lines 18-20).

It expands the list of those to be on the committee to include:

- A member of the Juneau Arts and Humanities council
- A member of the Southeast Alaska Visual Artists Association.

The CS also changes the criteria to be looked at by the committee to the type, location, and construction time frame for a memorial.

notes.

You may want to make an amendment changing the date on page 1 line 3.

Note page 2, line 7. The committee may look at the location of Nimbus as a possible site for the new memorial.

The version of the resolution that passed the house resolved that nimbus be removed and replaced with a suitable memorial honoring military personnel who served 180 days of active duty during a time of war.

It also resolved that a committee be established made up of

veterans of foreign wars,
representative of the American Legion
representative of Viet nam Vets
director of the Alaska State Council of the Arts
mayor of Juneau
state rep and state senator

The committee would make recommendations to the legislature on memorial etc..

VF, 4/2/84 Asper
5/31/83
(this version passed out 5/31/83)
ST

Original sponsors: Bettisworth, Cato, Phillips and Flood

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA
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7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 WHEREAS Alaska veterans who served in wars^{or military conflict} involving the United States
9 should be honored in Alaska; and

10 WHEREAS Alaska veterans who served at least 180 days active duty with
11 a United States military organization during time of war^{or military conflict} or were dis-
12 charged sooner as a result of illness or injury in service in a war^{or military conflict} in
13 which the United States participated, deserve special recognition; and

14 WHEREAS the capital city of Juneau is an appropriate site for a memo-
15 rial honoring these veterans; and

16 WHEREAS the memorial should be placed in an area to which the general
17 public has free and unimpeded access;

18 BE IT RESOLVED by the Alaska State Legislature that erection of a
19 suitable memorial in Juneau, honoring Alaska veterans of all wars^{or military conflict} involving
20 the United States, should be studied; and be it

21 FURTHER RESOLVED that a committee be established consisting of a
22 chairman appointed by the governor, a representative of the Veterans of
23 Foreign Wars, a representative of the American Legion, a representative
24 from the Vietnam Veterans of Alaska, a representative of the Juneau Arts
25 and Humanities Council, a representative of the Southeast Alaska Visual
26 Artists Association, the director of the Alaska State Council on the Arts
27 or the designee of the director, the mayor of the City and Borough of
28 Juneau or the mayor's designee, a member of the House of Representatives of
29 the Alaska State Legislature, appointed by the speaker of the house, and a

NEW MEMORIAL

1 member of the Alaska State Senate, appointed by the president of the
2 senate, to meet and make recommendations to the legislature on or before
3 March 1, 1984 on

4 (1) at least three options for the type of memorial to be con-
5 structed, with estimated costs for each option;

6 (2) appropriate sites for location of the memorial, that may
7 include the site currently occupied by the sculpture "Nimbus" if relocation
8 costs and a site for the existing sculpture are specified; and

9 (3) the time frame for construction of the memorial; and be it

10 FURTHER RESOLVED that the memorial should be commissioned to an
11 Alaskan artist; and be it

12 FURTHER RESOLVED that the memorial should recognize the contributions
13 of both male and female veterans as well as the unique contributions of the
14 Eskimo Scout Battalion of the Alaska Territorial Guard; and be it

15 FURTHER RESOLVED that public contributions be accepted to help pay the
16 cost of this memorial.

Asper
5/31/83

Original sponsors: Bettisworth, Cato,
Phillips and Flood

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
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7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS Alaska veterans who served in wars ^{involving} the United States
9 should be honored in Alaska; and

10 WHEREAS Alaska veterans who served at least 180 days active duty with
11 a United States military organization during time of ^{war or military conflict,} ~~war~~, or were dis-
12 charged sooner as a result of illness or injury in service in a war ⁱⁿ ~~in~~
13 which the United States participated, deserve special recognition; and

14 WHEREAS the capital city of Juneau is an appropriate site for a memo-
15 rial honoring these veterans; and

16 WHEREAS the memorial should be placed in an area to which the general
17 public has free and unimpeded access;

18 BE IT RESOLVED by the Alaska State Legislature that erection of a
19 suitable memorial in Juneau, honoring Alaska veterans of all wars ^{involving} ~~involving~~
20 the United States, should be studied; and be it

