

HB

215

WORK DRAFT

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23-LS0605H
Kurtz
4/30/03

CS FOR HOUSE BILL NO. 215()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES STOLTZE, Hawker, Wilson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to art requirements for public buildings and facilities; relating to
2 identification, monitoring, maintenance and reporting of art in public buildings and
3 facilities; and relating to the art in public places fund."

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

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

6 (c) At least one percent or, in the case of a rural school facility, at least one-
7 half of one percent of the first \$10,000,000 of the state funding for the construction
8 [COST] of a building or facility approved for construction by the legislature after
9 September 1, 1977, and at least one-half of one percent, or in the case of a rural
10 school facility, one-quarter of one percent of that portion of the state funding that
11 exceeds \$10,000,000 for the construction of a building or facility approved for
12 construction by the legislature shall [WILL] be reserved for the following purposes:
13 the design, construction, mounting, [AND] administration, and maintenance of
14 works of art in a school, office building, court building, vessel of the marine highway

THE
FOLLOWING
DOCUMENT(S)
ARE
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1 system, or other building or facility that [WHICH] is designed for [SUBJECT TO]
2 substantial public use. Of the total amount that is received for works of art for a
3 building or facility under this subsection, at least five percent shall be deposited
4 in the art in public places fund established under AS 44.27.060 to meet future
5 maintenance needs of art works in public buildings and facilities.

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

7 (d) A building or facility with an estimated construction cost of less than
8 \$250,000 is exempt from the requirements of this chapter unless inclusion of works of
9 art in the design and construction of the building or facility is specifically authorized
10 by the department. A building or facility exempt under this subsection is subject
11 to AS 44.27.060.

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

13 (g) The architect, superintendent, department, and the Alaska State Council on
14 the Arts shall encourage the use of state cultural resources in these art works and shall,
15 to the extent permitted by law, select [THE SELECTION OF ALASKA
16 RESIDENT] artists for the commission of these art works who are residents of the
17 state under AS 01.10.055.

18 * Sec. 4. AS 35.27 is amended by adding new sections to read:

19 Sec. 35.27.022. Identification, monitoring, and maintenance of art works.

20 (a) For each work of art purchased under this chapter, the building or facility owner
21 shall install a permanent plaque containing the name or title of the work of art, the
22 name of the artist, and the year of completion on or near the work.

23 (b) Each work of art acquired under this chapter, regardless of its cost, shall be
24 included in the inventory records of state property under AS 37.05.160 or in the
25 building or facility owner's inventory system.

26 (c) For each building or facility subject to this chapter, the building or facility
27 owner shall report to the Alaska State Council on the Arts

28 (1) the amount of state funding for the project;

29 (2) the total cost of art;

30 (3) the title, artist, location, cost, inventory reference, and anticipated
31 maintenance requirements of each work of art acquired;

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1 (4) photo documentation according to the specifications of the Alaska
2 State Council on the Arts of each work of art.

3 Sec. 35.27.024. Report to the legislature. The Alaska State Council on the
4 Arts shall prepare an annual report listing the buildings and facilities subject to this
5 chapter and each work of art purchased, including the cost, amount deposited into the
6 art in public places fund (AS 44.27.060) for maintenance, and inventory reference.
7 The Alaska State Council on the Arts shall submit the report to the Legislative Budget
8 and Audit committee within 30 days after the convening of each regular session of the
9 legislature.

10 * Sec. 5. AS 35.27.030(1) is amended to read:

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

13 (A) includes, but is not limited to,

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

15 (ii) other buildings that [WHICH] the commissioner
16 determines are designed for substantial public use;

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

18 (iv) transportation facilities that [WHICH]
19 accommodate traveling passengers;

20 (B) excludes

21 (i) [OTHER] transportation facilities not described in
22 (A)(iii) and (iv) of this paragraph;

23 (ii) correctional facilities, as that term is defined in
24 AS 33.30.901;

25 (iii) buildings that are not designed for substantial
26 public use;

27 * Sec. 6. AS 35.27.030(3) is amended to read:

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

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1 construction of the facility, and exclusive of costs, including costs incurred due to
 2 change orders, not included in the original construction contract or contracts
 3 awarded for the construction of the facility.

4 * Sec. 7. AS 35.27.030 is amended by adding a new paragraph to read:

- 5 (4) "state funding" means
- 6 (A) an appropriation of state funds by the legislature; or
- 7 (B) general obligation bond proceeds.

8 * Sec. 8. AS 44.27.060(c) is amended to read:

- 9 (c) The council may use the money in the art in public places fund
- 10 (1) to commission or purchase a work of art that is to be made a
- 11 permanent part of, or placed on loan in, a building or facility owned or leased by the
- 12 state that has substantial public use; [AND]
- 13 (2) to meet expenses for a commissioned work of art for a building or
- 14 facility that has substantial public use if the cost of the work of art exceeds the amount
- 15 reserved under AS 35.27.020(c); and
- 16 (3) to maintain and repair existing works of art acquired under
- 17 AS 35.27.

