

SB

171

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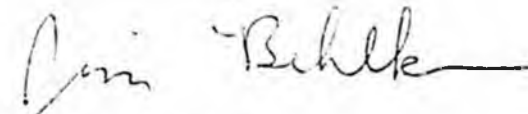
Tom Moyer c/o Senator Bettye Fahrenkamp
Box 7
Juneau, AK 99811

Dear Tom:

Thanks for hearing my ideas on new public art legislation. I am enclosing my thoughts on how the old statutes might be altered. I am not trying to write a new statute. Instead, I hope that this outline will be useful in giving people ideas of what changes could be included in a new law.

Thanks for your time.

Sincerely,


Jim Behlke

I will go down thru the old statute, and show how I might change the sections:

Old--

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.

New:

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 shall be appropriated to the Art in Public Places Fund for the creation or expansion of public art exhibitions in state buildings and other public facilities.

Purpose of changes--

- a. Remove term "set aside" which is the State's justification for non-compliance.
- b. Appropriate money into Alaska State Council on the Arts' Art in Public Places Fund, instead of DOT or some other state agency.
- c. Allow money to spent for a variety of public art projects, instead of being one-percent formula-funded for each project.

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

Old:

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

New: Same

Old:

a. 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.

New: Same

Old:

c. At least one percent or, in the case of a rural school facility, at least one-half of the percent of the construction cost of a building or facility provided for construction by the legislature after September 30, 1975, shall 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.

New:

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 July 1, 1987, shall be deposited into the Art in Public Places Fund, and spent on the following: 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. The commissioner of the department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent (or in the case of rural schools one-half percent) of the construction costs of that building or facility, before completion of construction of the building or facility.

Within two years of the completion and acceptance of construction of a state building or facility, the Arts Council shall appropriate, from the Art in Public Places Fund, one percent (or in the case of rural schools one-half of one percent) of the construction costs of that building or facility, for the following purposes:

1. The design, construction, and mounting of works of art in the public building or facility.
2. The maintenance and conservation of works of art in public buildings and facilities.
3. The administration of the design, construction, mounting, maintenance and conservation of works of art in public buildings and facilities.

Purpose of changes:

- a. Remove usage of the word "preserved."
- b. Instruct commissioner or other state official to deposit money into Art in Public Places Fund, instead of "preserving" money for public art.

Remove usage of term "subject to substantial public use." AS 14.27.10, the definition that is identical to the requirements of AS 14.27.11, place "subject to" into the Art in Public Places Fund, and then in the same section "subject to" is subject to substantial public use is provided, no longer "subject to."

Remove "The commissioner of the department responsible for the design and construction of a building or facility shall deposit into the art in public places fund, before the completion and acceptance of the construction of the building or facility."

- c. Require that the art council spend this money within two years.

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988
SSTATA
SSTATA - SB 171 - SB 176

26VI

f. Give the Arts Council the authority to administer the program, and add maintenance and conservation of existing works.

Old:

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.

New: Delete this section.

Old:

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.

New: Same, but add: The foregoing notwithstanding, the Council may decide, if requested by the architect, superintendent, building or facility users, or members of the public, to re-designate public art fund money for a building or facility, to permit the acquisition and display of works of public art in an optional manner.

Purpose of changes-

a. Make program more flexible. Instead of requiring that a formula amount be spent on each project, the Council could decide to spend the money other ways, and thus hopefully better serve the public's needs.

Old:

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.

New: If it is not known what, if anything, would be done here, except perhaps substitute "Arts Council" for "Department" and allow the Arts Council to provide funds from the art or public places fund, if available, to the Superintendent if there is a cost overrun.

Old:

g. The architect, department, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these projects and the selection of artists resident within the Commission's funding area.

New: 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. The Arts Council shall appropriate not less than 20 percent of its Public Art Fund to acquire, display, maintain and conserve the Alaska Contemporary Art Bank.

Purpose of addition-

- a. To provide funding for the Alaska Contemporary Art Bank, which has been removed from buildings and placed in storage.
- b. To diversify the program and allow art to be displayed in older buildings, leased buildings, and offices.
- c. To assure that a minimum percentage of the Public Art Fund will be spent on purchasing smaller scale art work, done exclusively by Alaskan artists; to increase the amount of Alaskan art within the program, and to provide for more local expenditures without hurting the overall quality of the program.

Other additions:

1. In the event that the Alaska State Council on the Arts is abolished, the Governor shall direct the Lieutenant Governor, or an appropriate administrator, to operate the Art in public places program and to use the funds provided to execute the established statutes and guidelines. This designated administrator shall assume all of the responsibilities previously held by the Alaska State Council on the Arts, and shall undertake control of the Art in Public Places Fund.