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SENATE COMMITTEE REPORT

FURTHER

5/3/89

DATE TURNED INTO OFFICE 5/5/89

Mr. President:

Finance

Committee considered CSHB 3 (FIN) am

art in public places; efd

and recommended

- replace with _____ CS) same title
- or adopt _____ SCS CSNB3 (TRSP)) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

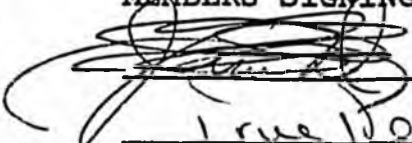
no recommendation

individual recommendations

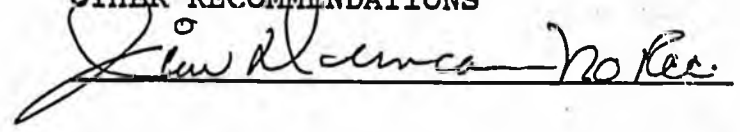
further referral to _____

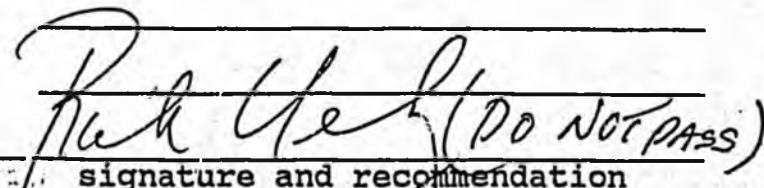
- FISCAL NOTE(S)** zero fiscal impact appropriation no FN
- new updated previous DOT (195) cap.
- same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

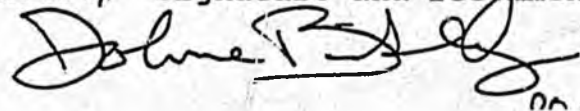


OTHER RECOMMENDATIONS

 No Rec.

 (DO NOT PASS)
 Chair: signature and recommendation

Committee Backup attached

 CG-CHAIR
 ON - PASS

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 3 (TRSP)
PUBLISH DATE: HOUSE 2/24/89

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.

Att. Officer by i.e.

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

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 .005	(reduced % for artwork)
\$ 150,000	(additional project funds)
X 1.30	(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.

Original sponsors: Hanley, Zawacki,
and Leman

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 SENATE CS FOR 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 [AT LEAST ONE] percent or, in the case of a rural school
11 facility, [AT LEAST] one-half of one percent of the construction cost
12 of a building or facility, up to a total of \$50,000 on any one proj-
13 ect, shall [APPROVED FOR CONSTRUCTION BY THE LEGISLATURE AFTER
14 SEPTEMBER 1, 1977, WILL] be reserved for the following purposes: the
15 design, construction, mounting and administration of works of art in a
16 school, office building, court building, vessel of the marine highway
17 system, or other building or facility that [WHICH] is subject to
18 substantial public use. If the building is a school or post-secondary
19 educational facility, the selection committee established under
20 AS 35.27.021 may use part of the money reserved under this subsection
21 for an artist-in-residence program to produce a permanent piece of
22 visual art. All administrative costs, including those of the depart-
23 ment, associated with the art project shall be paid from the money
24 reserved under this subsection.

25 * Sec. 2. AS 35.27.020(d) is amended to read:

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

1 The authorization may not be granted unless the building or facility
2 is subject to substantial public use or the works of art will have
3 substantial public visibility.

4 * Sec. 3. AS 35.27.020(g) is amended to read:

5 (g) Each selection committee established under AS 35.27.021 [THE
6 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON

7 THE ARTS] shall encourage the use of sta. cultural resources in these

8 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists

9 for the commission of these art works who are residents of the state

10 under AS 01.10.055. A work of art shall be identified by a permanent

11 plaque installed on or near the work of art. The plaque must contain

12 the name or title of the work of art, the name of the artist, and the

13 year of completion.

14 * Sec. 4. AS 35.27 is amended by adding a new section to read:

15 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes

16 a work of art for a public school shall be selected by a majority vote

17 of a committee, with the approval of the school board. The committee

18 shall be composed of the superintendent or principal, one represen-

19 tative from the school district staff, and three members of the public

20 who reside in the community where the school is located. The presi-

21 dent of the school board or a designee shall provide reasonable public

22 notice that public member seats on the committee are available. The

23 school board shall select the representative from the school district

24 and the members of the public. The committee may consult with the

25 Alaska State Council on the Arts, the architect, and the project

26 manager administering the facility construction project.

