

HB

3

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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Mary Van Nimwegen

HB3

House State Affairs

3/9/89

House State Affairs

3/14/89

Date of Action: 2/23/89

The TRANSPORTATION Committee recommends that:

HOUSE BILL NO. 3 [ART IN PUBLIC PLACES]

"An Act relating to art in public places; and providing for an effective date."

[] be replaced with c/s HB 3 Transportation [] the same title
[] have attached amendment(s) [] a new title

[] have attached amendment(s)

- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- [] zero fiscal notes(s) published: _____

SIGNING DO PASS:

Butte Pato
Bill Hulse
Richard J. [unclear]
Baron [unclear]

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Baron [unclear] (No Rec.)

Butte Pato
Chairman's signature



Official Business

COMMITTEE:

House Transportation Committee

DATE: 2/23/89

SIGN-IN

Subject of meeting:

HB: 3

HB: 156

NAME Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

NAME Please include title	ADDRESS Please use full address. Please include zip.	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Rodney A Wilson Architect	P.O. Box Z (MS 2500) Juneau 99811	465-2960	DOT/PF	will answer questions
Royce Walker	Dept of Revenue Assd. Comm. Juneau 99811	465-2350	Dept. of Rev.	
Rep. Peter G. ...	P.O. Box V Juneau, AK 99811	465-4855	U.S.C.	
Rep. Alyce ...	P.O. Box V Juneau 99811	465-2688	HB 3	

HB 3

FEBRUARY 21, 1989

COMMITTEE CALENDAR

HB 3: "An act relating to art in public places; and providing for an effective date."

*Alaska Railroad Overview/Bcard Members.

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

Folder 1: HB 3

- ITEM #1: HB 3
#2: Work Draft C/S HB 3 Transportation
#3: Fiscal Note: Department of Transportation
#4: Statutes
#5: Art Program Procedures
#6: Comparison & Information

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
BUREAU ALASKA 99511
907 665 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 22, 1989

SUBJECT: CSHB 3 (Transportation); Resident Artist Requirement

TO: Representative Bette Cato
Chair, House Transportation Committee

FROM: Pamela Finley *Pfin*
Assistant Revisor of Statutes

You have asked for an opinion concerning the constitutionality of the resident artist requirement in proposed AS 35.27.020(g), found in bill section 2 of CSHB 3 (Transportation). This subsection, as it appears in the bill, would require the committee selecting an artist for public buildings or facilities under AS 35.27 to select a resident of Alaska. In all likelihood, this requirement violates the Privileges and Immunities Clause of the federal constitution.

A statute which prefers state residents over non-residents implicates three provisions of the federal constitution---the Privileges and Immunities Clause, the Commerce Clause, and the Equal Protection Clause---as well as the Equal Protection Clause of the state constitution.

A. The Privileges and Immunities Clause

The Privileges and Immunities Clause (sec.2, art. IV, Constitution of the United States) provides:

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

The primary purpose of the clause is to prevent states from discriminating against nonresidents for the purpose of economic protectionism. Robison v. Francis, 713 P.2d 259 (Alaska 1986.) The clause protects only fundamental rights that involve basic and essential activities. Employment on

public construction projects is considered such an activity. United Building and Construction Trades Council of Camden County v. Mayor and Council of the City of Camden, 465 U.S. 208, 104 S. Ct. 1020, 79 L. Ed.2d 249 (1984). It is likely that contracts for art in those public buildings would also be subject to the same protection.

When the Privileges and Immunities Clause applies, discrimination against nonresidents is prohibited unless the state has a substantial justification for the discrimination, and the means employed by the statute are closely related to the interests served by the statute. Robison v. Francis, 713 P.2d 259 (Alaska 1986). To overcome a challenge based on the Privileges and Immunities Clause, the state would have to show that nonresidents are "a peculiar source of the evil" which the state's action is meant to remedy, and that the state's purpose is something other than protecting residents from competition. Robison v. Francis, 713 P.2d 259 (Alaska 1986.)

It is true that the state has greater leeway under this clause in perceiving local evils and prescribing cures when it is acting as a "market participant" (owner of the project) than it does when it is regulating the market as the sovereign. See, United Building and Construction Trades Council of Camden County v. Mayor and Council of the City of Camden, 465 U.S. 208, 104 S. Ct. 1020, 79 L. Ed.2d 249 (1984.) But, in Robison v. Francis, 713 P.2d 259, 265 (Alaska 1986), the court indicated it could give little deference to the state, despite the fact that the state was acting as a "market participant" (owner), because all municipal and state construction projects were covered by the resident preference and because those projects amounted to 60-70% of all commercial construction in the state. If, as I suspect, there are few if any private art projects in Alaska as large as the ones covered by the bill, the decision in Robison would also apply to this bill.

Based on the law discussed above, especially Robison, I think it is likely that the provision in section 2 of the bill would violate the Privileges and Immunities Clause of the federal constitution.

B. The Commerce Clause.

The Commerce Clause does not prohibit a state from favoring its own residents when the state is acting as a "market par-

ticipant." White v. Massachusetts Council of Construction Employers, Inc., 460 U.S. 204, 103 S. Ct. 1042, 75 L. Ed 2d 1 (1983.) Accordingly, the proposed bill should not violate this constitutional provision.

C. The Federal Equal Protection Clause.

Because most resident hire statutes are decided under the Privileges and Immunities Clause, there are not a lot of cases discussing resident hire statutes (not involving durational residency requirements in excess of 30 days) in relation to the federal Equal Protection Clause. The U.S. Supreme Court has upheld a city ordinance requiring city employees to be city residents. McCarthy v. Philadelphia Civil Service Com'n., 424 U.S. 645, 96 S. Ct. 1154, 47 L. Ed.2d 366 (1976.) The problem is that to pass muster under the federal Equal Protection Clause, a statute must be rationally related to a legitimate state purpose. Alaska's Supreme Court has already indicated that making more jobs available for Alaskans is not a permissible justification under the Privileges and Immunities Clause, Robison v. Francis, 713 P.2d 259, 266 (Alaska 1986), and has also used Privileges and Immunities Clause analysis to determine whether a purpose is legitimate for the purposes of the Equal Protection Clause. Hicklin v. Orbeck, 565 P.2d 159, 167 (Alaska 1977), overruled on other grounds, 437 U.S. 518, 98 S. Ct. 2482, 57 L. Ed.2d 397 (1978.) Therefore it is likely that the bill's requirement that the artist be a resident would also violate the federal Equal Protection Clause.

The State Equal Protection Clause

Before the recent addition to the state constitution, of sec. 23, article I (allowing resident preferences to the extent allowed by the federal constitution) it was likely that the bill's residency requirement would have been invalid under the state Equal Protection Clause. See, Robison v. Francis, 713 P.2d 259, 271-272 (Alaska 1986) (Burke, J., concurring.) Since the recent amendment has not yet been construed by Alaska's Supreme Court, it is not clear whether the resident artist requirement would violate the state Equal Protection Clause.

Summary and Suggestions

If the purpose of the resident artist provision is to protect Alaskan artists from competition from nonresident ar-

Representative Bette Cato

Page 4

February 22, 1989

tists, it is likely that the provision would violate the Privileges and Immunities Clause, and possibly the federal Equal Protection Clause as well. If the resident artist provision has some other purpose, the legislative history should clearly establish the validity of the other purpose and a very close link between the purpose and the resident artist requirement. In order to be "legitimate," the discrimination would have to be based on a showing that the nonresidents are "a peculiar source of [some] evil" that the bill is intended to remedy.

I can, however, see no constitutional prohibition against preferring art which has a theme or design evocative of Alaska. Such a requirement would, of course, limit the artistic expression of all the artists (including the residents), but could in some situations give residents an advantage since they are more likely to be familiar with the state.

If I may be of further assistance to you, please advise.

Enclosure

PF:kb
wkk2/043

Original sponsors: Hanley, Zawacki,
and Leman

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 3 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to art in public places; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 35.27.020(c) is amended to read:

10 (c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction
12 cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-
14 ing purposes: the design, construction, mounting and administration of
15 works of art in a school, office building, court building, vessel of
16 the marine highway system, or other building or facility that [WHICH]
17 is subject to substantial public use. All administrative costs,
18 including those of the department, associated with the art project
19 shall be paid from the money reserved under this subsection.

20 * Sec. 2. AS 35.27.020(g) is amended to read:

21 (g) Each selection committee established under AS 35.27.021 [THE
22 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON
23 THE ARTS] shall encourage the use of state cultural resources in these
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists
25 for the commission of these art works who are residents of the state
26 under AS 01.10.055.

27 * Sec. 3. AS 35.27 is amended by adding a new section to read:

28 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
29 a work of art for a public school shall be selected by a majority vote

1 of a committee, with the approval of the school board. The committee
2 shall be composed of the architect, the project manager administering
3 the facility construction, two representatives from the school dis-
4 trict staff, and three members of the public who reside in the commu-
5 nity where the school is located. The president of the school board
6 or a designee shall provide reasonable public notice that public
7 member seats on the committee are available. The school board shall
8 select the representatives from the school district and the members of
9 the public.

10 (b) Except as provided in (a) of this section, an artist who
11 executes a work of art for buildings and facilities shall be selected
12 by a majority vote of a committee convened by the project manager
13 administering the facility construction. The committee shall be
14 composed of the architect, the project manager, a designee of the
15 Alaska State Council on the Arts, a designee of the principal user of
16 the public building or facility, and three members of the public who
17 reside in the community where the building is located. To select the
18 public members, the department shall advertise for applicants by
19 appropriate public notice and pick the members by lottery from among
20 the applicants.

21 (c) All meetings of the selection committee under (a) or (b) of
22 this section are subject to the public meeting and notice requirements
23 of AS 44.62.310.

24 * Sec. 4. AS 44.27.060(b) is amended to read:

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

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

3 (2) the building or facility is not designed for substan-
4 tial public use.

5 * Sec. 5. AS 44.27.060 is amended by adding a new subsection to read:

6 (e) A work of art shall be identified by a permanent plaque
7 installed on or near the work of art. The plaque must contain the
8 name or title of the work of art, the name of the artist, the year of
9 completion, and the names of the members of the selection committee.

10 * Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 * Sec. 7. The amendments made by this Act do not apply to the construc-
12 tion of a building or facility if, before the effective date of this Act,
13 the department or the Alaska State Council on the Arts has entered into a
14 contract to meet the art requirements under this chapter for the building
15 or facility.

16 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).
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REQUEST: **FISCAL NOTE**

Revision Date:
Title: An act relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction
and the Alaska State Council on
the Arts

Sponsor: Hanley
Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	(195)	(195)	(195)	(195)	(195)	(195)
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

* International Airport Revenue Fund

POSITIONS:

FULL TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Based on the attached analysis a reduction in the amount of funds for artwork of 1/2% could provide additional construction funds in the amounts indicated.

Prepared by: Rod Wilson, Architect
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 02/17/89

Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: 02/17/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATEMENT OF ANALYSIS RE:
An act relating to Art in Public Places

FISCAL NOTE PREPARATION FOR:
Committee Substitute for House Bill 3

Assumptions made:

- (1) It has been assumed that language changes to section AS 35.27.020(c) (lines 12 and 13) will not change the current legal opinion excluding federal funds from the artwork requirements.
- (2) Based on anticipated construction activities of \$30 million net savings would result as follows:

\$30,000,000	(current eligible projects)
<u>X .005</u>	(reduced % for artwork)
\$ 150,000	(additional project funds)
<u>X 1.30</u>	(factor for artwork administrative costs)
\$ 195,000	(total of additional available monies)

Due to unpredictability of the future CIP program this same amount has been assumed into the budgets for FY 90 through 94.

Department of Transportation & Public Facilities



POSITION PAPER

BILL NO: CS to HB 3

APPROVED:

A handwritten signature in black ink, appearing to read "Mark D. Hill".

TITLE: An Act Relating to Art in Public Places

DATE: February 17, 1989

The department supports this bill. It is estimated that these changes could provide an additional \$195,000 annually towards actual construction of the facility.

For further information call Catherine A. McHugh at 465-3900

Chapter 25. General Provisions.

[Renumbered as AS 35.95.]

Chapter 27. Art Works in Public Buildings and Facilities.

Section

10. Purpose

20. Art requirements for public buildings and facilities

Section

30. Definitions

Cross references. — For nonapplicability of this chapter to memorials to Alaska veterans, see AS 44.35.030.

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 reports. — For House State Affairs Committee report on ch. 54, SLA 1975 (CSHB 133(Fin)), see 1975 House Journal, p. 567; for House Finance Committee report on that bill, see 1975 House Journal, pp. 713-714; for Senate Finance Committee letter of intent on that bill, see 1975 Senate Journal, p. 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 references. — 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.

Sec. 35.27.030. Definitions. In this chapter

(1) "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;

(2) "commissioner" means the commissioner of transportation and public 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. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am E.O. No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980; am § 57 ch 14 SLA 1987)

Chapter 25. General Provisions.

[Renumbered as AS 35.95.]

Chapter 27. Art Works in Public Buildings and Facilities.

<p>Section 10. Purpose 20. Art requirements for public buildings and facilities</p>	<p>Section 30. Definitions</p>
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Cross references. — For nonapplicability of this chapter to memorials to Alaska veterans, see AS 44.35.030.

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 reports. — For House State Affairs Committee report on ch. 54, SLA 1975 (CSHB 133(Fin)), see 1975 House Journal, p. 567; for House Finance Committee report on that bill, see 1975 House Journal, pp. 713-714; for Senate Finance Committee letter of intent on that bill, see 1975 Senate Journal, p. 939.

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(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

Sec. 44.27.058. National endowment funds. The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.140. Renumbered in 1980.

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

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

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

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

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

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

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

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

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

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

Revisor's notes. — Enacted as AS 44.19.942. Renumbered in 1980.

Effect of amendments. — The 1982 amendment substituted "if the building or facility" for "which" in the introductory language of subsection (b).

Article 3. Alaska Historical Commission.

Section

- 61. Creation
- 62. Composition
- 63. Appointment
- 64. Terms of office
- 65. Compensation

Section

- 70. Duties of the commission
- 72. Reports
- 74. Executive director
- 76. Gifts and income

Sec. 44.27.061. Creation. There is created in the Department of Education the Alaska Historical Commission. (E.O. No. 43, § 3 (1980))

Revisor's notes. — Enacted as AS 44.27.040. Renumbered in 1980.

Article 6. Agency Meetings Public.**Section**

310. Agency meetings public

312. State policy regarding meetings

Sec. 44.62.310. Agency meetings public. (a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except for meetings of a house of the legislature, attendance and participation at meetings by members of the public or by members of a body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a public body described in this subsection.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;
 (4) meetings of a hospital medical staff; or
 (5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting, and if the meeting is by teleconference the location of any teleconferencing facilities that will be used.

(f) Action taken contrary to this section is void. (§ 1 art VI (ch 1) ch 143 SLA 1959; am § 1 ch 48 SLA 1966; am § 1 ch 78 SLA 1968; am § 1 ch 7 SLA 1969; am §§ 1, 2 ch 98 SLA 1972; am § 2 ch 100 SLA 1972; am § 1 ch 189 SLA 1976; am §§ 2, 3 ch 54 SLA 1985)

Effect of amendments. — The 1985 amendment in subsection (a) added the second, third, and next-to-last sentences and in the last sentence substituted "a

public body described" for "the bodies specified" and added the last sentence of subsection (e).

NOTES TO DECISIONS

"Meeting". — A private meeting between a quorum of the Anchorage Municipal Assembly and a developer to discuss in detail the developer's application for rezoning violated this section; a "meeting" for purposes of the Open Meetings Act includes every step of the deliberative and decision-making process when a governmental unit meets to transact public business. The rezoning ordinance later passed by the assembly that allowed a modified plan of development was therefore held void. *Brookwood Area Homeowners Ass'n v. Municipality of Anchorage*, Sup. Ct. Op. No. 2953 (File Nos. S-575, S-629), 702 P.2d 1317 (1985).

Findings. — There is nothing in the Administrative Procedure Act requiring a board to make any findings when exercising its quasi-legislative function, and therefore there is nothing in the act regulating the manner in which findings must be adopted or approved. *State v. Hebert*, Ct. App. Op. No. 748 (File A-1743), P.2d (1987).

Legislature's alleged violation of Open Meetings Act held nonjusticiable. — The Open Meetings Act, as it applies to the legislature, like the legislature's Uniform Rule 22, merely establishes a rule of procedure concerning how the legislature has decided to conduct its business; a failure to follow a rule of procedure is not the subject matter of judicial inquiry where there are no allegations that the legislature, acting pursuant to or in violation of one of its rules of procedure, has infringed on the rights of a third person not a member of a legislature or has ignored constitutional restraints or violated fundamental rights. *Abood v. League of Women Voters*, Sup. Ct. Op. No. 3230 (File Nos. S-1831, S-1841, S-1957), 743 P.2d 333 (1987).

Applied in *Meiners v. Bering Strait School Dist.*, Sup. Ct. Op. No. 2857 (File Nos. S-125, S-140), 687 P.2d 267 (1984); *Abood v. Gorsuch*, Sup. Ct. Op. No. 2958 (File No. S-706), 703 P.2d 1158 (1985).

Sec. 44.62.312. State policy regarding meetings. (a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies which serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions. (§ 3 ch 98 SLA 1972; am § 4 ch 54 SLA 1985)

Effect of amendments. — The 1985 amendment added paragraph (6) of subsection (a).

NOTES TO DECISIONS

Quoted in Brookwood Area Home-owners Ass'n v. Municipality of Anchorage, Sup. Ct. Op. No. 2953 (File Nos. S-575, S-629), 702 P.2d 1317 (1985).

Article 7. Legislative Review of Rules.

Sec. 44.62.320. Legislative annulment of regulations and review.

Editor's notes. — The Alaska Const., art. II, § 22 amendment proposal that was mentioned in the notes to decisions was defeated in the November, 1984 election.

Article 8. Administrative Adjudication.

<p>Section 330. Application of AS 44.62.330 — 44.62.630</p>	<p>Section 410. Time and place of hearing 600. Voting procedure</p>
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Sec. 44.62.330. Application of AS 44.62.330 — 44.62.630.

(a) The procedure of the state boards, commissions, and officers listed in this subsection or of their successors by reorganization under the constitution shall be conducted under AS 44.62.330 — 44.62.630. This procedure, including, but not limited to, accusations and statements of issues, service, notice and time and place of hearing, subpoenas, depositions, matters concerning evidence and decisions, conduct of hearing, judicial review and scope of judicial review, continuances, reconsideration, reinstatement or reduction of penalty, contempt, mail vote, oaths, impartiality, and similar matters shall be governed by this chapter, notwithstanding similar provisions in the statutes dealing with the state boards, commissions, and officers listed. Where indi-

PERCENTAGE FOR PUBLIC ART PROGRAM PROCEDURES

I. Purpose of Alaska Statute 35.27.010-030, amended.

The legislation declares, "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."

The Department of Transportation and Public Facilities (DOTPF) and the Alaska State Council on the Arts (ASCA) have defined the following goals related to the purpose of the Act:

GOAL: To nurture our living culture by recognizing and providing for the aesthetic needs and the artistic growth of the people of Alaska.

SUBGOALS:

1. To Provide access to works of art in public spaces;
2. To offer a variety of visual experiences in varied styles, methods and media;
3. To further humanize our man-made surroundings with the artistic statements of living artists.
4. To provide a supportive working environment and the opportunity for personal creative accomplishment;
5. To contribute to the development and recognition of a professional artistic community; and
6. To accomplish broad cultural goals by introducing new visual ideas to the general public.

II. Definitions

A. "Works of Art": For the purpose of this Act, all forms of original creations of visual art objects, including but not limited to:

1. Sculpture; in the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in wood, clay, stone, metal, plastic, fiber, ivory, concrete, etc.
2. Painting; in oil, tempera, acrylic, water soluble medium, etc on wood, paper, canvas, skin, prepared surface, etc.
3. Graphics;
 - a. Prints in silk-screen, lithography, etching, embossing, and other techniques on paper, etc.
 - b. Drawing in pencil, ink, charcoal, pastel, etc. on paper, skin, bone, etc.

4. Murals, mosaics, super-graphics, frescos; in paint, tile, glass, stone, etc., on a prepared surface.
 5. Photographs; on light sensitive paper, light sensitive emulsions, etc.
 6. Ceramics; in porcelain, clay, etc., in functional and non-functional application.
 7. Fiber; in wool, cotton, leather, grass, etc., in functional and non-functional application.
 8. Metalcrafts; in copper, silver, gold, etc., singularly or in combination with other metals or materials.
 9. Mixed Media; any combination of materials or forms.
- B. "Artist": A practitioner in the visual arts, generally recognized by critics and his or her peers as a professional who is committed to producing high quality work on a regular basis. Indicators of professionalism include but are not limited to proportion of income received from art sales, or art related activities, frequent or consistent exhibitions, purchase of works by museums and other public institutions. The project architect or a member of the project architect's firm will generally not be considered as an eligible artist for consideration unless they are specifically solicited by the art advisory committee.
- C. "User Agency": The state agency or state-funded institution for which funds have been set aside for artworks from the construction appropriation for any new facility or renovation project within its jurisdiction.
- D. "Agency Representative": A person within the user agency, or another person designated by and from that agency who represents the agency and has decision authority during the selection process.
- E. "Site": The physical space occupied by the work of art.
- F. "Construction Cost": The cost expended for the actual construction of the facility, exclusive of the costs of the land acquisition, site investigation, design services, administrative costs, equipment purchase and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility.
- G. "Public Facilities": Including, but not limited to, schools, office buildings, court buildings, the vessels of the state ferry system, and other facilities designed for substantial public use.

III. Location

The work of art must either be an integral part of the facility, attached to the facility or detached within or outside the facility. The artwork must be within reasonable proximity of the facility. Portable artworks may be exhibited outside the facility in other public facilities as long as the artworks have a permanent place to reside in the facility that is being constructed.

IV. Inclusions and Exclusions

- A. Inclusions: The portion of the capital appropriations reserved for works of art may be expended for the purchase of existing works of art or commissioned pieces and the design consultant services of artists. The following are included:
1. The cost of the work of art: Generally if the artist is commissioned to produce a new work, the following are taken into account in the contract:
 - a. Artists's fee for professional design and execution of a work of art and for consultation and on-site preparation for art works.
 - b. Labor of assistants, and materials required for production of the work.
 - c. Studio and operating costs of the artists, including rent, depreciation, utilities, communications, insurance, and other direct and indirect costs.
 - d. Travel of the artist for the site visitation(s) and research.
 - e. Transportation of the work to the site.
 - f. Installation of the completed work
 - g. Taxes where applicable.
 2. Waterworks and electrical and mechanical devices or equipment which are integral parts of the work of art.
 3. Frames, mats, or pedestals necessary for the proper presentation of the works of art.
 4. Exhibitions and educational aspects.
 5. Site modification necessary for the installation of the work of art.
- B. Exclusions: The portion of the capital appropriation reserved for works of art may not be expended for the following:
1. Reproductions by mechanical or other means of original works of art. Included, however, may be limited editions, controlled by the artist, of original prints, cast sculpture, photographs, etc.
 2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants other than artists under these procedures engaged by the architect (see V., paragraph 3.)
 3. Those elements generally considered to be components of a landscape architectural design: plant materials, paths, benches, receptacles, fixtures, planters, etc. (Exceptions to this are noted under General Policies).

4. "Art Objects" which are mass produced of standard design such as a playground sculpture or fountains.
5. Directional, or other functional elements, such as super-graphics signing, color coding, maps, etc., except where a recognized graphic artist is employed under these procedures.
6. Those items which are required to fulfill the basic purpose of the agency. Examples would be works of art in the collection of a state museum, or works of art fulfilling an interpretive or educational role in a state park, the state library, or a college or university art museum or gallery.
7. Preparation of the adjacent areas necessary for access to the work of art.
8. Recurring operational costs of electrical, water, or mechanical service for activation of the work.
9. In connection with the works of art, after they are installed; lighting, registration, dedication, unveiling, insurance, security, publicity or publications, and maintenance (preservation, conservation, restoration, repair).

V. Scope and Nature of Expenditures

The act applies to all state facilities and all grants of state funds to municipal and other agencies for capital construction projects.

The one per cent of construction cost is a required minimum with the exception of public schools funded after September 1, 1977 for which the required minimum is one-half of one per cent of the construction cost.

In cases where the project architect is working closely with the artist(s) from the inception of a project, the DOTPF may negotiate a separate contract with the project architect for the artist(s)' design services. Such a contract for artist consultation will not be construed to define the artist as a member of the architectural firm.

VI. Selection Principles

A. Criteria for selected works:

1. Quality: Of highest priority is the inherent quality of the work itself.
2. Media: All visual art forms may be considered.
3. Style and Nature: The art should be appropriate in scale, material, form, and content for both its immediate environment and for the general environment in which it is placed.

- 4. Elements of Design: The art advisory committee and the artist will take into account the fact that, as differentiated from works in a museum context, art in public places may serve to establish focal points; terminate areas, modify, enhance, or define specific places; or establish identity.
- 5. Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.
- 6. Method of acquisition: Either existing works or those commissioned specifically for the site may be acquired.
- 7. Diversity: The participating agencies will strive, in the overall program, to attain reasonable diversity in style, scale, media, and materials represented.

B. Eligibility of Artists:

- 1. Alaska artists: Preference will be given to artists currently residing in the State of Alaska at the time of review by the art advisory committee for the project.
- 2. Artists from Other Areas: Certain artists from other areas may, because of their unique talents or style, be the logical choice of an art advisory committee.

VII. Selection Procedures

A. Public Schools: The superintendent of a school district in which a public school is to be constructed will be responsible for establishing selection procedures for artist and art work selection with the approval of the local school board. The Alaska State Council on the Arts may be consulted concerning procedures, review of artist portfolios, contracting procedures, and purchase of art from the Public Art Collection.

B. Facilities Except Public Schools:

- 1. Notification: Upon receipt of allocated construction funds the DOTPF shall notify the ASCA of the amount of the projected construction contract, the function and location of the proposed facility, the amount of the 1st public art allocation, and the name and address of the project architect when that person and firm has been selected.
- 2. Methods of Acquisition: The ASCA will advise the agency representative of the owner agency which of the acquisition methods is the most feasible, depending upon the amount of public art monies available and the function and location of the proposed facility. Three recommended categories are identified:

- a. Category I - Amounts under \$5,000.
 - 1) Portable Art: Selection of existing works by arts advisory committees either by public viewing or through slide presentation.
 - 2) Artists-in-Residence: An educational participatory residency by an artist selected by the art advisory committee resulting in a permanent work of art for the facility.
- b. Category II - Amounts over \$5,000 but less than \$20,000.
 - 1) Includes Portable Art and Artists-in-Residence and,
 - 2) Design Integrated Commissions: Works of art especially commissioned for the specific sites which will in some way be integrated into the overall facility or specific site, or which will reflect some special function or aspect of the owner agency.
- c. Category III - Amounts over \$20,000.
 - 1) Includes Portable Art and Artists-in-Residence, Design Integrated Commissions, and,
 - 2) Architecture Integrated Commissions: Major works of art which are integrated into the facility design, or works which will require special design consideration for their installation or display.

3. Art Advisory Committee: A special committee will be chosen according to the category of acquisition. The Committee shall be responsible for the necessary recommendations and/or the selections of art for the proposed facility.

a. Appointments:

- 1) Facility Users and Community representatives will be appointed by the agency representative. Composition should include individuals knowledgeable in the arts and be representative of the regular users of the facility. To insure maximum involvement of the community and users, a wide variety of view points should be included.
- 2) Public Art Panel members are artists appointed to the panel by the Chairman of the ASCA. A regional representative of the panel will be delegated by the ASCA Chairman to each of the art advisory committees where their presence is indicated.
- 3) ASCA Visual Arts Committee members are appointed by the ASCA Chairman from among the members of the ASCA and delegated to each appropriate committee by the ASCA Chairman.

NOTE: The project architect, a member of the project architect's firm, an ASCA member or Public Art Panel member that is participating on an art advisory committee may not be considered for a commission or have their work considered for purchase.

b. Composition:

- 1) Category I: Agency Representative (Chairman)
Project Architect
Facility Users/Community Representatives
- 2) Category II: Agency Representative (Chairman)
DOTPF Regional Design Manager
Project Architect
Facility Users/Community Representatives
Regional member of the Public Art Panel
- 3) Category III: Agency Representative (Chairman)
DOTPF Regional Design Manager
Project Architect
Facility Users/Community Representatives
Regional Member of the Public Art Panel
Member of the ASCA Visual Arts Committee

4. Methods of Commission

- a. Direct Commission. The art advisory committee will review the portfolios of artists that have been filed with the ASCA. If there are artists in whom they express interest that are not represented by the portfolios, they may request that the artist be contacted to determine if he/she would like to file a portfolio and be considered. The committee will select three artists of their choice for each work of art to be commissioned and place them in priority. Upon approval from the ASCA the artists will be contacted by the user agency in order to determine if they are willing and able to undertake the commission.

When a contract has been negotiated by DOTPF, it will include a 5% design fee as the first payment. The artist will prepare a written presentation accompanied by sketches, plans, and/or a model of the proposed work of art. The committee will review the plan and recommend acceptance, rejection or modifications. If and when approval is given by the art advisory committee the artist will proceed into the production phase of the project. If agreement is not reached the contract will be terminated and the next artist on the priority list will be contracted for a similar procedure.

- b. Limited Competition. Based on portfolio review the art advisory committee will invite a limited number of artists to present a detailed written proposal accompanied by sketches, plan and/or model for the selected site(s). A design fee equal to 5% of the total commission value will be paid to each artist that is invited to enter. The artists may be invited to personally present their proposal to the committee. In such a case the artists' transportation and per diem costs will be provided by the owner agency.

When a decision is reached a contract will be negotiated with the selected artist(s) per 5. below. Should none of the designs be selected the committee will start the selection process over (See Reconsideration).

The design fees paid to the artists will be drawn from the percentage for public art funds available to the project.

- c. Other forms of competitions: Special projects may suggest other selection methods.
5. Contract Authority: For all methods the contracting authority shall be DOTPF with approval of contract and payments by the ASCA. Technical assistance in contract preparation may be obtained from the ASCA upon request.

VIII. Reconsideration process

When reconsideration of the selection of artist or works for purchase is requested by an agency's art advisory committee approval of reconsideration must be obtained from the ASCA.

The art advisory committee must discuss the project with the selected artist(s). If no agreement can be reached the agency must notify the ASCA and the following methods may be implemented:

- A. A joint meeting with the artist, agency, and Visual Arts Committee of the ASCA to work out a solution.
- B. Request the artist to resubmit alternative examples or designs for the project.
- C. Place the project into another round of selections.
- D. Employ another procedure for selection.

All costs of reconsideration will be born by the owner agency requesting the reconsideration.

IX. Variance

There may be some capital construction projects funded by the State of Alaska for which inclusion of works of art may be inappropriate due to lack of substantial public use. The owner agency of the proposed facility may request in writing permission for exemption, in whole or in part, from the requirements of the Percentage for Public Art Act from the ASCA. The ASCA will review the request in relation to the potential aesthetic benefits to the principal users of the building and the community-at-large and recommend to DOTPF to accept, reject, or modify the percentage of construction costs that will be allocated.

X. Documentation and Evaluation

A. For the documentation of the Percentage for Public Art Program the artist will furnish the ASCA and the DOTPF the following photographs of the completed work as installed:

- 1. Two 35 mm color slides of good quality to each agency;
- 2. Two 8" x 10" black and white glossy photographs to each agency; and
- 3. A full written description of each piece.

B. Identification: Plaques or labels identifying the work will be provided by the ASCA and will be permanent, unobtrusive and well designed. Included will be the name of the artist, title of the work (if any), medium and year completed.

C. Registration: The ASCA will maintain accession records similar to those of art museums for all public art acquisitions, including those of public schools. Owner agencies including public schools will register all portable works as public agency property under the normal procedures.

D. Evaluations: The ASCA shall annually make a public written report to the DOTPF on the projects of the previous year and shall conduct periodic evaluations of the program.

PERCENTAGE FOR PUBLIC ART RESPONSIBILITIES AND GENERAL POLICIES

Responsibilities

A. The Department of Transportation and Public Facilities shall:

- 1. Upon receipt of allocated construction funds for a specific project(s), notify the ASCA of the projected amount of the construction contract, the facility(s) location(s) and function(s), agency representative(s), and amount of Percentage for Public Art allocation.

2. Contract with the selected artist(s) for works of art and make contract payments upon approval of the ASCA.
3. Maintain such records as are required for the execution of contracts.
4. Accept, reject, or modify the ASCA recommendations for variance from the Act.

B. The Alaska State Council on the Arts shall:

1. Notify the user agency of the amount of Percentage for Public Art allocation and request the appointment of an agency representative, and facility user/community representatives.
2. Appoint Public Art Panel members or Visual Arts Committee members to the Art Advisory Committees as required.
3. Approve final selections of Art Advisory Committees and forward the names of recommended artists to DOTPF.
4. Assist in contract negotiations with artists.
5. Review requests for variances and forward recommendation to DOTPF.
6. Maintain accession records of all art acquisitions.
7. Provide identification labels for all art acquisitions.
8. Conduct a yearly review of the overall program.

C. The Advisory Committee shall:

1. Meet to consider the location(s), method(s) of acquisition, and artist(s) based upon the amount of Percentage for Public Art allocation.
2. Forward recommendations to ASCA.
3. Review proposals prepared by artists and forward recommendation to the DOTPF.

D. The User Agency shall:

1. Appoint an agency representative and form a local art advisory committee in consultation with the ASCA.

2. Be responsible for maintenance, repair and security of the work(s)
3. Handle public information aspects of the project with assistance from the ASCA.

E. The Project Architect shall:

1. Recommend to the art advisory committee specific sites for works of art and the scale and type of work most appropriate.
2. If requested, work closely with the artist, provide engineering and technical assistance to the artist and supervise the delivery and installation of the work under contract with the contracting agency.
3. Assure that all service requirements for the work of art are met in the design documents.

F. The Artist shall:

1. Submit proposals as outlined by contract.
2. Be commissioned by the contracting agency to execute and complete the work in a timely and professional manner, or transfer title of an existing work of art to the agency for incorporation in its new or renovated facility.
3. Preferably deal personally with all other parties in all phases of the negotiations. However, the artist may, at his/her option, designate dealers or agents to represent him/her in certain aspects of the project.
4. Maintain a close working relationship with the architect.

General Policies

- A. **Integration of Art and Architecture:** So that artists and architects can gain from each others' design insights and, thereby produce a more integrated solution, all parties involved should strive for engagement of the artist or artists as soon as possible after the employment of the architect.
- B. **Design Services by Artists:** Architects are encouraged to contract with artists for custom design of lighting fixtures and systems, gates, railings, fences, doors, door knobs, drawer pulls, furniture, hand-crafted musical instruments, planters, benches, windows, signs maps and other equipment, accessories, and architectural elements. The consultation of an artist(s) is also encouraged during the design of display areas for portable works of art. The cost of artist design services may be borne by the Percentage for Public Art Program monies. The selection of artists would fall under these procedures.

- C. Freedom of expression: All parties shall encourage the artists to reach creative solutions to the design problems they have been employed to solve. The artist, on their part, must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, have been agreed upon.
- D. Exhibitions and Educational Aspects: To serve various publics more fully, the contracting agencies should consider undertaking the following, funded with monies other than those made available under the Percentage for Public Art Act:
1. Exhibitions of sketches and maquettes from limited or open competitions.
 2. Involvement of students and art instructors in workshops with artists creating works, especially those for educational institutions.
 3. Employment of an artist to design, jointly, with elementary and secondary school students, a work for a school with the design motifs springing from the school's history and heritage, the cultural traditions of ethnic minorities, or simply the rich imagination of the students. A present or former Artist-in-Residence could be a candidate for such a project.
 4. Tours of a site involving many works, conducted by trained docents.
 5. Use of state educational and other facilities by the artist in development of concepts and creation of the work, so that state employees and students can witness and assist in the creative act. Such facilities might include studio space, foundries, machine welding and woodworking shops, printing and photographic facilities, etc.
- E. Professional Assistance. Where suitable, the private sector may be consulted. Gallery owners and dealers provide valuable assistance in gaining access to quality art works throughout the State. The ASCA recommends that dealers' fees on new commissioned works should not exceed 10% of the artist's fee after manufacture or cost of the work is subtracted.