21 FURTHER RESOLVED that a committee be established consisting of a
22 chairman appointed by the governor, a representative of the Veterans of
23 Foreign Wars, a representative of the American Legion, a representative
24 from the Vietnam Veterans of Alaska, a representative of the Juneau Arts
25 and Humanities Council, a representative of the Southeast Alaska Visual
26 Artists Association, the director of the Alaska State Council on the Arts
27 or the designee of the director, the mayor of the City and Borough of
28 Juneau or the mayor's designee, a member of the House of Representatives of
29 the Alaska State Legislature, appointed by the speaker of the house, and a

1 member of the Alaska State Senate, appointed by the president of the
2 senate, to meet and make recommendations to the legislature on or before
3 March 1, 1984 on

4 (1) at least three options for the type of memorial to be con-
5 structed, with estimated costs for each option;

6 (2) appropriate sites for location of the memorial, that may
7 include the site currently occupied by the sculpture "Nimbus" if relocation
8 costs and a site for the existing sculpture are specified; and

9 (3) the time frame for construction of the memorial; and be it

10 FURTHER RESOLVED that the memorial should be commissioned to an
11 Alaskan artist; and be it

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13 of both male and female veterans as well as the unique contributions of the
14 Eskimo Scout Battalion of the Alaska Territorial Guard; and be it

15 FURTHER RESOLVED that public contributions be accepted to help pay the
16 cost of this memorial.

HCR 9 -- Nimbus Resolution

Issues

- file in archives*
- I. Copyright considerations (see letter from NEA Legal Counsel and Legal Opinion of Linn Asper, Legislative Counsel).
 - A. Copyright issue is unresolved--needs further legal study.
 - B. Arts Alaska, Inc. has the copyright--if no representative of that organization testifies we should consult them before moving the resolution.
 - II. Violation of the NEA grant (see memo from Nancy S.)
 - A. Moving "Nimbus" could result in repayment of the federal grant--needs further research.

III. Fiscal Note

- A. \$10,000. Look at assumptions on the note. Maybe it needs to be redone.

IV. Amendments

- A. Need to add changes per your marked up copy.
- B. Look at composition of the committee--needs to be restructured?
- C. May want to hold the bill pending redrafting of a CS.
- D. *may want to include reference to women vets & Alaska Scouts*

NS/D2

5/16/83
Asper✓

Original sponsors: Bettisworth, Cato,
Phillips and Flood

*in Alaska's
capital city*

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
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6 memorial to honor veterans of all wars
7 involving the United States on the site
8 presently occupied by "Nimbus".

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

10 WHEREAS Alaska veterans who served in wars involving the United States
11 should be honored in Alaska; and

12 WHEREAS Alaska veterans who served at least 180 days active duty with
13 a United States military organization during time of war, or were dis-
14 charged sooner as a result of illness or injury in service in a war in
15 which the United States participated, deserve special recognition; and

16 WHEREAS a memorial to honor these persons would be appropriately
17 visible to the public if placed by the State Court and Office Building in
18 Juneau, Alaska; and

19 WHEREAS the sculpture "Nimbus", currently located on the grounds of
20 the State Court and Office Building in Juneau, could be located elsewhere;

21 BE IT RESOLVED by the Alaska State Legislature that relocation of the
22 sculpture "Nimbus" from the grounds of the State Court and Office Building
23 in Juneau to another suitable site and its replacement with a suitable
24 memorial honoring Alaska veterans who served 180 days or more active duty
25 with a United States military organization during time of war or were
26 discharged sooner as a result of illness or injury in service in a war in
27 which the United States participated ~~X~~ should be studied; and be it

28 FURTHER RESOLVED that a committee be established consisting of the
29 Chief Justice of the Alaska Supreme Court or the designee of the Chief

*Southeastern
Visual Artists
Association Arts Alaska*

*Juneau
Council Arts*

1 Justice, who shall serve as chairman of the committee, a representative of
2 the Veterans of Foreign Wars, a representative of the American Legion, a
3 representative from the Vietnam Veterans of Alaska, the director of the
4 Alaska State Council on the Arts or the designee of the director, the mayor
5 of the City and Borough of Juneau or the mayor's designee, a member of the
6 House of Representatives of the Alaska State Legislature, appointed by the
7 speaker of the house, and a member of the Alaska State Senate, appointed by
8 the president of the senate, to meet and make recommendations to the legis-
9 lature on or before March 1, 1984 on

10 (1) the relocation of "Nimbus", including an estimate of relo-
11 cation costs;