18 * Sec. 9. AS 44.27.060(d) is amended to read:

- 19 (d) In (c) of this section, "building" or "facility" means
- 20 (1) a building or facility of the state, as defined by AS 35.27.030, that
- 21 is designed for [AND THAT IS SUBJECT TO] substantial public use; and
- 22 (2) a building or facility that is leased by the state and designed for
- 23 [SUBJECT TO] substantial public use.

24 * Sec. 10. AS 44.27.060 is amended by adding new subsections to read:

- 25 (e) The commissioner of a department responsible for the design and
- 26 construction of a building or facility or the owner of a building or facility subject to
- 27 AS 35.27 shall deposit into the art in public places fund at least five percent of the
- 28 total amount that is received for works of art for a building or facility under AS 35.27.
- 29 (f) Money deposited in the art in public places fund does not lapse at the end
- 30 of a fiscal year unless otherwise provided by an appropriation.

31 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to

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- 1 read:
- 2 TRANSITIONAL PROVISIONS. The provisions of this Act apply to art purchased
- 3 with state funds appropriated and general obligation bonds approved by the voters on or after
- 4 July 1, 2003.

23-LS0605VD

Kurtz

4/23/03

CS FOR HOUSE BILL NO. 215()
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES STOLTZE, Hawker, Wilson

A BILL
 FOR AN ACT ENTITLED

1 "An Act relating to art works in public buildings and facilities."

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

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

4 (c) At least one percent or, in the case of a rural school facility, at least one-
 5 half of one percent of the first \$10,000,000 of the state funding for the construction
 6 [COST] of a building or facility approved for construction by the legislature after
 7 September 1, 1977, and at least one-half of one percent, or in the case of a rural
 8 school facility, one-quarter of one percent of that portion of the state funding that
 9 exceeds \$10,000,000 for the construction of a building or facility approved for
 10 construction by the legislature will be reserved for the following purposes: the
 11 design, construction, mounting, [AND] administration, and maintenance of works of
 12 art in a school, office building, court building, vessel of the marine highway system, or
 13 other building or facility that [WHICH] is subject to substantial public use. At least
 14 five percent of the cost of each work of art shall be deposited in the art in public
 15 places fund established under AS 44.27.060 to meet future maintenance needs of

1 art works in public buildings and facilities.

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

3 (g) The architect, superintendent, department, and the Alaska State Council on
4 the Arts shall encourage the use of state cultural resources in these art works and shall,
5 to the extent permitted by law. select [THE SELECTION OF ALASKA
6 RESIDENT] artists for the commission of these art works who are residents of the
7 state under AS 01.10.055.

8 * Sec. 3. AS 35.27 is amended by adding new sections to read:

9 **Sec. 35.27.022. Identification, monitoring, and maintenance of art works.**

10 (a) For each work of art purchased under this chapter, the building or facility owner
11 shall install a permanent plaque containing the name or title of the work of art, the
12 name of the artist, and the year of completion on or near the work.

13 (b) Each work of art acquired under this chapter, regardless of its cost, shall be
14 included in the inventory records of state property under AS 37.05.160 or in the
15 building or facility owner's inventory system.

16 (c) For each building or facility subject to this chapter, the building or facility
17 owner shall report to the Alaska State Council on the Arts

18 (1) the amount of state funding for the project;

19 (2) the total cost of art;

20 (3) the title, artist, location, cost, inventory reference, and anticipated
21 maintenance requirements of each work of art acquired.

22 **Sec. 35.27.024. Report to the legislature.** The Alaska State Council on the
23 Arts shall prepare an annual report listing the buildings and facilities subject to this
24 chapter and each work of art purchased, including the cost, amount deposited into the
25 art in public places fund (AS 44.27.060) for maintenance, and inventory reference.
26 The Alaska State Council on the Arts shall submit the report to the Legislative Budget
27 and Audit committee within 30 days after the convening of each regular session of the
28 legislature.

29 * Sec. 4. AS 35.27.030(1) is amended to read:

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

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(A) includes, but is not limited to,

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

(ii) other buildings that [WHICH] the commissioner determines are designed for substantial public use;

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

(iv) transportation facilities that [WHICH] accommodate traveling passengers;

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(i) other transportation facilities;

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* Sec. 5. AS 35.27.030 is amended by adding a new paragraph to read:

(4) "state funding" means

(A) an appropriation by the legislature; or

(B) general obligation bond proceeds.

* Sec. 6. AS 44.27.060(c) is amended to read:

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

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

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

(3) to maintain and repair existing works of art acquired under AS 35.27.

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

(e) The commissioner of a department responsible for the design and construction of a building or facility or the owner of a building or facility subject to AS 35.27 shall deposit into the art in public places fund at least five percent of the cost

1 of each work of art acquired under AS 35.27.

2 * Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITIONAL PROVISIONS. The provisions of this Act apply to art purchased
5 with state funds appropriated and general obligation bonds approved by the voters on or after
6 July 1, 2003.

ALASKA STATE LEGISLATURE

Chair:
House Finance Subcommittees for,
Department of Public Safety
Department of Law

Member:
House Finance Committee
Legislative Council



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928
Toll Free (866) 465-4958

Interim:
PO Box 464
Chugiak, AK 99567

REPRESENTATIVE BILL STOLTZE

Representative_Bill_Stoltze@legis.state.ak.us

Sponsor Statement for House Bill 215

"An Act repealing statutes that relate to art works in public buildings and facilities and that require a set percentage of construction costs be spent on art."

