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HOUSE ROLL CALL

Feb 20 1986

SUBJECT:

H. B. 607

Waived from HESS

| | Yea | Nay | Absent |
|--------------------------|-------------|-----|--------|
| ADAMS | | | |
| BINKLEY | | | |
| BOUCHER | | | |
| CATO | | | |
| CLOCKSIN | | | |
| COLLINS | | | |
| COTTEN | | | |
| DAVIS | | | |
| DUNCAN | | | |
| FRANK | | | |
| FULLER | | | |
| FURNACE | | | |
| GOLL | | | |
| GRUENBERG | <i>1107</i> | | |
| HANLEY | <i>1111</i> | | |
| HERRMANN | | | |
| HURLEY | <i>1112</i> | | |
| JENKINS | | | |
| KOPONEN | | | |
| LARSON | | | |
| MARROU | | | |
| MARTIN | | | |
| MILLER (Juneau) | | | |
| MILLER (N. Pole) | | | |
| NAVARRE | | | |
| PEARCE | | | |
| PETTYJOHN | <i>1113</i> | | |
| PHILLIPS | | | |
| PIGNALBERI | | | |
| POURCHOT | | | |
| RIEGER | | | |
| RINGSTAD | | | |
| SHULTZ | | | |
| SUND | | | |
| SZYMANKSI | | | |
| TAYLOR | <i>1114</i> | | |
| THOMPSON | <i>1115</i> | | |
| UEHLING | | | |
| WALLIS | | | |
| GRUSSENDORF (Speaker) | | | |

Introduced: 2/14/86
Referred: State Affairs,
Health, Education & Social Services
and Finance

BY HANLEY, ADAMS, RINGSTAD,
PETTYJOHN, LARSON, PEARCE,
COLLINS, JENKINS, PHILLIPS,
MARROU AND TAYLOR

1 IN THE HOUSE

2 HOUSE BILL NO. 607

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to selecting and identifying art in
7 public places."

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

9 * Section 1. AS 35.27 is amended by adding a new section to read:

10 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
11 a work of art for a public school shall be selected by the superin-
12 tendent of the school district in which the public school is to be
13 built, with the approval of the school board. If the department finds
14 in the best interest of the state that the selection by the superin-
15 tendent of the artist to execute the work of art may result in a cost
16 overrun to the state or delay of construction, the department shall
17 make the selection of the artist in consultation with the superinten-
18 dent.

19 (b) Except as provided in (a) of this section, art projects for
20 public buildings and facilities shall be selected by a majority vote
21 of a committee convened by the project manager from the department.
22 The committee shall be composed of the architect, the project manager
23 from the department, a designee of the Alaska State Council on the
24 Arts, a designee of the principal user of the public building or
25 facility, and three lay members of the public. The department shall
26 solicit volunteers in a local project area by public notice, and
27 choose the lay members of the committee by lottery from the volun-
28 teers. Before consideration of specific art projects, the committee
29 shall, after public notice, hold a hearing to receive public opinion

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24 Arts, a designee of the principal user of the public building or
25 facility, and three lay members of the public. The department shall
26 solicit volunteers in a local project area by public notice, and
27 choose the lay members of the committee by lottery from the volun-
28 teers. Before consideration of specific art projects, the committee
29 shall, after public notice, hold a hearing to receive public opinion

1 about potential art projects. The committee shall consider public
2 opinion as expressed at the public hearing, but is not bound by it.

3 * Sec. 2. AS 44.27.060 is amended by adding a new subsection to read:

4 (e) A work of art that is to be made a permanent part of a
5 building or facility owned or leased by the state shall be identified
6 by a permanent plaque installed on or near the work of art. The
7 plaque must contain the name or title of the work of art, the year of
8 completion, and the names of the members of the selection committee.

9 * Sec. 3. AS 35.27.020(e) and (f) are repealed.

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

Chapter 27. Art Works in Public Buildings and Facilities.

Section

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

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

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

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

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

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

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

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

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

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

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

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

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

The 1980 amendment rewrote

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

Sec. 35.27.030. Definitions. In this chapter

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

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

(A) includes, but is not limited to,

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

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

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

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

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

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

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 18, 1986

SUBJECT: HB 607
TO: Representative Alyce Hanley
FROM: Joyce James ~~James~~
Legislative Counsel

Section 1 of this bill adds to the statutes a new section with two subsections. The provisions of both subsections are generally those contained in existing AS 35.27.020(e) and (f). In HB 607 AS 35.27.020(e) and (f) are repealed. New AS 35.27.021(b) contains substantive changes relating to the composition of a selection committee, and was drafted to satisfy your request. New AS 35.27.021(a) relating to art in a public school contains no substantive changes. It was altered only at the revisor's suggestion to correct confusing and inarticulate language contained in the existing AS 35/27/020(f), and does not in my opinion change the existing law.