All public agencies shall deal directly with the artist unless otherwise requested by the artist.

- F. Supplemental Funds: The National Endowment for the Arts provides matching funds for works of art in public places on a grants application basis. In some cases the agency may generate funds locally to supplement their art allocation. The ASCA encourages the utilization of these resources in matching state funds.
- G. Publications: As collections grow, owner agencies are encouraged to publish informative folders and booklets on their works of art. The ASCA will offer editorial and professional assistance if requested.

- H. Dedication: If a dedication or "unveiling" of the work is desired, arrangements and costs incurred will be the responsibility of the owner agency, though technical assistance can be requested of the ASCA.
- I. Administrative Costs: The DOTPF and ASCA will cover all costs of administering the program from funds other than the Percentage for Public Art Allocation.

APPENDIX III.

Public Art Program Comparison Chart

	State of Alaska	Municipality of Anchorage	First Banks, Minneapolis (corporate)
Percentage	1%/5% for rural schools	1%	Annual Budget
Total value of collection	\$4.5 million	\$2.5 million	\$3.5 million invested \$7.0 million (appraised value)
Administrative Responsibility	Decentralized among ASCA, DOT/PF, University of Alaska, School districts and other user agencies	Centralized with the Anchorage Museum of History & Art through a Program Director	Curatorial staff
Number of staff assigned to program	0	1	2 full-time 3 interns 1 consultant
Administrative budget	0	\$74,000	\$500,000
Budget for maintenance and conservation	0	\$6,000 (1988 only)	Figures not available
Selection process	Selection committees	Selection committees	Curatorial choices
Public information program	Monthly bulletin Annual reports	Public hearings required in selection process, annual bus tours, presentations to civic groups, press releases	Highly active feedback mechanism interpretive labeling on artworks, seminars and curatorial of employees
Deaccessioning policy	None in place	In formative stages	In place, designed to improve investment
Average annual acquisition budget	\$450,000	\$310,000	\$440,000

APPENDIX IV.

Total Expenditures 1978-1988

	All Commissions	Projects in Progress	Awarded to Non-Residents	Unspent or No Data
1% For Facilities	2,734,408	542,100	1,244,101	439,676
.5% for Schools	1,837,272	25,000	561,370	558,537
Total	\$4,571,680	\$567,100	\$1,805,471 (39% of total)	\$998,213

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 28, 1989

SUBJECT: CSHB 3 (St. Aff.)

TO: Representative H.A. "Red" Boucher
Chair, House State Affairs Committee

FROM: Pamela Finley *Pam*
Assistant Revisor of Statutes

You asked me to discuss problems that currently exist in AS 35.27 (Art in Public Places), and to point out any problems that exist in CSHB 3 (St. Aff.).

PROBLEMS IN EXISTING AS 35.27.

A. Applicability. The purpose section, AS 35.27.010, states that money is to be reserved from "capital expenditures" for art in "state buildings and other public facilities" (emphasis added). However, the operative provisions, AS 35.27.020(a) and (c), require a percentage for art only in "buildings or facilities" "approved for construction by the legislature." (The "approved for construction by the legislature" language is deleted in the current CS.) A "building or facility" is defined by AS 35.27.030 as a building or facility constructed by the "department," which means the department of Transportation and Public Facilities. AS 35.95.100(c).

As a result of this definition, it appears that AS 35.27 does not apply to : (1) buildings constructed by municipalities, even if the bonded indebtedness is partially reimbursed by the state (although some municipalities have their own percent for art requirement); (2) buildings constructed with state grants; (3) buildings constructed by state entities other than DOTPF. I understand that the DOE writes a percent for art into its grant contracts; I do not know whether other state agencies handling grants do so. The DOE does not apply AS 35.27 to municipal bonded indebtedness for school construction.

Whether there is any "problem" with the applicability of AS 35.27 depends on what the legislature wants this chapter to apply to. However, it does appear to me that AS 35.27.-010, with its emphasis on "state buildings and other public facilities," is at odds with AS 35.27.020(a) and (c) and AS 35.27.030, which limit the applicability of AS 35.27 to buildings constructed by DOTPF. In addition, the DOE's authority to require a percent for art in its grant contracts is tenuous, even though it may be following the legislature's intent. I do not know whether state entities other than DOTPF actually construct buildings, but the court system does control the construction of its own facilities. AS 22.-05.025; AS 35.05.010. The system may, in fact, be working as the legislature intended, but there are certainly some inconsistencies in the statutory language.

B. Rural Schools. As you know, the percentage required for "rural" schools is one-half of one percent, rather than one percent. AS 35.27.020(c). There is, however, no definition of a "rural" school in AS 35.27. I suspect that what the legislature meant was "schools constructed within regional educational attendance areas," but that is not clear in the statute.

There has also been some confusion as to whether a rural school that is exempt under AS 35.27.020(d) from AS 35.27 had to put one percent or one-half percent in the art in public places fund under AS 44.27.060(c). An informal opinion of the Attorney General suggested that the proper amount was one-half of one percent. Op. Att'y. Gen. A66-074-81 (August 6, 1980). However, since the CS repeals the art in public places fund (AS 44.27.060), the question need not be addressed.

COMMENTS ON CSHB 3 (ST. AFF.)

A. The \$50,000 Cap. Since the intent is to limit the amount to be used for art, we should probably delete "at least" on page 1, lines 11 and 12. Also the first sentence of AS 35.27.020(c) could start with the damage cap: "Subject to a limit of \$50,000 on any one project, one percent or, in the case of a rural school facility, one-half of one percent of the construction cost . . ."

B. The Residency Requirement. In bill section 2, AS 35.27.-020(g) would require the committee to select an artist who

Representative H.A. "Red" Boucher

Page 3

March 28, 1989

is a resident of Alaska. This section probably violates the federal Privileges and Immunities Clause. Robison v. Francis, 713 P.2d 259 (Alaska 1986)(Requiring resident hire on buildings constructed by the state violates the federal Privileges and Immunities Clause.) While the state can probably "encourage" the selection of resident artists (as the current statute does), requiring them invites legal challenge, which would probably be successful.

If you have any questions about the above, or the CS, please let me know.

PF:kb

wkk3/044

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 24, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 3

HOUSE BILL NO. 3 [ART IN PUBLIC PLACES]

"An Act relating to art in public places; and providing for an effective date."

RECOMMENDS:

- replacing with CS HB 3 (SA) the same title
- the attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published:
2/24/89 DOT/PF
- zero fiscal notes(s) published:

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Alyce Hawley

Jim Zucchi

Donna Douley (NO REC)

Connie Williams No REC

Bill Jones No REC

Elizabeth Maclean No REC

Bob Barber No REC

Bob Barber

 Chairman's signature

Original sponsors: Hanley, Zawacki,
and Leman

Adopted

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 3 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to art in public places; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 35.27.020(c) is amended to read:

10 (c) ^{sure} One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one] percent of the construction
12 cost of a building or facility ^{up to a} shall [APPROVED FOR CONSTRUCTION BY THE ^{total of 50,000 on any one}
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow- ^{project}
14 ing purposes: the design, construction, mounting and administration of
15 works of art in a school, office building, court building, vessel of
16 the marine highway system, or other building or facility that [WHICH]
17 is subject to substantial public use. All administrative costs,
18 including those of the department, associated with the art project
19 shall be paid from the money reserved under this subsection.

20 * Sec. 2. AS 35.27.020(g) is amended to read:

21 (g) Each selection committee established under AS 35.27.021 [THE
22 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON
23 THE ARTS] shall encourage the use of state cultural resources in these
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists
25 for the commission of these art works who are residents of the state
26 under AS 01.10.055.

27 * Sec. 3. AS 35.27 is amended by adding a new section to read:

28 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
29 a work of art for a public school shall be selected by a majority vote

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1 of a committee, with the approval of the school board. The committee
2 shall be composed of the architect, the project manager administering
3 the facility construction, two representatives from the school dis-
4 trict staff, and three members of the public who reside in the commu-
5 nity where the school is located. The president of the school board
6 or a designee shall provide reasonable public notice that public
7 member seats on the committee are available. The school board shall
8 select the representatives from the school district and the members of
9 the public.

10 (b) Except as provided in (a) of this section, an artist who
11 executes a work of art for buildings and facilities shall be selected
12 by a majority vote of a committee convened by the project manager
13 administering the facility construction. The committee shall be
14 composed of the architect, the project manager, a designee of the
15 Alaska State Council on the Arts, a designee of the principal user of
16 the public building or facility, and three members of the public who
17 reside in the community where the building is located. To select the
18 public members, the department shall advertise for applicants by
19 appropriate public notice and pick the members by lottery from among
20 the applicants.

21 (c) All meetings of the selection committee under (a) or (b) of
22 this section are subject to the public meeting and notice requirements
23 of AS 44.62.310.

24 * Sec. 4. AS 44.27.060(b) is amended to read:

25 (b) The commissioner of a department responsible for the design
26 and construction of a building or facility shall deposit into the art
27 in public places fund one-half of one percent ^{up to a total of} of the construction cost
28 of a building or facility if the building or facility is exempt from
29 the requirements of AS 35.27 and the exemption is because

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

3 (2) the building or facility is not designed for substan-
4 tial public use.

5 * Sec. 5. AS 44.27.060 is amended by adding a new subsection to read:

6 (e) A work of art shall be identified by a permanent plaque
7 installed on or near the work of art. The plaque must contain the
8 name or title of the work of art, the name of the artist, the year of
9 completion, and the names of the members of the selection committee.

10 * Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 * Sec. 7. The amendments made by this Act do not apply to the construc-
12 tion of a building or facility if, before the effective date of this Act,
13 the department or the Alaska State Council on the Arts has entered into a
14 contract to meet the art requirements under this chapter for the building
15 or facility.

16 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

Item 2

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB3
PUBLISH DATE: 1/9/89

REQUEST: FISCAL NOTE

Revision Date:
Title: An act relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction
and the Alaska State Council on
the Arts

Sponsor: Hanley
Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	(195)	(195)	(195)	(195)	(195)	(195)
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

* International Airport Revenue Fund

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Based on the attached analysis a reduction in the amount of funds for artwork of 1/2% could provide additional construction funds in the amounts indicated.

Handwritten signature

Prepared by: Rod Wilson, Architect
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 02/17/89

Approved by Commissioner: Mark S. Hickey *MSH*
Agency: Department of Transportation and Public Facilities

Date: 02/17/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

STATEMENT OF ANALYSIS RE:
An act relating to Art in Public Places

FISCAL NOTE PREPARATION FOR:
Committee Substitute for House Bill 3

Assumptions made:

- (1) It has been assumed that language changes to section AS 35.27.020(c) (lines 12 and 13) will not change the current legal opinion excluding federal funds from the artwork requirements.
- (2) Based on anticipated construction activities of \$30 million net savings would result as follows:

\$30,000,000	(current eligible projects)
X <u> .005</u>	(reduced % for artwork)
\$ 150,000	(additional project funds)
X <u> 1.30</u>	(factor for artwork administrative costs)
\$ 195,000	(total of additional available monies)

Due to unpredictability of the future CIP program this same amount has been assumed into the budgets for FY 90 through 94.

HB 3 BRIEFING AND BACKGROUND

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- III. Letters to the Editor
- IV. Sampling of Letters of Support
- V. Newspaper and Magazine Articles
- * "Frenchman picked for art at Fire Lake", Eagle River Star
 - * "Sculpture Contracts Rejected," Anchorage Daily News
 - * "Accountability in Public Art", Juneau Empire
 - * "Saturday Sundry", Anchorage Times
 - * "Giving Art a Bad Name", Newsweek
 - * "Reaction Mixed To Changes", Fairbanks News Miner
 - * "Nimbus Gets the Boot", Juneau Empire
 - * "Public Must be part of its Art", Juneau Empire
 - * "Nimbus: Going but not gone", Juneau Empire
 - * "Farewell to Nimbus", Juneau Empire
 - * "'Art' in public places?", Air Alaska
 - * "Airport Artpiece Causes Controversy", Anchorage Times
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- * House Research Agency - Request 87.201
 - * House Research Agency - Request 86.071
 - * Alaska Arts Council October 1985 Bulletin
 - * May 6, 1986 - Final House Vote
 - * May 11, 1986 - Final Senate Vote
 - * Letter of Agreement Between DOT and Alaska Council on Arts for Administering 1% for art program

Original sponsors: Hanley, Zawacki,
and Leman

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 3 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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9 * Section 1. AS 35.27 020(c) is amended to read:

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12 cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-
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15 works of art in a school, office building, court building, vessel of
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23 THE ARTS] shall encourage the use of state cultural resources in these
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists
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29 a work of art for a public school shall be selected by a majority vote

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2 shall be composed of the architect, the project manager administering
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4 trict staff, and three members of the public who reside in the commu-
5 nity where the school is located. The president of the school board
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28 of a building or facility if the building or facility is exempt from
29 the requirements of AS 35.27 and the exemption is because

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2 facility is less than \$250,000; or

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4 tial public use.

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7 installed on or near the work of art. The plaque must contain the
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9 completion, and the names of the members of the selection committee.

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13 the department or the Alaska State Council on the Arts has entered into a
14 contract to meet the art requirements under this chapter for the building
15 or facility.

16 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 20, 1989

SUBJECT: Sectional analysis of CSHB 3(Trsp)
TO: Representative Alyce Hanley
FROM: Pamela Finley *Pam*
Assistant Revisor

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 sets one-half of one percent as the percentage to be reserved for works of art from the construction cost of certain buildings and facilities. It also provides that all administrative costs associated with the art project are to be paid from this one-half of one percent. ✓

Section 2 requires the selection committee established under sec. 3 to encourage the use of state cultural resources for the art works required by AS 35.27. The section also requires the selection committee to select state resident artists for the art works.

Section 3. Sec. 35.27.021(a) establishes the procedures for the selection of the artists for art works required by AS 35.27 for a public school. It establishes a committee to make the selection.

Sec. 35.27.021(b) establishes the procedures for the selection of the artists for art works required by AS 35.27 for non-public-school projects. It establishes a committee to make the selection.

Representative Alyce Hanley
Page 2
February 20, 1989

Sec. 35.27.021(c) requires meetings of the selection committee to comply with the public meeting and notice requirements of AS 44.62.310.

Section 4 sets one-half of one percent as the percentage that must be deposited into the art in public places fund from the construction cost of certain buildings and facilities that are exempt from AS 35.27.

Section 5 requires that a work of art funded by the art in public places fund be identified by a permanent plaque containing certain information and placed on or near the work of art.

Section 6 repeals certain statutory subsections dealing with the procedures for selecting artists. AS 35.27.021, in bill section 3, replaces these repealed subsections.

Section 7 indicates that the Act does not apply to certain construction projects.

Section 8 gives the Act an immediate effective date.

TLB:gc
G7/039

INFORMATION ON HR 3 PUBLIC ART BILL

House Bill 3 is aimed at responding to the public's dissatisfaction with the public art program. Strong bipartisan support for the bill has been demonstrated by passage of a very similar bill during the 14th Legislature.

Alaskans across the state have expressed concern about various aspects of the public arts program. There is legislative awareness of wide ranging discontent with the program and the method of art selection. The bill seeks to address those feelings of public discontent by opening up the selection process to the public; after all they are the ultimate consumers of the percent for art program.

Local hire has received much attention this session and last. HR 3 requires that Alaska's resident artists be put to work on these Alaskan projects. In 1985 of the \$750,000 spent by this program as of October, more than 75% went to outside artists. Not only that but two artists, one from Florida and another from Missouri each were paid more than twice what all the Alaskan artists put together were paid for the year.

Oil revenues are down by 50% and the state is looking for ways to save money throughout its budget. Providing fewer funds to this program will continue to recognize its merit but will also recognize the difficult financial situation the state is facing. If enacted the bills would reduce the amount of money from 1% to 1/2%, the amount the state is required to spend on art projects in new state funded construction.

As a result of the introduction of this bill, some will probably accuse its supporters of being anti-art. That is not true; there is support for the concept of having art displayed in our public buildings. However, countless Alaskans feel that their public art dollars are not being spent wisely. Alaskans who are out of work, or have suffered from the cuts we are having to make in state spending, feel we cannot afford the luxury of continuing to have large, expensive art projects constructed with state money and are demanding the program be abolished entirely. This bill seeks the middle ground in this debate. The bills would do four basic things:

1. Requires the use of Alaska resident artists for Percent for Art projects.

2. Adjusts the minimum amount of construction funds that must be used for art in some public buildings from one percent to one half percent. Rural schools are already at the 1/2% level. Also a non-binding public hearing early in the process would seek ideas for the type of projects the public would like to see at a particular facility.

3. Requires art projects that are selected to be picked by a committee of seven with three members representing the public from the local area. Currently there is no mandate that members of the public must be involved.

4. Require a plaque to be placed near these projects that gives the artist's name, title of the piece, date of completion, and names of the selection committee.

§ 35.25.020

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§ 35.27.010

PUBLIC BUILDINGS AND WORKS

§ 35.27.020

Effect of amendment. — The 1977 "Department of Public Works" in amendment substituted "Department of 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 §§ 5, 6 ch 176 SLA 1980)

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§ 35.27.030

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§ 35.30.010

PUBLIC BUILDINGS AND WORKS

§ 35.30.010

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

substituted "Department of
Transportation and Public Facilities" for
"Department of Public Works" in
paragraph (1).
The 1980 amendment rewrote
paragraph (2), and added paragraph (4).

Chapter 30. Consistency with Local Government Plans and Ordinances.

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

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

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

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

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

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

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

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

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

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

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, § 371; 68 Am. Jur. 2d, Schools, §§ 37 to 55; 72 Am. Jur. 2d, States, Territories and Dependencies, § 62. 78 C.J.S. Schools and School Districts, §§ 83 to 91.

Sec. 44.27.020. Duties of department. The Department of Education shall

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education;

(2) administer the historical library;

(3) plan, finance and operate related school and educational activities and facilities. (§ 11 ch 64 SLA 1959; am § 77 ch 69 SLA 1970; am § 5 ch 86 SLA 1979)

Article 2. Alaska State Council on the Arts.

Section

- 40. Creation
- 41. Composition
- 42. Appointment
- 43. Terms of office
- 44. Compensation
- 45. Chairman and vice-chairman

Section

- 50. Duties of council
- 52. Powers of council
- 54. Powers of chairman
- 56. Reports
- 58. National endowment funds
- 60. Art in public places fund

Sec. 44.27.040. Creation. There is created in the Department of Education an Alaska State Council on the Arts. (E.O. No. 44, § 4 (1980))

Sec. 44.27.041. Composition. The Alaska State Council on the Arts consists of 11 members, broadly representative of all fields of the performing, visual, and fine arts, who are widely known for their competence and experience or interest in connection with the performing, visual, and fine arts. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.050. Renumbered in 1980.

Sec. 44.27.042. Appointment. The members are to be appointed by the governor from among citizens of Alaska. In making the appointments, consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing, visual, and fine arts generally. In making the appointments consideration must also be given to having statewide geographical representation on the council. The members of the council

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§ 44.27.043

STATE GOVERNMENT

§ 44.27.050

serve at the pleasure of the governor and their appointments are not subject to legislative confirmation. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.060. Renumbered in 1980.

Sec. 44.27.043. Terms of office. The term of office of each member is three years; however, of the members first appointed, three are to be appointed for terms of one year, four for terms of two years, and four for terms of three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.070. Renumbered in 1980.

Sec. 44.27.044. Compensation. The members of the council are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as provided by law for board members. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.080. Renumbered in 1980.

Sec. 44.27.045. Chairman and vice-chairman. The governor shall designate a chairman and a vice-chairman from the members of the council to serve as such at the pleasure of the governor. The chairman shall be the chief executive officer of the council. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.090. Renumbered in 1980.

Sec. 44.27.050. Duties of council. The duties of the council are
(1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;

(2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of the state and to expend the state's cultural resources,

(4) to encourage and assist freedom of artistic expression essential for the well being of the arts;

(5) to recommend to the governor a list of persons for consideration for appointment to the Advisory Council on Cultural Facilities, in accordance with AS 44.33.400;

(6) to manage the art in public places fund. (E.O. No. 44, § 4 (1980); am § 7 ch 176 SLA 1980)

Revisor's notes. — Enacted as AS 44.27.100. Renumbered in 1980.

Effect of amendments. — The 1980 amendment added paragraph (6).

Sec. 44.27.052. Powers of council. The council is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs; to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs; to make and sign agreements and to do and perform any acts necessary to carry out the purposes of AS 44.27.040 — 44.27.058. The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data which will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.110. Renumbered in 1980.

Sec. 44.27.054. Powers of chairman. Subject to available appropriations the chairman may, with the concurrence of a majority of the council, employ necessary personnel and may contract for the services of experts and other persons who may be needed. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.120. Renumbered in 1980.

Sec. 44.27.056. Reports. The council shall report to the governor and the legislature not later than November 1, 1966, and from time to time thereafter. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.130. Renumbered in 1980.

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STATE GOVERNMENT

§ 44.27.061

Sec. 44.27.058. National endowment funds. The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS
44.27.140. Renumbered in 1980.

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

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

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

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

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

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

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

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

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

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

Revisor's notes. — Enacted as AS amendment substituted "(if the building or facility" for "which" in the introductory
44.19.942. Renumbered in 1980. language of subsection (b).

Effect of amendments. — The 1982

Article 3. Alaska Historical Commission.

Section

- 61. Creation
- 62. Composition
- 63. Appointment
- 64. Terms of office
- 65. Compensation

Section

- 70. Duties of the commission
- 72. Reports
- 74. Executive director
- 76. Gifts and income

Sec. 44.27.061. Creation. There is created in the Department of Education the Alaska Historical Commission. (E.O. No. 43, § 3 (1980))

Revisor's notes. — Enacted as AS
44.27.040. Renumbered in 1980.

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PUBLIC FINANCE

§ 37.05.315

Sec. 37.05.300. Interpretation of chapter. This chapter shall be construed as supplemental to all other state laws not in conflict with it. If a section or part of a section of this chapter is in conflict with federal requirements for a program for which federal grant-in-aid funds are available, the section or part to the extent of the conflict is inoperative. (§ 1 art VIII ch 82 SLA 1955; am § 18 ch 186 SLA 1957)

Editor's notes. — For applicability of the chapter to the University of Alaska, see notes following chapter heading.

Sec. 37.05.305. Applicability to University of Alaska. The commissioner of administration may delegate the performance of the functions under this chapter as they relate to the university to the Board of Regents of the University of Alaska and set out the criteria and guidelines which shall be followed. The commissioner shall direct necessary stipulations and exercise monitoring responsibility for conformance through the Board of Regents of the University of Alaska. (§ 5 ch 46 SLA 1977)

Legislative history reports. — For (HCSSB 261), see 1977 House Journal, p. letter of intent on ch. 46, SLA 1977 1019.

Sec. 37.05.310. Fiscal year. The fiscal year of the state begins on July 1 of each year and ends at midnight on the following June 30. The accounts of the Department of Administration, the Department of Revenue, and all other state officers whose accounts are in any way connected with the treasury shall be kept, and all duties performed with reference to the beginning and ending of the fiscal year. (§ 12-4-1. ACLA 1949; am § 2 art VI ch 82 SLA 1955)

Revisor's notes. — Section 12-4-1 and § 2, ch. 24, SLA 1953 re-enacted ACLA 1949 was repealed and re-enacted § 12-4-1 ACLA 1949 as it appeared in by § 30, ch. 133, SLA 1951. Section 1, ch. ACLA 1949. 24, SLA 1953 repealed ch. 133, SLA 1951

Sec. 37.05.315. Grants to municipalities. (c) When an amount is appropriated or allocated as a grant to a municipality, the Department of Administration shall promptly notify the municipality of the availability of the grant. When the Department of Administration receives an agreement executed by the municipality which provides that the municipality (1) will spend the grant for the purposes specified in the appropriation or allocation; (2) will allow, on request, an audit by the state of the uses made of the grant; and (3) assures that, to the extent consistent with the purpose of the appropriation or allocation, the facilities and services provided with the grant will be available for the use of the general public, the Department of Administration shall pay the grant directly to the municipality. The agreement executed by a

municipality under this section shall be on a form furnished by the Department of Administration and shall be executed within 60 days after the effective date of the appropriation or allocation.

(b) An appropriation or allocation for a grant to a municipality for construction of a public facility lapses if substantial, ongoing work on the project has not begun within five years after the effective date of the appropriation or allocation.

(c) In accepting a grant of money for construction of a public facility, a municipality covenants with the state that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the state to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant of money for repair or improvement of an existing facility operated or maintained by the state at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the state.

(d) Not less than 20 percent of a grant shall be paid to a municipality within 10 days of the effective date of the agreement under (a) of this section. The remainder of the grant shall be paid either in monthly installments equal to the amount of grant money the municipality expended in the previous month or in a lump sum as determined by the Department of Administration. (§ 1 ch 156 SLA 1980; am § 1 ch 4 SLA 1982)

Effect of amendments. — The 1982 amendment in subsection (a), substituted "amount is appropriated or allocated" for "appropriation is made" in the first sentence, inserted "or allocation" in items (1) and (3) in the second sentence, and added "and shall be executed within 60 days after the effective date of the appropriation or allocation" to the end of the third sentence; redesignated the former fourth and fifth sentences of subsection (a) as subsection (d); inserted "or allocation" in two places in subsection (b); substituted "a" for "each" preceding "municipality covenants" and

"the practical life of the facility and that the municipality" for "its practical life and that it" in subsection (c); added the second sentence of subsection (c); deleted the provisions of former subsections (d), (f), and (g), which may now be found in AS 37.05.316, 37.05.317, and 37.05.318, respectively; and in present subsection (d), added "under (a) of this section" to the end of the first sentence. The substance of the provisions of former subsection (e) may now be found at the end of the third sentence of subsection (a).

Sec. 37.05.316. Grants to named recipients. When an amount is appropriated or allocated to a department as a grant for a named recipient which is not a municipality, the department to which the appropriation or allocation is made shall promptly notify the named recipient of the availability of the grant and request the named recipient to submit a proposal to provide the goods or services specified in the appropriation act, or both, for which the appropriation or allocation is made. At the same time, the department may issue a request for proposals from other qualified persons to provide the same goods or services, or both, in the same area. The department shall contract with

§ 37.05.316

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the named recipient unless the Office of the Governor, with due regard for any local expertise or experience among those making proposals, determines that an award of the contract to a different party would better serve the public interest. If the contract is awarded to another party than that named by the legislature, the basis of that action shall be stated in writing at the time the grant is issued and a copy of the written statement shall be sent to the Legislative Budget and Audit Committee. A contract shall be executed within 60 days after the effective date of the appropriation or allocation. The purchase of the goods or services, or both, shall be in accordance with AS 37.05.230(1)(C). (§ 2 ch 4 SLA 1982)

Sec. 37.05.317. Grants to unincorporated communities. When an amount is appropriated or allocated as a grant under this section to an unincorporated community, it shall be disbursed as follows:

(1) Within 45 days after the effective date of the appropriation or allocation, the Department of Community and Regional Affairs shall notify the governing body of the unincorporated community, if any, that a grant is available.

(2) The Department of Community and Regional Affairs shall determine if there is a qualified incorporated entity in the community area that will agree to receive the grant and administer it, subject to terms generally applicable to private grantees. If there is more than one such entity, the Department of Community and Regional Affairs shall select the most qualified and the grant shall be awarded to that incorporated entity for the purposes specified in the appropriation act. However, the Department of Community and Regional Affairs shall give preference to a nonprofit corporation organized by a community for receipt of the grant.

(3) If there is no incorporated entity qualified to receive the grant, the Department of Community and Regional Affairs shall administer the program as specified in the appropriation act directly or through agents or contractors with whom it may contract in the community area. (§ 2 ch 4 SLA 1982)

Sec. 37.05.318. Further regulations prohibited. Notwithstanding the Administrative Procedure Act (AS 44.62), the Fiscal Procedures Act (AS 37.05), and the Executive Budget Act (AS 37.07), a state agency may not adopt regulations or impose additional requirements or procedures to implement, interpret, make specific, or otherwise carry out the provisions of AS 37.05.315 — 37.05.317 unless required by the federal government for participation in federal programs. (§ 2 ch 4 SLA 1982)

Sec. 37.05.325. Definitions for AS 37.05.315 — 37.05.317. In AS 37.05.315 — 37.05.317, "allocation" and "appropriation" have the meanings given in AS 37.07.120(2) and (3). (§ 2 ch 4 SLA 1982)

The following letters to the Editor represent the views of artists, a former state arts council member as well as the true consumers of Percent for Art, the public.

Mona Lisa with a mustache

Richard Andrews raises an interesting point in Kim Rich's Oct. 9 story on public art. Could the owners of the Mona Lisa paint a mustache on it? I suppose they could, but it would be a foolish gesture, wouldn't it?

The trouble with the public art program, as I see it, is that much of what has been purchased as "art" is more closely related to the Mona Lisa's proposed mustache than to her smile. Seriously, folks, what is the point of propping up some object in front of a building, which says nothing to anyone about anything until you walk up close enough to read the plaque at its base, and then leaves you wondering how the sculpture you saw relates to the words you read?

Sure, there's an inside joke there — it's between the "artist" and his bank account!

— Lars Opland
Wasilla

Buy only meaningful works of art

I am an Alaskan who is for Alaskan art. I just finished reading an article by Kim Rich called "Culture shock." It pertained to a piece of art called "Nimbus" by New York artist Robert Murray.

I find that most of the artists such as Mr. Murray are con artists. Many so-called artists left our state as soon as the economy dropped off and there was less money to boost the one percent to the arts.

I find it insulting to my intelligence when artists say a piece of twisted metal can compare to the Eiffel Tower or an abstract bunch of paint is a sunset over the mountains.

I have been to many museums and galleries in Europe and the Lower 48 and find that the majority of people feel as I do.

If we are going to continue buying art work for the public let's buy meaningful Alaskan art.

— Pamela Port Duley

Daily News 10/22/88

Arch. Daily News - 7/1/87

Airport gets 'abomination'

Well, they have managed to do it again. What with trooper layoffs, teacher and educational cutbacks, not to mention attempting to cut remaining state workers' pay, the state

has managed to come up with the money to place another abomination in the airport.

This time what we got was 11 Plexiglass, triangular tubes filled with mineral oil. All these are suspended at various angles on some really good-looking cable. Not to despair, we got this at the fantastic price of \$130,000, which works out to only \$11,818.81 per prism. What a bargain.

I know that I keep bad-mouthing the "artwork" the state buys and the price it costs.

Now I will say, there are two beautiful works of art on public display in the domestic terminal of the airport; both happen to be sculptures.

"Eagle" is a sculpture of an eagle and is on loan to the airport. "Spirit of the West" is a grizzly catching a salmon and was donated to the airport by Ott Jones.

I haven't talked to anyone that doesn't like them, and neither of them cost the state a dime. Now that is what I call a bargain and is the only way the state should be involved in art.

— Duane J. Hallman

Anchorage Times 3/12/87

Squandering school dollars

Dear Editor:

Every time I think I have seen everything, I find I haven't!

Reference the Chugiak-Eagle River Star front page article on Feb. 26 titled, "Frenchman picked for art at Fire Lake." In this article I learned two things. First, \$70,000 is being spent on a sculpture for the Fire Lake Elementary School. Second, the contract is being awarded to a resident of Paris, France.

Combine this with information provided by an artist friend. My friend tells me there is a stained glass window being bid for the new addition at Chugiak High School. The window was bid at \$50,000 and it irritates me to discover that project also went out of state; the artist lives in Seattle.

I was recently speaking with a school official and discovered the entire 1 Percent for Art budget for the Chugiak High addition was going to total \$150,000.

Now I am just plain folk. I'm not uneducated, but I wear jeans to work, not a suit and tie. I'm more than a little fed up with hearing how bad things are (financially) within the Anchorage School District only to discover there is \$220,000 worth of state money floating around to fund art projects for just these two schools. Our kids are threatened with a lowered quality of education because of limited money but in these two projects alone there is enough to fund full-time salaries (even at inflated Alaska prices) for four or five teachers.

It's the final straw to discover that none of this money is going to pay even one Alaskan. So much for local hire!

Dennis Willman
16549 Mercy Drive
Eagle River

Frenchman picked for art at Fire Lake

An artist from Paris, France will build a sculpture that will be installed at the front entrance to Fire Lake Elementary School.

The artist, Art Brenner, won the competition with a proposal for a painted steel sculpture 28 feet high called "Under the Wing of the Fire Bird."

The Anchorage School District Monday approved a \$70,000 contract for the sculpture.

Rain News 10/13/86

Art work is 'monstrosity'

I am a student at UAA and was quite pleased to enter the new arts building this year. It is a beautiful building and represents a lot of well-spent dollars. I was not pleased, however, to see the "work of art" on the roadside between the arts building and the administration building.

Where does the university come up with these sculptures? I can tolerate the "Twisted Blue Square," but not the "\$250,000 arc-welded pile of multicolor construction left-overs." I was relieved to find that university funds, such as the new parking fee and our tuition, weren't used to fund that monstrosity.

— Steven Gallagher

Nimbus shows weak selection

Dear Editor:

As the lonely dissenting member of the Alaska State Council on the Arts during the Nimbus days, I want to compliment you on your editorial of Dec. 21st.

My protest was against the method and the manner in which the artist was chosen and the elimination of ALL Alaskan artists by the clever phrase "an artist of national reputation." Although Alaska Indian Arts, Inc. has done many fine works of art, we were shut out as "we don't want totem poles" even though the door to the governor's office and the door to the IBM Building in Anchorage showed we could do more than fine totemic art.

The National F. Government convinced the council executive director that it would supply \$20,000 if the state would match it. The Art Council was then conned into putting up \$10,000 and the Public Works (the Court) the remaining \$10,000. Three "nationally known" artists submitted slides of their works, all, almost the same kind of "hard to understand" stuff. Artists like Joe

Prizzione (sp) and Joan Bugbee of Cordova have done great works.

Even when the 17 tons of steel were shipped, it was somehow lost in a Seattle warehouse, rather than have it arrive while the Legislature was still in session.

My last two years on the Council was one which placed Alaska Indian Arts, Inc. on the blacklist and we were written off as a principal grantee. Regulations, most of which didn't exist, were adjusted so that such things as "in-kind" assistance could not be used, although it was plainly documented that Alaska Indian Arts, Inc. was being supplied facilities worth over \$30,000 a year. Over 5,000 square feet of building, equipment, heat, light, etc. were supplied by this "in-kind" was disallowed.

As long as the elitist concept dominates the Arts Council and the present set-up for selecting the 1 percent public art recipient remains, you and the rest of us are not going to have truly Alaskan artworks.

Sincerely,
Carl W. Heinmiller
Box 271
Haines, 99827

Mr. Heinmiller, a former member of the State Council on the Arts is a respected magistrate and founder of Southeast Alaska Inc. a non-profit art organization set up to promote traditional Southeast Alaska Indian art forms and teach young Tlingit and Haida Indians the art techniques of their cultural past. The totem poles in the Governor's office and in the lobby of the Court Bldg. were carved by this group.

Ed Way is a noted Alaskan sculptor. His life size bronzework depicting two gold miners at work has been a popular addition to downtown Juneau. It is located in front of the cruiseship dock. He obviously is in support of HB 607.

LETTERS

JE 3/20

Bill would improve public art program

Sir:

I would like to urge those who are interested in constructively affecting the selection of art for the "1 percent for art in public places" program to express their opinions on a bill presently before the Alaska House of Representatives. HB-607 was initiated by Rep. Alyce Hanley of Anchorage, and a number of legislators from many areas of the state.