12 (2) at least three options for the type of memorial to be con-
13 structed, with estimated costs for each option; and

14 (3) the time frame for construction of the memorial; and be it

15 FURTHER RESOLVED that ^{any new} ~~the~~ memorial should be commissioned to an
16 Alaskan artist; and be it

17 FURTHER RESOLVED that public contributions be accepted to help pay the
18 cost of this memorial.
19
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ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 998.1

(907) 465-4954



May 17, 1983

Butrovich Room

Members Present

Senator Vic Fischer, Chair
Senator Tim Kelly
Senator Arliss Sturgulewski

Agenda

HB 6 Driving a motor vehicle
HB 17 Advisory vote on raising the drinking age to 21
HJR 28 Native Allotments
HB 184 Title for Vehicles
HCR 9 Veterans' memorial
HCR 17 State medal of heroism
HCR 18 Display of flags
HB 106 Alaska bidder preference
HB 165 Relating to the Alaska Public Offices Commission

HB 6 Driving a motor vehicle

Committee staff presented a proposed committee substitute. The committee substitute is an amended version of SB 61 which has been considered previously by the committee.

Alan Baily, Anchorage Municipal Prosecutor and Gayle Horetski, Department of Law, testified in favor of the committee substitute.

Senator Sturgulewski asked if there are latent constitutional problems with administrative revocation of driver's licenses. Ms. Horetski replied that there are no problems per se.

Senator Fischer called attention to Sec. 13, sobriety check points, which has been added to the bill.

Senator Kelly moved and asked unanimous consent to adopt the committee substitute and pass it from committee with individual recommendations. There was no objection.

HB 17 Advisory vote on raising the drinking age to 21

Senator Kelly asked to withdraw his proposed committee substitute. He then moved and asked unanimous consent to pass the bill from committee with individual recommendations. There was no objection.

HJR 28 Native Allotments

Senator Fischer proposed a committee substitute which refined and clarified certain language but made no substantive changes.

The committee substitute was passed from committee with individual recommendations.

HB 184 Title for vehicles

Wally Kubley, representing himself, testified for the bill.

There was discussion regarding whether the definition of "mobile home" should be by statute or by regulation. It was decided to follow the written recommendation of the Department of Public Safety and have the definition by regulation. Committee staff was directed to prepare a committee substitute to that effect.

HCR 9 Veterans' memorial

Senator Fischer expressed concerns about the resolution including the issue of censorship of art and possible copyright law violations.

Natalie Rauthaus, Juneau Arts and Humanities Council, spoke in favor of leaving the sculpture "Nimbus" where it is. She felt that there would be negative repercussions from the National Endowment for the Arts if the State of Alaska did not hold up its grant agreement.

Senator Sturgulewski said she favors leaving "Nimbus" alone.

Peter Kelley, Vietnam Veterans of Alaska, testified in favor of moving "Nimbus" to another location and placing a veterans' memorial at that location.

Senator Fischer said he favored a resolution which would look at the entire capital city area for potential sites for a veterans' memorial.

Steve Smith, Southeast Alaska Visual Artists Association, testified he personally thought that the present site is not ideal for a work such as "Nimbus" but that he had reservations about moving the work. He suggested that a more appropriate memorial could be dedicated to all those who have been lost in Alaska's waters, with special emphasis on veterans.

The resolution was held over pending study by staff.

HCR 17 State Medal of Heroism

The resolution was passed with a unanimous do pass recommendation without discussion.

HCR 18 Display of flags

Representative Milo Fritz (prime sponsor) testified for the resolution. He has noticed that during holidays the flag poles in Juneau are often empty. He finds this situation deplorable. He thinks flags should be flown on state government buildings throughout the state.

Senator Fischer suggested that there be a slight wording change to clarify that flags are to be flown only when there is a security or maintenance person on regular duty.

Senator Sturgulewski moved and asked unanimous consent to adopt a committee substitute to that effect and to move the bill from committee with individual recommendations. There was no objection.

HB 106 Alaska bidder preference

Senator Fischer introduced a proposed committee substitute for the Committee's consideration.

Resa King, Associated General Contractors, testified against the bill and bidder's preferences in general because of increased costs.

Bob Link, Director of the Division of General Services and Supply, Department of Administration, said that the bidder's preference was easy to administer. He said the bill could lead to significantly increased costs.

Dave Hutchins, Alaska Rural Electric Cooperative Association, testified against raising the bidder's preference to 15%.

