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Amended: 4/24/89

6-0216D am

Offered: 4/13/89

Referred: Rules

Original sponsors: Hanley, Zawacki,  
and Leman

IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 3 (Finance) am  
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; and provid-  
ing 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 [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, up to a total of \$50,000 on any one project, shall [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 that [WHICH] is subject to substantial public use. If the building is a school or post-secondary educational facility, the selection committee established under AS 35.27.021 may use part of the money reserved under this subsection for an artist-in-residence program. All administrative costs, including those of the department, associated with the art project shall be paid from the money reserved under this subsection.

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

(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. The authorization may not be granted unless the building or facility

is subject to substantial public use or the works of art will have substantial public visibility.

\* Sec. 3. 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 under AS 01.10.055. A work of art shall be identified by a permanent plaque installed on or near the work of art. The plaque must contain the name or title of the work of art, the name of the artist, the year of completion, and the names of the members of the selection committee.

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

Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes a work of art for a public school shall be selected by a majority vote of a committee, with the approval of the school board. The committee shall be composed of the superintendent or principal, one representative from the school district staff, and three members of the public who reside in the community where the school is located. The president of the school board or a designee shall provide reasonable public notice that public member seats on the committee are available. The school board shall select the representative from the school district and the members of the public. The committee may consult with the Alaska State Council on the Arts, the architect, and the project manager administering the facility construction project.

(b) Except as provided in (a) of this section, an artist who executes a work of art for buildings and facilities shall be selected by a majority vote of a committee convened by the project manager

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

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

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

(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 or, in the case of a rural school facility, one-half of one percent of the construction cost of the [A] building or facility, up to a total of \$50,000 on any one project, 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.

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

(c) The council shall use the money in the art in public places fund for artists-in-residence programs and for the support of other educational programs in school districts for visual and performing arts and music.

\* Sec. 7. AS 44.27.060 is amended by adding a new subsection to read:

(e) The council shall, within one year of the effective date of this Act, adopt regulations implementing this section.

\* Sec. 8. AS 35.27.020(e) and 35.27.020(f) are repealed.

\* Sec. 9. The amendments made by this Act do not apply to the construction of a building or facility if, before the effective date of this Act, a request for proposal or an invitation to bid has been issued in order to meet the art requirements under this chapter for the building or facility.

\* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

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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.

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

## 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.

THIS  BILL  RESOLUTION

has been prepared by the staff of the Legal Services Division of the Legislative Affairs Agency in response to the request and at the direction of the sponsor. The staff has attempted to place it in proper legal and clerical form subject to any special limitations or instructions of the sponsor. Requests for bills and resolutions are kept confidential by the staff and any announcement of intent to have a document drafted or introduced is the prerogative and responsibility of the sponsoring member. The agency or its staff may not endorse or comment on policy matters involved in a bill or resolution. The substance and merits of a bill or resolution are the responsibility of the sponsor.

Delivered to sponsor:

5-3-87

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99911  
907 465 3800

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

SENATE COMMITTEE REPORT

FURTHER Fin

4/25/89

DATE TURNED INTO OFFICE May 3, 1989

Mr. President:

Transportation Committee considered CSHB 3 (FIN) am

art in public places; efd

and recommended

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt SCB CS for HB 3 (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
- same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

[Signature]

Paul H. [Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OTHER RECOMMENDATIONS

It should not pass

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
Chair: signature and recommendation

Committee Backup attached

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 (d) 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 state 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).  
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*Committee*

*moved + passed*

A M E N D M E N T

Offered in Senate Transportation

By Alyce Hanley

TO: CSHB 3 (Finance) am

Page 1, Line 21 after "program":

Insert "to produce a permanent piece of visual art."

Page 3, Line 26 thru 28 after "programs":

Delete "and for support of other educational programs in school districts for visual and performing arts and music."

Page 3, Line 26 after "programs":

Insert " to produce a permanent piece of visual art or ~~for~~ the purchase of Alaskan artifact antiquities or original Alaskan fine art for display for the public in state buildings."

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: SCS HB 3 TRSP  
PUBLISH DATE: 1/9/89

REQUEST: FISCAL NOTE

Revision Date: Amended 5/2/89  
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
CONTRACTUAL	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	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

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

POSITIONS:

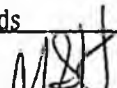
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No significant change in overall project costs are anticipated under the provisions of this bill.

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

Phone: 465-2960  
Date: 5/3/89

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

Date: 5/3/89

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

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 3  
PUBLISH DATE: 1/9/89

REQUEST: FISCAL NOTE

Revision Date: Amended 4/24/89  
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	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

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

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)

No significant change in overall project costs are anticipated under the provisions of this bill.

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

Phone: 465-2960  
Date: 5/1/89

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

Date: 5/1/89

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



## Department of Transportation & Public Facilities

# POSITION PAPER

**BILL NO:** CS to HB 3 (amended)

**APPROVED:** *M-K A. W.*

**TITLE:** An Act Relating to Art in Public Places

**DATE:** May 1, 1989

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Due to recent material changes in the language of this bill the anticipated benefit of additional construction funds has been significantly reduced. Given present budgetary restraints the department does not anticipate the construction of many projects exceeding \$5 million -- which would then be subject to the bill's \$50,000 artwork cap. However, in future years and as conditions improve this provision may have an impact.