This bill makes some additions to the existing legislation that would positively affect the participation of the public in that program's art selection process:

1. Paragraph (b) requires that no less than three of the seven members of the Art Selection Committee be lay members of the public. This is not presently required. The other members would be an Alaska State Council on the Arts (ASC/A) representative, the facility architect, the facility project manager and a designee by the principal user of the public building.

This paragraph further stipulates that the lay members will be selected by lottery from a list of volunteers from the general public. This mechanism is intended to maximize the representation of the public without unduly encumbering the art selection process.

I personally favor this structure because it will also inhibit "stacking" of a committee for any purpose whatever.

Another feature of this paragraph is that it mandates public hearings concerning potential art projects. While it would be required to hear the public out, the Art Selection Committee would not be bound by it. This is fine as long as they also take responsibility for the selection.

2. Paragraph (e) requires that a plaque or permanent label be installed at each artwork giving the name of the artist, the title of the work of art (some pieces are in sore need of that) and the names of those on the Art Selection Committee.

I feel that this would do much to assign responsibility where it most needs to be placed when it comes to art that outrages the public, which pays for it.

I'd like to encourage members of

the public who feel strongly about many of the pieces of art which are being placed around the state - 70 percent of which are done by out-of-state artists - to let your legislators know how you feel. More specifically, send a "public opinion message" (free) by calling 465-4648 and dictating a short civil telegram to the following legislators on the State Affairs Committee. Don't be parochial about it; send one to them all:

Katie Hurley, Chairperson.
Mike Navarre, V-Chairperson.
H.A. "Red" Boucher.
Bette Cato.
Virginia M. Collins.
Roger Jenkins.
M. Mike Miller.

If HB-607 gets out of State Affairs - and only public support will do it - the next two committee hurdles it'll have to negotiate will be H.E./S.S. and Finance. Then it would have to pass the full House, and then the Senate. There is little time left in this session. A show of public support will expedite this "no cost" bill.

Cordially,
Ed Way
214A W. Eighth St.
Juneau, 99801

How public art is chosen also important

To the Editor:

The Empire's editorial of February 2nd concerning "public art" was pretty much on the mark. For years, a stream of incomprehensible objects - all publicly financed and having nothing to do with any aspect of community identity - have been installed statewide. Judging them as art and disregarding their relationship within the communities, I think a few of the pieces have merit, others aren't bad, but many are bad. Perhaps in communities where chaos and meaninglessness are the order of the day, some of these works have found appropriate settings; but I believe that in cities and smaller towns which have a discernable history and an intimate relationship with it as well as the future, undecipherable works have a shaky position in the public's consciousness. It's clear that committees which are appointed to select art work should be fully aware of their community's sentiments towards public art and act with care regarding this trust. Not an easy task and one that takes some courage. Unfortunately, for some members, it's merely a means of exercising personal influence; and the criterion for justifying their decisions is the snobbery of a narrow current fashion.

The problems we are having with public art are not isolated local events. Recently, in New York - "birthplace" of most modern American artistic fashions - a similar popular revolt has been taking place. A rusted metal panel sculpture named "Tilted Arc," located in the center of Foley Square, was the focus of common objection. Numerous heated public hearings were held and testimony taken. In the end, it was removed, and as a result of this major controversy as well as a similar one in St. Louis and others cropping up nationwide, William J. Diamond, of the U.S. General Services Adminis-

tration, the body that pays for these things, admitted that, "We're learning the lessons of the battle of Foley Square." As a result, GSA has been revising acceptance procedures of major art commissions to include public consultation before allowing contracts to proceed.

The piece recently installed at the airport has caused a steady abuse of an earnest and dedicated artist. I feel that the current public outrage is misdirected. After all, Paul was selected by a committee which evaluated many proposals. It's selection was done with full knowledge of what it was going to get - a contract was issued and the artist complied with the contract. The work is well crafted, and whether the public understands or not, it has some nice things happening in it. The play of shape, color, texture and light may be things worth encouraging in the public environment. However, if after a suitable period of time, the public still feels strongly that it should be removed, it probably should be given to an institution of art or sold to a private collector (it would be nice if the artist received a percentage of the sale). But, please, stop picking on the underpaid hard-working artist. The committee which selected the work is allowing the artist to take all the heat; it is they who should be called to task. Maybe it would be constructive if they took the time to issue a press release to defend and explain their selection to the public. The committee should spare us the charge of how "sophisticated" they thought we ought to be in Juneau, as was done by a committee member in the "Nimbus" fiasco.

A suggestion for one policy change on major future projects is the installation of a small plaque with the names of the committee members as well as those of the artists. This would allow all to share a bit in the accolades - or the wrath - but most of all, the responsibility.

Cordially,
Ed Way
214A W. Eighth St.
Juneau, 99801

Mr. Metcalfe is a former Democratic member of the State Legislature from Juneau.

Why not a 'Wall of Fame' for airport?

Dear Editor:

In re Mr. Steve Smith's letter of 5 February 1986, his comments about what he terms "non-representational art" fits conclusively with my earlier expressed comment about pseudo-intellectuals getting their jollies by terming such atrocities as our airport fiasco "art." It ain't.

Now I have a suggestion which will calm the storm and it would be a "Wall of Fame" featuring aircraft representing the history of aviation in Alaska. No place under the flag owes more to Orville and Wilbur than Alaska and I would also urge our city and borough assembly to commission Douglas-born Herb Bonnett to do the honors. Anyone who has seen his paintings of Grumman Gooses and PBYS will get my point here.

Then we should also have, on an adjoining wall, pictures of such early day luminaries in the Southeast Alaska aviation world as Shell Simmons, Alex Holden, Bob Ellis and Bud Bodding. All but Mr. Holden are still, blessedly, with us and as founders of what is now Alaska Airlines (although not responsible for current management) and deserve to be honored. Bodding, incidentally, is one of that long line of airline captains to have graduated from Juneau High School.

There is nothing new about this suggestion. Anchorage International Airport has paintings of famed Alaskan bush pilots (including Simmons and Ellis) hung on the walls of its terminal building. They have also had the good taste to not have "non-representational art" displayed unless one can count graffiti as same.

And, Mr. Smith, I moved to Alaska 44 years ago "to live in a place where everything is real and understandable" and that does not include eating "franchised burgers." Meet me at Taguchi's Tea House, where they display a painting by John Cameron Asp, another local boy who made good in the real world - of art that is.

Sincerely,
Vern Metcalfe
3333 Nowall Ave.
No. 208
Juneau. 99801

JUNEAU EMPIRE

FEBRUARY

10, 1986

The sampling of letters and Public Opinion Messages that follow indicate discontent with the Public Arts program in many different areas of the state. Many of the messages call for the program's repeal. HB 3 is seen as a compromise which will improve the program in the eyes of most Alaskans.

A
FEB 1987
RECEIVED

Dear Alyce,

Thank you so much for responding to my comments at the Sand Lake teleconference last Thursday. It really gives me peace of mind to know that I'm well represented by you in Juneau. I also appreciate your response to my monolithic letter regarding the "state of the State". I do hope that you and Drue plan on making the results of your constituents' poll public. What little you told us about the results was quite fascinating.

I'm glad to see that you re-introduced the 1/2 % art funding bill (HB 79). Luckily Sheffield isn't around this year and Cooper doesn't seem to be as susceptible to "last minute art fund raisers". I'm very impressed with HB-79 because of the 3 following points:

- decrease in the rate of art funding to 1/2 %
- resident hire clause
- mandate that members of the public (3) be involved in public school art selection

Again thanks for the help at the teleconference and thanks for the hard work.

Jerry

Jerry Foster
8171 Fairwood Cir.
Anch, AK 99518

P.S. Enclosed is a recent article from the Oil and Gas Journal regarding ANWR. It is biased but it is factual. Although ANWR is important, ANWR is for my children, the ELF will affect me today.

1-29-87

Rep. Alyce Hanley
House of Representatives
Juneau, Alaska

Ernest Robertson
Traditional Arts Alaska
P.O. Box 15000-6
Wasilla, AK 99687

Dear Ms. Hanley,

I read with interest that you are again on the forefront of a movement to cut the amount of state money spent on art in public places and limit the program to Alaskan artists.

I am a 40 year Alaskan, active in the Alaska art market for 25 years with art produced and sold in Alaska being my sole income for the past 14 years. I have not participated in the 1% program other than a letter submitted at the request of one of my galleries last year to one part of the program that was requesting traditional art work.

The last time this issue came up, I sat back and watched as I naively thought that the problems with this program were obvious to everyone. Then a vocal group apparently lobbied and won continuation of this program in spite of the what I feel are insurmountable flaws.

There are two strata of art in this state. Art intellectuals and instructors from whom most of the opposition to cutting this program came, and the professional artists of the state. There are about 20 living artists that represent 80% of the art sold in Alaska, and these professionals combined with the old timers that have passed on really represent Alaskan Art to the public. A basic problem is that these professionals are not organized as there is usually no reason that we would need to be. We are not even particularly friendly with each other as we are extreme individuals and compete for the same market. Some of this group have participated in the arts program, some simply have not felt it was worth the effort.

[A simple fix for art funding would be a change in the federal income tax programs. An artist can only deduct the cost of MATERIALS from a donated piece of art. (In my case a \$5,000.00 oil painting would bring me a deduction of about \$300.00) Yet when I die, my estate will be taxed on the CURRENT MARKET VALUE of what ever unsold work I leave to my family. Change this so that it makes financial sense for professional artists to donate work and you have a library of high quality art always available at NO cost.]

A professional artist learns the hard way that value in art is achieved through long and careful growth. First of all, the artist must create a body of work large enough to be collectable, second, the quality of that work must be high (this includes not just the work, but the presentation), third, the subject and type of work must appeal to enough people that a significant number

want to OWN some of that work, fourth, the price must seem reasonable enough to those collectors that they are willing to spend it to own the work now and speculate on its future value.

Since very little of the art work purchased by this program has stood the tests outlined above, it is likely that the actual monetary value is well below the prices paid. Furthermore, if art does not have a monetary value, nor a cultural value, if in fact it does not represent the tastes of the population who provided the money to purchase it in the first place, what value does that art have.

There is nothing wrong with the state having, owning, and displaying arts, crafts or cultural items done by its residents, nor does such work have to represent 'master quality' in its execution if it truly represents our people. It was a noble concept that the state would mandate that 1% of the cost of a building be spent on art. This should and could have helped the artists of this state grow while showing the world who visits us what we as Alaskans take pride in. That certainly does not seem to be what happened. We seem to have been dictated to by well meaning folks who do not understand what the average Alaskan finds beautiful about this state. I have often wondered why we Alaskans assume that a degree from some far off college qualifies a person to judge us, and when they are done, for us to try to bring our talents into line with their opinion when in fact we can easily stand proud on our own unique abilities.

Alaska has had some premier artists, men who are famous throughout the art world. Many of these men could have been vastly more famous than they were, but they choose to stay in Alaska and make a minimal living because the beauty of Alaska was the essence of their art. It would be interesting to know how much of their work has been purchased by this program and placed in our state buildings. (Price cannot be cited as the reason for not doing so, many of these contract awards are for more than the cost of these artists finest work.)

I know from just that dab of artwork I have seen purchased by the state that we are now faced with a mess of monumental proportions. We own art work that is badly presented, badly framed and some that is just bad work. We own a substantial amount of work done by artists who are outsiders to Alaska and regardless of the brave words of someone that 'we do not fear outside competition' this work really deserves no place in our Alaskan buildings or our Alaskan heritage.

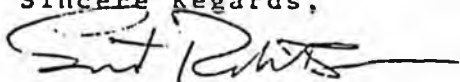
It is a personal observation that I would like to see a total end to this program as it has not fulfilled its original mandate, but if that cannot be done then I applaud your efforts to halve the funds and keep the money in Alaska for the benefit of Alaskan artists. I would love to have my art in Alaskan buildings, and I would frankly enjoy being paid for that. On the other hand, I would give up that privilege in order to participate in the selection of what hung in our state buildings to represent the

state of ART in Alaska.

This will be your biggest challenge, not halving the funds nor selecting only Alaskan artists, the economy should help with both of those problems, but breaking the stranglehold of the groups that control these selections and finding enough 'just plain folks' who like 'good old fashioned art' to create a majority opinion on the selection committee. It might be a workable suggestion that the selection committee include professional artists who would be unable to submit their work while they serve, but who's input is really needed to weed out work will not stand the test of time, nor meet simple archival requirements.

I wish you luck. As I am tainted by being a professional artist, and a traditional one at that, my opinions outside of this letter may be of little value. I am sure that I can be easily dismissed as a 'whining traditionalist' who spreads 'sour grapes' but if I can help, let me know.

Sincere Regards,



Ernest Robertson

376-6276
P.O. Box
15000-6
99687

Question #6/STUDENT LOAN PROGRAM

1. Should the amount for undergraduates be reduced to \$4000 with an additional \$1500 available if there is proof of need?		
a. Yes	481	66%
b. No	169	23%
c. Not answered	53	7%
d. Eliminate the program completely (not an alternative on survey)	25	4%
	<hr/> 728	<hr/> 100%
2. Would you support having the state sell bonds to continue the program in its present form?		
a. Yes	261	36%
b. No	367	50%
c. Not answered	33	5%
d. Leave program as is (not an alternative on survey)	67	9%
	<hr/> 728	<hr/> 100%

Question #7/MARIJUANA

Should marijuana in any quantity be considered an illegal substance?		
1. Yes	443	61%
2. No	246	34%
3. Not answered	28	4%
4. Undecided	11	1%
	<hr/> 728	<hr/> 100%

Question #8

What three state programs should be protected from further cuts?

1. Educational funding
2. Public safety/law enforcement
3. ~~Road maintenance~~

Question #9

What three state programs/budget items should be cut first or experience the most severe budget cuts?

1. Government spending and operating costs
2. Art grants/percent for art program
3. Capital projects

Question #10

Other matters of concern (top three responses)

1. Alaska hire
2. Imposition of income/sales tax
3. Tort reform/insurance

TOTAL NUMBER OF SURVEYS SENT OUT 10,161 (100%)

TOTAL NUMBER OF RESPONSES RECEIVED 728 (7%)

January, 1987

1987 LEGISLATIVE SURVEY

Representative Alyce Hanley Representative Drue Pearce

The 1987 legislative session begins on January 19th. Legislators will be faced with a dramatic shortfall in state revenues and a subsequent need to reduce state spending.

We both believe that spending can no longer exceed anticipated revenues. It is imperative that we identify and retain those services provided by the state that are essential and recognize that other programs will have to be reduced or phased out. We also believe we need to avoid any new taxes, especially in the near future.

Should state spending be reduced to a sustainable level over a 3-5 year period or should the cuts be immediate? We would appreciate your opinion. Please answer the following questions and feel free to include any comments about additional concerns.

1). **Reducing State Spending.** In general, do you support phasing down the state's spending over 3-5 years, or would you prefer a more immediate cut?

Phase down over 3-5 years

More immediate cut

Other (Please explain) REDIRECT SPENDING TO HELP DIVERSIFY ECONOMY

2). **Permanent Fund.** Expenditure of the principal is prohibited by the State Constitution. This can only be spent after a majority vote of the people. Earnings from the Permanent Fund are used as follows: First, to pay dividends. 50% of the earnings are used for permanent fund dividend checks. Second, to inflation-proof the fund. This is an amount sufficient to offset the rate of inflation. Third, any income from earnings after the first two expenditures goes into the Undistributed Income Account.

Would you be willing to reduce the percentage dedicated to the permanent fund dividend check from 50% to 33-1/3% in order to supplement the state budget?

Yes

No

Other USE THIS SOLELY FOR ECON. DEV.

3). **Undistributed Income Account:** Would you be willing to use the Undistributed Income Account to:

Phase down the operating budget

Fund capital projects, i.e. roads

Other _____

4). **Budget Reserve Fund:** This is the new name for the Rainy Day Account which was money originally set aside for hard times and natural disaster relief. Would you be willing to use the Budget Fund Reserve to:

Phase down the operating budget

Fund capital projects, i.e. roads

Other _____

Are there other matters of concern to you or your family? BRANCH LIBRARIES (i.e. SAND LK) NEEDS MORE HOURS + GREATER CLEANLINESS.

5). **Longevity Bonus:** The present program costs 50 million dollars annually. It provides \$250 per month for each person who is 65 or over and has been an Alaskan resident one year. Please select just one of these plans:

Should the Longevity Bonus Program be based on need?

Yes No

Should the Longevity Bonus Program be phased out by establishing a date after which no one could become eligible? January 1, 1988 has been suggested as a possible date. (This would not effect those currently receiving the bonus).

Yes No

Should the program be phased out by reducing the monthly check by a specific amount, perhaps \$25, each year? Example, 1988 monthly bonus would be \$225, 1989 monthly bonus would be \$200, etc. Under this plan, eligibility would continue for one year residents over 65.

Yes No

6). **Student Loan Program:** The present program costs 80 million dollars annually. (60 million state dollars and 20 million from payments of past loan recipients). This program provides \$5500 per year for undergraduate students and \$6000 per year for graduate students at 8% interest.

Should the amount for undergraduates be reduced to \$4000 with an additional \$1500 available if there is proof of need?

Yes No

Would you support having the state sell bonds to continue the program in its present form?

Yes No

7). Should marijuana in any quantity be considered an illegal substance?

Yes No

8). What three state programs or budget items should be protected from further cuts?

- EDUCATION AT ALL LEVELS

- ROAD MAINTENANCE (POTHOLE)

- ECONOMIC DEVELOPMENT PROGRAMS

9). What three state programs or budget items should be cut first or experience the most severe budget cuts?

- THE ARTS + 1% FOR ART PROGRAMS

- UNESSENTIAL CAPITAL BUILDING PROGRAMS, I.E. T.

NOT FOR INFRASTRUCTURE DEVELOPMENT.

NEW LAWS OF INTEREST

Continued

HCSCSSB-367 - Local Hire. Requires the hire of Alaska residents on state-funded construction projects and sets up a system of determining what percentage of Alaskans should be hired on each project.

CCSSB-377 - Tort Reform. Limits recovery of damages in a civil action, provides for itemization of the verdict and for reduction of future damages to a present value. Requires apportionment of damages for multiple defendants, limits joint liability of certain parties and increases the interest rate on certain offers of judgment. It blocks the court award of attorney fees in certain civil actions as well.

SCSCSHB-288 - Subsistence. Limits subsistence to Alaska residents living in rural areas. Establishes a preference for residents over non-residents in the hunting of moose, deer, elk and caribou for personal or family use.

SCSCSHB-240 - Overtaking and Passing School Buses. Makes it illegal to pass stopped school buses that have flashing red lights and requires drivers to stop not less than 30 feet from the stopped bus. A driver convicted receives a mandatory assessment of six (6) demerit points and may also receive a civil penalty of up to \$100.

SCSCSHB-494 - Subcontractor Liens. Allows liens to be filed against prime contractors who fail to reimburse subcontractors for materials and labor.



Rep. Hanley meeting with Sen. Murkowski in Juneau.

1985 LEGISLATIVE QUESTIONNAIRE RESULTS

Thank you for participating in the District Nine Legislative Questionnaire. Listed below are the results.

1. State revenues are expected to be reduced further because of decreasing oil prices. Which of the following is the best way to balance the state's budget? Please rank in order of priority.
 - #6 Transfer some of the \$650 million currently in the undistributed income account of the Permanent Fund into the General fund. (6.9%)
 - #2 Cut state spending with an emphasis on reducing road and school construction projects. (21.1%)
 - #1 Cut state spending with an emphasis on reducing service programs such as health, education and state loan program. (32.3%)
 - #3 Reduce or suspend Permanent Fund Dividend payments to Alaska citizens until the deficit is eliminated. (17.4%)
 - #5 Increase taxes on oil companies doing business in Alaska. (7.7%)
 - #4 Other (14.6%)
2. Alaska's Permanent Fund currently has a principal balance of more than \$6 billion. Your Permanent Fund dividend checks are paid out of the interest earned from investment of the principal. Which of the following is the best use of the interest? Please rank in order of priority.
 - #1 Dividend Checks. (37.0%)
 - #2 Build schools, roads, and utility projects. (25.7%)
 - #3 Put all interest earned back into the Fund's principal. (22.8%)
 - #4 Use to "balance the budget" for operating costs. (10.3%)
 - #5 Other (14.6%)
3. Would you favor a lottery as a way of raising state revenues?

Yes	66.7%	No	25.6%	Undecided	7.7%
-----	-------	----	-------	-----------	------
4. Do you favor the creation of an Independent, elected State Treasurer or Auditor?

Yes	48.2%	No	29.2%	Undecided	22.6%
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5. Should the Attorney General be elected rather than appointed by the Governor?

Yes	58.9%	No	34.4%	Undecided	6.7%
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6. Do you support legislation to establish the death penalty?

Yes	65.0%	No	30.0%	Undecided	5.0%
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7. When State money is used for construction projects, state law requires 1% of construction costs to be used for art. Should this art be created by Alaskan artists?

Yes	64.2%	No	25.0%	Undecided	10.8%
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8. Should Anchorage fishermen and hunters be treated the same as rural residents when our natural resources must be allocated?

Yes	64.0%	No	28.9%	Undecided	7.1%
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9. Please rank the following district needs in order of priority.
 - #4 Parks & Recreation Development. (11.0%)
 - #2 Neighborhood Crime Prevention. (23.5%)
 - #1 Road Improvements. (39.4%)
 - #3 School funding. (20.8%)
 - #5 Other Issues (5.3%)
10. What is the most important issue or problem facing Alaska (Results represent priority of respondents who listed that as their first or second choice)
 1. Cost of state government should not exceed the state's income.
 2. Develop resources and provide incentives to stimulate the economy.
 3. Reduce size and cost of state government.
 4. Save the Permanent Fund.
 5. How to adjust to declining oil revenues.
 6. Jobs/Local hire.

Dewey M. McLean
Post Office Box 66
Winslow, Arizona 86047
June 18, 1986

Anchorage Daily News
Post Office Box 6616
Anchorage, Alaska 99502

Attn: Editor

Dear Editor:

Recently, I was the guest of an Anchorage family for two weeks. I had a wonderful vacation in your city, and was very impressed by the beauty and unique lifestyle set forth in Alaska. Each and every Alaskan should be proud of their state.

While in Anchorage I read the Anchorage Daily News every day. On June 4, 1986 I reviewed an article entitled "Sheffield Kills Cut In Arts Subsidy". The article stated that Governor Sheffield had vetoed an art bill that would limit the current 1 percent subsidy of public art. After careful review it became clear that a State Representative had introduced the art bill limiting the amount of money that could be spent on public art. The reason being that past monies had been spent in a wasteful manner. NOTE: Having not been able to read the actual bill introduced I may be vague as to some important points. Keeping an open mind I was told that I could see some of the "art" at the Anchorage International Airport. Upon my departure I had the opportunity to see the art on display.

-The first piece I saw was a shoe shine stand. Let me note that there is nothing artistic about that shoe shine stand, and the cost incurred by the State of Alaska should not be overlooked.

-The second piece I looked at was entitled "Anchorage: Crossroads of the World". Again, I saw nothing artistic in this piece and was very surprised to find out that close to \$80,000 dollars had been spent by the state.

Editor
Anchorage Daily News
June 18, 1986
Page Two

-The third piece viewed was a painting (if you could call it that) entitled "Welcome to my World". This piece was so gross and unsightly that I could not believe it was allowed on display.

I do realize that the State of Alaska is in no economic hardship, and I do understand the importance of having art. However, your state funds should not be wasted. You should encourage art, but encourage pieces that will fit in and enhance Alaskan heritage.

Is this art on display created by Alaskans or have California hippies been imported?

In my opinion the State of Alaska has a great heritage in scenery, wildlife, Aleuts and Eskimos. Why not capitalize on your natural environment and develop art that is pleasing, as well as educational?

I hope an art bill will be re-introduced in the Legislatures next session. It is important that your state dollars be spent on art, not junk!

Maybe your governor should put some of the art pieces in his home or grounds for the viewing pleasure of his family and guests.

Thank you for allowing me the opportunity to express my concern. I will always remember the fun I had in Alaska, as well as its beauty.

I remain,

Sincerely,

Dewey M. McLean
Dewey M. McLean

DMM:d

cc

Called
3/13/87



Associated Students University of Alaska

(907) 474-7355

UNIVERSITY OF ALASKA-FAIRBANKS
Fairbanks, Alaska 99775-0220

March 18, 1986

Representative Alyce Hanley
4007 Bentwood Circle
Anchorage, AK 99502

Dear Representative Hanley:

We applaud you and other co-sponsors in your attempt to provide for increased public involvement.

Attached is a copy of our ASUA Position statement that was passed by the Senate.

Thank you very much, we wholeheartedly support your efforts.

Sincerely,

A handwritten signature in black ink that reads "Karl E. Phoennes III". The signature is stylized and includes a long horizontal flourish.

Karl Phoennes III
Student Association President

ph

Enclosure



UNIVERSITY OF ALASKA-FAIRBANKS

Fairbanks, Alaska 99775-0220

POSITION STATEMENT - 1% for Art Amendments

State Representative Alyce Hanley has sponsored two bills (H.R. 596, 697) in the State Legislature which would amend the "1% for Art" program in the following ways:

1. Art selection would be restricted to works done by Alaskan Artists.
2. "1% for Art" would become "0.5% for Art" - in other words, the appropriations would be reduced from 1% of the total construction budget to 0.5%.
3. Public hearings to review items selected by the selection committees would be required before the art is paid for or installed.
4. Plaques indicating who selected the art shall be installed on or near the work.

WHEREAS, a great deal of concern has been expressed among students regarding the lack of public input in the selection of major art installation on campus,

AND WHEREAS, expenditures of over one hundred thousand dollars are made with comparatively little public involvement,

AND WHEREAS, Representative Hanley's bills would provide for extensive public input and review of proposed art purchases,

AND Representative Hanley's bill would give preference to Alaskan artists in the selection process,

THEFORE: BE IT RESOLVED that the student association on the University of Alaska-Fairbanks campus strongly supports H.R. 596 and 697 as legislation long past due, and applauds Representative Hanley and the other co-sponsors in their attempt to provide for increased public involvement.

A handwritten signature in black ink, appearing to read "Carl Thoennes III".

Carl Thoennes III
Student Association President
March 4, 1986

10 March 1986

Alaska Representative
Alyce Hanley
Pouch V
Juneau, Alaska 99811

Dear Representative Hanley:

Thank you for your letter of March 6th. I'm pleased to hear that you used some of my suggestions outlined in my letter to the Juneau Empire. My wife is picking up the committee assignments for your HB 607, and I will be writing to those members concerning its passage as well as letting a few sympathetic people I personally know do the same. We'll see if something can be done about constructively changing the structure of art selection committees as well as some of their procedures.

I like very much your proposed requirement for the inclusion of three "lay" members on art selection committees. I'm sure the direct impact of such a policy would be the selection of art more relevant to each individual community; however, the indirect impact will be equally important in that it clarifies the intent of the legislature pertaining to the selection of public art.

Also, your bill will require dissemination of vital information to each community pertaining to those responsible for a particular public art selection. The Art Selection Committee will become a stronger more responsible institution for it.

On a somewhat different but related subject, I would like to make a few suggestions which, if you agree, could be either be expedited through amendment of your present bill or through "policy suggestions" to the Alaska State Council on the Arts:

1. It occurs to me that the public at large looks upon "Art" with some trepidation and that the participation of a broader section of the lay public will be difficult to accomplish at best. Would it be possible to "suggest" to the ABCFA to create a booklet for all interested and prospective committee members concerning the detailed procedures and responsibilities of its art selection committees. This booklet would also outline the decision options to which each member has recourse. This would be a constructive effort to help the lay public become more comfortably involved in that process as well as becoming something other than a "rubber stamp" useful only for committee legitimization.

2. Recently I talked to an Art Selection Committee member on one of the local "1% for Art" projects who was quite disgruntled about the quality of a particular site selection for art. He was left with no option for objecting other than resigning from the committee which, of course, would influence nothing.

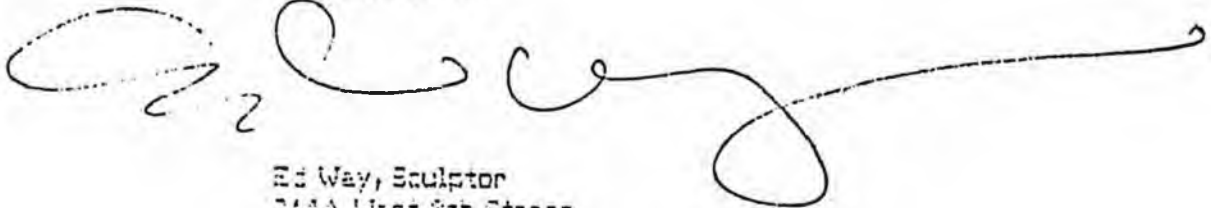
I myself declined to submit a sculpture proposal for that same project after independently determining that it was an extremely poor site, on which I'd rather not put any piece I might do.

It seems to me that it would be better to have a mechanism in the committee process not unlike that of the Supreme Court, in that it would document not only the "justification" of a selection - not ~~confer~~ the present committee process - but provide a procedure for giving a "statement of dissent" to that selection for those who feel the need. The person or persons dissenting would also have the option of having their names excluded from the dedication plaque - required if HB 507 were passed - rather than having to resign in order to avoid possible public indignation or objection.

3. If a piece of public art is vociferously objected to by the community in which it is placed, a moratorium of, say five years, should be observed concerning the matter. After that period, the sentiments of the community should again be gauged by any mechanism within that community concerning the art work. If it is found to remain unacceptable by, say 50%, of those openly polled or voting, the piece should be removed. At the discretion of the community, it would either be given to the ASC/A for their disposal or sold directly to a private art collector or institution in an effort to recover as much of their 1% money as possible.

I apologize for the length of my letter, but I don't often get the ear of a Legislator who is willing to influence change in the mechanisms of the Alaska State Council on the Arts.

Cordially yours,



Ed Way, Sculptor
214A West 8th Street
Juneau, Alaska 99801

in: (907) 586-3335

586-3335

April 5, 1978

Dear Representative Hanley,

You have my wholehearted support in your efforts to curb the state's "One Percent for Art" policy. It should be abolished completely. This policy has been responsible for more pieces of trash shoved down the public's throat in the name of "art" than I care to count.

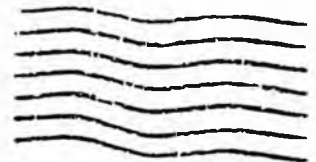
I don't believe that pandering to artists or would-be artists is the job of government. Believe me, you have immense support for your efforts. Keep on fighting the good fight and don't be discouraged by the squawking that will emanate from the elitist snobs who will proclaim that they and they alone are fit to judge what is "art".

Sincerely,

Mel Hedum

Mel Hedum

Mel Hedum
SRO Box 9073
Palmer, AK.
99645



Representative Alton D. ...

Larry R Leap
3310 Douglas Hwy.
Juneau Ak 99801
586 8385

Representative Hanley, HB 606 & 607

Dear Alyce:

I strongly support and favor your ideas concerning
HB 606 & 607.

For many years I have maintained that such
legislation is and has been long overdue.

The long standing idea that the public is excluded
from selecting the type of commemoratives,
monuments, and any items of artistic nature
simply does not get it with most of us.

To be quite blunt, it sucks.
Public input is absolutely essential in this
respect particularly to curb the poor quality
of "art" which we have been made to
purchase and been subjected to experience
in the past.

Perhaps the minimum amount of construction
funds set aside for this purpose has
largely contributed to the acquisition of
various outstanding pieces of junk such
as our now retired "nimbus".

I think that an adjustment in the funds favoring
an increase in this area is absolutely
in order.

Here is a state where we have some of the finest artists, period.

Some I know personally, most I do not. However I am very sympathetic of their efforts particularly where a ridiculous price of junk is purchased from outside of the state of Alaska and the general public is summonsed to acknowledge it.

Much of the public's attitude on several of these previous so called "masterpieces" has been wonder, pity, or just plain rejection. That should tell us something.

Our artists deserves all of the attention and chance in the world to outclass the results of this poor practice.

I also like the idea of lending information of the acquisition of art projects which in my opinion would not only be interesting but also be very useful if a controversy did develop.

I am all for your efforts and I hope that you get the two House Bills through. Thanks for reading my letter.

Respectfully



ROBERT F. WILLIAMS

4-4-86
APR 1986
RECEIVED

DEAR ALYCE,

I WAS PLEASED TO SEE THE ACTIONS
YOU ARE PROPOSING WITH YOUR BILL
ON THE ONE % FOR ARTS.

SINCE I GOT ON THE BOARD OF
REGENTS IT HAS BEEN AN ISSUE WITH
ME TO SEE THAT THE ART FUNDS IF
THEY MUST BE SPENT BE DONE IN A
WAY THAT ADDS VALUE TO OUR STATE.
MUCH OF WHAT HAS BEEN DONE SEEMS TO
HAVE MISSED THAT MARK.

I HAVE ENCLOSED A FEW THINGS
I HAVE WRITTEN ON THIS SUBJECT. THE
ARTISTS HAVE ALL BEEN AFTER MY IDEE ON
THIS - I'M SURE YOU HAVE GOTTEN SOME
INPUT AS WELL.

HANG IN THERE AND LET ME
KNOW IF I CAN HELP.

Bob Williams



Chevron U.S.A. Inc.
 P. O. Drawer F, Kenai, AK 99611

Robert F. Williams
 Manager, Alaskan Refinery
 Manufacturing Department

*cc - [unclear] [unclear] [unclear] [unclear]
 file. [unclear]*

Statewide Office
 of Facilities
 Planning and Construction

APR 26 1985 Time

DIET. _____

~~Mr. Christopher-K. Ahoy~~ ✓ *[Signature]*
 Director Facilities Planning and Construction
 3356 College Road
 Fairbanks, Alaska 99701

Dear Chris,

I reviewed the April 5, 1985 memo regarding Art in Public Places - Student Residents. I am not an art critic and not qualified to comment on the piece selected. However, as a regent responsible for the use of State Funds, there are some comments I would like to present.

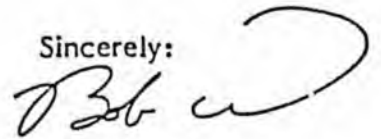
I believe that state funding, as much as possible, should be targeted toward multi-use projects. This becomes even more important in an atmosphere of declining revenues. With this concept in mind, I feel state-funded public art should also be targeted to enhance our tourism economy. We need to offer Alaska visitors a unique look at our history and culture. I believe our state funded, pulic-art is one way to make that happen.

The average visitor is not likely to be excited about (nor remember) "a contemporary design reflecting the progressiveness of the State of Alaska". However, a visit to the Egan Center in Anchorage opens the mind to things like the Northern Lights and the Aleut and Eskimo cultures as crafted by Hoover and Olanna. This art (to me) is contemporary in a traditional Alaskan way. I believe the Egan Center art offers an experience of great value to both our residents and to our visitors.

Art lovers may question my position because it overlooks the opportunity to enhance our minds through exposure to contemporary, modern art. They also may feel limitations on public art will suppress creativity in our artists. I am sensitive to those concerns. My visit to New York in late September, 1980 to visit the Picasso Exhibit showed me the value of new expressions in art. However, if Picasso were here today to design an Alaskan public-art item, I would request that he use an Alaskan theme or native materials, or not submit a design. We have been overlooking the opportunity to invest our public art funds in the revenue-generating tourism economy. Until we fulfill that priority, I feel people will have to be satisfied with The Last Nimbus, traveling Judy Chicago shows and private art funding to meet their modern art needs.

I apologize for using this specific opportunity to voice these broad concerns. Other citizens and legislators have expressed similar views, however no action has been taken. I believe that Regents, Administrators and Employees of the University system can demonstrate their sensitivity to declining revenues and maximum use of existing funds in many ways. Strategic planning for the multi-use of public art is a good place to start. I hope we will consider policy modifications that will help this new direction occur in the University.