The bill was held over pending additional staff work.

HB 165 Relating to the Alaska Public Offices Commission

Representative Rick Uehling (prime sponsor) testified for the bill and gave a brief legislative history of the bill.

Theda Pittman, Executive Director of the Alaska Public Offices Commission, testified in favor of the bill and recommended that a House floor amendment deleting certain requirements be added back into the bill by this committee.

Senator Fischer stated that the bill would be held over pending preparation of a committee substitute.

The meeting was adjourned at 4:32 p.m.

by
David Dye
Committee aide

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMORANDUM

TO: Senator Vic Fischer

FROM: Nancy Schaufelberger
Committee Staff *Nancy*

DATE: May 16, 1983

SUBJ: HCR 9--Removal of "Nimbus" and replacing it with a veteran's memorial.

BACKGROUND

In 1974 the Alaska Court System, the Alaska State Council on the Arts (ASCA) and the National Endowment for the Arts (NEA) agreed on a project application under the NEA's Art in Public Places Program to commission a contemporary sculpture for the courtyard of the new Juneau Court Building.

The NEA agreed to provide \$20,000 in grant funding if matching monies were made available by the state--the Alaska Court System agreed to provide \$10,000 and ASCA the other \$10,000. A selection committee was established consisting of representatives from the Alaskan community and those selected by the NEA. After following established grant guidelines and procedures, the committee voted, and unanimously selected Mr. Robert Murray as the artist of first preference.

NEA

On May 13, I spoke with Stacy Paleologos, Consultant to the Art in Public Places Program, at the NEA to inquire about the implications of replacing "Nimbus." Ms. Paleologos was very familiar with the sculpture, and the controversy surrounding it, and offered the following comments.

She indicated that the grant was given for a permanent work of art and to move it (which might possibly destroy it) would go outside the guidelines and would be considered a serious violation of the grant provisions by the NEA. She further indicated that moving "Nimbus" would warrant action of some kind by the NEA, possibly even repayment of the federal grant portion by the state. Additionally, Ms. Paleologos indicated that the NEA was very satisfied with the piece in question, and has included it in their pictorial book on art in public places.

Senator Vic Fischer
Page 2
May 16, 1983

VETERAN'S MEMORIALS

As another point, it is interesting to note that Juneau already has a memorial to veterans--the local library. According to library records, when the present library was opened in 1951 it was named Juneau Memorial Library and dedicated to those who served in the wars.

Also, more recently, Chapter 30, SLA 1981, created a memorial to Alaska veterans in Denali State Park near the Parks Highway. \$200,000 was appropriated for this purpose and the memorial should be completed this summer.

Juneau Courthouse Sculpture Project

The following is a listing in order of the events and actions to date concerning the commissioning of a sculpture for the Juneau Courthouse Plaza.

1. In July, 1974 Lou Cassetta, architect of the Juneau Courthouse, met with Roy Helms of the ASCA to discuss possible matching funding from the National Endowment for the Arts for works of art in conjunction with the new building. Under consideration at that time was the restoration of a totem pole, the construction of display cases for museum pieces in the lobby of the building, and a piece of sculpture in or adjacent to the plaza. (re.: July 24, 1974 letter from Lou Cassetta to Arthur Snowden, II)
2. By the time the application was filed the inclusion of the totem pole was set aside since this would not be a new work of art, but a restoration, and fibre wall hangings were included for the four court rooms.
3. The National Endowment responded on November 6, 1974 indicating that they could only consider funding for one project, the sculpture for the plaza. (Letter from Richard Koshalek, November 6, 1974).
4. The Court System confirmed that there was no conflict between the guidelines of the National Endowment for the Arts and the legislative appropriation limitations. The manner in which to spend \$25,000 for works of art was left to the discretion of the Court System by the Legislature. (Letter of August 5, 1974 from Arthur Snowden, II to Lucian Cassetta.)
5. In December, 1974 the project application to the National Endowment was changed to include only the plaza sculpture. A total of \$10,000 was applied for with \$10,000 matching pledged by the Alaska Court System. (Letter of December 13, 1974 from Roy Helms to David Bancroft).
6. On August 18, 1975 Brian O'Doherty, Director of the Visual Arts Programs of the National Endowment indicated a reluctance on the part of the review panel to consider a sculpture project with such a low budget. He indicated that they would be willing to fund \$20,000 if there were \$20,000 matching available.
7. The Alaska State Council on the Arts was approached by the Alaska State Court System on August 20, 1975 for the additional \$10,000. This was approved by telephone conference on August 29, 1975 of the Visual Arts Committee and the Executive Committee.
8. On June 28, 1976, a grant was awarded to the Alaska State Council on the Arts from the National Endowment for the Arts in the amount of \$20,000 for the Juneau Sculpture Project. The grant conditions included adherence to the guidelines under which the Alaska State Council on the Arts applied which included:

- a. Appointment by the ASCA of three individuals with knowledge of the local area and of contemporary art to a selection committee.
 - b. Appointment by the National Endowment for the Arts of three nationally recognized experts to the selection committee.
 - c. The selection committee will be empowered to select the artist for the commission. The selection will be made on the basis of the review of previous work of artists of national or regional significance.
 - d. The selected artist will prepare a model for the project for review by the Alaskan members of the selection committee. The National Council on the Arts will also have the opportunity to review the model.
 - e. The National Council on the Arts advised that the selection process be extended widely to include artists both outside and inside the state.
9. On June 14, 1976 the ASCA granted Arts Alaska, Inc. \$10,000 from the Public Art program for the Juneau Sculpture project.
 10. On September 15, 1976 the ASCA granted Arts Alaska, Inc. \$20,000 from the National Endowment grant for the Juneau Sculpture project.
 11. On April 19, 1977 the Alaska Court System issued a check to Arts Alaska in the amount of \$10,000 for the Juneau Sculpture project.
 12. Selection procedures:
 - a. Notification of the availability of the commission was made in the press and in "The Arts in Alaska". Alaskan sculptors were encouraged to have their portfolios filed with the ASCA for review by the selection committee.
 - b. The Alaskan portion of the selection committee was appointed by the ASCA including Ron Senungetuk, Lou Cassetta, and Justice Connor.
 - c. The National Endowment portion of the selection committee was appointed to include Sebastian Adler, Museum of Contemporary Art, LaJolla, CA; Suzanne Foley, San Francisco Museum of Modern Art; and Maurice Tuchman, Los Angeles County Museum.
 - d. The committee met in Juneau at the site on November 19, 1976. (Connie Boochever substituting for Justice Connor.)
 - e. The committee first viewed the site, discussed its unique needs, and then began reviewing slides of artists work. They first reviewed the portfolios of 21 Alaskan artists. They then reviewed slides of sculptors' work from the rest of the United States.
 - f. Each of the committee members was asked to list those artists that stood out in their minds as fulfilling the criterion set forth. From this list discussion took place. (See addendum)

- g. The committee eventually voted and unanimously selected the following three artists in the ranked preference listed:
 1. Robert Murray. 2. Cliff Westermann. 3. Robert Breer.
12. Robert Murray was contacted and was willing to undertake the commission. A contract between Arts Alaska, Inc. and Robert Murray was negotiated effective 23 December, 1976.
13. Robert Murray visited the site on 18 January 1977, met with Justices Boochever, Connor, and Stewart to discuss the proposed sculpture, the desired changes in the concrete pad in the plaza, and desired alterations to the surrounding buildings for long-term planning purposes.
14. It is intended that the model for the sculpture will be ready for review by the committee in mid-June, 1977. At that time the three Alaskan members of the selection committee will meet with Murray in Juneau to review the plans and approve or disapprove the proposed sculpture.

ADDENDUM: Criterion outlined relative to the site and the selection process

1. The sculpture will be viewed from all sides and heights, including above and below.
2. If the sculpture is to be centered in the circular central space in the plaza a net diameter of 20' is possible.
3. Consideration needs to be given to the "gray" nature of the climate in Juneau. The material and finish would desirably be highly reflective or brightly colored.
4. There is a potential of strong winds from all directions which should be taken into consideration when considering large, flat surfaces.
5. The work of art to be commissioned is to be of national or regional significance. This was interpreted to the committee as meaning that the artist selected should have a demonstrated record of nationally or regionally recognized work as a contemporary sculptor.
6. The general vicinity of the plaza is "busy" visually with closely built structures of varying heights and colors. It was agreed that a "busy" sculpture would not be appropriate and this was kept in mind when reviewing artists.
7. A variety of philosophies about the proposed nature of the to-be-commissioned work were suggested including consideration of "strength" as descriptive of the Court System and accessibility to the community (especially the children of the community).