27 (b) Except as provided in (a) of this section, an artist who

28 executes a work of art for buildings and facilities shall be selected

29 by a majority vote of a committee convened by the project manager

1 administering the facility construction. The committee shall be
2 composed of the architect, the project manager, a designee of the
3 Alaska State Council on the Arts, a designee of the principal user of
4 the public building or facility, and three members of the public who
5 reside in the community where the building is located. To select the
6 public members, the department shall advertise for applicants by
7 appropriate public notice. The four named committee members shall
8 select the three public members from the applicants.

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

12 * Sec. 5. AS 44.27.060(b) is amended to read:

13 (b) The commissioner of a department responsible for the design
14 and construction of a building or facility shall deposit into the art
15 in public places fund one percent or, in the case of a rural school
16 facility, one-half of one percent of the construction cost of the [A]
17 building or facility, up to a total of \$50,000 on any one project, if
18 the building or facility is exempt from the requirements of AS 35.27.
19 and the exemption is because

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

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

24 * Sec. 6. AS 44.27.060(c) is repealed and reenacted to read:

25 (c) The council shall use the money in the art in public places
26 fund for artists-in-residence programs to produce permanent pieces of
27 visual art or for the purchase of Alaskan artifact antiquities or
28 original Alaskan fine art for display for the public in state build-
29 ings.

- 1 * Sec. 7. AS 44.27.060 is amended by adding a new subsection to read:
2 (e) The council shall, within one year of the effective date of
3 this Act, adopt regulations implementing this section.
- 4 * Sec. 8. AS 35.27.020(e) and 35.27.020(f) are repealed.
- 5 * Sec. 9. The amendments made by this Act do not apply to the construc-
6 tion of a building or facility if, before the effective date of this Act,
7 a request for proposal or an invitation to bid has been issued in order to
8 meet the art requirements under this chapter for the building or facility.
- 9 * Sec. 10. 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

May 4, 1989

SUBJECT: Sectional analysis of SCS CSHB 3(Trans)
TO: Representative Alyce Hanley
FROM: Pamela Finley *PF*
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 limits the amount that must be reserved for works of art from the construction cost of certain buildings and facilities. The limit is \$50,000 for any one project. This bill section also provides that all administrative costs associated with the art project are to be paid from the money reserved. Finally, the section authorizes part of the money to be spent for an artist-in-residence program to produce a permanent piece of visual art if the project is a school or post-secondary educational facility.

Section 2 prevents the Department of Transportation and Public Facilities from authorizing the inclusion of works of art in a building or facility with an estimated construction cost of less than \$250,000 unless the building or facility is subject to substantial public use or the work of art will have substantial public visibility.

Section 3 requires the selection committee established under sec. 4 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, a provision which may be unconstitutional. Finally, the section requires the art work to be identified by a plaque.

Representative Alyce Hanley

Page 2

May 4, 1989

Section 4 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 projects that are not public schools. It establishes a committee to make the selection.

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 5 amends the art in public places fund (AS 44.27.-060), which is administered by the state arts council and contains a percentage of the construction cost of certain public buildings that are exempt from the requirements of AS 35.27. The amendment adds the same \$50,000 limit that was added in bill section 1, and clarifies that in this section, as in AS 35.27.020, the percentage to be withheld in the case of rural schools is one-half of one percent.

Section 6 provides that the arts council shall use the art in public places fund for artists-in-residence programs to produce permanent pieces of visual art or for the purchase of Alaskan artifact antiquities or original Alaskan fine art for public display in state buildings.

Section 7 requires the arts council to adopt regulations implementing the art in public places fund statute within one year of the effective date of the act.

Section 8 repeals AS 35.27.020(e) and (f), which govern selection of art works and have been replaced by the amendments in bill section 4.

Section 9 indicates that the Act does not apply to projects for which a request for proposal or invitation to bid has been issued before the effective date of the Act in order to meet the art requirements. As explained below, this section needs a technical amendment.

Section 10 gives the Act an immediate effective date.

Representative Alyce Hanley
Page 2.1
May 4, 1989

Necessary Technical Amendments

For technical reasons, in bill section 9, the applicability section, "this chapter" should be deleted and "AS 35.27 or AS 44.27.060" should be inserted. "This chapter" does not refer to anything and the art requirements are imposed by AS 35.27 and AS 44.27.060.

PF:gc
WKG10/055

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1989

SUBJECT: SCS CSHB 3(Transportation)
TO: Senator Lloyd Jones
Attn: Terry
FROM: Pamela Finley *PF*
Assistant Revisor

Enclosed is the CS you requested for the referenced bill. Would you please inform the committee of next referral that for technical reasons "this chapter" in bill section 9, should be deleted and "AS 35.27 or AS 44.27.060" should be inserted.

PF:gc
WKG10/038

Enclosure