Sincerely:



R. F. Williams

RFW:sa

cc: Dr. O'Dowd
Fellow Regents

5/2/85

Dear Governor:

I am sure you are aware of the enclosed statement by Mr. Heinze. I would simply like to say that I feel he hit the nail right on the head with the page three comment about reducing spending instead of seeking ways to increase revenue to support what the State government now views as "necessities"!!

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* Equestrian trails-These serve a purpose for at best 1% of the population for perhaps 6 months out of the year! They can not be well used for any other purpose such as skiing, jogging, or biking because of hoof print holes in the snow in winter, and the "fertilizer" present yeararound!

* "Artwork" in public buildings--I see no need for forcing ourselves to spend 1% (or whatever set amount it may be) of the capital cost of a public building on unnecessary "artwork". Some such decorative art is justified to provide a reasonable pleasant working environment, but we now spend a fixed percentage whether it is "needed" or not. Worse yet, we usually commission a special piece when for less cost, there already exists on the market artwork that would be at least as fitting (and often more fitting) than what is specially made for the project. Supporting the arts is fine. I attend and thoroughly enjoy the Alaska Rep. BUT I DO it by choice. Save a slice of the capital budget right off the top-Eliminate, or at least reduce, the forced expenditure on alleged "artwork"

Construction information signs. (This is aimed particularly at Anchorage, but the State pays a substantial portion of the costs through its distribution of revenue.) There is no need for the "Tony Knowles" signs at the various improvement projects done in the city. If people read the paper, they will know what is going on. If they don't read the paper and see some work taking place, and want to know what it is all about, they can call one of the many city or state offices and ask!

Other key areas for savings are:

*Concessions- State of Alaska and municipal employee compensation packages are out of sight. The pay is unjustifiably high to begin with. On top of that, the benefits are unbelievable! Large vacation packages; Personal days off; Sick days; Use of government

2/21/86

"BRAVO" FOR YOU

REP. HANLEY!! KEEP AT IT.

M. Aulby

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vehicles (Troopers and police use is justified I believe-but I see many "for official use only" vehicles doing things that are obviously not for public service purposes). Sick days make me sick in that they are cumulative and really just "time off". Be like industry-have a sick day policy that recognizes that people will be sick and miss work at times, but most real workplaces do not allow the days to accumulate. You are not allowed a certain number of sick days-if you're sick too often, disciplinary action can be taken; if you are a dependable employee, your good attendance will be rewarded come merit raise time. In general, State and municipal wages are overly inflated. This probably goes back to the days when it was hard to get people to this "uncivilized" place, and the cost of living was very high compared to the "outside". Alaska is a very attractive place now. This is evidenced by the population growth, the State's efforts to discourage outsiders by State hire laws, and preferential treatment for in-state contractors. The strongest indication of the way that State and municipal jobs are viewed by the workers is the fact that there is such a huge backlog of applications on waiting lists for the government jobs.

Doesn't that tell you that you may be a bit too generous?? Again, take a lesson from industry. Cut back on the fringe benefits; freeze salaries until they are caught up to by inflation; Do like the airlines-scale back the pay rates and benefits to a more realistic level for all future hires. Get rid of free tuition at the state university for relatives of people who work for the school. They are well compensated, and can afford the tuition better than many people who do have to pay!

*Forget about the Knik Arm crossing. The State's "extra" money has gone away for one thing. In addition, if such a bridge is really a sound idea, I believe the private sector (namely the ones who would benefit greatly due to land value increase) would either build a bridge at their expense and charge tolls, or offer a reasonable amount of private financial support to the project.

*Forget about the Susitna dam project also. Very simply, it's too much to spend for too little benefit.

*Run more of the State (and in many cases, municipal) services as "break even" propositions. The railroad is profitable, and those who use it, pay for it. Ferries and busses should fall into the same category--let those who benefit by their use foot the bill for this type of service. State campgrounds--another service that deserves to have a reasonable fee. I use the facilities, and am more than willing to support their upkeep by having to pay for the privilege of using the excellent park areas.

Enough said, I believe. The simple point, of course, is that the government must change it's outlook by cutting down on spending instead of trying to support the type of spending to which it has become accustomed by increasing revenues.

Thank you for your time.

Matthew J. Scully
6121 Austria Drive
Anchorage, Ak. 99516

ANOTHER QUICK MILLION TO SAVE - ELIMINATE THE REIMBURSEMENT
OF POLITICAL CONTRIBUTIONS BY THE STATE. THAT IS ONE OF THE
DUMBEST WASTES OF PUBLIC MONEY I HAVE EVER SEEN OR HEARD OF!

The following articles show that on a per capita basis, Alaska spends the most by far on Arts as a whole. They also point out that in Tacoma, Washington the public got so angry over not being allowed input on art selection they voted to repeal the whole program. These bills are designed to appease rising dissatisfaction perhaps avoiding eventual repeal of the program in Alaska.

Eagle River Star
2/26/87

Frenchman picked for art at Fire Lake

An artist from Paris, France will build a sculpture that will be installed at the front entrance to Fire Lake Elementary School.

The artist, Art Brenner, won the competition with a proposal for a painted steel sculpture 28 feet high called "Under the Wing of the Fire Bird."

The Anchorage School District Monday approved a \$70,000 contract for the sculpture.

Sculpture contracts rejected

Anchorage Daily News 4/20/87

Assembly turns thumbs down on two 1 percent for art projects

By DAVID POSTMAN
Daily News reporter

Anchorage Assembly members may not know much about art but they know what they don't like — spending money on sculpture in days of tight money.

This month the assembly overwhelmingly rejected two art contracts mandated by the city's 1 percent for art pro-

gram. The program requires that 1 percent of construction costs of city and school buildings be used for art at the building.

The city official in charge of the program said Monday this is the first time in at least five years that a 1 percent for art project has been stopped by the assembly.

Assemblymen said they

killed the contracts because the community was not involved in choosing the art and they didn't think it wise to spend \$100,000 on art when they are being forced to cut budgets and layoff workers.

But city officials and the head of a local arts group said there was plenty of public

See Back Page, ART

ART: Assembly rejects plans for two sculpture projects

Continued from Page A-1

involvement in selecting the art and the program should not be hurt because there is not enough money to pay for other city services. Besides, they say, it's the law.

"This is a knee-jerk reaction because they are trying to save money," said sculptor Bill FitzGibbons. "But as far as I'm concerned, there should not be a whole lot of talking about this because what they did is clearly not in compliance with the city law. It's clearly illegal."

FitzGibbons is chairman of the Alaska Citizens for the Arts steering committee. The group was formed late last year to lobby for art funding.

At its April 14 meeting, the assembly voted 9-2 against awarding a \$100,000 contract for a 40-foot-long carved and painted wood wall sculpture for Ravenwood Elementary School in Eagle River. Assembly members Heather Flynn and Pat Parnell cast the two yes votes.

The assembly voted 10-1 at the same meeting to kill a \$70,000 contract for a 28-foot-high steel sculpture at Fire Lake Elementary School, also in Eagle River. Flynn was the lone yes vote. Parnell voted no because he thought the sculpture, "Under the Wing of the Fire Bird," would be dangerous to students.

Eagle River Assemblymen Fred Dyson and Craig Campbell led the effort to stop the contracts. Campbell said his constituents told him at a recent meeting "they didn't want to spend money on art



Anchorage Daily News Bob Hallinen

Molly Jones, administrator of the 1 percent for art program for the municipality, holds a model of Paris sculptor Art Brenner's "Under the Wing of the Fire Bird." The full-size version is to be installed at Eagle River's Fire Lake Elementary School.

right now. It is not the time for extras."

Dyson said he has long opposed the 1 percent for art program because the art "is mandated in a way that doesn't allow for judgment of any kind." He said art teachers and PTA members complained they did not have a chance to comment on the proposed works of art.

Both assemblymen said they thought their no votes would be symbolic. They were surprised when a majority of their colleagues joined them.

Campbell and Dyson said the money should be used at the schools and for art, but not sculpture. Campbell suggested art scholarships and

Dyson said the money might be used for art supplies.

"It's clear the money cannot be spent for anything else," said Molly Jones, the program administrator. "We try to look at the art work as part of the building. But I can see how it would strike some people as odd to pay \$70,000 for a sculpture for an elementary school."

Jones said city officials will continue to push for the project and plan to submit the contracts to the assembly a second time.

The Ravenwood sculpture would be a 40-foot-long wood carving showing the Eagle River and animals indigenous to the area. Students would help artist Arthur Higgins choose subject matter for the

project. The sculpture would be paid for by an insurance settlement the city got when the school's original sculpture was destroyed by vandals, Jones said.

Fire Lake's sculpture, by Paris artist Art Brenner, will use the entire 1 percent set aside for art on the project. "If this doesn't go through the school has nothing," Jones said.

Jones said the proposed sculptures have been reviewed by the Anchorage School Board, the city Urban Design Commission, the Anchorage Arts Advisory Commission and a jury selected specifically for each project.

The jury included school personnel and Eagle River-area residents.

"If that's not the community I'd like to know what alien planet they come from," FitzGibbons said. "The community wants it. The community was involved in the selection."

FitzGibbons said he sympathizes with politicians concerned about saving money, but said money for art is money well spent. "Anchorage is an ugly town ... and we have very long, cold, dark winters and if a little bit of art in the school and the public buildings contributes to anyone's well being in the winter time, what price is that?"

But modern art may have been its worst enemy, he said. "There's possibly a misunderstanding of modern art. I think that if there was a little more education done somewhere ... with the assemblymen themselves they would not be as hostile."

JUNEAU EMPIRE

Accountability in public art

Legislation proposed by Anchorage Rep. Alyce Hanley could do much to avoid the misunderstandings created by the state's Art in Public Places program.

Currently, 1 percent of the cost of a public building is set aside for artwork. It's a good idea, but needs a little fine-tuning.

Rep. Hanley's bill, which is co-sponsored by 10 other members of the House, may not be the most earth-shaking legislation to come along this year, but it surely would prevent the public from feeling like a victim of its own largesse. Time and again, people find themselves wondering how and why certain pieces of art are chosen for public buildings, be they airports, court buildings or other public areas. Often, a reason for that wonderment is the public is dealt out of the selection process.

What this bill does is mandate that no fewer than three members of the seven-member art selection committee be lay members of the public. It also mandates public hearings on the selection of an artist to do the work.

Further, it requires a plaque or permanent label be installed identifying the artist, the title of the work and the names of the members of the art selection committee.

This bill does two things:

- It involves the public in choosing which artwork it will buy to place at publicly funded buildings. Currently, the public is confronted by artwork – good, bad or indifferent – that is chosen for it, not by it. Then, if the public doesn't like it, certain members of the arts community feel obliged to provide lectures on why the public should like it. The result is many people are plain turned off by art – certainly not the intent of the public art program.

- Second, it provides accountability. Just as accountability is needed in the expenditure of all other public funds, it is needed in public art projects. Providing a plaque with the people responsible for the project provides that accountability.

This bill, HB 607, deserves the consideration of the Alaska Legislature as a means of getting a good program back on track and keeping it there.

3-28-86

A list of the newest state funded art creations in the Anchorage airport shows that most the money spent there went to non-Alaskan artists.

JAN 24, 1986

Saturday Sundry

By William J. Tobin

THE NEXT TIME YOU'RE OUT at the Anchorage International Airport, take a minute to look at the art work the state's "1 percent for art" program has paid for with public dollars. The sculpture hanging from the ceiling at the end of the refurbished B Concourse is the work of a Miami, Fla., artist, John Henry, and cost a nifty \$80,000. Other artistic attractions in the domestic terminal and their price tags: An untitled prismatic sculpture by Charles Ross of New York City, \$130,000; an oil painting, "Welcome to My World," by Alvin Amason, of Kodiak and California, \$40,000; an untitled oil painting by Leon Anderson of Anchorage, \$19,265; and a functional steel sculpture, "Shoeshine Shop," by Frank McGuire of Warrensville, Ohio, \$27,000.

total \$ 296,265

At Council of Arts



Giving Art a Bad Name

GEORGE F. WILL

The rising sun spreads a rug of light through St. Louis's Gateway Arch and across a less loved artifact 11 blocks away. That object is a "sculpture" called "Twain," named after a Missouri boy who became a master of realism. It covers most of a block and consists of eight panels of rusting steel placed in a formation that resembles a triangle drawn by a quavering hand. "Twain" was perpetrated by Richard Serra, a "postminimalist" entrepreneur who once exhibited, as art, a 97-pound pig in a cage. His arrogance is almost a work of art. He says: "I don't think it is the function of art to be pleasing." He thinks it is the function of the public to give people like him money and space and limitless license. In fine, the public is to pay up and shut up. "Twain" is, in part, your tax dollars at work. The federal government chipped in.

Today there is rising over St. Louis a dark cloud of insurrection, a cloud as impressive as the one that rose over Toledo (Spain, not Ohio) and stirred El Greco, an artist who did not work in rusty metal. Some St. Louisans have seen "Twain" steadily and seen it whole and have seen enough of it. Not since opposition to the Dred Scott decision—Scott's case was tried in a nearby courthouse—has there been such an admirable opposition movement. St. Louisans are hospitable, ready to scale the skies and pluck out stars and strew them at your feet. But when provoked they are as turbulent as the tornadoes that frequent the region. Serra also is finding New Yorkers tiresome. In Manhattan there is a move afoot to junk Serra's "Tilted Arc," 73 tons of rusty steel 12 feet high and stretching 120 feet across the plaza of a federal building. (Yes, more tax dollars.) It is not just an eyesore, it is a nuisance, impeding pedestrians.

Nowhere Is Safe: The natives are restless elsewhere, too. Chicagoans have never been considered among Nature's hamsters—tame—and some of them are up in arms about what they consider graffiti applied to the walls of a library and called a "fresco." In a world gone wonky, nowhere is safe. In Paris, the artist Christo is preparing to wrap the most beautiful Seine bridge, the 16th-century Pont Neuf, in shiny beige nylon, as a "sculpture." This treatment of the bridge is like the treatment of Michelangelo's Pictà at the 1964 World's Fair, where it was illu-

minated with flickering blue light, presumably to improve it.

Time was when artists wanted to shock the bourgeoisie. Today the bourgeoisie is running around with open wallets, trying to call forth art with cash. But art is not a commodity like pretzels. Strung monetary demand for pretzels increases the supply of pretzel makers. Their products are recognizably pretzels, and the best pretzel makers prosper. The market for art is different because the supply of good art is not similarly elastic. Unless, of course, you suspend all standards. There will be an abundance of fine art if you declare that fine art is anything that anyone calling himself an artist calls fine art. One way to expand the supply

People are trying to call forth art with cash. But art is not a commodity like pretzels.

of anything is to define it so permissively that limiting standards evaporate and almost anything can be included. But as a 19th-century politician from across the Mississippi River, up in Sangamon County, Ill., once said: If I call a tail a leg, how many legs has a dog got? Five? No, because calling a tail a leg doesn't make it a leg.

Such is the docility and gullibility of many city governments and corporations, it is almost dismaying when they decide to commission works of art. Of course, the disproportion between the large demand for art and the small supply of serious artists is not an argument against patronage. Pope Julius II did posterity a favor with his "jobs for the boys" program for artists. His boys included Michelangelo and Raphael. Today, patrons must have considerable prudence and self-confidence when the ratio of charlatans to serious artists is as high as it is.

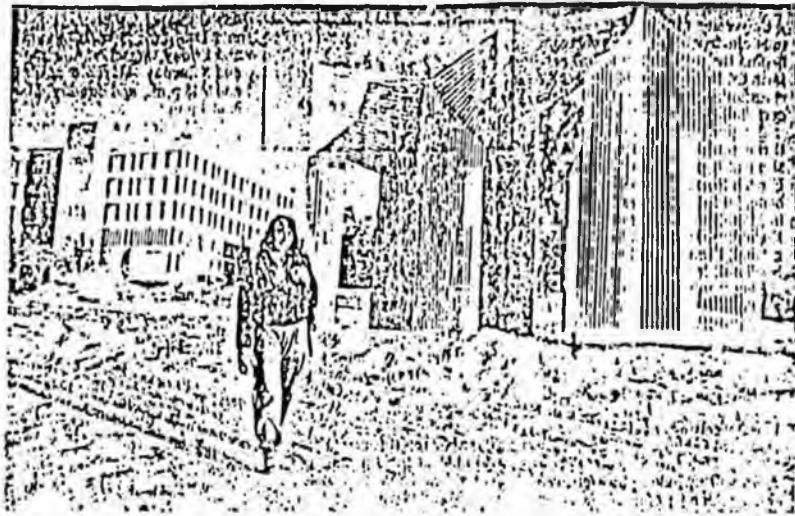
Some Serra defenders say his First Amendment rights are being trampled. But the issue is not a person's right to "express" his whims in rusty steel. The issue is the public's right not to be saddled with the

results forever. Even if the public's hostility were just a whim, so what? Artists who peddle their whims as art, counting on an absence of critical standards, cannot suddenly claim to have standards superior to the public's and incomprehensible to the public. And they cannot hide behind this crashing non sequitur: great innovations in art often have met hostility, therefore whatever provokes hostility must be a great innovation. Joan Mondale says the public should give "Tilted Arc" time to prove its "eternity." Sounds like a long wait.

Deliciously Ironic: Today Philistines often march under the banner of anti-Philistinism. Serra's defenders stigmatize his detractors as a backward mob slow to recognize genius. This is deliciously ironic, considering that abstract art once was defended as "democratic." It was supposed to be art purged of "academicism," art immediately and equally "accessible" to everyone, art "understood" by even the untutored eye. Actually, it is anti-intellectual "art" enveloped by ludicrous intellectualizing.

For example, this is how one critic "understands" Jackson Pollock's canvases covered with drips: "Pollock's strength lies in the emphatic surfaces of his pictures, which it is his concern to maintain and intensify in all that thick, fuliginous flatness . . ." One wishes that critic had reviewed Serra's movie that featured nothing but a hand holding a wad of cloth at arm's length until the arm was exhausted and the cloth dropped. One Serra fan brings his art-Babel to a rolling boil to praise the "savage elegance" of Serra's "resilient" and "insistent" stuff.

The emptiness of postminimalist and other fads of nonrepresentational art has elicited floods of theorizing from a clerisy of critics. They have acquired importance as the assigners of importance to substanceless "art." Theirs is not tiring work. The assigning can be capricious because the critics are not inhibited by the presence of any content in the art they construe. The exegesis of effortless art is effortless. If human beings were dominoes, such critics and the artists they inflate would be double blanks. In their formative years they must have been spanked with rolled-up learned journals of fine arts. How else explain their contempt for mind, and their seeming attempt to give art a bad name?



"Cathedral Series VI, Elysian."—Linda Howard, a Florida artist, designed this \$140,000 sculpture located on the University of Alaska-Fairbanks campus.

(News Miner library photo)

Reaction mixed to changes in One Percent for Art law

By DIANA DRYSON
Staff Writer

Local reaction to a proposal amending the state's One Percent for Art program is as mixed as the public's response to artwork purchased through that agency.

State law requires that 1 percent of the construction cost of every public building built after June 1975, go to pay for artwork.

Rep. Alyce Hanley, R-Anchorage, is the primary sponsor of two bills that would change that. Hanley wants to cut commissions for art in public places in half, and increase public say in what art pieces are selected. She also wants to put a plaque near the artwork identifying the art and people who selected it, and restrict the program to Alaskan artists.

The selection process and the plaque proposals come in one package, House Bill 697. The other two proposals are listed in House Bill 696.

Dave Nicholls, the visual arts director for the Fairbanks Arts Association, said members of the association's visual arts committee met recently to discuss the bill. In general, he said members of the group support the One Percent for Art program.

"It's a good program. Looking at the bill there was a certain amount of support for using Alaskan artists and there was a certain amount of support for more public involvement in the selection process. Obviously, some were dissatisfied at

the amount of money which would be cut."

Nicholls said when it comes down to it, the pair of bills probably would not meet the approval of many local artists. He said while members of the visual arts committee are all for the idea of opening the selection process to the public, they tend not to give blanket support to restricting the program to Alaskans.

Personally, Nicholls would like to see less drastic modifications made in the program so more statewide artists can qualify for commissions. Fairbanks painter Jim Behlke, who testified about the two bills during a statewide teleconference last week, is of the same mind.

According to Behlke, if more commissions were available for artwork done on a small scale, more Alaskan artists could participate in the One Percent program.

"Local artists cannot make proposals frequently because the proposals requested require work which most of us don't do," he said. "And I'm not talking as much about style as I am about scale and format. When I get sent a proposal, it's for something that weighs a ton and goes in front of a building in welded steel."

The painter would like to see more artwork inside buildings instead of those huge, outdoor sculptures which, over the years, have become the One Percent program's trademark. He used the University

of Alaska-Fairbanks' most recent art addition, as an example.

Money for the \$140,000 sculpture "Cathedral Series VI, Elysian," came from funding designated for three UAF buildings: Duckering, the new addition to the main campus library, and Signers Hall. Elysian was the work of a Florida woman.

"If you walk through these buildings, you'll notice a lot of blank walls. I think they could have spent \$50,000 on the sculpture and the rest in the buildings," said Behlke, who donated his large, 33,000 two-paneled oil painting to the Duckering Building at the request of a dean.

A constituent initially prompted Hanley to introduce the two bills. What started with a request that a plaque identify "One Percent" artwork, developed into the proposal.

"I thought that about seems like a frivolous piece of legislation, and proceeded from there," said Hanley.

Hanley is aware that her bills likely will gain support from local here advocates, and that's just fine with her.

"I'm also hearing that instead of a big \$100,000 job, the public can enjoy some of the smaller projects Alaskan artists can provide," she said.

"I guess it's been my perception that there are several projects that have been purchased recently with art money that is not creating any



"Student Greeting"—Alaskan artist Karen Olanna sculpted this figure from marble.

(News Miner library photo)

kind of appreciation, but are beginning to cause anger among residents," she said.

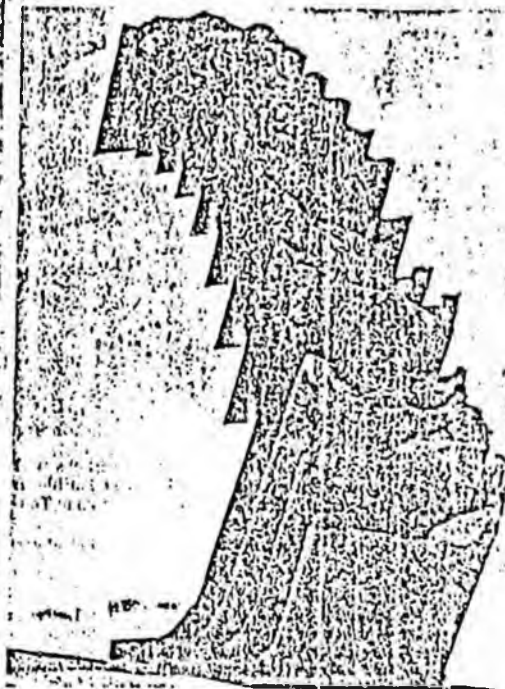
"I recognize that we're spending millions of dollars on this without much input from the public."

The executive director of the Alaska State Council on the Arts in Anchorage, Christine D'Arcy, thinks that if the proposals become law, they would be harmful, particularly the clause restricting the program to Alaskans.

"I think it's important to have a variety of artwork and I do not favor government dictating cultural values," she said.

D'Arcy estimates 60 percent of the commissions already are given to Alaskans.

Public art projects

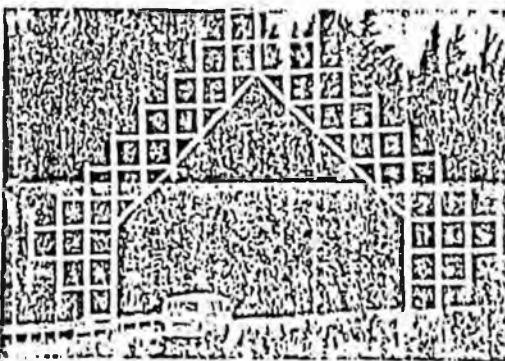


"Denali"—Christiane Martens' sculpture stands in front of the University of Alaska Museum. Marten is not from Alaska.

(News Miner library photo)

"I think it's important to have a variety of artwork and I do not favor government dictating cultural values."

—Christine D'Arcy



"Solar Borealls"—This \$107,000 welded steel sculpture straddles the exit ramp at the Fairbanks International Airport. It was designed by San Francisco artist Robert Behrens.

(News Miner library photo)

"My feeling is that the state of Alaska has funds set aside for different programs and no matter what the program is, the state should be trying to make the best investment of its funds, and buying the best that its money can buy, D'Arcy said.

"I think it would be a shame if Alaska took such a parochial view in terms of its public art program," Hanley disagrees.

"We've had time to absorb and appreciate pieces done by the state artists," she said. "It's time for Alaskans last time to start assigning it to Alaskan artists because when we say 'Alaskan artist,' that doesn't mean everybody will be painting a picture of Mount McKinley."

JUNEAU ★ ★ ★ ★ ★ EA

"The Voice of Alaska's Capital City"

VOL. 78 NO. 249

JUNEAU, ALASKA, TUESDAY, DECEMBER 18, 1979

Nimbus gets the boo

Statue put in storage

The Juneau Empire
Now you see it, now you don't. State employees today peered out their Capitol and Alaska Court Building windows to watch a crew begin the job of removing Nimbus, a green sculpture placed in the plaza in 1978.

The \$40,000 sculpture was ordered replaced by the 13th Alaska Legislature, which passed a resolution saying a war memorial or other piece of art should take its place.

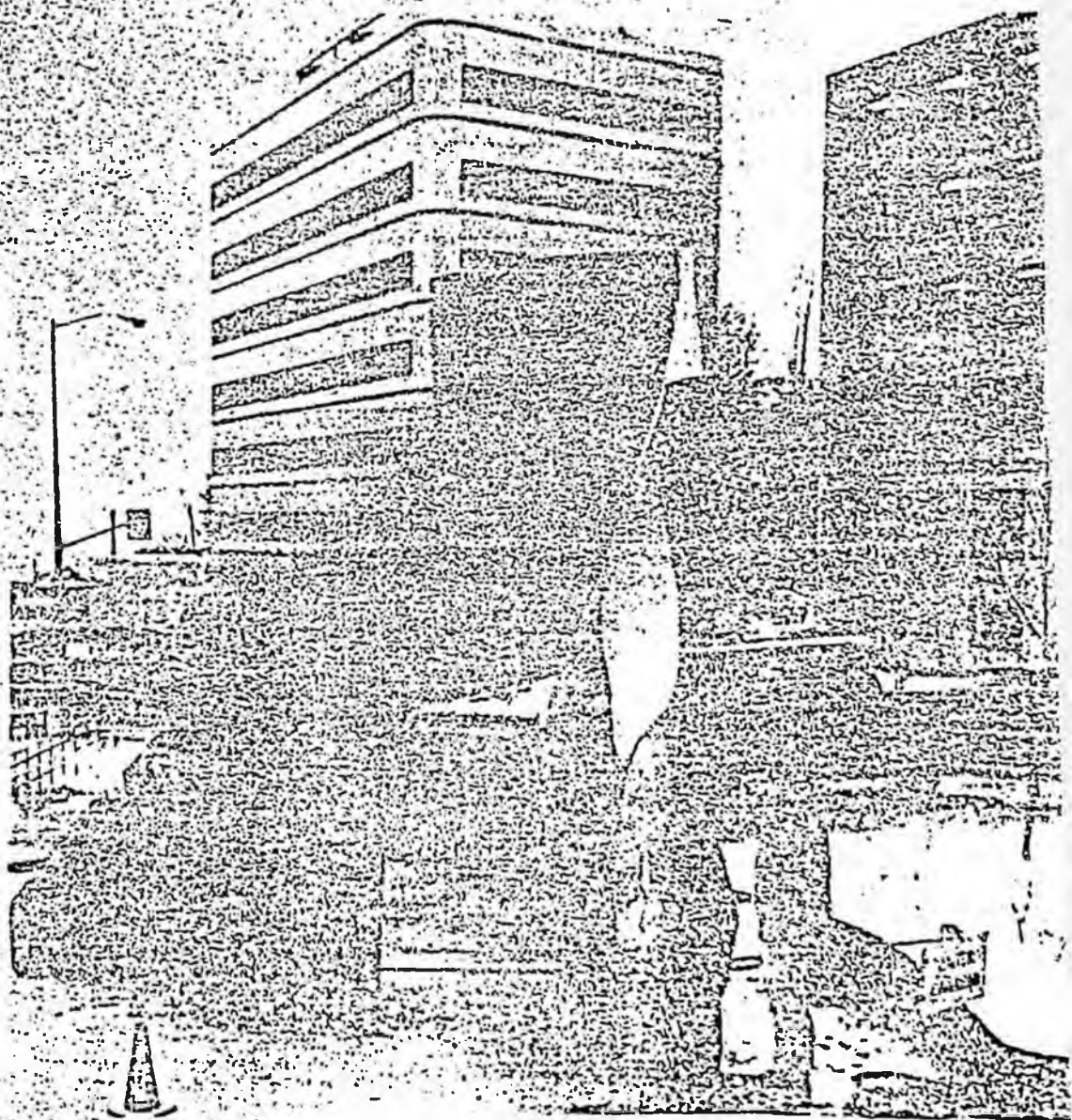
Once uprooted from its cement base, Nimbus will be taken to the Department of Transportation's Switzer Creek area building and stored until a state panel decides where it should be relocated. The cost of removing it is expected to be about \$6,000.

The governor-appointed committee met last week to discuss possible replacements for the statue and will have a public meeting in Juneau on Jan. 8 to take testimony.

Among the new pieces of art suggested for the site are a memorial to late Gov. Bill Egan, a war commemorative, a sculpture of a bear by local artist Skip Wallen or a monument to the state's 25th anniversary of statehood.

Other options will be considered at the public meeting in January.

Where to put Nimbus is another question. Among the suggested sites are the downtown or Auke Bay ferry terminals, in front of the Alaska State Museum and at Cope Park along Gold Creek.



Nimbus no more: Eviction started this morning.

Photo by Mark Ken

Public must be part of its art

The issue of public art seems to be back in the eyes and minds of beholders, prompted by a new, abstract piece of work at the airport.

Some members of the community like it very much. Some don't like it very much. Some wish it were more "real" or more "relevant." Some wish it were more "representational" or more "Alaskan."

An argument could be made that for a piece of public artwork in Juneau to be truly real, relevant, representational and Alaskan, it would require a blinking, high-tech neon sign somewhere in the Capitol flower beds, flashing in alarming colors the minute-by-minute price of a barrel of Prudhoe crude.

Would that be art? Some would say so. Others would no doubt disagree. And that's precisely the point. There will never be a piece of public art that satisfies everyone. For that matter, there will probably never be a piece of privately owned art that pleases everyone who views it. For art, artists and beholders, universal agreement — a last word on what's art, what's bad art, what's good art — would be deadly dull. For artwork, dull is indeed a four-letter word.

Public art, however, particularly those relatively few pieces that are conspicuous in public places, presents a whole set of different issues than privately owned artwork or artwork, say, within a public museum. The issues, by the way, are not confined to Juneau, but are being raised in communities across the country.

Publicly commissioned artwork in public places is the creation of an individual artist, but belongs to the public and becomes part of their world and their lives.

Robert Murray, the sculptor who created the ill-fated "Nimbus," has been quoted as saying that "we cannot have public art by plebiscite." He's correct, even if only for the practical notion that plebiscites on public art would be so unwieldy and possibly so inconclusive that no artwork would ever result.

But that doesn't preclude involving the public to a greater degree in the selection — the crucial steps taken to determine what will belong to the public.

The selection process by the local, state or federal government should involve members from the public, meaning members of the arts community and the population at large. It should, furthermore, allow for public hearings and viewings of proposed pieces, to let artists hear the ideas of the community and give community residents ample opportunity to express themselves.

While the selection process here usually involves a public committee approach, it seems even more of an effort is needed if the community is to consider public artwork as its own, not imposed, but welcomed.

Yet the process also has to allow for artists to be heard, to be given the opportunity to talk about their ideas, why they've chosen a certain theme, or a particular medium, or a specific technique. They also deserve a chance before their work — created in good faith — is dumped upon as somehow coming out of nowhere.

It comes out of somewhere. And somewhere should include a very visible dialogue long before the paintbrush is applied to the palette.

JUNEAU EMPIRE FEB. 3, 1986

Nimbus: Going but not gone

Nimbus, purchased for \$40,000 is now lying in a truck and equipment storage yard on the Old Glacier Hwy.

It was removed from its site after several years of public outcry at a cost to the state of \$5,000.

Nimbus may be out of sight, but some of the questions raised by the sculpture and the public outcry over it should be kept in mind.

Sculptor Robert Murray, interviewed when Nimbus was installed here in 1978, commented that when his artwork is placed in public, "I make my work visible to people who have very closed minds to the whole thing. It's not like a gallery where people come to see art. Some people feel very threatened by the whole experience."

Murray was probably more prophetic than he wanted to be. Many people — at least many vocal people — just don't like Nimbus. Beyond that, however, numerous critics voiced resentment that Nimbus was imposed, it was a stranger, it wasn't really "ours."

"Ours" doesn't have to mean dull like an old warhorse. Public art, abstract or representational, can be lively, humorous, sobering, eccentric or yes, even maddening, and still be "ours."

It might be ours if it grows familiar over time. It might be ours if one of us — an Alaskan or Pacific Northwest artist — creates it. It might be ours if it somehow, some way, depicts something we're somewhat familiar with or that both we and the artist care about.

But all those "ours" factors are elusive, as open to speculation as the question of what art is — ours, theirs or everyone's.

The most obvious and direct way to make sure a community thinks of an artwork as ours is to make sure the selection process is wide open to the public. And by public we mean the loc-

al people who will share their home, their community with the work.

A well-publicized invitation for public involvement should start at the beginning, the decision on what specific type of artwork is wanted and where it will go, and carry through all the way to the call for proposals and review of them. Such public participation resulted in the Ed Way statue at Marine Park, which is definitely considered "ours" by many people in town.

No, every piece of public artwork can't be chosen by referendum, just as every controversial political issue doesn't go on the ballot. Someone appointed or elected is going to have to bite the paintbrush and make a final decision, or the debate could rage for the millenium.

Better the public debate rages before the final choice, however, than to drag it on for years after a work is in place, then yank it. The fate of Nimbus — sealed for now — should be seen as a one-time occurrence only, a fluke that taught us a lesson. The sculpture's removal shouldn't be allowed to set a dangerous precedent for what, in the future, could be some pretty capricious decisions to remove public artwork.

One admonition, to indulge a pet peeve. It's hard to sympathize with those who have been invited to speak prior to a decision and instead opt to wait now and condemn later. A Monday Morning Picasso doesn't create much except hot air. And public artwork should be a lot more substantial and lasting than that.

Farewell to Nimbus

Nimbus, the artful creation that has graced the front of the Alaska Court Building for nearly six years, today took leave of that location. As workers labored to evacuate that magnificent ode to modern art, a tear no doubt came to the eye of many a Nimbus lover. After all, who in this city hasn't stopped a moment to marvel at its wondrous beauty, its shiny green steel frame?

Alas, Nimbus is bound for a new, albeit temporary, location, a place where it can be better appreciated. The \$40,000 Robert Murray sculpture will take up residence where it will be sheltered from the elements. We can think of no better place than the Department of Transportation warehouse at 7 mile Glacier Highway.

But what of the public outcry that is sure to come? The public will inevitably seek — no, demand — the right to view Nimbus. How could the state deny the public the right to see that beautiful work?

We propose that the state DOT set up visiting hours at its warehouse so those lovers of Nimbus may see their cherished *objet d'art* in all its splendor. Our green friend, who has greeted us at the start of our workday for these many years will be lodged with other, equal works of art — snowplows and truck tires. Perhaps DOT can paint those plows an appropriate color to correspond to Nimbus's green hue. And maybe the tires can be delicately arranged around it in a garden setting.

Soon, we cannot predict when, a committee of those wiser than we will choose a final resting place for our Nimbus.