JJ:csh
c5/077

Alaska State Legislature House of Representatives

4007 BRENTWOOD CIRCLE
ANCHORAGE, ALASKA 99502
(907) 243-7574

REPRESENTATIVE
ALYCE HANLEY
DISTRICT 9, SEAT B

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4939

MEMBER
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
LABOR AND COMMERCE COMMITTEE
PUBLIC SAFETY SUBCOMMITTEE

February 25, 1986

Representative Max Grunberg
Alaska House of Representatives
Box V, (M/S 3100)
Juneau, Alaska 99811

*Done
file w/ HB 607*

Dear Max:

Thank you for your cosponsorship of House Bill 607, relating to Public Art. Attached is a copy of the ~~press release~~ we gave out at the time of introduction. It might assist you in answering any mail you receive on the bill. I am also enclosing some background information on the subject for your files.

As you probably know, the bill has been assigned to be heard in the State Affairs and Finance Committees. Additionally, as you know it was referred to the HESS Committee based on what I believe is a misconception on what it does.

I certainly would appreciate any thoughts you have on getting the bill through the process. If we can do anything to help you with respect to these bills, please don't hesitate to ask Scott or me.

With best regards,

Sincerely,

Alyce
Alyce Hanley

Enclosures

FOR IMMEDIATE RELEASE
February 14, 1986

Contact: Rep. Alyce Hanley
(907) 465-4939

HANLEY INTRODUCES MEASURES AIMED AT IMPROVING PUBLIC ART PROGRAMS

JUNEAU -- Two bills introduced today in the Alaska House of Representatives would increase public participation in selecting publicly funded art and would require the use of Alaskan resident artists for public art projects. If enacted the bills would also reduce the amount of money the state is required to spend on art projects in some new public buildings, and would require a plaque with names of art selection committee members to be placed near new art projects funded under the program.

Rep. Alyce Hanley (R-Anchorage), prime sponsor of the two bills said the measures are aimed at responding to the public's dissatisfaction with the public art program.

"Alaskans from Ketchikan to Barrow to the Aleutians have expressed concern about various aspects of the public arts program. These bills seek to address those feelings by opening up the selection process to the public, the ultimate consumers of what is provided," Hanley said. She continued, "A lot has been said about local hire this year. This bill requires that Alaska's resident artists be put to work on these Alaskan projects. With oil revenues down, the state is looking for ways to save money throughout its budget, providing fewer funds to this program will continue recognize its merit yet also recognize the difficult financial situation the state is facing. Some have attacked the expenditure of any public funds for these types of projects and want the program repealed. The bills introduced today seek middle ground."

The first bill, HB 607, sponsored by Reps. Hanley, Pearce, Adams, Larson, Collins, Ringstad, Pettyjohn, Jenkins, Phillips, Marrou, and Taylor provides for a seven member panel to select art projects for new state buildings and facilities. Along with representatives of the State Arts Council, the State Dept. of Transportation, and the architect, three lay residents of the local area and a designee of the facilities principal user group would pick the art. Also, hearings would be required to receive input from the public at large. Currently the statutes mandate that DOT/PF only consult with the principal user and the arts council and the public is left out of the process.

The other bill, HB 606, sponsored by Reps. Hanley, Adams, Ringstad, Pettyjohn, Pearce, Larson, Collins, Jenkins, Phillips, Marrou, and Taylor reduces the currently mandated requirement that one percent of construction funds be spent on public art to a level commensurate with the current requirement for rural schools, one half of one percent. Another section of the bill requires a plaque with the names of the piece, the artist, the committee members, and the date of completion.

Chart from USA TODAY
February 19, 1986

Among the 50 state governments, Alaska ranks first in per capita spending on the arts. The Alaska Legislature indirectly and directly appropriated over \$8.00 per Alaskan for art in FY'86 through the 1% for Art program and other arts programs. This is 280% more than Massachusetts, the #2 ranked state spent. Alaska spent more than ten times the 50 state average of 79.6¢ per capita.

State arts grants up 25.2% in fiscal 1986

State legislative appropriations for the arts for fiscal year 1986 were up 25.2% over fiscal year 1985 — the highest increase since 1981 — a recent survey shows. Grants are used for research, awards and competitions, instruction, workshops and developing artists. Alaska ranked first in per capita support of the arts. Arts funding for fiscal year 1986, spending per capita and rank based on state legislative appropriations:

| State | Appropriation | Per capita |
|----------------|----------------------|------------|
| Alabama | \$1,100,000 | 27.6¢ |
| Alaska | \$4,000,700 | 800.1¢ |
| Arizona | \$1,010,200 | 33.1¢ |
| Arkansas | \$970,694 | 41.3¢ |
| California | \$11,692,000 | 45.6¢ |
| Colorado | \$940,622 | 29.6¢ |
| Connecticut | \$1,479,000 | 46.9¢ |
| Delaware | \$496,000 | 80.9¢ |
| D.C. | \$1,673,000 | 268.5¢ |
| Florida | \$9,761,077 | 88.9¢ |
| Georgia | \$2,200,588 | 37.7¢ |
| Hawaii | \$2,237,297 | 215.3¢ |
| Idaho | \$137,600 | 13.7¢ |
| Illinois | \$7,462,701 | 64.8¢ |
| Indiana | \$1,830,576 | 33.3¢ |
| Iowa | \$522,593 | 18.0¢ |
| Kansas | \$589,711 | 24.2¢ |
| Kentucky | \$1,564,400 | 42.0¢ |
| Louisiana | \$1,397,646 | 31.3¢ |
| Maine | \$420,292 | 36.4¢ |
| Maryland | \$1,897,527 | 43.6¢ |
| Massachusetts | \$16,379,066 | 282.5¢ |
| Michigan | \$10,291,500 | 113.4¢ |
| Minnesota | \$2,747,400 | 66.0¢ |
| Mississippi | \$490,354 | 18.9¢ |
| Missouri | \$6,904,051 | 137.9¢ |
| Montana | \$758,507 | 92.1¢ |
| Nebraska | \$599,844 | 37.4¢ |
| Nevada | \$174,270 | 19.1¢ |
| New Hampshire | \$323,000 | 33.1¢ |
| New Jersey | \$10,391,000 | 138.3¢ |
| New Mexico | \$713,500 | 50.1¢ |
| New York | \$44,078,900 | 248.5¢ |
| North Carolina | \$3,832,233 | 63.8¢ |
| North Dakota | \$248,196 | 33.2¢ |
| Ohio | \$7,509,753 | 67.8¢ |
| Oklahoma | \$1,821,462 | 55.2¢ |
| Oregon | \$445,965 | 16.7¢ |
| Pennsylvania | \$6,724,000 | 56.5¢ |
| Rhode Island | \$444,357 | 46.2¢ |
| South Carolina | \$2,602,010 | 78.8¢ |
| South Dakota | \$279,895 | 39.6¢ |
| Tennessee | \$3,615,800 | 76.7¢ |
| Texas | \$9,280,000 | 58.0¢ |
| Utah | \$1,588,200 | 96.1¢ |
| Vermont | \$245,500 | 46.3¢ |
| Virginia | \$1,947,865 | 34.6¢ |
| Washington | \$2,236,974 | 51.4¢ |
| West Virginia | \$2,117,238 | 108.5¢ |
| Wisconsin | \$1,154,200 | 24.2¢ |
| Wyoming | \$144,605 | 28.3¢ |
| Total | \$193,573,859 | — |

Alaska's Public Art Program
Statement by Rep. Alyce Hanley
February 14, 1986

MR. SPEAKER, this morning several of my colleagues and I have introduced two bills pertaining to art in public places. The introduction of these bills was prompted by the realization that the purpose for requiring a percentage for art is not being achieved. That purpose as written in title 35, Chapter 27 of the Alaska Statutes is that "the state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen."

These two measures are aimed at responding to the public's dissatisfaction with the public art program. Alaskans from Ketchikan to Barrow to the Aleutians have expressed concern about various aspects of the public arts program. These bills seek to address those feelings by opening up the selection process to the public, the ultimate consumers of what is provided.

According to a House Research Service report, public art projects statewide for fiscal year '83, '84, and '85 totaled nearly 2 million dollars. Of that amount, over 50% went to artists outside the state of Alaska. In a year when we are demanding Alaskans first, HB 606 requires that Alaska resident artists shall be selected to create Alaska's art.

This bill also addresses the fact that in all areas of the state budget, we must seek to do more with less, House Bill 606 reduces the required 1% for art to 1/2%. We can continue to recognize the program's merit yet also recognize the difficult financial situation the state is facing.

Because I truly believe the state's commitment to art has not succeeded in cultivating appreciation, but in many instances has provoked anger, HB 607 has been introduced. Hopefully by adding more members of the public to the selection committee and by requiring public hearings we can become more sensitive in determining how best to foster culture and the arts and to prevent having the Percent for Art program repealed entirely as it was very recently in Tacoma, Washington.

We are all very proud of our state and the beautiful art created by many of its people. But in Anchorage -- a native boat outside the museum was replaced with red metal triangles. In Juneau -- Nimbus sat where a beautiful Alaskan sculpture would have been much more appreciated. At the Anchorage International Airport -- a \$27,000 black metal shoe shine stand was installed and described as functional art. I believe the time has come to make a statement and to select art which is more representative of the state and its people.

I invite my colleagues to join me in cosponsoring these bills.

Comparison of Percent for Art Laws in the Other 49 States

36 states have no statutes requiring the expenditure of public monies for art projects in public buildings.

Besides Alaska, eight other states have a mandatory 1% construction set aside for public art projects. Three states have non-mandatory 1% set asides.

Four states have mandatory 1/2% set asides and one has non-mandatory 1/2%.

Wisconsin mandates two-tenths of a percent of construction monies for art and New Jersey allows but doesn't require, up to 1.5% for art.

As of 4/1/84