For this reason the department changes its position on this bill from one of support to one of neutrality



# Alaska State Legislature

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## House of Representatives

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3111 "C" STREET, SUITE 410  
ANCHORAGE, ALASKA 99503  
(907) 561-2033

DURING SESSION  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4939

REPRESENTATIVE  
**ALYCE HANLEY**  
DISTRICT 9, SEAT B

MEMBER  
HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE  
REGULATION REVIEW COMMITTEE

*Jones*  
*KVI*

April 26, 1989

### MEMORANDUM

TO: Senator Lloyd Jones, Chairman  
Senate Transportation Committee

FROM: Representative Alyce Hanley *A. Hanley*

SUBJECT: HB 3 - "An Act relating art in public places; and providing for an effective date."

This bill was re-introduced this session in order to accomplish meaningful reform of the current State of Alaska public art program. There has been a lot of public dissatisfaction with this program in the past. It is my desire to give the public more of a say in the type of public art that is placed in public facilities. It is with this in mind that I respectfully request on behalf of myself as well as the cosponsors that HB 3 be scheduled for a Senate Transportation Committee public hearing at your earliest convenient date.

The bill addresses four areas of public concern: (1) caps the amount allocated on each project to \$50,000.00 for the State of Alaska's public art program for both the rural school facilities and other public facilities; (2) reforms the art selection process by outlining composition of the art selection committee members including for the first time three lay members of the public; (3) requires the use of Alaskan resident artists commissioned for State of Alaska public art projects; (4) allows percent for art money to be used for the artist in residence program for school district projects; and (5) adds a requirement for a plaque which contains the name of the art piece, name of the artist, names of art selection committee members and the year of completion for all works of art executed under this program.

Thank you in advance for your consideration and a prompt scheduling of HB 3.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1989

SUBJECT: Sectional analysis of CSHB 3(Fin)am  
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 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.

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 and other educational programs in schools related to the arts. Currently the fund is used for works of art in buildings or facilities that have substantial public use.

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.

Section 10 gives the Act an immediate effective date.

Representative Alyce Hanley  
Page 3  
April 29, 1989

Suggestions:

1. Because article IX, section 8, of the state constitution requires the proceeds of general obligation bonds to be used for capital projects, and AS 35.27.020(c) and AS 44.27.060(c), as amended in this bill, would allow a portion of the construction cost of certain buildings to be used for things which are not capital projects--art-in-residence programs in AS 35.27.030(c) and educational programs in AS 44.27.060(c)--subsections should be added to both sections that would prohibit the proceeds of general obligation bonds from being used for anything but capital projects.

2. 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.

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## INFORMATION ON HB 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 over time about various aspects of the public arts program. There is a legislative awareness of the wide ranging discontent with the program and the method of art selection. This 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. HB 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 67% 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 and the state is looking for ways to save money throughout its budget. Capping the project amount at \$50,000 will continue to allow the State to recognize its merit but will also recognize the difficult financial situation the state is facing. If enacted the bills would cap the amount spent in the percent for art program at \$50,000 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. Caps the amount spent on a percent for art project at \$50,000 per project.

2. Allows the percent for art program to use money for an artist-in-residence program.

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

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

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

(33) "spud date" means the day that actual drilling operations commence;

(34) "standard conditions" means a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.65 pounds per square inch;

(35) "stratigraphic test" means a hole drilled for the sole purpose of gaining structural or stratigraphic information, or both;

(36) "suspended well" means a well that has been plugged as required by 20 AAC 25.105 and held in abeyance pending a determination to either complete the well as a service or producible well or to abandon the well;

(37) "suspension operations" means work performed as required by 20 AAC 25.105 in a well bore to effect well suspension;

(38) "unit" means an aggregation, by voluntary agreement, or order of the commission, of properties overlying a pool to form a single property unit for the purpose of pool development and operation in a manner to prevent waste, insure greater ultimate recovery of oil and gas and protect correlative rights;

(39) "well abandonment date" means the day that abandonment operations cease;

(40) "well completion date" means the day that completion operations cease;

(41) "well suspension date" means the day that suspension operations cease. (Eff. 4/13/80, Register 74; am 4/2/86, Register 97)

Authority: AS 31.05.030

### CHAPTER 30. ALASKA STATE COUNCIL ON THE ARTS

#### Article

1. Operating Support Grants (20 AAC 30.010 — 20 AAC 30.050)
2. Project Support Grants (20 AAC 30.080 — 20 AAC 30.130)
3. Emergency Grants (20 AAC 30.160 — 20 AAC 30.210)
4. Individual Artists' Fellowship Program (20 AAC 30.240 — 20 AAC 30.280)
5. Travel Grants (20 AAC 30.310 — 20 AAC 30.350)
6. Master Artist and Apprentice Program (20 AAC 30.380 — 20 AAC 30.410)
7. Workshop Program (20 AAC 30.440 — 20 AAC 30.480)
8. Education Programs (20 AAC 30.510 — 20 AAC 30.550)
9. Capital Grants to Arts Organizations (20 AAC 30.580 — 20 AAC 30.620)
10. Percent for Art Program (no regulations filed)
11. Contemporary Art Bank Program (no regulations filed)
12. Block Grant Program (no regulations filed)
13. Miscellaneous and General Provisions (20 AAC 30.880 — 20 AAC 30.985)

Editor's notes. — The various forms mentioned in this chapter may be obtained by writing to the Alaska State Council on the Arts, 619 Warehouse Avenue, Suite 220, Anchorage, Alaska 99501.

*Distributed by Rep. Stanley*

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§ 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 Transportation and Public Facilities" for paragraphs (2) and (6).

## 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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§ 35.30.010

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).

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).

The second 1977 amendment

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 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.

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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 (HCSSR 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.** (a) 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), (e), 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)