Wherever shall it be? The Auke Bay ferry terminal, the Alaska State Museum and other locations are vying for the privilege of displaying this masterpiece. Other suggestions have been tendered as well. Channel Sanitation is one of the most popular.

Some people say the role of art is to evoke a response. If that indeed were art's only role, Nimbus has filled it well. But art is more, much more, than presenting viewers with something to cause them to react. After all, people react to car wrecks, too. Does that mean they are art?

Tomorrow, when you venture past that spot along Main Street once occupied by Nimbus, remember all the reactions it evoked. The suggestions that it looked like the bow of a ship after running aground. That it resembled the aftermath of a plane wreck. That it would best be used as an anchor.

Then ponder what it would be like to have a meaningful piece of art there, like a memorial to Gov. Bill Egan, the state's first governor, or to Alaska's war veterans.

Whichever is chosen, it is bound to be an improvement.

'Art' in public places?

I suspect I'm going to get into trouble with this column ... however, that has never stopped me before. I'll preface by saying that I am not totally unsophisticated.

I appreciate symphony, good poetry, fine wine and other things of the "semi-enlightened" life. I am not down on the arts, nor artists' rights to express themselves.

I am, however, of the persuasion that PURCHASE of art or special efforts to SEE it, are MY option, based upon MY perception of the value of the artform.

I am about to take a potential Art-In-Public-Places process to task, but first some background so you can relate to it, and see I have done some homework.

Art-In-Public-Places, commonly referred to as "1 percent Art," first became Alaskan by State law in 1975. Partly because there was little public construction that qualified in the next several years, little came of it until implementation on buildings constructed beginning in 1980.

The only Municipal/City Ordinance in the State on the subject; Anchorage's, came in 1978 (Chapter 7.40.010 - .080). It also became operative in the 1980 period, most likely given emphasis by ex-Mayor George Sullivan's "Project 80's."

Any time Municipal money is spent on a structure ... even if it's a grant from the State or Feds which is administered by the Muni, and which exceeds \$250,000, the Ordinance comes into play.

You can see State & Federal results at the Federal Building, the Sullivan Sports Arena, the Municipal Museum, the ACC Aviation Complex at Merrill and other places.

For broad public acceptance of each of these items, a brief historical look at news stories as each has been unveiled, reveals that they are met with "mixed review" at best.

Here in Anchorage, the program is administered by MS MOLLY BJONES, who shared

COMMENTS

by:

Kent
Lee
Woodman

CONTRIBUTING
EDITOR



both some history of the program and copies of the current Ordinance and Regulations 7.40.001 - .0013 so I could come to grips with how the program operates, its limits, authorities and jurisdictions.

The ordinance and regulations require that "juries" be selected for qualifying buildings over \$1 million, and that they consist of one member each of the Urban Beautification Commission, the Anchorage Arts Advisory Commission, the Project Designer, the User Department and at least one interested local resident (this one also has a member of the Art Selection Committee).

While this does not constitute "ARTS LOADING" by numbers, I'd point out that every member of the panel GETS PAID TO BE THERE, or does so in a planned volunteer program of regular duration, except the PUBLIC MEMBER, whose vote could easily be pivotal.

I also note that the regulations do NOT contain any instructions whatsoever for the following critical areas: a. Investigation and study of the USE of the building; b. Study of the FUNCTION and PURPOSE of the building; c. Study of the HISTORY of the building site and its service area; d. Study of the nature of the BUILDING OCCUPANCY or CONSTITUENCY; e. Study of the proposed vehicular and pedestrian (and Aircraft) traffic flows; f. Determination of the building FOCUS POINT.

In the entire ordinance and implementing regulations, the ONLY review/appeal process noted is the one non-selected (and upset) artists use to appeal selection of the winning artist.

It is to the Mayor. All that aside, I find myself precisely centered in the "mixed review" element of our populace when viewing some of the items placed in the name of art.

I am not qualified to judge the quality of most of it, generally falling back on my sense of whether I like it or not ... much the same as with a new wine or sushi the first time.

I admit that much of what I see in public art forums I find A RIPOFF. That's only MY opinion.

It appears that "artists" have labored long and hard with large, sometimes disgusting colored materials, to create vague things that neither enhance the building, nor draw the passer-by with any desire to learn more about it or art in general.

In other words, for me, many are a big turnoff. Two exceptions are the sculpture in the ACC complex stairway, which I have identified as relating to early, albeit unsuccessful, flight; and the giant lock-washers in the front yard, appropriate, it would appear, to a Maintenance complex.

Many folks with whom I have talked simply ignore the large,

See DESIGNS, Page 13

• Designs should follow bldg. theme

Continued from Page 12

obtrusive blobs which generally block snow removal, crowd control and good photographs of the particular structure. I am first to admit that I could learn much about art if I had the time, money and inclination. My questions would be, however, "is it the function of Art in Public Places to thrust 12th generation obscurities down the throats of the masses in some effort to convert them to art appreciation? Are we being given art that is identified, classified and selected for us, the many, by the 'gifted few' so that we may be lifted out of our pig trough of existence in spite of ourselves?"

Let's get this down to specifics, especially relating to flying and aircraft: The Public Aviation Facility at Merrill Field is in final design now by McCool-McDonald, Architects.

Design money was a state grant to the Muni, thus the 1 percent requirement. The committee was set up and has met to begin planning how the 1 percent will be used on this one building (\$32,000 plus/minus).

The structure (see diagram attached) will be the gateway for many, many people who will either fly in or out of Anchorage, or will gather to view aviation or meet someone who has done one of the above. It is being designed per the Master Plan, as the new "focal point" for the field.

Aviation has a public facination index higher perhaps even than football! Merrill, and indeed Alaska in general, has a fantastic aviation history.

Because we are still living it, and because it is such a fast moving history, we are way, way behind preserving it in photos, art, memorabilia and historical aircraft. Merrill was named for a colorful Anchorage pilot (Rusa) who was killed in his plane after taking off from Merrill.

The building is designed to give some impression of flight with its swept back appearance

and two large wings. The center glass cylinder will house an historic 1920's vintage restored aircraft.

The walls have many designated locations for photos, art work, displays and dioramas. I anticipate that the many area aviation groups will bring in displays, that perhaps historic films and slides will be available on video monitors.

There is an observation deck on the "air side" for folks to watch planes taxi, takeoff and

land — complete with a speaker to listen to the FAA talk to pilots.

There is planning for an aviation theme restaurant/bar for the upper levels, like the famous BLUE MAX or the RED BARON. If that happens, those areas will be decorated like historic aviation facilities as well.

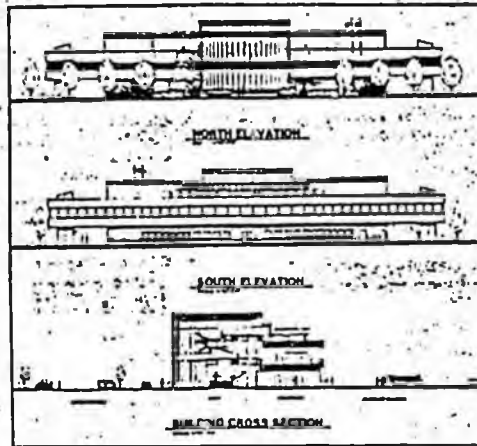
So now comes the Building Art Jury. Though construction money is not yet located for the building, design is under way

so the committee must chart the course that the 1 percent will be spent for, and then commission artists, make recommendations and direct

placement.

There are those close to this development and to aviation

See DESIGNS, Page 14



Merrill Field Public Aviation Facility (Illustration courtesy McCool-McDonald of Alaska Inc., architects.)

• Design follows theme

Continued from Page 13

In general and close to the field itself, who see a tremendous opportunity to HAVE THE ART RELATE TO THE BUILDING, THE FIELD AND WHAT IS BEING ATTEMPTED THERE, and not some esoteric blob placed there to somehow broaden the horizons of the great unwashed masses who come there for something else entirely.

The initial meeting was held. The lone public member, aviation history buff Ted Spencer, suggested consideration of expenditure of a portion of the funds on the hanging aircraft, its associated display and billing.

That was turned down INSTANTLY by the Art leadership. From reading the minutes of the meeting, it appears that the group was then polarized, with "them" and "us." (We're "us"; you know who "them" are!)

One would hope that they would really see the light, and NOT attempt to make this building a shrine to art that has nothing to do with aircraft, history or Merrill Field.

I do not condemn them in advance, though I note the polarization. It will be up to that committee's members to bridge the gaps and come up with a consensus. Let me conclude, however, with a little more information that will delight you: PUBLIC REVIEW AND COMMENT.

When the State or Muni wants to build a road, change zoning, build a building, or other major item, they are required to develop a public input process — they hold hearings, notify adjacent property owners and known interested parties.

In theory, those comments from the public are taken into consideration in final design or decision making processes. If they are not, then the citizenry can approach the next level of authority and bitch about being ignored.

The whole purpose of this exercise is to see that Government, ACTING WITH OUR MONEY AND POWER

constituency and, in fact, does what their "boss" wants it to do.

Let me quote the Public Review and Oversight provisions of the Art-in-Public Places program: ZIP! You got it; if you want to impact how the building will be decorated, you've got to be on that tiny committee.

It's only appeal is for the artists themselves, and not those of us who will be subjected to it or pleased by it in years to come.

There is really only ONE review: The finished product's acceptance in the press AFTER THE MONEY IS SPENT.

Only one other avenue remains: IF you care, if you can make meaningful contribu-

tions, either attend their meetings (which must be public) or make written input — or both.

I do not want to condemn anyone in advance, but driving and walking around Anchorage and reading the minutes of the first meeting have prepared me for what may be coming. Hope not!

Ken Lee Woodman is the Executive Vice President of the Alaska Airmen's Association and the Acting Chairman and Commissioner on the Municipal Airports Aviation Advisory Commission. He has been a Contributing Editor each issue of Air Alaska since its inception over four years ago. He is available at 12920 Hillside Drive, Anchorage 99516, or 345-1356 prior to 9 p.m.

"derogatory," and "three walruses splashed in early bathroom vomit." One of the walruses boasted real tusks, which jutted from the center of the canvas, and atop the frame sat a pair of puffins, with a third puffin "flying" in front of the canvas. "I just keep expecting to find a pile of bird doo on the floor," one federal court employee told a Times reporter in 1979.

Amason's present tripartite canvas continues his brash color scheme, showing two salmon

with faint, dark lines. One is drinking a foetus from the canvas, chased by a bear splashing multi-colored water. A blue fox takes up the left side, and a bald eagle and magpie look on.

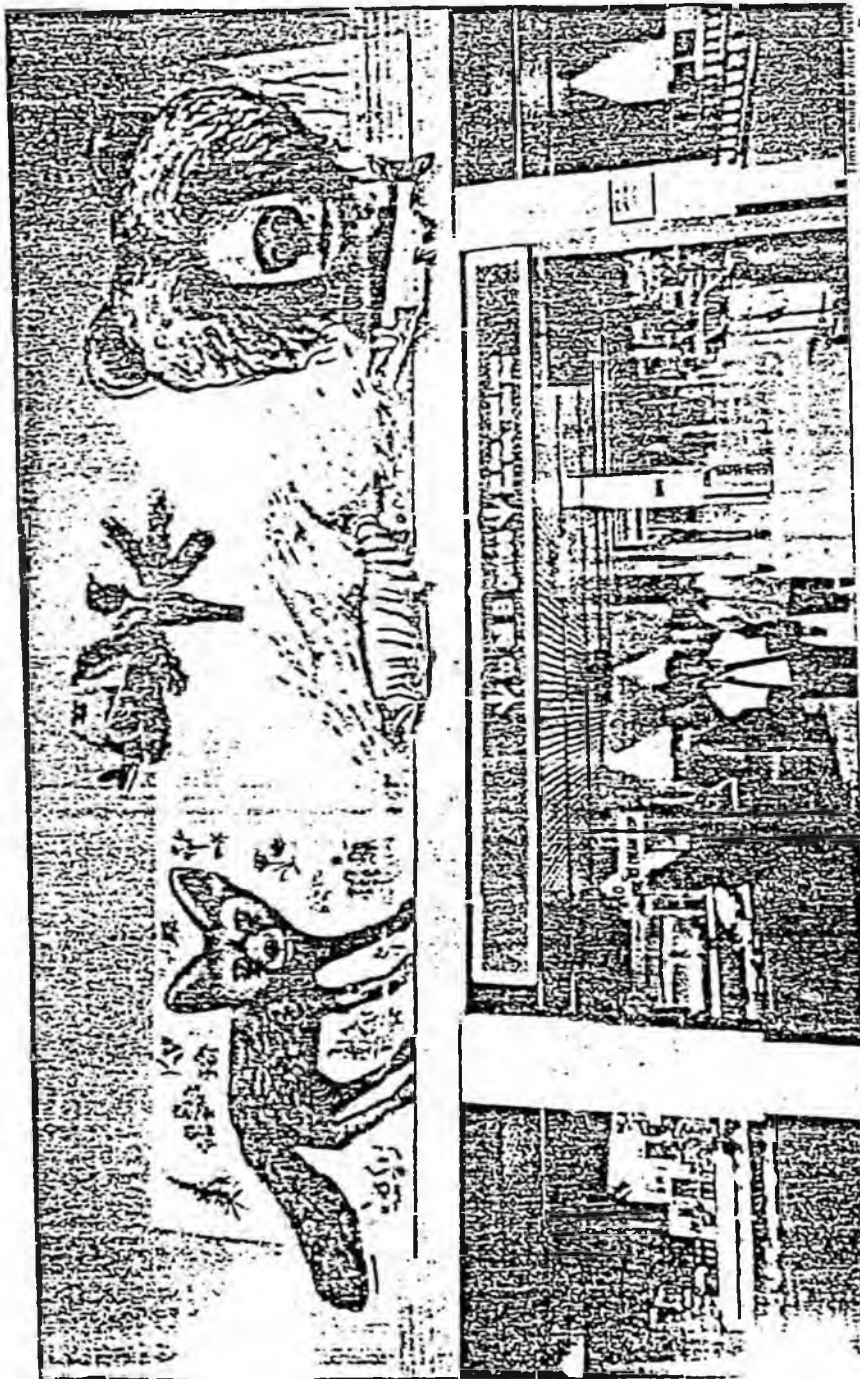
Amason flew "Welcome to My World" to Anchorage a week ago to make final adjustments at the Visual Arts Center. He had spent seven months working on it at his Oakland, Calif., studio.

"The people at the airport have responded to Shaundin's saying 'his daughter could do it,'" said a despairing John Blaine Friday afternoon. "They will take it down on Monday and

just repainted and tried and everything else," Blaine said.

"I have heard of nothing like this," Blaine added. "They not even giving the piece a moment to find its place there, just a knee-jerk response to something new. It's absolutely unwarranted."

According to a Nov. 4, 1979, Times article, Amason is pleased when the public is moved by his work: "If people just pass by and not notice my work, then I've accomplished nothing; it's not a success."



Times photo by Alice Joubert

Airport art piece causes controversy

"Welcome to My World," a piece of art at the Anchorage International Airport, is scheduled to be removed Monday from its place above Concourse B

by Van Chandonnet

A new one percent for art piece titled "Welcome to My World" is scheduled to be removed from its choice spot in Concourse B of Anchorage International Airport on Monday. According to John Blaine, executive director of the Visual Arts Center, rum-

Fueled by adverse comments from airport employees, Shaundin's criticism prompted a 1 p.m. Friday meeting at the airport. The news was then conveyed to Blaine by Jim Kujper of the Alaska State Council on the Arts. This is not the first time that the multi-colored, animal-striated art of Kodiak-born artist Amason has caused local

controversy, which was put on display at the Federal Building in October 1979, was commissioned at a cost of \$11,000 by the General Services Administration and hung in the stairwell which led to the courtrooms of two U.S. district judges. The painting, which showed three purple walruses nortit in a red and blue sea, was called "an obscene gesture."

A profile of the work
— Time Out, D-1
his highly commentary following the 8 p.m. news Thursday on KIMO Channel 33 reportedly caused the removal of Alvin Amason's \$30,000 triptych. The 32-foot by 11-foot piece had been installed

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.

Source: Nat'l Conf. State Legislatures
As of 4/1/84



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

March 17, 1987

MEMORANDUM

TO: Representative Alyce Hanley

ATTN: Shirley Armstrong

FROM: Mary Jennings *MJ*
Legislative Analyst

RE: Projects Under the Percent for Art Program Completed During
FY 86
Research Request 87.201

You requested that we provide a list of projects completed during FY 86 under the Percent for Art Program. The attached table lists the location, artist, artist's place of residency, title, medium, and the commission paid to each artist for projects completed during FY 86. This information was provided by Chris Darcy of the Alaska State Council on the Arts. Ms. Darcy did not have information concerning projects in schools readily available, but felt that she might be able to compile this information during the next few days.

Ms. Darcy stated that the council does not feel it is responsible for maintaining project data. She explained that the Department of Transportation and Public Facilities (DOT/PF), which contracts for the projects, is better suited to perform this task. Rod Wilson of DOT/PF, stated that during FY 86, the department had adopted the policy of allowing the Council on the Arts to maintain project data. He added that DOT/PF is currently preparing a letter to Representative Mike Davis explaining the department's position in this situation.

I hope you find this information useful. I will forward any additional data I receive from the Council to you upon receipt. Please contact me if you have any questions.

Attachment

Percent for Art Projects--FY 86

LOCATION	ARTIST/RESIDENCY	TITLE/MEDIUM	COMMISSION
Fairbanks University of Alaska Student Housing	Bernard Hosey Washington	"Totem" Steel Sculpture	\$24,000
Kotzebue- Chukchi Community College	Doug and Kathy Bayer Seward	"Basket Making" Stained Glass Window	\$6,000
Juneau- International Airport	Bill Ray Juneau	"Flight Turbulence" Acrylic Painting	\$17,000
Juneau- International Airport	Paul Gardinier Juneau	Untitled Wood/Canvas Construction	\$17,000
Juneau- Governor's Mansion Renovation	Michelle Corder Anchorage	Untitled Painting	\$2,000
Juneau- University of Alaska Morant Building	Gail Van Slyke Anchorage	Untitled Banner	\$10,000
Juneau- University of Alaska Core Building	Bill Ray Juneau	Untitled Exterior Painting	\$33,339

Prepared by the House Research Agency, March 1987 (87-201).



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 30, 1986

MEMORANDUM

TO: Representative Alyce Hanley

ATTN: Scott Sutherland

FROM: Nancy Pease
Legislative Analyst

RE: Percent for Art in Public Places
Research Request 86-071

In response to your questions on Alaska's Percent for Art in Public Places Programs, this memorandum provides the following information:

- background on Alaska's Percent for Art Program;
- a list of Percent for Art projects statewide, including the type of art purchased, the artist's name, artist's state of residence, location of display and cost;
- the composition of art selection committees under the Percent for Art programs for the state, Juneau and Anchorage;
- the provisions for public review and comment concerning potential public art acquisitions;
- information on the acquisition and removal of Nimbus, including the costs; and
- an account of the repeal of Tacoma's Percent for Art Program.

BACKGROUND ON ALASKA'S PERCENT FOR ART PROGRAM

As you may know, Alaska's Percent for Art in Public Places program originated in 1975 with the requirement that a percent of State capital expenditures for public buildings and facilities be set aside to acquire works of art for display in those facilities (AS 35.27). Generally, at least one percent of the cost of a facility's construction or renovation, as approved by the legislature, must be set aside to purchase art. If the facility to be constructed is a rural school,

Representative Hanley
January 30, 1986
Page Two

one-half of one percent is set aside. If the facility will cost less than \$250,000 or will not receive substantial public use, the amount for art is deposited in the Art in Public Places Fund, and may be spent at the discretion of the Alaska State Council on the Arts to acquire art for public places or to cover cost overruns on artworks commissioned through the Percent for Arts Program (AS 44.27.060).

The money appropriated for public art may be spent only for the actual cost of design, production and mounting of the artwork, and the artist's direct administrative costs. Art-related costs to the Department of Transportation and Public Facilities (DOT/PF), the Alaska State Council on the Arts (ASCA), the architect or the client agency may not be charged to the Percent for Art appropriation.¹

ART ACQUISITIONS IN THE PERCENT FOR ARTS PROGRAM

Art acquisitions in the Percent for Art Program are difficult to categorize by fiscal year because the selection, commissioning and fabrication process often take more than a year to complete. Attached are lists provided by the Alaska State Council on the Arts showing projects completed in fiscal years 1983, 1984 and 1985. The lists include location, title, type and cost of each artwork, as well as the artist's name and residence.

As you may know, Anchorage and Juneau have established municipal Percent for Art programs similar to the State's.² The State's program still funds public art acquisition in Anchorage and Juneau facilities which remain in the control of a State agency, such as a jail or fish hatchery. The municipal programs provide a funding and acquisition process for art in libraries, schools and other municipal facilities. Anchorage's Percent for Art Program funded approximately \$750,000 of public art projects in its first six years (February 1978 to August 1984). Juneau's Percent for Art program was established in July 1, 1985, and has not as yet funded any public artwork.

¹DOT/PF Design Standards Manual - Buildings, Section 13.6.3 (C). See attachment.

²The City of Fairbanks does not have a municipal Percent for Art program.

ART SELECTION COMMITTEES AND PUBLIC PARTICIPATION

State Selection Committees. The Artwork Selection Committee for the State's Percent for Art projects consists of four to six individuals: the project manager from the Department of Transportation and Public Facilities (DOT/PF); a designee of the Alaska State Council for the Arts, (usually a person professionally involved in the arts); a designee from the client agency; and sometimes a representative from the architecture firm.³ If the amount for the public artwork exceeds \$50,000, the commissioner of DOT/PF may appoint one additional member to the selection committee and those five members may elect to add one representative from the community (See Attachment A).

State provision for public participation. According to Neil Atkinson, a project manager for DOT/PF's Southeast Region, the selection process does not provide for a period of public review or comment on proposed art acquisitions. The Art Selection Committee sometimes receives advice from facility users, community representatives, or technical assistance from the ASCA Visual Arts Center. In addition, the Alaska State Arts Council helps to identify the best art display sites for large facilities with no obvious exhibit area; and aids the selection committee in the design competition by preparing and mailing a project prospectus and collecting the results. According to Lauren Rasmusson, Chief of Design and Construction Maintenance Standards for DOT/PF, DOT/PF became less active in Percent for Art selection when Rural Education Administrative Areas (REAs) were established and took over construction for rural schools; art for most schools is now selected by regional or local panels rather than a DOT/PF committee.

Juneau Selection and Participation Process. In Juneau, a six-member jury will be named to select works of art for each construction project costing over \$250,000. Two jurists will be appointed by the Juneau Arts and Humanities Council; two by the city assembly; one by the city manager; and the final jurist will represent the users of the facility under construction. The project architect will act as consultant to the jury, and the city assembly will give final approval of the jury's decision. According to the Director of the Juneau Arts and Humanities Council, the council will publicly seek nominations for art jurists and will advertise all art jury meetings to the public.

Anchorage Selection and Participation Process. In Anchorage, art for smaller construction projects (those budgeted at \$250,000 to \$1 million) is selected by the mayorally appointed Art Selection Advisory Committee.

³According to Neil Atkinson, a Project Manager for DOT/PF's Southeast Region, at the architect's choice, the architecture firm does not always participate in the art selection for small construction projects.

Representative Hanley
January 30, 1986
Page Four

This standing committee currently has seven voting members, including five community representatives who are active in the arts, one representative from the mayor's Urban Design Committee and one member of the mayor's Arts Advisory Commission. (The two non-voting selection advisers are a representative of the Historical and Fine Arts Museum, and the municipal Director of the Arts.)

If an Anchorage construction project will cost over \$1 million and the accompanying artwork will thus cost more than \$10,000, the mayor appoints an art jury for that particular project. The art jury includes 5 to 11 members: the project architect, representatives from the Urban Design Committee and the Anchorage Art Selection Advisory Committee, a representative of the user group for the facility, a person involved professionally in the arts, and representatives from the community at-large.

NIMBUS

Nimbus, a metal sculpture by Robert Murray, was installed in the Court Building plaza in Juneau in 1978 at a cost of \$40,000. Nimbus was commissioned with funds from the National Endowment for the Arts, with matching funds from the Alaska State Council on the Arts (ASCA) and the Alaska Court System. The selection committee was named by the National Endowment for the Arts, and included national arts experts as well as local representatives.

Nimbus was removed from the Court plaza in early 1985 and stored in the Department of Transportation and Public Facilities storage yard in Juneau. The \$5,000 removal cost was paid from DOT/PF's Southeast Region's maintenance budget.

Chris D'Arcy, Executive Director of ACSA, calls the decree to remove Nimbus "very mysterious". According to D'Arcy, Nimbus' removal was unrelated to HCR 9, introduced by Bob Bettisworth in May of 1984 to replace Nimbus with a veterans' memorial. The State Council on the Arts was not consulted on the decision. Barbara Dale, head of Boards and Commissions in the Governor's Office could not offer any information about whether the Governor himself decided that Nimbus should be relocated; however, the Governor appointed a Nimbus Advisory Committee to choose a site for the relocation of Nimbus. After the initial uncredited decision to remove Nimbus, the Nimbus Advisory Committee held a public meeting on January 22, 1985 to discuss a replacement for Nimbus; 70 people participated. No replacement was selected.

Representative Hanley
January 30, 1986
Page Five

REPEAL OF THE TACOMA PERCENT FOR ARTS PROGRAM

Tacoma voters repealed the City of Tacoma's Percent for Arts Program in November of 1985. The repeal was the final battle in a four-year struggle over public art policy that began in 1982 with the commissioning of a massive neon display for Tacoma's new convention and civic center.

Both Zia Gipson, Arts Director for the City of Tacoma, and Carolyn Bondy, leader of the "No Neon" Committee, attribute the repeal of the program to poor allowance public participation. According to Ms. Gipson, Tacoma's Percent for Art program functioned smoothly for its first five years. During that time, few large public works were constructed. In 1985, Percent for Arts produced only \$6,500 worth of art; and the largest single art purchase in five years was \$50,000 of portable artworks for the city hall.

Controversy over the Percent for Art program first arose in 1982 when the City of Tacoma built a new convention and civic center, called "the Dome", and, in accordance with the Percent for Art program, dedicated approximately \$240,000 to the acquisition of art for the site. The art selection committee, appointed by the city's Arts Commission, chose a massive neon display (called "Neon") for the roof of the Dome. Potential roof leakage required that Neon be scaled down from original 20,000 square foot design. The final 2,000 square foot was installed inside the Dome in August 1984 at a cost of \$272,000.

Ms. Gipson cited numerous factors which she feels contributed to immediate public opposition to Neon. She stated that some residents:

- generally oppose any expenditure of public money for art;
- oppose the large amount of money spent for Neon, especially in times of high unemployment for Tacoma;
- feel that Neon is unsuited for the Dome because its aesthetic appeal is not widespread enough for a building which ought to be a symbol of civic pride;
- reject neon as a bona fide art medium;
- unconditionally disapprove of abstract rather than representational art; and
- protest that the selection process does not adequately consider public opinion.

Representative Hanley
January 30, 1986
Page Six

Ms. Bondy reiterated that many residents objected to the enormous cost of purchasing and maintaining Neon, and objected also to the artwork's "inappropriateness" with the function and symbolism of the Dome. Mostly, Ms. Bondy felt that citizens objected to the selection process which seemed to ignore public opinion and thwart public participation. Ms. Bondy stated that:

- Northwest artists were not given a fair chance in the design competition;
- the art jury did not include lay members of the public;
- the citizens' advisory committee (to the art jury) had no vote; and
- public hearings on the art selection were not held until after the art jury had selected Neon.

Ms. Bondy stated that, when the roof problems prevented the fabrication of the original Neon artwork, the Tacoma Arts Commission, the art jury and the builders of the Dome worked "behind the scenes" to produce nine alternatives. Although some of the alternatives called for new competition, design competition was not opened to Northwest artists who had been passed over for the roof-top project because of their lack of experience with large scale projects. According to Ms. Bondy, the final choice was sudden and was not a previously considered alternative: after two months of inactivity, the Arts Commission and the Dome manager toured the Dome once and announced their selection of scaled down, indoor neon panels by the same artist originally commissioned. According to Ms. Bondy, the first public hearing, held after the selection, showed seventy percent disapproval of Neon.

Critics of Neon petitioned successfully to place an initiative to remove Neon on the ballot in September 1984. Seventy-five percent of Tacoma voters agreed that Neon should be removed. However, after three months of deliberation, the Tacoma City Council decided not to follow the non-binding voter initiative. According to Ms. Gipson, the Council felt bound by its contract to the artist; felt that the cost of removal (\$75,000) was too high; and felt that removal constituted art censorship and was not appropriate.

To redress public grievances about Neon and the Percent for Art program, Tacoma's mayor and two council members appointed a Public Art Task Force. The Task Force included five supporters of the art program, five critics and five neutralists. After six months of studying all Percent for Art projects, the task force recommended that the City Council limit the amount of money spent on any single artwork and henceforth install art

Representative Hanley
January 30, 1986
Page Seven

only in places with free, unrestricted public access during all operational hours. According to Ms. Bondy, this recommendation did not address major program shortcomings such as inadequate provision for design competition and public comment.

Neon's critics responded by placing a second initiative on the ballot, this time, to repeal Tacoma's Percent for Art Program. The City Council drafted an alternate ballot measure, based on the Task Force's recommendations to limit the amount of money spent on any single project and to assure accessibility to public arts. By a 60 percent majority, Tacoma voters chose to repeal the Percent for Arts requirement.

The resolution repealing the Percent for Art program is binding for two years; however, the City Council may in the meantime fund public art through other means. Other art funding programs are still operating in Washington: the State of Washington's One-half Percent for Art program, King County and Spokane's Percent for Art programs, and Kent's \$2 per capita arts appropriation. Washington State's One-Half Percent for Art program stirred up controversy several years ago when the Washington Legislature objected to the style of a mural commissioned for the Statehouse and ordered the work to be covered over before its completion.

I hope this information is helpful. If you have further questions, please let us know.

NP

Attachments

Percent for Art Technical Assistance

Legislation passed in 1975 created Alaska's Percent for Art program and provides that at least one percent of all construction costs for public buildings be allocated to the acquisition of artwork for the building. The Alaska State Council on the Arts provides technical assistance for the program to state agencies, the University of Alaska system of higher education and school districts throughout the state. In addition, the Arts Council produces project announcements and oversees the artwork selection process in cooperation with the Department of Transportation and Public Facilities.

In FY85 the State Arts Council funded technical assistance and support activities for the program which included ASCA staff facilitation of all meetings of Percent for Art selection committees, assigning of a public art panelist or panelists to selection committees; and advertising and promoting available projects to artists. ASCA staff advises committees regarding site selection and project feasibility.

In FY85 the following projects, totaling \$848,000 in available commissions, were advertised to artists by the State Arts Council: Sackett Hall student housing at Kuskokwim Community College, Bethel; new student housing and the Duckering Engineering Building, University of Alaska-Fairbanks; Juneau Airport Expansion Renovation; Statewide Forensic Laboratory, Anchorage; Kodiak Auditorium; Southeast Correctional Institute, Juneau; Yukon-Kuskokwim Correctional Facility, Bethel; Skagway School; Vocational Education Center, Mountain Village; Walter Northway School, Northway; Anchorage International Airport, Domestic Terminal; and the Badger Creek and Rosamond Weller elementary schools in Fairbanks.

The State Arts Council maintains records and photographic documentation of artwork purchased and commissioned through the Percent for Art program. Slides and background material on completed works are available for use by schools and other agencies planning art in public places projects. Model contracts and other program material is available to artists and the public. Technical assistance in the form of staff assistance or site visits was provided to the following schools and school districts: Fairbanks North Star Borough Schools, Yukon Flats School District, Juneau-Douglas School District, Aleutian Regional School District, Copper

River School District, Lower Yukon School District, the Southwest Region School District and the Skagway City Schools.

Projects in the Percent for Art Program are difficult to categorize by fiscal year since the selection, commissioning and fabrication process often take more than a year to complete. The following projects were completed in FY85:

Harborview Developmental Center, Valdez
 Untitled, site specific earthwork \$34,000
 Lloyd Hamrol, Venice, California

Wrangell Ferry Terminal, Wrangell
 Shake's Bear Screen, carved cedar bas relief 3,500
 Wayne Price & Steve Brown, Wrangell

Fairbanks Airport, Fairbanks
 Solar Borealis, fabricated steel sculpture 107,000
 Robert Behrens, St. Louis, Missouri

Yukon Kuskokwim Correctional Facility, Bethel
 carved & painted Yupik dance stick 900
 Kay Hendrickson, Bethel

Three panoramic photographs of Kuskokwim River villages 3,893
 Myron Wright, Anchorage

Anchorage International Airport, Domestic Terminal, Anchorage, hanging sculpture 80,000
 John Henry, Miami, Florida

Chiniak School, Kodiak Island Borough
 Like Father, Like Son, copper/brass sculpture 12,500
 Ken Speiring, Spokane, Washington

Two Rivers School, Fairbanks North Star Borough
 Alpine Fantasy, soft sculpture 9,000
 Ken Speiring, Spokane, Washington

Nikolai School, Iditarod District
 Untitled mural 2,500
 Arthur Higgins, Wasilla

Rasmuson Library, University of Alaska-Fairbanks
 Polar Projections, unique artist's book 5,000
 Timothy Ely, New York

Dillingham Middle School
 Color Flux Festival, nylon mobile 5,000
 Louise Kodis, Spokane, Washington

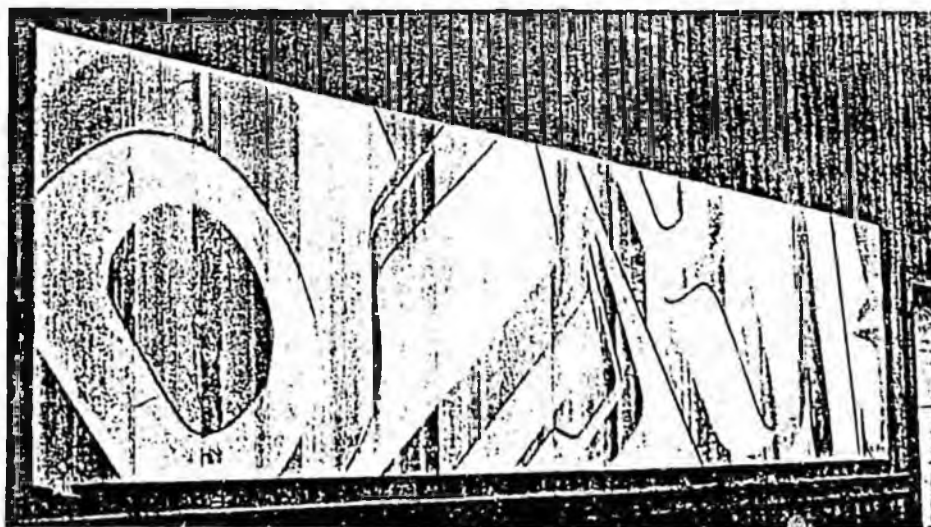
Andreafski High School, St. Mary's
 St. Mary's Portraits, acrylic on linen 24,300
 Moses Wassilie, Bethel

Southeast Regional Correctional Institute, Juneau
 Nine portable works: \$7,000

Fireplane, watercolor
 Dyann Alkire, Portland, Oregon

Shadows, Spetsai, Greece, black and white photo
 Michael Besh, Anchorage

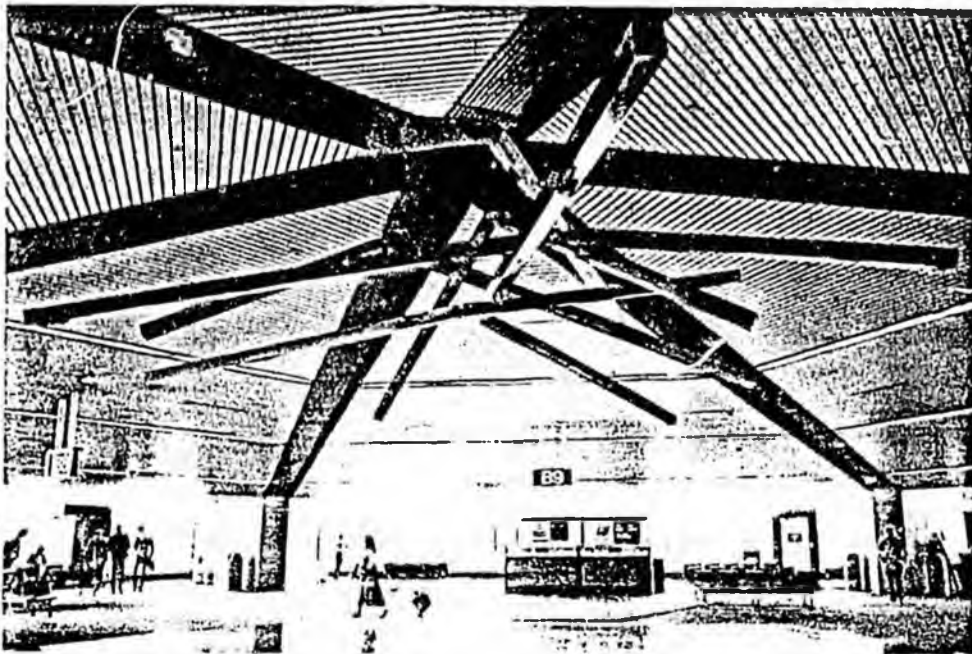
The Raven's Soliloquy, intaglio prints (suite of 6)
 Susan G. Bremner, Anchorage



Big Sky Salmon, a 32-foot carved relief by Tlingit artist Jim Schoppert, was commissioned for the Fort Richardson Fish Hatchery through the Percent for Art program. The hatchery has an active visitors center and is the site of another interior work by Anchorage artist, Keith Appel. Schoppert's wall piece was installed in September 1984.

Photo by Jimmie Fuschli for ASCA

Photo by Clark Mosher



Anchorage, a suspended painted aluminum sculpture by Florida artist John Henry, was installed in the Anchorage International Airport in June. Henry stated that its divergent shapes are a reference to Anchorage's position as an air crossroads of the world. Also commissioned for the terminal were major works by Alaskan artists, Alvin Amason of Kodiak and Leon Anderson of Anchorage. Both painters will install their pieces in 1986.

Abstraction, pastel Guitta Corey, Anchorage	Yukon Kuskokwim Correctional Facility, Bethel Untitled, tapestry 20,000 Charlotte Van Zant, Fairbanks	Student Housing, University of Alaska- Fairbanks Integrated stained glass windows by the following artists: Garth Edwards, Spokane, Washington 11,000 Lyn Hovey, Cambridge, Massachusetts 11,000 Peter Mollica, Oakland, California 11,000 Ray King, Philadelphia, Pennsylvania 11,000 Kenneth vonRoenn, Louisville, Kentucky 11,000 Forged iron exterior sculpture 24,000 Bernard Hosey, Redmond, Washington
Untitled, watercolor Diana Hobson, Venice, California	Woven Pleats, tapestry 1,500 Gail Van Slyke, Anchorage	
Tumagain Arm Light, black and white photograph Sam Kimura, Anchorage	Untitled, oil painting 1,853 Leon Anderson, Anchorage,	
First and Pine, Portland, Oregon, oil on canvas Bill Kicha, Depoe Bay, Oregon	Southeast Regional Correctional Institute, Juneau Untitled, wood relief 17,000 Nathan Jackson, Ketchikan	
Russian Mission, oil on canvas Marvin Mangus, Anchorage	Untitled, wood relief 17,000 James Schoppert, Carnation, Washington	Nelson Lagoon School, Aleutian Region Untitled carpet mural 9,800 Nancy Taylor Stonington, Anchorage/Idaho
Salt Marsh II, mixed fiber Alice Van Leunen, Lake Oswego, Oregon	Statewide Forensic Laboratory, Anchorage A Friend, cast bronze figure 27,000 Charles Parks, Wilmington, Delaware	Walter Northway School, Northway Untitled mural 7,500 Robert Parrish, Juneau
Works of art for the following facilities have been commissioned and will be installed:	Juneau Airport Expansion Untitled, acrylic on canvas 17,000 Bill Ray, Juneau	Dillingham Middle School/High School Untitled, tapestry 10,180 Judy Branfman, Pomfret Center, Connecticut
Anchorage International Airport, Domestic Terminal Welcome to My World, oil painting 40,000 Alvin Amason, Kodiak/California	Untitled, metal/wood/canvas construction 17,000 Paul Gardinier, Juneau	Untitled, fused glass tile 5,000 Kathy and Doug Bayer, Spruce Creek Glass, Seward
Untitled, oil painting 19,265 Leon Anderson, Anchorage	Tanana Valley Community College, Fairbanks Metal Block, constructed steel sculpture 27,000 Frank McGuire, Warrensville, Ohio	
Shoeshine Shop, functional steel sculpture 27,000 Frank McGuire, Warrensville, Ohio	Untitled, prismatic sculpture 130,000 Charles Ross, New York, New York	

Note on final bill
Yps - 31
No - 9

Reconsidered
Yps - 31
No - 9

Final

BSN:1260

ALASKA HOUSE OF REPRESENTATIVES
CSHB 606(FIN)AM

2ND SESSION 14TH LEG

5/ 5/89 11:14 AM

	31 YEAS	9 NAYS	0 EXC	0 ABS	
Y ADAMS	Y FULLER		Y	LARSON	EN FOURCROT
Y BINKLEY	Y FURNACE		Y	HARROU	Y RIEGER
Y BOUCHER	EN GOLI		Y	MARTIN	Y RINGSTAD
Y CATO	Y GRUENBERG		EN MILLER, N.M.J		Y SHULTZ
EN CLOCKSTN	Y GROSSENDORF		Y MILLER, H.W.		Y SUDU
Y COLLINS	Y HARLEY		Y NAVARRE		Y SZ JANDSKI
Y COTTON	Y HERRMANN		Y FEARCE		Y TAYLOR
EN DAVIS	EN HORLEY		Y PETTY JOHN		Y THOMPSON
EN DUNCAN	Y JENKINS		Y PHILLIPS		EN UEHLING
Y FRANK	EN KORONEN		Y PIGHALBERT		Y WALLIS

VOTED FOR
 CHANGED VOTE

Reconsidered Same Day - Yps - 29
No - 11

Final

BSN: 919

2ND SESSION 14TH LEG

ALASKA SENATE
CSHB 606 FIN AM 3RD

11 YEAS

7 NAYS 0 EXC 2 ABS

5/11/36 4:37 P

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FISCHER PAUL
FISCHER VIC
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ROY
BOBEY
SARGENT
STURGOLEWSKI
ZHAROFF
ZIEGLER

+ VOTED FOR
* CHANGED VOTE

LETTER OF AGREEMENT
BETWEEN
THE STATE OF ALASKA DEPARTMENT OF
TRANSPORTATION AND PUBLIC FACILITIES

AND

THE ALASKA STATE COUNCIL ON THE ARTS

This Agreement, shall become effective upon execution by the State of Alaska, Department of Transportation and Public Facilities (hereinafter called the Department) and the Alaska State Council on the Arts (hereinafter called the Council). The Agreement shall terminate upon completion of paragraph 9 on page two, of this Agreement.

The Department's coordinator for this Agreement is the Commissioner of the Department or his designee. The Council's coordinator for this Agreement is the Executive Director of the Council. Each party agrees to notify the other party in writing of any change in the coordinator.

Whereas a percentage of funds have been identified by the Legislature, under AS 35.27 for the project as described in Appendix A of this Agreement and whereas the Council has submitted a notice to the Department requesting that the Council be allowed to assume all responsibility for the planning and construction of the project described in Appendix A (hereinafter also referred to as "the project"), the parties mutually agree as follows:

1. The Council agrees to assume all responsibilities heretofore held by the Department relating to the planning and construction of the project, excepting those responsibilities retained by the Department and described in Appendix B, which is hereby incorporated and made a part of this Agreement.
2. The Council agrees to comply with all applicable codes, statutes, and regulations of the State of Alaska.
3. The Council shall coordinate, administer, and notify all applicable parties of meetings and reviews and obtain all necessary written approvals from all effected agencies.

4. Prior to final acceptance of the project, the Council has the duty of providing for and overseeing all safety orders, precautions, and programs necessary to ensure the reasonable safety for the planning and construction of the project. In this connection, the Council shall take reasonable precautions for the safety of all project employees and all other persons whom the project might affect, and shall inspect all work and materials incorporated into the project, and all property and associated improvements at the project site.

5. At the time of final acceptance, the responsibility for the maintenance and operation of the project shall be borne by the Client Agency which is in substantial control of the completed facility.

6. The Council shall forward copies of the Artwork procurement documents to the Department for approval. If anything in these documents conflicts with the project described in Appendix A or is found to be in violation of any statute, code, or regulation, the Council will be notified that existing payments of project funds allocated to that specific location are in jeopardy and will be rescinded by the Department unless those conflicting aspects are corrected within a reasonable period of time as noted in the written notification.

7. The Council shall submit a quarterly status and expenditure report to the Department. The report shall address the expenditures and progress status of each individual facility within the overall scope of the project.

8. The Council, upon completion of each individual facility listed within the scope of the project, shall provide the Department with a final expenditure report, certified by the Council's coordinator, of all costs incurred in the accomplishment of the project.

9. The Council, upon completion of the entire project, shall have performed an independent audit according to Appendix C. The audit shall be performed and delivered to the Department within 120 days of the end of the calendar year in which the project was completed. The Department retains the right to audit the project any time within three (3) years upon written notice to the Council. All project records shall be maintained by the Council for three (3) years after the date of the project audit.

10. If, through any cause, the Council shall fail to fulfill in a timely manner its obligations under this Agreement, or if the Council shall violate any of the covenants or stipulations of this Agreement and if, after notification by the Department of such failure or violation, the Council fails to take proper corrective action within a reasonable time, the Department shall thereupon have the right to terminate this Agreement by giving written notice to the Council of such termination and specifying the effective date thereof. Such written notice shall be given at least fifteen (15) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports, construction materials, and any work completed by the Council, or its contract artists, described under this Agreement shall, at the option of the Department become the Department's property and the Council shall be entitled to receive just and equitable compensation for any satisfactory work completed. Notwithstanding the above, the Council shall not be relieved of any liability to the Department for damages sustained by the Department by virtue of any breach of the Agreement by the Council, and the Department may withhold any payments to the Council for the purpose of setoff until such time as the exact amount of damages due the Department from the Council is determined.

11. The Council may appeal, to the Commissioner of the Department of Transportation and Public Facilities, the Department's determination that Council is in violation of this contract or that it has failed to fulfill its responsibilities in a timely and proper manner. Such an appeal must be made within ten (10) days of the date the Council is notified of the Department's decision to terminate the contract. Pending resolution of the appeal, no work will proceed on the project. The Commissioner's decision shall be final.

12. If, due to changed circumstances, the Department or the Council wishes to terminate this Agreement prior to its completion, the initiating party shall notify the other party in writing of its reasons for requesting the early termination. This request must be made at least fifteen (15) days prior to the proposed termination date. If both parties agree that it is in their mutual best interests to terminate this Agreement early, all finished or unfinished documents and other materials as described in Paragraph 12 above shall, at the option of the Department, become the Department's property. If the Agreement is terminated as provided herein, the Council shall only be reimbursed for actual expenses

which were incurred by the Council during the Agreement period and which are directly attributable to the Council's performance of this Agreement. The Department shall also reimburse the Council for any costs properly incurred by the Council in honoring convenience termination clauses in its Agreements with its contractors as long as these clauses conform to the standard convenience termination clause used by the Department for similar type contracts.

13. This Agreement shall be governed by the laws of the State of Alaska.

14. In the event the Council subcontracts any work covered by this Agreement, the Council shall require compliance by its subcontractors with AS 36.05.010, AS 36.05.040, and AS 36.10.010. In addition, the Council shall require compliance with all Federal, State, and local laws, regulations and ordinances relating to civil rights.

15. To the extent the Council itself performs any work covered by this Agreement, the Council agrees to comply with all laws, regulations, and ordinances referred to in Paragraph 14, above.

16. The Council shall ensure that none of the funds paid under this Agreement will be used for the purpose of lobbying activities before the Alaska State Legislature.

17. Unless changed by prior written notice, any notices required by this Agreement must be sent to the following addresses:

Department: Commissioner
 Department of Transportation and
 Public Facilities
 Pouch Z (MS 2500)
 Juneau, Alaska 99811


Council: Executive Director
 Alaska State Council on the Arts
 619 Warehouse Ave, Suite 220
 Anchorage, Alaska 99501

18. This Agreement may not be assigned by the Council without written consent of the Department.

19. The failure of the Department to insist in any one or more instances upon strict performance by the Council of any provision or covenant in this Agreement may not be considered as a waiver or relinquishment of the provision or covenant for the future. The waiver by the Department of any provision or covenant of this Agreement cannot be enforced or relied upon by the Council unless the waiver is in writing and signed on behalf of the Department.

20. Modifications or written amendments to this agreement can only be made by written mutual consent by both the Department and the Council.

Whispering Dixey Executive Director 1-21-86
Authorized Signature for the Council Title Date

 COMMISSIONER 2/4/86
Authorized Signature for the Department Title Date

LETTER OF AGREEMENT
APPENDIX "A"

Project Description

For the purposes of this letter of Agreement it shall be mutually understood that the scope of the project shall consist of the procurement of Artwork, the design and construction of any required support facilities, and the administrative duties associated therewith, all as required to meet the legislative requirements of AS 35.27, Art Works in Public Buildings and Facilities.

To accomplish this goal the Department delegates to the Council the authority to enter into contracts with "selected" artists. Said "selected" artists 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. In addition the Department shall provide a monetary funding in the amount as designated in the following section, to cover procurement costs, administrative fees (not directly accountable to the design of the Artwork) and the costs of associated support facilities. The legislative mandated 1% portion of the appropriation shall be spent solely on the acquisition of the actual Artwork or when required the design and construction of the support facilities necessary to accommodate the Artwork.

Project Funding

The Department shall provide to the Council funding equivalent to the following:

1.3% times the construction cost of the eligible building or facility.

Where: (a) "the construction cost" shall consist of an amount equal to the anticipated contract price with all additive alternates and available contingencies for change orders, (b) "eligible building and facilities" shall include all buildings and facilities meeting both the criteria of AS 35.27 and AS 44.27 and receiving legislative funding during fiscal year 1986.

Funding shall be made available to the Council within thirty days following the date on which the contract with the Architect/Engineer was executed. However, in no case shall such funding occur later than the first submittal of schematic drawings. When eligible funding for further construction (not anticipated in item (2) above) becomes available after the initial payment, such funds shall be provided to the Council within thirty days after receipt by the Department.

LETTER OF AGREEMENT
APPENDIX "B"

Department Authority and Responsibilities

Under the terms of this agreement the Department shall retain the following rights and duties.

(1) The Department shall establish funding qualifications on each individual construction project separately.

(2) Shall consult with the Council and the Client Agency to determine their desires for the inclusion of works of Art.

(3) Shall make the final determination--and notify the affected parties--of the method by which the legislative mandated 1% funds will be used. Such methods including:

- a. incorporation of Artwork into the facility to the extent of the total eligible funds, or
- b. deposit of the funds to the "Art in Public Places Fund", or
- c. a suitable combination of the above.

(4) Shall have the opportunity to actively participate as a member (not facilitator) of the selection committee.

(5) Shall grant final approval of all contracts awarded to selected artist.

(6) Shall provide the ultimate decision with respect to all matters involving modifications to the facility's design which may arise from the incorporation of the Artwork.

(7) Shall administer the "Artwork related" services of the Professional Services Agreement as executed between the Department of Transportation and Public Facilities and the facility's Design Professional of Record.

Changes to this document must be made in accordance with item 20 page four of the Letter of Agreement.

Item 5

STATE OF ALASKA THE LEGISLATURE

POLICY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 6, 1989

SUBJECT: Draft CS for HB 3
TO: Representative Alyce Hanley
FROM: Pamela Finley
Assistant Revisor *Pam*

Enclosed is the blank CS for HB 3, based on CSHB 3(Trsp), that you requested.

The provision authorizing artists-in-residence is in bill section one. Because you wanted it to apply to colleges and universities, and AS 35.27.021(a) refers to "schools" in a way that suggests the term is limited to elementary and secondary schools, I specifically referred to "post-secondary educational facilities." If you want to ensure that a work of art is produced by the artist in residence, we could refer to "a program in which the work of art is produced in conjunction with students."

Please note that bill section two contains material that was to be added to AS 44.27.060. (See bill section 5 in CSHB 3(Trsp).) Because you wanted to repeal AS 44.27.060, I moved this material.

In bill section 3 I added a sentence to AS 35.27.021(a) allowing the committee for a public school to consult with the Alaska State Council on the Arts. The committee could undoubtedly do so without this authorization, but having the language in the statute may encourage the committee to consult with the Council. Committees for buildings other than public schools already have a designee of the council under AS 35.27.021(b). If you wanted the suggestion for consultation to apply only to an artist-in-residence program, please let me know and I will change the draft.

Bill section four exists only to amend a cross reference that would otherwise be inaccurate once AS 44.27.060 is repealed.

Representative Alyce Hanley
Page 2
March 6, 1989

Please note that I have made one change you did not request. Bill section six attempts to "save" existing contracts. Unfortunately, I suspect that existing contracts may have been made by some entity other than the Department of Transportation and Public Facilities or the Alaska State Council on the Arts, e.g., a school district. Therefore, I changed the language of this section. I apologize for my previous oversight, and would appreciate your bringing this problem to the attention of the next committee considering the bill.

If you want any changes in the draft, please give me a call.

PF:gc
WKG7/092

Enclosure

6-0216H
Finley
3/6/89

Original sponsors: Hanley, Zawacki,
and Leman

~~original language~~
~~Bill~~
~~moved At outset -~~

~~1/2 to go in~~
~~Schools~~
~~Allowed more flex~~
~~being in federal~~
~~work together~~

IN THE HOUSE

CS FOR HOUSE BILL NO. 3 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to art in public places; repealing
the art in public places fund; and providing for an
effective date."

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

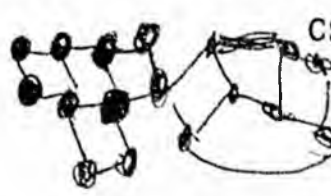
* Section 1. AS 35.27.020(c) is amended to read:

(c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL
SCHOOL FACILITY, AT LEAST ONE-HALF] of ^{At least} one percent of the construction
^{UP TO A TOTAL OF \$50,000 ON ANYONE PROJECT} cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE
LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-
ing 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 that [WHICH]
is subject to substantial public use. If the building is a school or
post-secondary educational facility, the selection committee estab-
lished under AS 35.27.021 may use part of the money reserved under
this subsection for an artist-in-residence program. All administra-
tive costs, including those of the department, associated with the art
project shall be paid from the money reserved under this subsection.

Bureau
handle

* Sec. 2. AS 35.27.020(g) is amended to read:

(g) Each selection committee established under AS 35.27.021 [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 shall select [THE SELECTION OF ALASKA RESIDENT] artists
for the commission of these art works who are residents of the state



CSHB 3()

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DC

1 under AS 01.10.055. A work of art shall be identified by a permanent
 2 plaque installed on or near the work of art. The plaque must contain
 3 the name or title of the work of art, the name of the artist, the year
 4 of completion, and the names of the members of the selection commit-
 5 tee.

6 * Sec. 3. AS 35.27 is amended by adding a new section to read:

7 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
 8 a work of art for a public school shall be selected by a majority vote
 9 of a committee, with the approval of the school board. The committee
 10 shall be composed of the ^{superintendent} architect, the project manager ^{OR principal} administering
 11 the facility construction ^{ONE} ~~two~~ representatives from the school dis-
 12 trict staff, and three members of the public who reside in the commu-
 13 nity where the school is located. The president of the school board
 14 or a designee shall provide reasonable public notice that public
 15 member seats on the committee are available. The school board shall
 16 select the representatives from the school district and the members of
 17 the public. The committee may consult with the Alaska State Council
 18 on the Arts, ^{the architect and the project manager} ~~the architect and the project manager~~
 19 ^{administering the facility construction project} ~~administering the facility construction project~~.

20 (b) Except as provided in (a) of this section, an artist who
 21 executes a work of art for buildings and facilities shall be selected
 22 by a majority vote of a committee convened by the project manager
 23 administering the facility construction. The committee shall be
 24 composed of the architect, the project manager, a designee of the
 25 Alaska State Council on the Arts, a designee of the principal user of
 26 the public building or facility, and three members of the public who
 27 reside in the community where the building is located. To select the
 28 public members, the department shall advertise for applicants by
 29 appropriate public notice and pick the members by lottery from among
 the applicants.

5 MEMBERS ON COMMITTEE

1 (c) All meetings of a selection committee under (a) or (b) of
 2 this section are subject to the public meeting and notice requirements
 3 of AS 44.62.310.

4 * Sec. 4. AS 44.27.052 is amended to read:

5 Sec. 44.27.052. POWERS OF COUNCIL. The council may (1) hold
 6 public and private hearings; (2) enter into contracts, within the
 7 limit of funds available, with individuals, organizations, and insti-
 8 tutions for services furthering the educational objectives of the
 9 council's programs; (3) enter into contracts, within the limit of
 10 funds available, with local and regional associations for cooperative
 11 endeavors furthering the educational objectives of the council's
 12 programs; (4) accept gifts, contributions, and bequests of unrestrict-
 13 ed funds from individuals, foundations, corporations, and other orga-
 14 nizations or institutions for the purpose of furthering the education-
 15 al objectives of the council's programs; and (5) make and sign agree-
 16 ments and to do and perform any acts necessary to carry out the pur-
 17 poses of AS 44.27.040 - 44.27.058 [AS 44.27.040 - 44.27.060]. The
 18 council may request and is entitled to receive from any department,
 19 division, board, bureau, commission, or agency of the state the assis-
 20 tance and data that will enable it properly to carry out its powers
 21 and duties. The council is authorized to receive state funds made
 22 available for its purposes.

management funds

23 * Sec. 5. *Selection of artist* AS 35.27.020(e), 35.27.020(f); AS 44.27.050(6), and 44.27.060
 24 are repealed. *(Selection committee)*

25 * Sec. 6. The amendments made by this Act do not apply to the construc-
 26 tion of a building or facility if, before the effective date of this Act, a
 27 contract has been entered into to meet the art requirements under this
 28 chapter for the building or facility.

29 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
HB 3**

Art in Public Places

Received February 24, 1989
by Rep. Hanley

Heard March 9, 1989
Heard March 14, 1989
Heard March 21, 1989

Committee Substitute adopted March 21, 1989

Passed Out of Committee March 21, 1989
2 Do Pass
5 No Recommendation

FROM B&B Leasing Sea. 03/13/89 09:16 P. 2

STATE OF ALASKA
 PERCENT FOR ART PROGRAM
 PROJECT INVENTORY
 August 26, 1988

Location/Building	Artist	Title	Medium	Date*	Cost
<u>Alaska Marine Highway</u>					
M/V Matanuska (ferry)	various	collected works			\$ 10,000
M/V Taku	various	collected works			14,000
<u>Anchorage</u>					
Alaska State Troopers Anchorage HQ	Liza Halvorsen, Seattle, WA	<u>Testing the Waters</u>	ceramic relief	FY84	9,500
	Karen Michel McPherson, Fairbanks	<u>Point Hope Dogyard</u>	cibachrome print	FY84 (total for	all)
	Jay Kohn, Langley, WA	<u>Brower's Cafe</u>	cibachrome print	FY84	
	Gail Neibrugge, Glennallen	<u>Leaf Dancer</u>	oil on canvas	FY84	
		<u>Race Day</u>	ink/acrylic on on paper	FY84	
	James Schoppert, Carnation, WA	<u>Of Wolves That Travel</u>	alder mask, carved & painted	FY84	
	Jennifer Bellinger, Ketchum, Idaho, (formerly Ketchikan)	<u>Canada Geese</u>	batik	FY84	
	Nancy Taylor Stonington, Ketchum, Idaho	<u>Alaska Pinks</u>	stone lithograph	FY84	
	Pat Fridley, Anchorage	<u>Silent Passage</u>	stone lithograph	FY84	
		<u>Reflections at the Lake</u>	watercolor on paper	FY84	
Michael Schlicting, Neskowin, Oregon	<u>On The Docks</u>	watercolor on paper	FY84		

*FY83a = awarded, FY83 = installed

Item 6

Location/Building	Artist	Title	Medium	Date*	Cost
Anchorage Community College					
Aviation Complex	O. B. Simonis, Portland	<u>Celestial Accord</u>	sculpture, stainless steel	FY83	30,000
	Jo Walters, Oakland, CA	Untitled	acrylic on canvas	FY82	10,000
	Bruce Johnson, Cazadero, CA	<u>Prop</u>	stainless steel mobile	FY82	10,000
Building C	Brigitte Cooper, Palmer	<u>Totem for an Unbuilt City</u>	fiber	FY81	4,000
	Al Tennant, Anchorage	Untitled	wall relief, ceramic and stainless steel	FY81	2,000
ACC Applied Health Science Building	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				38,000
Anchorage Courthouse	Selection committee appointed--project underway, 3/88.				
Anchorage Int'l Airport Domestic Terminal	John Henry, Miami, Florida	<u>Anchorage</u>	hanging sculpture	FY85	80,000
	Alvin Amason, Kodiak/Calif.	<u>Welcome to My World</u>	oil painting	FY86	40,000
	Leon Anderson, Anchorage	<u>Potters Marsh</u>	oil painting	FY86	19,265
	Frank McGuire, Warrensville, Ohio	<u>Shoeshine Shop</u>	sculpture, functional steel	FY86	27,000
	Charles Ross, New York City	Untitled	sculpture, prismatic	FY88	130,000

Location/Building	Artist	Title	Medium	Date*	Cost
Anchorage Int'l Airport Int'l Terminal	Gary Marx, Anchorage	<u>Descending Flight</u> <u>Plane</u>	sculpture	FY82	46,000
	Seth Seiderman, San Francisco, CA	Untitled	sculpture	FY82	46,000
	Dana Boussard, Montana	Untitled	fiber/applique wall pieces/series	FY82	46,000
North Terminal & Parking Garage	Selection process underway - Spring, 1987				200,000
Anchorage Oil & Gas Addition	Marvin Mangus, Anchorage		painting		3,950
Cook Inlet Pre-Trial Facility	Alex Duff Combs, Halibut Cove	Untitled	ceramic sculptures	FY83	55,000
	Clark Mishler, Anchorage/ Mark Hoffman, Seattle	Untitled	wall graphics	FY83	30,000
	Michelle Corder, Anchorage Michael Sheppard, Soldotna	<u>Chugach Theme</u>	ceramic relief	FY83	30,000
Fort Richardson Fish Hatchery	Keith Appel, Anchorage	<u>Quiet Home Reunion</u>	limestone relief	FY83	18,000
	Jim Schoppert, Carnation, WA	<u>Big Sky Salmon</u>	carved panels	FY85	20,000
Pioneer Home Nursing Wing	Jeanne Leffingwell, Anchorage	<u>Fireweed</u>	fiber	FY83	15,000
	Gail Parsons, Homer	<u>Wildflowers</u>	painting	FY83	15,000
	Charlotte Van Zant, Fairbanks	Untitled	tapestry	FY83	10,000
	Michael Kennedy, Seattle (né Fairbanks)	<u>The Hunt</u>	stained glass	FY83	10,000
	Victor Hiles, Homer	<u>Bore Tide</u>	wood panels	FY83	10,000

FROM B&B Leasing Sea. 03/13/89 09:17 P. S

Location/Building	Artist	Title	Medium	Date*	Cost
	Tony Rubey, Anchorage	<u>Camera Obscura</u>	lithograph series	FY84	10,000
	Portable works collection:				(Total:**7,700)
	Susan Ogle, Anchorage	<u>Larsen Bay Wishing</u>	oil on canvas	FY83	700
	Marjorie Leavens, Anchorage	<u>Alaskans</u>	watercolor	FY83	395
		<u>Unilena's Springtime</u>	watercolor	FY83	395
	Nancy Taylor Stonington, Ketchum, Idaho	<u>Autumn Afternoon</u>	watercolor	FY83	550
	Arthur Higgins, Wasilla	<u>Palmer Fishhook</u>	watercolor	FY83	300
	Clark Mishler, Anchorage	<u>Kennecott Mines,</u> <u>Alaska</u>	photo	FY83	
	Ed Nolde, Anchorage	<u>Sail Series No. 1</u>	watercolor	FY83	450
	Janis Carty Neill, Eagle River	<u>Kennecott Copper Mine</u>	watercolor	FY83	575
		<u>Independence Mine</u>	watercolor	FY83	475
	Marvin Mangus, Anchorage	<u>Ship Creek, Anchorage</u>	acrylic on canvas	FY83	825
	Lynn Saupe, Kodiak	<u>Russian Christmas</u>	oil painting	FY83	400
	M A Mullins, Anchorage	<u>Malemute Leader</u>	pastel drawing	FY83	625
		<u>Majestic Summer</u>	oil	FY83	685
	Gary Lyon, Homer	<u>Willow Ptarmigan</u>	stone lithograph	FY83	275

When totalling figures use the \$7,700 figure, not the individual prices on the portable works collection.

Statewide Forensic Laboratory	Charles Parks Wilmington, Delaware	<u>A Friend</u>	cast bronze figure	FY86	27,000
University of Alaska Classroom/Office Building	Larry Kirkland, Portland, OR Joan Kimura, Anchorage	<u>SERAC</u> Untitled	hanging sculpture painting	FY82	30,000 8,000

Location/Building	Artist	Title	Medium	Date*	Cost
Health Occupations	Harold Balazs, Mead, WA	Untitled	enamel on steel	1980	6,500
Student Center	William Kimura, Anchorage	Untitled	fountain sculpture	1980	25,000
UAA Admin/Classroom Bldg	Portable works collection:	(Total \$28,550 listed below)			
	Celia Carl Anderson, Eagle River	<u>Spirit Wall</u>	batik	FY85	4,500
	Joseph Senungetuk, Anchorage	<u>Elder's Wisdom</u>		FY85	1,350
		<u>Joe's Undersee World</u>	wood block print	FY85	500
	Ann Belov, Seattle, WA	Untitled	pencil	FY85	700
	Daniel DeRoux, Juneau	<u>Molo Hunters</u>	acrylic	FY85	1,250
		<u>Bering's Nose is Baranoff</u>	acrylic	FY85	1,000
	Dot Bardarson, Seward	<u>Aleutian Windgrass</u>	watercolor	FY85	500
		<u>Alaska Flashback</u>	watercolor	FY85	600
		<u>Windrushes</u>	watercolor	FY85	500
	Carol Nordgren, Golden Bridge, New York	<u>Rockface</u>	oil	FY85	1,600
		<u>Slope Wash</u>	oil	FY85	1,200
		<u>Rock Fall</u>	oil	FY85	1,600
UAA Admin/Classroom Bldg (continued)	M. W. Lindenmeyer, Portland, Oregon	<u>Driven Sideways</u>	watercolor	FY85	750
	Linda Larsen, Sitka	<u>Opening</u>	oil	FY85	1,000
	Angie Dixon, Seattle, WA	<u>Puffins</u>	ink on rice paper	FY85	300
		<u>Spaghetti Penguins</u>	ink on rice paper	FY85	400
	Andy Kane	Untitled	pastel	FY85	820
	Peggy Conklin, Seattle, WA	<u>Earth Dream #10</u>	handcast fiber	FY85	2,150
	Ginnie Porter, Pelican	<u>Chicadees</u>	wood cut	FY85	65
		<u>Seals on Ice</u>	wood cut	FY85	95

FROM 3x3 Leasing Sea.
 03/13/89 09:19 P. 7

Location/Building	Artist	Title	Medium	Date*	Cost
	Gail Niebrugge, Glennallen	<u>Race Day</u>	acrylic	FY85	300
		<u>Backyards of McCarthy</u>	acrylic	FY85	1,500
	Nancy Taylor Stonington, Ketchum, Idaho	<u>Salmon River</u>	watercolor	FY85	3,500
		<u>Headwaters</u>			
		<u>Standing Water,</u>	watercolor	FY85	950
		<u>Garden Valley, Idaho</u>			
	Betty B. Atkinson, Anchorage	<u>Antiquities Treasure</u>	acrylic	FY85	600
	Tony Rubey, Anchorage	<u>Points to Consider</u>	color lithograph	FY85	500
	Sharon Scramstad Merrell, Anchorage	<u>Fish</u>	collagraph & etching	FY85	225
	Armond Kirschbaum, Anchorage	<u>Columbia Glacier</u>	lithograph	FY85	95
	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				50,761
UAA/ACC Bookstore	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				40,000
UAA/ACC Student Housing	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				107,915
UAA Arts Classroom/ Office/Lab Bldg	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				210,000
<u>Bethel</u>					
Kuskokwim Community College	Lynn Wiley, Kenai	Untitled	enamel on plywood, exterior mural		10,000
Yukon Kuskokwim Correctional Facility	Kay Hendrickson, Bethel Myron Wright, Anchorage	Yupik dance stick panoramic photographs of 3 Kuskokwim River villages	wood, carved/painted	FY85 FY85	900 3,893

FROM B&B Leasing Sec. 03/13/89 09:19 P. 8

Location/Building	Artist	Title	Medium	Date*	Cost
	Charlotte Van Zant, Fairbanks	<u>The Girl Who Became a Swan</u>	tapestry	FY86	20,000
	Gail Van Slyke, Anchorage	<u>Woven Pleats</u>	tapestry	FY85	1,500
	Leon Anderson, Anchorage	<u>Cloud Break: Bethel</u>	oil painting	FY86	1,853
	Robert Pfitzenmeier, Anchorage & Joe Senungetuk, Anchorage	<u>Sedna Ascending</u>	sculpture	FY87	25,000
<u>Delta</u>					
Delta Rural Extension Center	Carolyn Strand, Anchorage	Untitled	fiber	1981	7,000
<u>Dillingham</u>					
Bristol Bay Rural Education Center	Michael Kennedy, Seattle (nee Fairbanks)	<u>Bountiful Harvest</u>	stained glass	FY84	4,200
<u>Eagle River</u>					
Alaska Women's Facility	Jeanne Leffingwell, Anchorage	<u>Parrotgrass</u>	fiber	FY83	8,000
	Karen Jenkins Olanna, Shishmaref	Untitled	bronze	FY83	10,000
	Arthur Higgins, Wasilla	<u>Mountain Pod</u>	sculpture welded aluminum	FY83	10,000
Hiland Mountain Correctional Center	Celia Carl Anderson, Eagle River	<u>An Eagle's View</u>	batik assemblage	FY84	17,500
	Lorraine Alba, Anchorage	Untitled	fiber assemblage	FY84	5,000

Location/Building	Artist	Title	Medium	Date*	Cost
	Ike Hay, Pennsylvania	<u>Sunrise Four</u>	wall relief, fabricated aluminum	FY84	12,400
	Keith Appel, Anchorage	<u>Artesian Flow and Strata-G</u>	porcelain enamel on steel panels	FY84	7,500
<u>Fairbanks</u>					
Fairbanks Int'l Airport					
Customs Addition	Polly Lee, Petersburg	<u>Sky with Cumulus</u>	ceramic tile	FY82	5,000
	Jane Brodrick, Fairbanks	<u>Nunivak</u>	acrylic on canvas		5,000
Airport Expansion	Ron Klein, Juneau	Untitled	photomural, panoramic circuit camera	FY84	27,000
Int'l Airport					
	Charlotte Van Zant, Fairbanks	<u>Tanana Flight</u>	mixed fibers	FY81	8,000
	Jeanne Leffingwell, Anchorage	<u>Crossing the Tanana and Tributaries</u>	fiber applique panels	FY81	4,000
	Tony Rubey, Hawaii (formerly Anchorage)	Various	photolithographs suite of 8	FY88	15,000
Airport	Robert Behrens, St. Louis, MO	<u>Solar Borealis</u>	sculpture, fabricated steel	FY85	107,000
Fairbanks Correctional Center Expansion					
	Melvin Olanna, Shishmaref	Untitled	sculpture, exterior cast bronze	FY84	30,000
	Carolyn Strand, Anchorage	<u>Guardians of the Far North</u>	tufted fiber	FY85	10,000
	Kay Slusarenko, Lake Oswego, Oregon	<u>Past, Present, Future</u>	wall panels, painted	FY84	15,000

FROM B&B Leasing Ser.

03/13/89 09:20 P.10

Location/Building	Artist	Title	Medium	Date*	Cost
Fairbanks Mental Health Center	RFP deadline 5/31/88; finalists selected as follows.				
Denardo Center	Julie Matthews, Anchorage	(finalist)	sculpture, exterior		20,000
	Art Higgins, Wasilla/Oregon	(finalist)			
	Kenneth Spiering, Spokane, WA	(finalist)			
Fahrenkamp Center	Guillermo Granizo, California	(finalist)	wall piece		4,000
	Celia Carl Anderson, Eagle River	(finalist)	fibre, suspended		12,000
Dept of Natural Resources Land & Water Mgmt Bldg	Preliminary discussion phase 2/88				22,000
Fairbanks Public Safety Building	Gerald Conaway, Anchorage	Untitled	sculpture, aluminum	FY81	25,000
	Dot Bardarson, Seward	Untitled	watercolor series(4)	FY81	5,000
	William Kimura, Anchorage	Untitled	acrylic on canvas series (4)	FY81	5,000
	Fairbanks artists (no list on file)	portable works collection		FY81	5,000
Fairbanks Youth Facility	Charlotte Van Zant, Fairbanks	<u>Willow Sun</u>	tapestry	FY83	6,000
	Robert Harper, Bothell, WA	<u>Salmon Spawning</u>	wood/copper relief	FY82	6,000
	James Schoppert, Carnation, Wa	<u>Popsicles</u>	cedar relief	FY82	3,500
	Jennifer Bellinger, Ketchum, Idaho (formerly Ketchikan)	<u>Golden Plovers and Tranquil Geese</u>	batik panels	FY82	2,400
	Portable works collection by Fairbanks artists			FY82	2,500
	Bill FitzGibbons, Anchorage	<u>North Star Time Capsule</u>	site specific earthwork/marble	FY88	26,000

Item 7

LINDA LARSEN
Box 1152
Sitka, Alaska 99835

10 March 89

H. A. Boucher, Chair
State Affairs Committee
Box V
Juneau, Alaska 99811

RECEIVED
MAR 23 1989

Dear Mr Boucher

This letter is to express opposition to HB 3 which proposes changes in the percent for art legislation.

I am an artist, an art professor at Sheldon Jackson College and a twenty year resident of Alaska.

Section 1-c reducing the percent from 1% to 1/2%

1. In recent years prices for art have escalated both nationally and internationally
2. Most artists cannot make a living with their art and hold other jobs, even so, the majority of them are in the low income category nationally
3. The high cost of doing business in Alaska also applies to the artist, where travel, freight and insurance costs add significantly to expenses
4. A 50% reduction which also includes department administrative costs would severely limit the amount available for art, and therefore impact the quality of the work proposed for commissions

Section 2-g restricting the program to Alaska artists

I believe I understand the rationale for this action. As an artist who has competed in the percent of art process, I suspect my changes for selection would have increased had this limitation existed, even so, I oppose it.

1. Other states and cities may retaliate by eliminating Alaska artists from their competitions. Out of state exposure is critical to serious artists
2. Many limitations already exist in the commission announcements. We are restricted to a specific site, medium, size, and frequently to subject or theme, since many agencies stipulate that the art express their purpose, or history of the state and so on. In terms of creative expression, most artists would say this is limitation enough
3. If the purpose of the change in this law is to provide more opportunity for resident artists, I would suggest that there are other ways to accomplish this, so that all artists, not just the group who are interested in public art, would receive support and encouragement from both public and private entities
4. If the purpose of the restriction is to limit public art to art which expresses an Alaskan theme, then I implore you to reconsider. Alaska does not need more incestuous, mediocre, "Moose in the Meadow" art, to grace (or disgrace) our public space

Indeed, we do need to reduce our state expenditures, but it is short sighted to focus on the arts, one of the few things that give meaning to life and express who we are. Expenditures for the arts in Alaska are miniscule compared to other areas - the arts are not where the "fat" is in our state budget.

Finally, the significance of the arts and the manner in which they speak to and for humankind, have historically, often been controversial. This is good. Both artists and viewers grow, learn and are changed by differences of opinion. Such is the very nature of art and why it is valued by society. Let us avoid limiting the creativity and quality of the art we select for our state so that our artists and residents are exposed to the best this nation has to offer.

Sincerely

A handwritten signature in cursive script, appearing to read "Linda Larsen".

Linda Larsen MFA

ARTS AND THE STATES UPDATE 1984

Legislative Note Number 3

Prepared by the Arts, Tourism and Cultural Resources Committee
of the National Conference of State Legislatures

CHART C: FEATURES OF PERCENT-FOR-ART LAWS

Alaska
Colorado
Connecticut
Florida
Guam
Hawaii
Illinois
Iowa
Maine
Massachusetts
Michigan
Minnesota
Montana
Nebraska
New Hampshire
New Jersey
Oregon
Texas
Washington
Wisconsin

This chart reflects statutory provisions of percent-for art laws enacted through April 1, 1984. In many states, administrative agency regulations clarify and supplement the statute.

	Alaska	Colorado	Connecticut	Florida	Guam	Hawaii	Illinois	Iowa	Maine	Massachusetts	Michigan	Minnesota	Montana	Nebraska	New Hampshire	New Jersey	Oregon	Texas	Washington	Wisconsin	
PERCENTAGE	1	1	1	.5		1	.5	.5	1	1	1	1	1	1	.5	1.5	1	1	.5	.2	Percent of Construction/Remodeling Costs
EXPENDITURE	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Mandatory
				•							•	•				•		•			Optional
	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	State Arts Agency
	•		•	•		•				•	•						•	•			Public Works or General Services Dept.
ADMINISTRATIVE AGENCY											•								•		Finance Department
			•	•		•										•	•		•		Other State Agency
	•	•	•	•		•										•	•		•	•	Specifies Administrative Agency Duties
	•	•	•	•		•										•	•		•	•	New Buildings
	•	•	•	•		•										•	•		•	•	Remodeling Projects
BUILDINGS INCLUDED								•							•						Existing Buildings
	•							•								•			•		More Specific Building Types Named
	•	•	•	•		•					•	•				•	•		•	•	Law Applies Only When Bldg. Costs Exceed Min.
	•	•	•	•		•										•	•		•	•	Excludes Specific Construction
	•							•								•			•		Broad Unspecific Definition
ELIGIBLE ART		•	•			•	•		•	•					•						Broad Specific Definition
				•																	No Definition of Art
	•	•				•										•					Excludes Landscaping, Ornaments
	•	•				•										•					Established by Statute
			•	•		•			•						•						Established by Agency Rules
						•									•						Established by Law and Agency
SELECTION PROCESS							•												•		Unspecified
		•	•			•									•	•					Selection Committee Members Named
		•	•			•															Selection Process has Two or More Tiers
	•	•	•			•										•					Requires Comment by Public or Bldg. Occupants
	•	•	•			•															Selection Committee Expenses Reimbursed
	•	•	•			•										•					Commissions and Purchases
TYPES OF ACQUISITIONS	•					•										•					Commissions Only
																			•	•	Unspecified
		•																			State Gets Title to Art
	•	•	•			•															Specifies Which Project Costs are Included
CALCULATION & USE OF FUNDS	•	•	•	•		•										•					Art Funds Allocated for a Specific Project
		•				•										•					Art Funds May be Used for Other Buildings
								•													Private and/or Federal Funds May be Used
ARTISTS	•	•		•		•										•					Priority to State's Artists
		•														•					Artists Retain Specific Rights
	•	•				•										•					Expresses Legislative Intent
	•			•		•															Public Display of Art Required
MISCELLANEOUS		•				•															Addresses Maintenance/Repair
						•															Art May be Displayed in Other Buildings
						•															Authorizes Administrative Agency Regulations

NOT A STATE

Note: New Jersey's law allows up to 1 1/2 %

Mural at Family Resource Center provides

At first encounter, Pat Austin's public art mural "Time Ribbon: An Alaskan Year" looks like a long series of not-so-special illustrations of Alaska people and scenery. Beginning in the entryway of the Family Resource Center near East Northern Lights Boulevard and East High School, painted rectangular panels of wildflowers, geese, Dall sheep, foxes and folks march high along both walls.

The panels don't look like Austin's style. Compared with the sensitive, somewhat academic work — such as her paintings of end papers — for which she is better known, they seem crude. Like many children's books, the lines of the brush drawings, rather than elaborate shading schemes, create volume.

Then you become aware that Austin has inserted some things that are more sophisticated and perhaps a bit sly. These endless ribbons of illustrations are not just slapped on the wall in a dumb row. They are arranged with an eye that is sensitive to movement, to filmmaking and to narrative. Austin has made herself an artist/director who links stills to the passage of time.



jan ingram

critical eye

Her devices are simple but effective. Horizontal lines hold the view still while vertical stripes within the frames and between them create rhythmic movement. This intensifies as you walk down the long institutional hallway past tall closed office doors. Parts of frames and verticals overlap at some points with the effect of blurred motion or hazy memory.

The frames go upstairs. On the second floor their rhythm becomes staccato with a series of fall scenes from southeast Alaska. Seasons shift sharply. Totem poles are deco-

plenty upon which to reflect

rated, colorful verticals in a stub-limbed forest. Loggers pull themselves up big inflamed spruce trees.

This changes with the blues and whites of fall and winter. There are white bears, white foxes and white moose. And always there's a sense of change and of yourself as an observer. Like a camera, you stop for a close-up of a boy drawing. You pull back for a long shot of a snowy village. What begins as a pleasant but mundane set of illustrations on the first floor becomes forceful and kinetic by the time you've worked your way to the end of the second.

The best way to study the mural is to sit in one of several hallway lounge areas. Austin says the mural is for "time killing in the hall under stress." For those, often victims of rape, beating and incest, who must sit and wait for their professional helpers to emerge from behind closed doors, these paintings provide plenty upon which to reflect.

Read into them what you will. There's a white fox lying with paws on another's back. Are they leering at you from under that slash of a rainbow? Do they represent

your parents ganged up against you? The world waiting to eat you for dinner? They become an artistically interesting thematic appreciation test.

The simple, illustrative style of the paintings still puzzles me. When I visited, people who poked their heads out of office doors to ask what I was doing seemed almost fanatically loyal to the mural, as well as to work by Susan Ogle, Katy Gilmore and several Alaska Native craftspersons that is on display in conference rooms.

But the style makes sense when you think about its purpose. In fact, this project, which Austin says involved funding from a complex of government agencies, is an exceptionally effective integration of percent-for-art projects and building functions.

□ Jan Ingram has a bachelor of fine arts and wrote her doctoral dissertation on Native art of Southwest Alaska. She is on the faculty of Alaska Pacific University and writes reviews for *Artweek*, a newspaper published in Oakland, Calif.

Build a Jail, Buy Some Art

Massachusetts follies

Worcester County Jail and House of Correction looks like any other prison—except that a few feet away from the gray fence and barbed wire is a huge, bright blue sculpture. Entitled "Turn for the Better," the metal arcs and column, installed in late 1987, were supposed to represent an improved life beyond prison's bars. But to most Massachusetts residents, the sculpture now symbolizes their state's fiscal turn for the worse—and for the sillier.

The state spent \$35,000 on the prison sculpture, courtesy of a 1981 law mandating that 1 percent of state construction costs (up to \$100,000 on any one project) must be spent on art. When the law was enacted, Massachusetts was flush. But with a state budget deficit of more than \$600 million—and funding for the state's Council on the Arts and Humanities imperiled—jail art seems hard to justify. "We can't ask taxpayers to pay 30 or 40 grand for something like that when we don't have enough for education, the elderly, veterans and, of course, for corrections," says Worcester County Sheriff John Flynn. "We've got to put our priorities in order."

So far the state has spent about



IRA WYMAN FOR NEWSWEEK

A turn for the sillier? Outside the Worcester County prison

\$135,000 for art—including painting, tapestries and furniture—under the 1981 bill. And with hundreds of millions of dollars of new prison construction planned well into the 1990s, the corrections system could wind up with a multimillion-dollar art collection. "It's obscene," says Joseph Hermann, a state representative who has filed legislation that would exclude prisons, sewer systems and other facilities from the original bill. "We need the money to hire prison guards."

The local art world sees such arguments as a pretext for attacking even the relatively meager state arts budget. "That 1 percent is a recognition on the part of the state that it has esthetic responsibilities to the community in which it builds," says arts-council spokesman Rick Schwartz. But virtually no one else in Massachusetts

is defending the program. Hermann, for one, argues that prison art like Worcester's serves no public purpose. "Are you going to say to your wife, 'Hey, honey, it's a nice day. Let's go to the jail and look at the art?'" he says.

"Turn for the Better" has produced one turn for the better. In poring over 5,700 slides of art works as the jail's representative on the selection committee, deputy superintendent Paul Westberg made some friends among local artists; they now lead art classes at the prison—at zero expense to the taxpayers. Even Sheriff Flynn admits to being impressed with the inmates' work. "At least I can understand what they paint," he says. "If I had a few bucks I might even buy one and put it in my home."

MARK STARR in Boston

Crawfish as Big as Armadillos (Almost)

In Texas, they like everything to be bigger—even little ole crawfish. For years Texans imported the edible crustaceans from Louisiana's swamps. But Texas scientists have perfected a process to grow larger, meatier crawfish in clean-water ponds. Last week state Agriculture Commissioner Jim Hightower announced a plan to sell the homegrown product in a Houston supermarket chain—and threw down the gauntlet. "[We] have been humiliated for generations by having to eat ... itty-bitty crawfish from across the Sabine River," Hightower said.

"We can declare our independence from the tyranny of the Louisiana critter."

Across the river, folks take their crustaceans seriously. "Hightower didn't know a crawfish from an armadillo until he started this thing," says Bob Odom, Louisiana's agriculture commissioner. Louisianans argue that Texas adds chemicals to the ponds—and grossly overcharges. Texas crawfish cost \$1.49 a pound; their Cajun cousins, at most, cost 89 cents a pound.

If a crawfish craze booms in Texas, Louisiana may have a lot to lose. The state crawfish industry grosses up to \$500

million a year. The Texas challengers hope to cut into Louisiana's 95 percent market share, adding \$120 million to the Lone Star State's economy. Louisiana officials claim they don't feel the pinch yet. Their state produces 100 million pounds a year, 10 times more than Texas. "We can't call this the great crawfish war because Texas can't compete," says Karl Turner, Louisiana's seafood-marketing board director. Down-home crawfish lovers also dismiss Texas's marketing campaign as *nouveau* fish. The Lone Star logo: a crawfish in a tux. Its motto: "Cultured with class."



C.C. LOCKWOOD—ANIMALS ANIMALS

"Cultured with class? Crustacean

#1

A M E N D M E N T

AS READ
THIS IS A MINUTE
VERSION - 10 6 00 9 000

OFFERED IN THE HOUSE

BY SPOHNHOLZ

TO: CSHB 3 (Transportation)

Page 1, lines 10 - 11:

Delete "One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL SCHOOL FACILITY, AT LEAST ONE-HALF]"

Insert "At least one percent or, in the case of a rural school facility, at least one-half"

Page 2, line 24 through page 3, line 4:

Delete all material.

Renumber the following bill sections accordingly.

quadrupled 0 - \$250,000
170 to shall be projected up to 1 million
1 1/2% over + above
ceiling limit over certain amount

put cap on it -
170 up to

#2
Deleted

A M E N D M E N T

OFFERED IN THE HOUSE

BY SPOHNHOLZ

TO: CSHB 3 (Transportation)

Page 1, line 24:

Delete "shall select [THE SELECTION OF ALASKA RESIDENT]"

Insert "the selection of Alaska resident"

Page 1, lines 25 - 26:

Delete "who are residents of the state under AS 01.10.055"

3
FOULTS

A M E N D M E N T

OFFERED IN THE HOUSE

BY SPOHNHOLZ

TO: CSHB 3 (Transportation)

Page 3, line 8, following "artist,":

Insert "and"

Page 3, line 9:

Delete "and the names of the members of the selection committee"

[

ALASKA

STATE LEGISLATURE

MEMORANDUM

Chris DARECY - 279-1558

Big
L

KED

FRED KING -
FAIRBANKS
474-7591 FAX

BOB WENZSTEIN

S.F. FRIED

225-9658

KFCG

MOLLY JONES

347-6473 FAX

Barb out on Spring break this week
~~Bob~~ Short

FAIRBANKS 452-2000 FAX

KAREN EDZO

- UAR FAIRBANKS

not in today - out for 3 weeks
474-7581 FAX

b. EXAMPLE / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Tues, Mar 14

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00 AM

LEGISLATIVE REFERENCE: HB3

JUNEAU ROOM: C-102

SUBJECT: Art in Public

BRIDGE: _____

Places

OF PORTS: 5

CONTACT: Ann PH: 4931

DATE TAKEN/BY: John M 3/10/89

TELECONFERENCE SITES:

LIO'S

LTC'S

VIS'S

Anchorage

Homer
Wrangell

See List on
Reverse Side

Barrow *

Bethel

Delta Junction *

Dillingham *

Fairbanks

Glennallen *

ALL LIO'S

Juneau

Ketchikan

Kodiak

Kotzebue

Mat-Su

Nome

Petersburg *

Sitka

Soldotna

Valdez *

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

Bucky 3/10 John Van Zyle
OFFNETS: 688-5130 - Eagle River
Ernest Robertson
376-6276 Wasilla
Carl Hemmiller
766-2471

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Boucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

fnw/chris 3/10/89. Will be going to SFO Bridge. SPECIAL INSTRUCTIONS

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House of Affairs

TC DATE/DAY: Thurs, Mar 9

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: HB3

JUNEAU ROOM: C-102

SUBJECT: Art in Public

BRIDGE: _____

place

OF PORTS: 10 - no more

CONTACT: Anni PH: 4931

DATE TAKEN/BY: Roger 3/6/3/8/89

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

Anchorage
Barrow *
Bethel

Homer
Wrangell

Renee Patten
(w) 543-4515

See List on
Reverse Side
Seward former
council
members

Delta Junction *

Dillingham *

Fairbanks

Glennallen *

ALL LIO'S

Dot Eardley 517
224-3131
(MUSKIE)

Juneau

Ketchikan → Scheduled for House ESS

Kodiak

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

Kotzebue

Mat-Su

Nome

Petersburg *

Sitka former council members

Soldotna

Valdez *

OFFNETS
~~_____~~
~~_____~~
~~7-1558~~
Chris Darcy to
be in Juneau

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Boucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

Chris Darcy
279-1558 / Karen@AI-5 0100

To Dennis
 Date 3/8 Time 9:23

WHILE YOU WERE OUT
 M Chris Darcy
 of Arts Council
 Phone 279-1558

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT

RETURNED YOUR CALL

Message As it teleconferenced?
→ Anc / Pbx / Ketchikan ✓
Petersberg
Kodiak ✓
possibly others / Bethel

Operator

To Dennis
 Date 3/11 Time 1:45

WHILE YOU WERE OUT
 M Chris Darcy
 of Encl. on the Arts
 Phone 279-1558

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT

RETURNED YOUR CALL

Message HB 3 - 90 for Arts
FAX - 278-0685

Operator

Do teleconference

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ORIGINAL



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...	1,500
...	1,555
...	20,000

Location	Quantity	Unit	Price	Total
...	7,000

Location/Building

Location/Building	Area	Volume	Value
...	15,000
...	7,000

Item

Item	Description	Quantity	Value
...	5,000
...	2,000
...	7,000
...	1,000

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Representative

Alyce HANLEY

LEGISLATIVE REPORT

DISTRICT NINE

TURNAGAIN, SAND LAKE, HUNTINGTON PARK,
JEWEL LAKE, SPENARD, CAMPBELL

Dear Friends and Neighbors:

The opportunity to serve as your representative during the 14th Legislature was an honor and a privilege. I am grateful that in Alaska it is still possible for a concerned member of the community to have real input into the decisions that shape our lives and chart a course for this great state.

During my first campaign for State House, I concentrated on three issues: education, roads and crime. I would like to report what happened in each of those areas during the 14th Legislature.

EDUCATION: A new, more equitable formula was developed to fund education. I spoke in favor of this formula during floor speeches and in committee. A resolution I authored supporting the new formula was passed by the Anchorage delegation. Once it became obvious that many districts would receive less and funds would not be available to "cushion the blow", support for the formula deteriorated. I was disappointed but not surprised. The formula that was adopted provides no long term solutions nor does it treat many school districts fairly. How money is spent on education will continue to be an issue during the 15th Legislature.

ROADS: The Anchorage delegation (Representatives and Senators) pulled together, worked with the Municipality of Anchorage and made sure the Municipality's priority road projects were funded. (West Northern Lights received

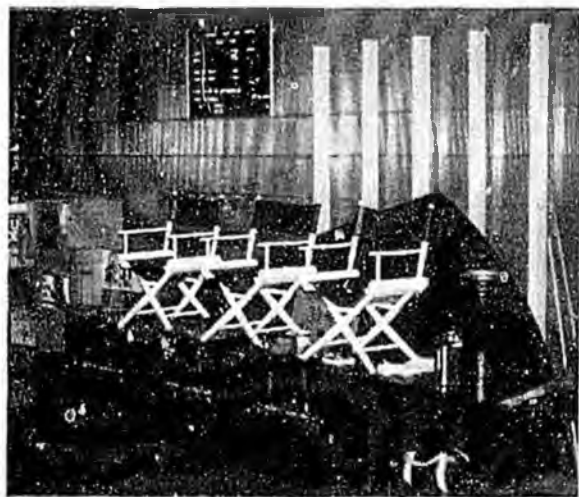
\$18,500,000 in 1985 and \$14,000,000 in 1986).

CRIME: I cosponsored a bill which created a law enforcement unit to focus on child exploitation. After a combined effort by many members of the House, passage was accomplished in the final hours of the session. I also sponsored two bills that the Chamber of Commerce included in their Crime Commission's priority legislation. Unfortunately, these crime bills were not priority issues with those in positions of control (the majority coalition). As a result, few of the Crime Commission's 16 priority bills were ever heard in committee. Hopefully, these bills will meet with more success during the next session of the legislature.

Tough decisions faced all of us since we lost 38% of our total projected revenue in eleven months! In spite of differences in how best to deal with plummeting oil prices, a spirit of cooperation usually prevailed through the second session of the 14th Legislature.

I appreciated hearing from those of you who participated in this process through your calls, letters and public opinion messages. Thank you for allowing me to represent you.

Sincerely,



This shoeshine stand (located across from the snack bar) in Anchorage International Airport was purchased in 1985 from Ohio artist, Frank McGuire, by Alaska's Percent for Art Program. Cost - \$27,000

ART IN PUBLIC PLACES -- Percent for Art

District 9 residents who responded to our November questionnaire encouraged the drafting of one of the bills that passed the Legislature this spring, House Bill 606. Question #7 in the newsletter asked if art purchased with state funds in the Percent for Art program should be created by Alaskan artists. Over 64% answered, "Yes" and 14% took the time to add comments saying "reduce the percentage" or "eliminate the program".

The Percent for Art bill would have reduced the current 1% of construction costs on state buildings to 1/2% and required the use of Alaska resident artists. It also would have increased the public's participation by requiring that three public members be included on all art selection committees and that an identifying plaque be placed on or near each piece of art work.

The art bill generated a considerable amount of press coverage. The office received letters of support and encouragement from students, a member of the University Board of Regents, and citizens from many parts of Alaska.

Continued on Back Page

DISTRICT NINE ROAD PROJECTS

WEST NORTHERN LIGHTS BOULEVARD -- PHASE I

- Right of way acquisition complete from Forest Park Drive to Seppala.
- Total Project consists of upgrading West Northern Lights to a major arterial between Forest Park Drive and Wisconsin. It includes a grade separated crossing at the Alaska Railroad, bike and pedestrian paths and landscaping. (The landscaping will be completed in 1987.)
- Project to be completed and open in October, 1986. The necessary funding has been assigned to this project.

SPENARD ROAD -- McRAE INTERSECTION

- This project includes the area from the railroad crossing at McRae almost to Northwood. A traffic light, bike paths and sidewalks are included. The plan provides for utilities to be placed underground.
- Construction is scheduled to begin in July and be completed in October, 1986. The necessary funding has been assigned to this project.

RASPBERRY ROAD

- Preliminary design concepts are completed and approved. Actual design of property will take one year (1987).
- Acquisition of property will take approximately 1-1 1/2 years.
- (Property on North side to be acquired with partial takes on South side).
- Construction to begin in 1989 and to be completed by 1990.

DIMOND BOULEVARD

- Phase I will be completed this Fall (New Seward Highway to Victor Road).
- Phase II will be advertised this Fall. This phase consists of providing six lanes from Victor to Arlene and four lanes from Arlene beyond Jewel Lake Road to Jewel Lake.
- Utility crossing at Campbell Creek will be completed this Fall.
- Construction on Phase II to begin next summer (1987) and is scheduled for completion in 1988.

14TH ALASKA LEGISLATURE SUMMARY OF LEGISLATION

- HOUSE BILLS INTRODUCED -- 710
- SENATE BILLS INTRODUCED -- 489
- HOUSE BILLS SIGNED INTO LAW -- 147
- SENATE BILLS SIGNED INTO LAW -- 110

• BILLS VETOED BY THE GOVERNOR

- Senate Bill 029 - Cabins on State Lands
- House Bill 063 - Plumbing Code
- House Bill 407 - Use of Game Animals
- House Bill 006 - Art in Public Places
- House Bill 027 - Water Quality and Use

NEW LAWS OF INTEREST

SCSCSH-161 - Student Loan Program. Reduces the yearly maximum amount of an undergraduate loan to \$5,500 and a graduate loan to \$6,500. Also the interest rate on loans was increased from 5% to 8%.

SCSCSHB-454 - Legislative Pay Reduction. Reduces the salary of legislators to 1983 levels. Creates a State Officers Compensation Commission and directs the Commission to review the salaries, benefits, and allowances of members of the legislature and submit a report of its findings.

SCSCSHB-28 - Permanent Fund. Transfers \$1.1 billion dollars from the undistributed income account into the body of the permanent fund. This money is constitutionally protected. A constitutional amendment must be placed on the ballot before any money can be spent.



Continued on Next Page

NEW LAWS OF INTEREST

Continued

HCSCSSB-367 - Local Hire. Requires the hire of Alaska residents on state-funded construction projects and sets up a system of determining what percentage of Alaskans should be hired on each project.

CCSSB-377 - Tort Reform. Limits recovery of damages in a civil action, provides for itemization of the verdict and for reduction of future damages to a present value. Requires apportionment of damages for multiple defendants, limits joint liability of certain parties and increases the interest rate on certain offers of judgment. It blocks the court award of attorney fees in certain civil actions as well.

SCSCSHB-288 - Subsistence. Limits subsistence to Alaska residents living in rural areas. Establishes a preference for residents over non-residents in the hunting of moose, deer, elk and caribou for personal or family use.

SCSCSHB-240 - Overtaking and Passing School Buses. Makes it illegal to pass stopped school buses that have flashing red lights and requires drivers to stop not less than 30 feet from the stopped bus. A driver convicted receives a mandatory assessment of six (6) demerit points and may also receive a civil penalty of up to \$100.

SCSCSHB-494 - Subcontractor Liens. Allows liens to be filed against prime contractors who fail to reimburse subcontractors for materials and labor.



Rep. Hanley meeting with Sen. Murkowski in Juneau.

1985 LEGISLATIVE QUESTIONNAIRE RESULTS

Thank you for participating in the District Nine Legislative Questionnaire. Listed below are the results.

1. State revenues are expected to be reduced further because of decreasing oil prices. Which of the following is the best way to balance the state's budget? Please rank in order of priority.
 - #6 Transfer some of the \$650 million currently in the undistributed income account of the Permanent Fund into the General fund. (6.9%)
 - #2 Cut state spending with an emphasis on reducing road and school construction projects. (21.1%)
 - #1 Cut state spending with an emphasis on reducing service programs such as health, education and state loan program. (32.3%)
 - #3 Reduce or suspend Permanent Fund Dividend payments to Alaska citizens until the deficit is eliminated. (17.4%)
 - #5 Increase taxes on oil companies doing business in Alaska. (7.7%)
 - #4 Other (14.6%)
2. Alaska's Permanent Fund currently has a principal balance of more than \$6 billion. Your Permanent Fund dividend checks are paid out of the interest earned from investment of the principal. Which of the following is the best use of the interest? Please rank in order of priority.
 - #1 Dividend Checks. (37.0%)
 - #2 Build schools, roads, and utility projects. (25.7%)
 - #3 Put all interest earned back into the Fund's principal. (22.8%)
 - #4 Use to "balance the budget" for operating costs. (10.3%)
 - #5 Other (14.6%)
3. Would you favor a lottery as a way of raising state revenues?

Yes	60.7%	No	25.6%	Undecided	7.7%
-----	-------	----	-------	-----------	------
4. Do you favor the creation of an Independent, elected State Treasurer or Auditor?

Yes	48.2%	No	29.2%	Undecided	22.6%
-----	-------	----	-------	-----------	-------
5. Should the Attorney General be elected rather than appointed by the Governor?

Yes	58.9%	No	34.4%	Undecided	6.7%
-----	-------	----	-------	-----------	------
6. Do you support legislation to establish the death penalty?

Yes	65.0%	No	30.0%	Undecided	5.0%
-----	-------	----	-------	-----------	------
7. When State money is used for construction projects, state law requires 1% of construction costs to be used for art. Should this art be created by Alaskan artists?

Yes	64.2%	No	25.0%	Undecided	10.8%
-----	-------	----	-------	-----------	-------
8. Should Anchorage fishermen and hunters be treated the same as rural residents when our natural resources must be allocated?

Yes	64.0%	No	28.9%	Undecided	7.1%
-----	-------	----	-------	-----------	------
9. Please rank the following district needs in order of priority.
 - #4 Parks & Recreation Development. (11.0%)
 - #2 Neighborhood Crime Prevention. (23.5%)
 - #1 Road Improvements. (39.4%)
 - #3 School funding. (20.8%)
 - #5 Other Issues (5.3%)
10. What is the most important issue or problem facing Alaska (Results represent priority of respondents who listed that as their first or second choice)
 1. Cost of state government should not exceed the state's income.
 2. Develop resources and provide incentives to stimulate the economy.
 3. Reduce size and cost of state government.
 4. Save the Permanent Fund.
 5. How to adjust to declining oil revenues.
 6. Jobs/Local hire.

ART IN PUBLIC PLACES -- Percent for Art

Continued from Front Page

While a few artists were publicly supportive, many objected. The requirement for using Alaskan artists became the most controversial aspect of the bill. Present law states that the program must "encourage" the use of Alaskan artists. But, in the last three years (fiscal years '83-'85) the majority of the funds have gone to non-resident artists. Many believed the time had come for more Alaskan dollars to be spent within the state (local hire for Alaskan artists).

The bill enjoyed broad support. In the House there were 14 cosponsors representing all three political parties. The final House vote was 31 to 9. The final Senate vote was 11 to 7.

Gov. Sheffield's office invited Representative Hanley to join him when he signed HB-006 into law. Unfortunately, in spite of the support shown for the bill, last minute lobbying efforts by some members of the art community prevailed and the bill became one of only five vetoed this year.



This red, aluminum sculpture, suspended from the ceiling in the "B" Concourse in Anchorage International Airport, was constructed by Miami, Florida artist, John Henry. This percent for art project was purchased with \$80,000 of state funds.



Staff members, Cassie Russell and Scott Sutherland take time out from packing the Juneau office in preparation for relocating to Anchorage.

KEEPING IN TOUCH

We are happy to hear from you. Should an issue arise that you are concerned about, please feel free to contact us at the following locations:

While in Anchorage

Representative Alyce Hanley
1024 W. 6th Ave., Suite 200-A
(907) 276-5143 (Office)
(907) 243-7574 (Home)

While in Juneau

Representative Alyce Hanley
P.O. Box V
Juneau, Alaska 99811
(907) 465-4930


DISTRICT NINE LEGISLATIVE REPORT

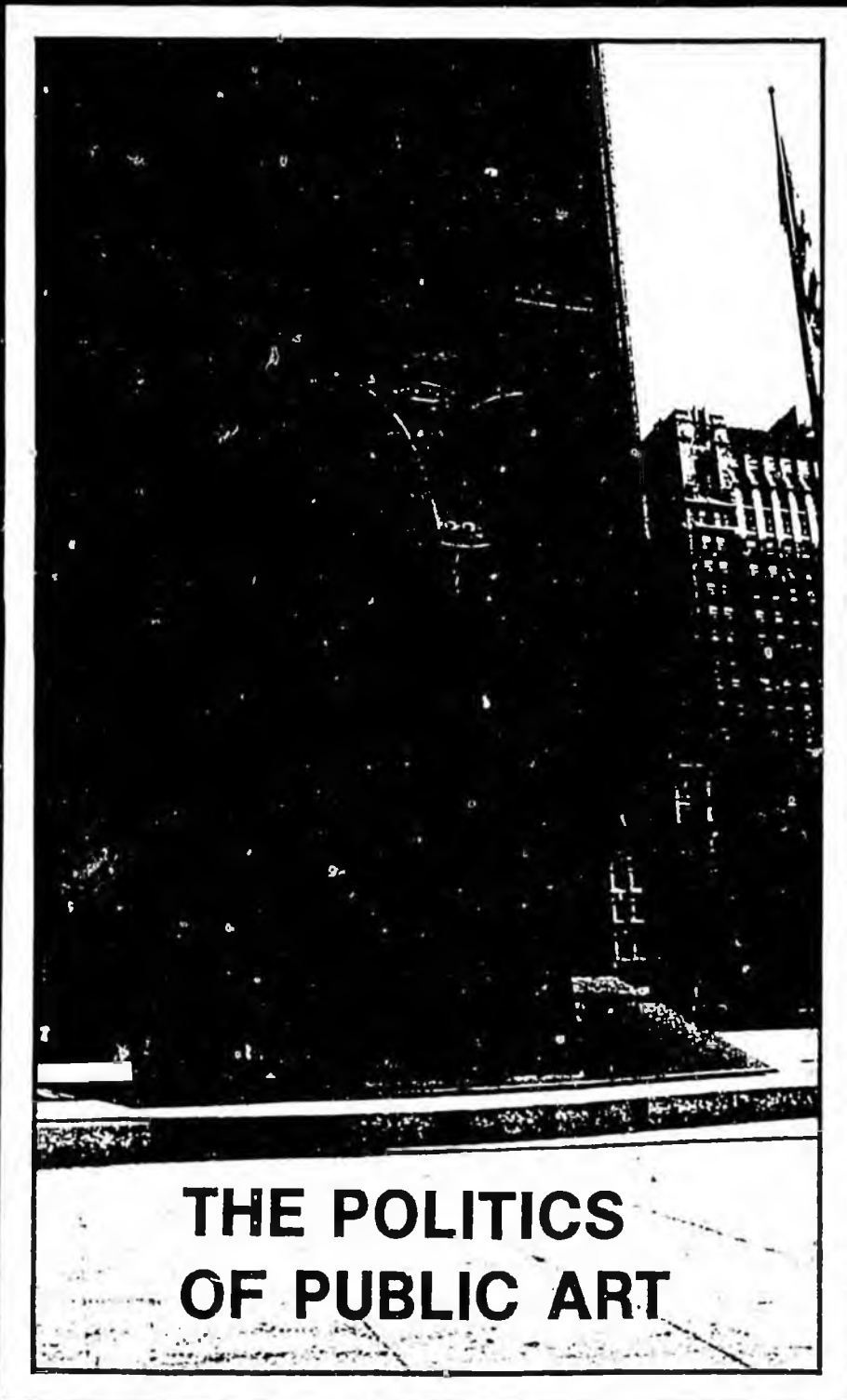
Representative Alyce Hanley
1024 West 6th Avenue, Suite 200-A
Anchorage, Alaska 99501

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State Legislatures

April 1986

The National Conference of State Legislatures 



**The Federal Budget
and the States**

**Economic Sunset
in the Sunbelt**

State Lotteries

Whatever Happened to Generals on Horseback?

When art goes public, controversy is hard to avoid. But many states have forged ahead with art programs anyway.

By Andrea Paterson

When the now-famed "Chicago Picasso" was unveiled in 1967, people weren't sure what to expect.

Nobody expected what they got. "It was the first major piece of contemporary, public art," says James Futris,

coordinator of the Chicago public art program. "People were accustomed to generals on horseback. When the veils dropped, there was a stunned silence."

The silence that greeted the Chicago Picasso would greet many of the public art pieces to come. For the Picasso had ushered in a new era: an era of large and abstract outdoor sculptures that would sometimes bring immediate pleasure to few but the pigeons; an era of heated public debate over what constitutes "art" and who should guide its public practitioners.

In the 20 years since its unveiling, the Chicago Picasso has become an undisputed symbol of the city's civic pride. "In many ways, it's a very accessible piece of art," adds Futris. "It's a recognizable figure, although there's still some debate over exactly what the figure is."

Moreover, just as the Picasso piece laid the groundwork for public art of its kind, the relatively short-lived controversy surrounding the piece provided hope for the ultimate acceptance—and even celebration—of many controversial public art works that would follow.

While Chicago was gearing up for its landmark fight over the city's latest public art acquisition, Hawaii became the first state to adopt what would become the predominant state formula for purchasing or commissioning public art: percent for art.

Twenty states now have percent-for-art statutes. The laws require the states to set aside—or at least to consider setting aside—a small percentage of their capital construction funds for art. Percentages range from one-fifth of 1 percent in Wisconsin, to 1½ percent in New Jersey, with the majority of states setting aside 1 percent.

Most laws give administrative authority to the state's arts council and give preference to artists who live in the state. All 20 states allocate funds for art for new buildings, 14 for art for renovation projects and eight for art for existing buildings.

Viennese architect Alfred Piers, who came to Hawaii in 1939 and was director of Hawaii's State Foundation on Culture and the Arts from its inception in 1967 to 1980, is considered by many to be the father of the state's



The statue of "Father Damien," who ministered to lepers in the late 1800s, became Hawaii's first source of controversy over public art.

Andrea Paterson is a research analyst in NCSL's Mental Health Project and a contributing editor for State Legislatures. Research assistance for this article was provided by Anthony Radich, senior project manager for NCSL's Arts, Tourism and Cultural Resources Project.

percent-for-art program, signed into law in late 1966.

According to Piers, the idea behind percent for art was to create a program "fit for a democracy," in contrast to the European model, "where art support grew out of the aristocracy." The goal was to involve those "already involved with the arts, as well as those for whom art meant nothing," says Piers.

The fledgling percent-for-art program benefited, to a degree, from a major public art debate that ensued during 1967. Father Joseph Damien DeVeuster was a Catholic Belgian priest who came to Hawaii in the late 1800s to minister to the lepers. Early in 1967, a group of Catholic laymen had persuaded the Legislature to provide funds for a statue commemorating "Father Damien." Piers was invited to be a member of the Damien selection committee when a clash ensued between "the artists on the committee and those who wanted a pink-cheeked plaster cast of Father Damien," remembers Piers.

"The controversy had little to do with sculpture in public places," says Piers, "and had a great deal to do with religion. Father Damien was to be canonized." Yet the ultimate success of the democratic process that had chosen the Damien statue provided the percent-for-art program "with

an opportunity to establish certain standards about how, in a democracy, a selection could be made that was valid." Accordingly, the art-in-public-places program began using committees, made up of the people who would be using the building or the space slated for public art, on all subsequent projects.

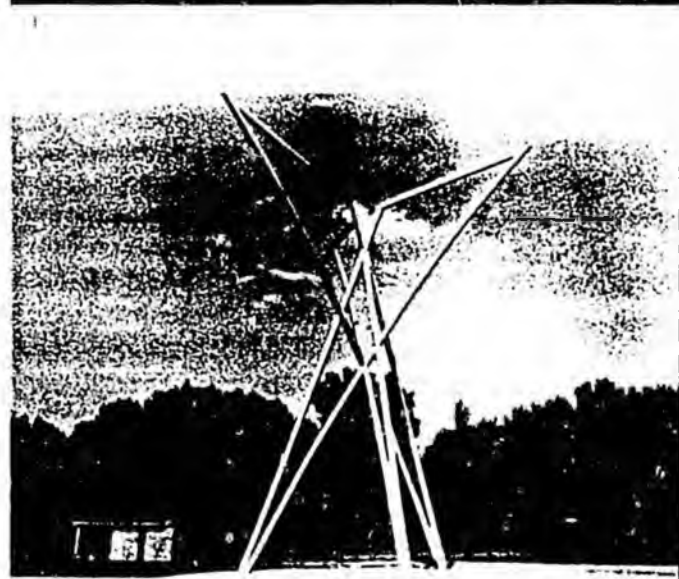
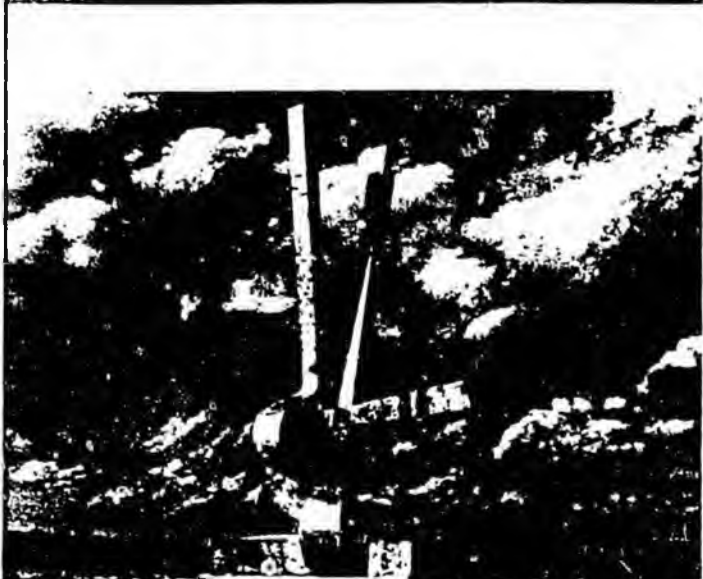
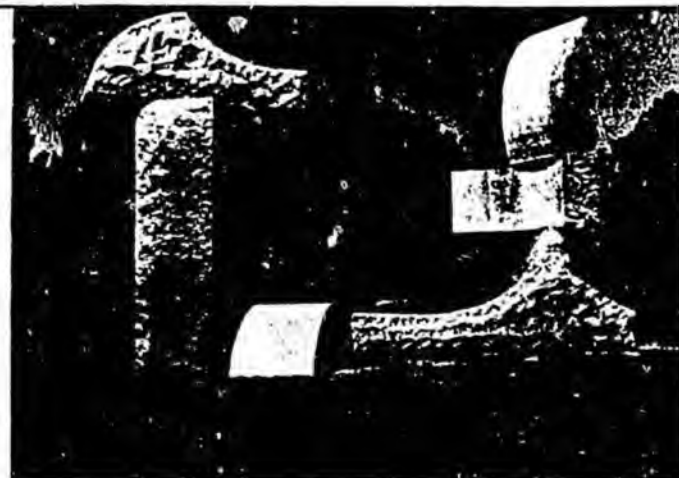
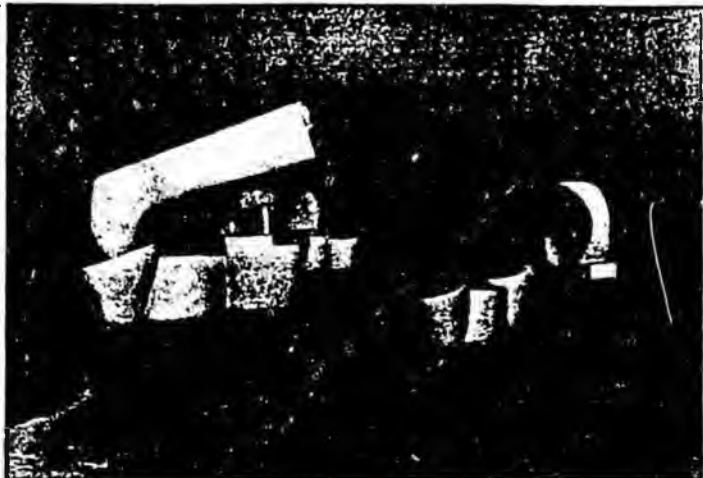
Last year, Utah became the most recent state to pass percent-for-art legislation. It took three years of hard work on the part of the public and the bill's proponents in the Legislature.

"The demand for public art is high," says Carol Biddle, a visual arts assistant for the Utah Arts Council, which will be responsible for administering the state's new public art program. "It's important for the morale and productivity of state employees, and it's important for posterity, too." But the feeling that "art is not essential, that artists are free-loaders," says Biddle, made Utah's road to percent for art a difficult one.

The result: Utah's law is optional. The Legislature can vote to delete it from the budgets of future construction projects.

Yet Utah state Senator Dona Wayment, the primary sponsor of the percent-for-art legislation, insists "that the measure had to be optional to pass. Utah is facing a poten-

Photos: Dan Ladely



Nebraska's "Sculpture Garden" along Interstate 80 (clockwise from upper left): "Crossing the Plains" by Bradford Graves, "Nebraskan Gateway" by Anthony Padovano, "Arrival" by Paul Von Ringelheim and "Roadway Confluence" by Hans Van de Bovenkamp.

tial budget deficit, and many capital construction projects are already being reconsidered. "The way the revenue picture is right now," says Wayment, "I'm just glad to have it on the books. If the program had been mandatory, someone would have gone in and tried to cut it out altogether. As it stands now, the law is there for the future."

States acquire public art through other funding mechanisms. Vermont, for example, acquires public art on a piece-by-piece basis. The Vermont Arts Council lobbies the General Assembly for public funds to commission or purchase artwork for appropriate sites. And Vermont state Senator Jane Gardner, an arts advocate, does not foresee any changes. "I'd much rather see the Vermont Arts Council get money to establish more places for Vermont artists to show their work," she says, "than see the state government get into the art business itself."

Other states appropriate art funds annually. In California, the governor is required to allocate money on a yearly basis for the state's art-in-public-buildings program. "It could be one dollar," says Paul Minicucci, consultant for the California Legislature's Joint Committee on the Arts and former administrator of the art-in-public-buildings program for the California Arts Council, "or it could be more."

The state arts council and the state architect advise the governor on the potential number of public art sites and the funds deemed necessary to commission or purchase art for those sites. "On the upside, the law is pretty flexible and responsive to last-minute problems," says Minicucci. On the downside, it does not provide a way to estimate the number of public art spaces or the money that will be appropriated, he adds.

And while percent-for-art legislation was introduced for the fifth time in the California Legislature this session, its future looks grim. According to Minicucci, the present law is more the child of political accident than policy: Former California Governor Jerry Brown "wanted to construct a program that he could control," he says. And California's present Governor Deukmejian seems comfortable with the tradition. He has vetoed percent-for-art legislation twice already.

State Senator John Garamendi, primary sponsor of this year's percent-for-art legislation and a longtime proponent of such a program, finds troubling the fact that the governor has not yet "made the connection between art and business. Every study we've seen indicates a correlation between art and a positive working environment and business climate," he says. "That's exactly what percent-for-art legislation is about. It's in all of our interests to continue the effort."

When one thinks of Interstate 80, the asphalt ribbon cutting through America's heartland, images come to mind of wheat fields and rolling plains dotted with red barns and farmhouses. Nebraska's stretch of I-80, however, offers more than the usual vistas of agricultural America: Nebraska's I-80 is home to a 500-mile "sculpture garden," reported second only to Watergate in generating

letters to the editor in the *Omaha World Herald*.

The original sculpture garden, dedicated on July 4, 1976, in honor of the American bicentennial, contained eight contemporary artworks, placed at various rest stops along a 455-mile stretch. A ninth sculpture, in Omaha, was added later. The dedication ceremonies capped off a year of heated public debate.

Art Thompson was executive director of the Nebraska Interstate 80 Bicentennial Sculpture Project from 1974 to 1977. The project's future seemed rosy from its announcement in 1973 through the solicitation and selection of possible sculptures. The trouble began with the renditions of the sculptures that had been chosen.

"They clashed with people's ideas of what would be there," explains Thompson. "Many people had thought that they would be historical sculptures." This clash stemmed, in part, from the fact that the garden was to commemorate the bicentennial. People forgot, according to Thompson, that the bicentennial had three aspects: historical, celebratory and visionary. "We wanted to mark a point in time, a departure point for the next 200 years. We were looking ahead." Moreover, of the over 100 artists who contributed models, "only one did representational work. Abstract art was the mainstream," remembers Thompson.

The fact that no Midwestern—much less Nebraskan—artists were among the 10 finalists did not help matters. Yet the state Legislature passed a resolution in support of the sculpture garden in 1976.

Nebraska state Senator Jerome Warner helped organize that legislative effort. "Most of the general public's appreciation for this kind of artwork does not develop for some time," explains Warner. "Public officials need to take the lead and acknowledge the benefit [of such projects] in terms of their cultural improvement."

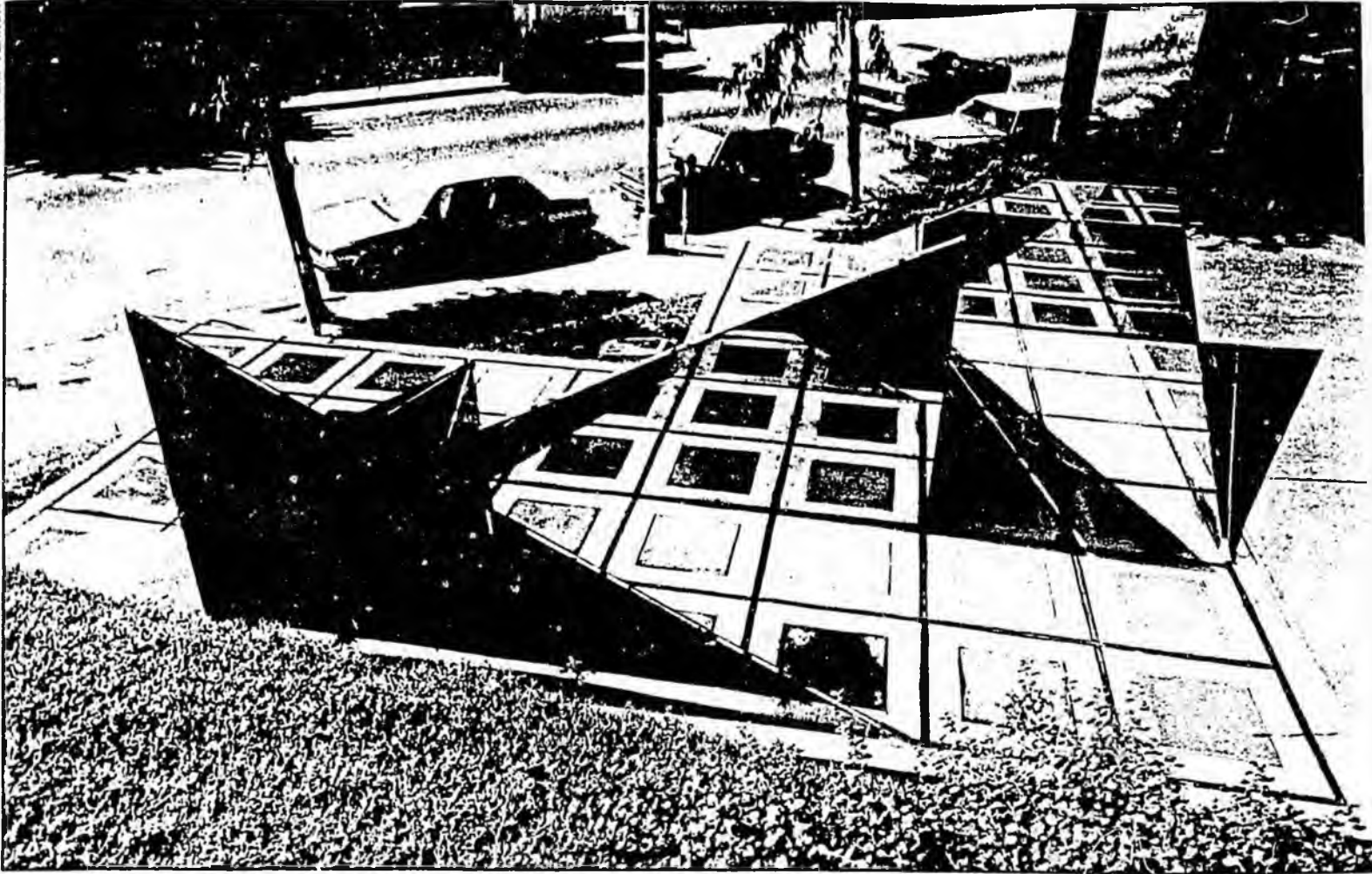
Warner also believes that the Legislature's ultimate support of the sculpture garden helped till the ground for percent-for-art legislation, passed in 1978. "It set a tone of appreciation and importance for public art in general," he says.

Today, the controversy seems far away. "There are still some who say, 'I don't get this modern art stuff,'" says Nebraska state Senator David Landis. "But in retrospect, the sculpture garden seems like a good idea to most people."

Part of this acceptance stems from the sculpture garden's economic benefits. "It provides a reason for people to stop in Nebraska," says Landis, citing the garden's appreciation as a tourist attraction. "And its record tells us that publicly funded art is an investment with a return."

Controversies over public art arise from a good deal more than mere aesthetics. Many states, for example, have struggled with determining the most appropriate sites for public art. Of particular concern is art in prisons, especially in percent-for-art states where prison construction and renovation often top the list of state capital expenditure projects.

In Colorado, a mandatory percent-for-art state, two much-debated public art projects in the state's maximum security



Larry Bell's outdoor sculpture in Long Beach, Calif., caused controversy not over its appearance, but over its composition. It consists of six triangular panels of one-half-inch clear plate glass, which some feared could pose a public hazard if it somehow shattered.

prison in Canon City will be unveiled this year. One project is a sculpture that will adorn the outside of the prison. The other is an environmental sculpture and water garden, encompassing the prison's entire interior courtyard and inmate circulation space.

"People say prisoners are incarcerated for a reason, and they don't deserve anything that will bring a smile to their faces," says Gail Goldman, coordinator of Colorado's public art program. "But the art in the prisons really isn't just for the prisoners. It's a gift to the community that recognizes it must be unsettling to have a prison in your backyard."

Andrew Leicester, the Minneapolis-based artist commissioned to do the interior prison piece, agrees that it's unfair to single out the art in the renovation project. "If people take a financial viewpoint, the art is almost irrelevant in terms of total costs. The question really is, do we want to make our prisons more hospitable and humane? Clearly, Colorado thinks it should."

The materials and the maintenance of public art pieces have also garnered their fair share of controversy. In California, for example, a large outdoor sculpture, installed in 1984 at a state building adjacent to the Long Beach City Hall, was far from being the state's most controversial aesthetic contribution to public art. But it stirred up debate anyway, over materials.

The sculpture is composed of six triangular panels of one-

half-inch plate glass, set off at odd angles to one another. The glass has been specially treated to withstand the rigors of the outdoors. "The building manager was concerned," says California's Minicucci. "If the piece got vandalized, he would have to take the money out of his budget to fix it."

Moreover, "there was the question of safety," explains Minicucci. The piece would be accessible 24 hours a day and it could pose a real public hazard if it somehow was shattered into a thousand tiny replicas of itself. As yet, there hasn't been any trouble.

"It's a kind of 'Catch 22,'" Minicucci insists. "Public art has to be durable, but if you erect a sculpture from concrete land forms, people will say, 'That's not art!'" California has already pulled one public art work constructed of hanging fibers because the local fire chief dubbed it a fire hazard.

In Washington's King County, a maintenance problem greatly aggravated local aesthetic objections to a former gravel pit gone public art. Robert Morris' "Earthworks" was part of Washington's 1979 Earthworks Symposium, slated to explore sculpture as a means of land reclamation. The artist "sculpted" the gravel pit by cutting down the surrounding trees, painting the stumps black and terracing the land. The trouble began with the trees.

According to Mickey Gustin, visual arts coordinator of the King County Arts Commission, Morris wanted the sculpture to serve as a reminder of "what we do to the land." But



Artist Robert Morris "sculpted" a gravel pit to create his "Earthworks," which was part of Washington state's 1979 Earthworks Symposium. The artist raised public ire when he cut down the trees surrounding the pit and then painted the stumps black.

to people in the community, "the sculpture was a reminder that someone had cut down trees. And when you cut down trees in the Northwest," Gustin warns, "people hate it."

To top it off, heavy rains followed the dedication of the piece. The cutting down of the trees and the terracing of the surrounding land made the pit a prime candidate for a mudslide. When the upper lip of the pit washed out, it became the first artwork to close a public road.

Local ire toward the piece culminated in its use as a dump. "We once found a sofa on the upper lip," remembers Gustin. She sees a lack of community involvement, exacerbated by a lack of proper maintenance, as the primary causes for the community's hostility. But Gustin remains hopeful. A new campaign is underway to restore and maintain the Earthworks piece. "In the spring we plan to have a rededication picnic," says Gustin, "to see if we can mollify some of their hatred of us for cutting down the trees."

Sandra Percival, manager of Washington's Art in Public Places Program, concedes that the accumulation of controversial projects "can create a negative sentiment around public art," but she disputes the claim that such controversy is always bad. To begin with, she says, public art advocates learn what kind of planning strategies to use "to establish a long-term rapport" with the recipient communities. "Controversy is dialogue, and it is important

to carry on a dialogue about the arts—especially when the arts have been separated from life in the mind of the public," she adds.

Others believe that controversy is essential. Dr. David Courtney, a contemporary art specialist, is an assistant professor of art history and director of the art gallery at Florida Atlantic University. The latest addition to the FAU library is graced by "Collective Memory," a state percent-for-art commission.

"'Collective Memory' is a solid piece of craftsmanship, but it's not terribly exciting," says Courtney. "There hasn't been much of a student or faculty response to it." He attributes the lackadaisical response to the fact that the piece basically does not "dare to look at deeper ideas or more profound emotions." In this, Courtney faults the selection process more than the artist. "That's probably why the piece was chosen: because it wouldn't upset anyone," he says.

Yet Courtney objects to selection based on such a criterion. "Contemporary art is supposed to play a part in a cultural dialectic," he insists. "It should offer a critique of contemporary culture." Courtney heralds controversial art pieces as offering us "a mirror in which to see ourselves and our society."

But many disagree. "Artwork doesn't have to be controversial," says Florida state Senator Gwen Margolis. "If it's



Photo: William Watkins

not controversial, then it has reached the level of the people, and that's perfectly OK." She attributes controversy to more than a "cultural dialectic"—in many cases, it can arise from a sheer lack of exposure.

As someone who found herself in the middle of several debates during her recent efforts to obtain artwork for the Florida state Senate building, Margolis adds: "In Florida, when you have beaches and horses and flowers, you're OK. But if you use modern art that's not immediately understandable, it can become controversial even when no one expects it to be."

Most states have at least some stories of artworks that have been well-received from the beginning. In Maine, one of the state's first percent-for-art commissions was a mural for the Poland Community School in Poland Springs. "Animal Parade" has been the source of much delight—and little controversy.

Maine state Representative Neil Rolde thinks that's the way it should be. "Art is not cerebral," says Rolde. "If a piece of abstract art cannot communicate anything without a lot of footnotes, it's not art." And while Rolde cannot decide if Maine's attitude toward its less controversial public art is "very conservative or very progressive," he does believe that "abstract art is so old hat that it's a bore." He hopes the increase in more representational art indicates "a new direction in art."

In Portland, Ore., craftsmen were commissioned to design light fixtures and other functional elements for the new Justice Center Building. A 19th-century wooden eagle was purchased for the building as well. All have been well received, making integration rather than confrontation an increasingly popular approach among art administrators.

Whatever the approach, artist Andrew Leicester, who has accepted both state and corporate commissions, maintains that public art programs are crucial. "Many argue that the private sector should fund artwork," he says. "That's dangerous."

Leicester insists that corporations are very protective of their image and keep the artists they commission under a very tight rein. Conversely, he says, "states respect the democratic rights of the artists."

Public art, it should be noted, is not always controversial. "Collective Memory" (above), a state-commissioned sculpture at Florida Atlantic University, hardly raised an eyebrow. And "Animal Parade" (right), a mural commissioned by the state for the Poland Community School in Poland Springs, Maine, has been the source of much delight.

Photo: Elizabeth Busch



Original sponsors: Hanley, Zawacki,
and Leman

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1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 3 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to art in public places; and provid-
7 ing for an effective date."

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

* Section 1. AS 35.27.020(c) is amended to read:

(c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction
12 cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-

14 ing purposes: the design, construction, mounting and administration of
15 works of art in a school, office building, court building, vessel of
16 the marine highway system, or other building or facility that [WHICH]
17 is subject to substantial public use. All administrative costs,
18 including those of the department, associated with the art project
19 shall be paid from the money reserved under this subsection.

* Sec. 2. AS 35.27.020(g) is amended to read:

(g) Each selection committee established under AS 35.27.021 [THE
22 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON
23 THE ARTS] shall encourage the use of state cultural resources in these
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists
25 for the commission of these art works who are residents of the state
26 under AS 01.10.055.

* Sec. 3. AS 35.27 is amended by adding a new section to read:

Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
27 a work of art for a public school shall be selected by a majority vote

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1 of a committee, with the approval of the school board. The committee
2 shall be composed of the architect, the project manager administering
3 the facility construction, two representatives from the school dis-
4 trict staff, and three members of the public who reside in the commu-
5 nity where the school is located. The president of the school board
6 or a designee shall provide reasonable public notice that public
7 member seats on the committee are available. The ^{committee} school board shall
8 select the representatives from the school district and the members of
9 the public.

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10 (b) Except as provided in (a) of this section, an artist who
11 executes a work of art for buildings and facilities shall be selected
12 by a majority vote of a committee convened by the project manager
13 administering the facility construction. The committee shall be
14 composed of the architect, the project manager, a designee of the
15 Alaska State Council on the Arts, a designee of the principal user of
16 the public building or facility, and three members of the public who
17 reside in the community where the building is located. To select the
18 public members, the department shall advertise for applicants by
19 appropriate public notice and pick the members by lottery from among
20 the applicants.

who responsible
FOR lottery

21 (c) All meetings of the selection committee under (a) or (b) of
22 this section are subject to the public meeting and notice requirements
23 of AS 44.62.310.

24 * Sec. 4. AS 44.27.060(b) is amended to read:

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

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

3 (2) the building or facility is not designed for substan-
4 tial public use.

5 * Sec. 5. AS 44.27.060 is amended by adding a new subsection to read:

6 (e) A work of art ~~shall~~ be identified by a permanent plaque
7 installed on or near the work of art. The plaque must contain the
8 name or title of the work of art, the name of the artist, the year of
9 completion, and the names of the members of the selection committee.

L> who is responsible for plaque?

10 * Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 * Sec. 7. The amendments made by this Act do not apply to the construc-
12 tion of a building or facility if, before the effective date of this Act,
13 the department or the Alaska State Council on the Arts has entered into a
14 contract to meet the art requirements under this chapter for the building
15 or facility.

16 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

Question regarding 1 percent in HB 3:

Was it your understanding from the discussion that the one percent would apply across the board, or do we revert back to the original language in statute which would read "At least one percent or, in the case of a rural school facility, at least one-half of one percent....."

1% —————

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

3
POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

February 26, 1987

SUBJECT: Sectional analysis of Work Order
No. 5-0445A

TO: Representative Mike Davis

FROM: Theresa Bannister *tb*
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 states the purpose of AS 35.27.

Section 2. Sec. 35.27.020(a) requires that a certain percentage of state funds appropriated for construction or renovation funds of certain buildings or facilities be reserved and used as directed in the section.

Sec. 35.27.020(b) requires that funds reserved from subsection (a) from an appropriation under \$250,000 be deposited in the art in public places fund.

Sec. 35.27.020(c) requires that a percentage of the funds reserved from subsection (a) (from an appropriation of \$250,000 or more) be deposited in the art in public places fund. Establishes how the balance of the funds is to be used.

Sec. 35.27.020(d) requires that if funds are appropriated as a grant under AS 37.05.315 - 37.05.317 for construction or renovation of certain buildings or facilities, the grant recipient must comply with this section, except that if the grant is less than \$250,000 the department that administers

the grant must make the deposit to the art in public places fund before distributing the balance to the recipient.

Sec. 35.27.020(e) requires the Department of Transportation and Public Facilities to consult with the Alaska State Council on the Arts about the desirability of including works of art before preparing plans and specifications for the buildings or facilities covered by the chapter.

Sec. 35.27.020(f) defines "administrative percentage" for (c) of the section.

Section 3. Sec. 35.27.022 establishes certain criteria for the selection of art and artists for certain buildings or facilities under Sec. 35.27.020.

Sec. 35.27.025 authorizes the Alaska State Council on the Arts to administer and enforce AS 35.27 and to adopt regulations for the chapter.

Section 4 defines certain terms for the chapter.

Section 5. Sec. 37.05.322(a) requires the administering department for a grant of \$250,000 or more under AS 37.05.315 - 37.05.317 (for construction or renovation of certain buildings or facilities) to require contractually that the grant recipient comply with AS 35.27.

Sec. 37.05.322(b) requires a grant recipient under (a) of this section to comply with the regulations adopted by the Alaska State Council on the Arts under AS 35.27.025.

Sec. 37.05.322(c) requires the department that administers a grant under AS 37.05.315 - 37.05.317 of less than \$250,000 for construction or renovation of certain buildings or facilities to comply with AS 35.27.020(d).

Sec. 37.05.322(d) gives "building or facility" the same meaning the term has in AS 35.27.030.

Section 6 authorizes the Alaska State Council on the Arts to administer AS 35.27.

Section 7 indicates how money deposited in the art in public places fund is to be used.

Representative Davis
February 26, 1987
Page 3

Section 8 defines "building or facility" for the section establishing the art in public places fund, giving it the same meaning that the term has in AS 35.27.030.

Section 9 repeals AS 44.27.060(b).

Section 10 indicates which state appropriations the bill applies to.

If I can be of further assistance, please advise.

TB:csh
c7/72

1 IN THE HOUSE

BY DAVIS, KOPONEN, ELLIS
AND GRUENBERG

2

HOUSE BILL NO. 171

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Sec. 35.27.030. DEFINITIONS. In this chapter

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

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

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

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

27 Sec. 37.05.322. ART IN PUBLIC PLACES. (a) If a grant of
28 \$100,000 or more is made under AS 37.05.315 - 37.05.317 for construc-
29 tion or renovation of a building or facility, the department that

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

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

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

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

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

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

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

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

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

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

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(5) [REPEALED

(6) TO] manage the art in public places fund;

(6) administer AS 35.27.

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

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

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

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

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

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

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

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

ALASKA INDIAN ARTS, Inc.

REPRODUCTIONS OF AUTHENTIC INDIAN ART TRIBAL HOUSE TOTEM POLES
"Home of the Chilkat Dancers"

PORT CHILKOOT HAINEES ALASKA 99871

Phone ~~xxxx~~ Home; 766-2471
Shop 766-2160
Office 766 3160

The Hon. Iris Hanley
State Legislature
Box V
Juneau, Alaska 99811

RECEIVED

MAR 14 1989

Dear Representaive Hanley

Thank you for the opportunity to testify on HB 3. I would have like to have debated Chris d'Orsey and Molly Jones but I note that they were carefull not to mention me in their offerrings.

An example of what we feel, is outstanding art work, which can be both totemic but of great artistic value. This is a red cedar panel, 7x7 feet, six inché thick. It was designed by John Hagen and was carved by John, Charles Jimmie Sr. Cliff Thomas and myself. The panel was fabricated by George Lewis. All of the above are Alaska natives except for me, an adopted Tlinget (Chilkat)

In an effort to fully explore a use in the 1% art field, we funded two outstanding California artists to come to Haines to prepare a mold from we we have cast off two fiber glass panels; one of which is called cold cast bronze. This mold can be used for a plaster form, concæret, hydrostone, as well as bronze. These artist were Tony Sheets (his father is world famous in water colors Millard Sheets) The other man's name slips by me.

Two of our advisors and members of our board of directors are James Houston, founder of the Canadian Eskimo art program and John Svenson Sr. a sculptor from Upton Calif.

If there are further hearings I would be glad to come to Juneau to testify. The bear by the court house was done by Skip Wallen a local artist in Juneau who HAD TRIED for the commission of "Nimbus," as did we. WE, and Skip didn;t have a "National reputation"

Keep us informed:

ALASKA INDIAN ARTS, INC.

Carl W. Heinmiller

CFO

Red:
Look at the picture Iris has
Can

CC: Red Buecher
Peter Goll
file

Maj. Carl W. Heinmiller, ret.
Betty J. Heinmiller
No. 25 Ft. Seward Dr.
P.O. Box 271
Haines, Alaska 99827



HC and Post Office
Ft. Wm. H. Seward

Heinmiller Home
Historic Landmark



The Hon. Red Boucher
State Legislator
Box V

Haines, Ak.

99811



March 10, 1989

Representative Red Boucher
Alaska State Legislature
PO Box V
Juneau, Alaska 99811

RECEIVED

MAR 15 1989

Dear Representative Boucher:

I am pleased to provide you with a copy of the State Arts Council's FY88 Annual Report. Since 1967, the Council has provided core grant support to Alaskan artists and nonprofit organizations involved in arts and cultural programs. We are proud of what we have been able to accomplish, the number of Alaskan communities we have reached and the number of Alaskans whose lives have been enriched through the arts. Over fifty schools throughout the state were involved in our Artists in Schools program alone.

What you may not realize about the arts is the fact that they tie in with so many other areas of concern in the state. Many of our major groups are involved with local tourism efforts. Our Native arts programs and Master Artist and Apprentice projects support and encourage traditional skills and crafts which are not taught in schools or any other organized way. An impact study of arts activities and employment in the City of Juneau alone pointed out that that the arts industry there is worth over \$10 million annually. The Anchorage Chamber of Commerce included maintenance funding of the arts in its list of legislative priorities - realizing the importance of them to the quality of life in our cities.

We look forward to your continued support for our programs throughout Alaska.

Sincerely,

Sandra K. Saville
Chair

enclosure
SKS:CD:wg 2154B

Alaska State Council on the Arts

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

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Annual Report

Bulletin No. 77

November 1988

Fiscal Year 1988

Alaska State Council on the Arts



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Alaska State

1914
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Mr. J. A. [unclear]

Copy: Roy, Holey
Sally [unclear]
Roy, [unclear]

Mr. [unclear]
Mrs. [unclear]
Miss [unclear]

Mr. [unclear]

Mr. [unclear]

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Lesson quality and diversity of proposals

Concern that by restricting to AK artists, other states may not consider AK artists for their projects; also problem of constitutional issues

Percent for art program is self-limiting - makes relatively minor difference to state budget while it makes a significant difference to the artists and AK people. CIP budgets are so small now - lets not limit this program now, but possibly revisit this issue in the future when the CIP budgets are large.

Out of 20 projects currently being advertised, none of them qualify for this program. These projects involve federal funds or are code repair/upgrades. The Anchorage In. Airport is the only one that qualifies.