Alaska's "Percent for Art in Public Places" 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 (Alaska Statute 36.75).

Although many have, over the years, made subjective comments about the value of individual "percent for art" projects, my intent in introducing HB 215 is to address the fiscal aspect of the program. As state government determines which functions of government are most essential, I feel that this particular program is one that we can no longer afford. In the case of school facilities, I feel that providing additional laboratory space, playground equipment and a myriad of other needs are far more important than percent for art expenditures.

I appreciate your consideration of this legislation.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB215
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Repeal One Percent for Art BRU _____
 Component _____
 Sponsor Stoltze Component No. _____
 Requester HSTA

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Dennis R. Poshard Phone 465-3900
 Division: Special Assistant to Commissioner Date/Time 4/2/03 5:56 PM
 Approved by: Commissioner Mike Barton Date 4/2/2003
 Agency: Alaska Department of Transportation and Public Facilities

Subject: [Fwd: Art in Public Places Fund]
Date: Wed, 30 Apr 2003 16:52:34 -0800
From: Barbara Bitney <Barbara_Bitney@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

Ginny:

Could we put this in the committee packets, too. I think it explains some of what Charlotte was trying to convey during the hearing, too.

Thanks,

Barbara

Subject: Art in Public Places Fund
Date: Wed, 30 Apr 2003 11:16:49 -0800
From: "Charlotte A. Fox" <charlotte_fox@eed.state.ak.us>
To: "Barbara Bitney" <Barbara_Bitney@Legis.state.ak.us>

I hope this clarifies the Fund:

The Alaska State Council on the Arts
Art in Public Places Program

There are two major components of the Art in Public Places Program, The Art in Public Places Fund (AS 44.27.060) and the Percent for Art Program (AS 35.27)

The Art in Public Places Fund
Fund sources:

- 1) Percent for Art Projects under \$250,000
- 2) Percent for Art Projects that are buildings without substantial public use

Purpose of the fund:

Funds are ONLY used to purchase art for loan for use in State of Alaska office buildings and the Alaska Congressional offices in Alaska and Washington, DC. Governor Murkowski has 18 pieces from the Contemporary Art Bank in his DC office alone.

>From 1988 through 1999, there were no purchases from this fund due to lack of authorization. However, deposits had been made into the fund, totaling \$76,500 over 10 years. In 1999, an appropriation was made so that ASCA could access those funds.

Between 1999 and 2001, a major call to Alaskan artists was made and 66 new works by 51 Alaskan artists were purchased, which depleted the fund.


Deposits were made into the fund in 2002 of \$4,586 which purchased two new works of art, one by Ron Senungetuk and a photograph by Soldotna photographer Gary Freeburg.

Current fund balance: \$2,156. Although ASCA is authorized \$75,600 each year, only the amount deposited through the program is actually spent. There is no impact on the general fund from these income and expenditures.

Now, over 550 works of art are loaned for public display in state offices throughout Alaska and in the offices of Alaska's congressional delegation in

Washington, DC. This program is a marvelous way to highlight the range of abilities of Alaska's artists.

Charlotte Fox, Executive Director
Alaska State Council on the Arts
www.eed.state.ak.us/aksca
(907) 269-6607

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Barbara Bitney < Barbara_Bitnev@legis.state.ak.us > Legislative Aide/Representative Stoltze Alaska State House District 16 State Capitol, Room 421

Subject: Opposing HB215

Date: Tue, 01 Apr 2003 15:05:17 -0900

From: Hal Gage <halgage@alaska.net>

To: Representative_Bruce_Weyhrauch@legis.state.ak.us

I strongly oppose HB 215 (to repeal funding for the Percent for Art program). This statute is one that neither directly or indirectly cost the tax payers anything and directly and indirectly benefit all Alaskans. The works of art by local, national and internationally recognized artists that have been added to the states collection as well as decorated and enlivened our public spaces can not be over measured in the value that it has given all people of Alaska. As one of nearly two thirds of the states in this country, Alaska is a leader in up holding this program that enhances our public places.

In addition, the funding that goes to the ASCA Art Bank to help manage and procure art by Alaskans directly benefit Alaskan artists by the patronage of their work. The general public benefits from seeing a wide diversity of art in their public institutions, and public employees benefit from the works of art that adorn their work spaces. Through the states support of this program, Alaskan artists continue to work and grow to make more and better art that is shown in Alaska and outside increasing Alaska as a destination and creating a better place to live and work. The states cooperation in this program insures that our public spaces are alive and vibrant and that its intellectual coffers are well stocked for the future.

I respectfully ask you to to oppose HB 215.

Hal Gage
2526 Galewood St
Anchorage, Alaska 99508
(907) 272-4356
artist, business man, life long Alaskan

Subject: FW: HB 215

Date: Wed, 2 Apr 2003 15:11:12 -0900

From: Terry Schoenthal <tschoenthal@landdesignnorth.com>

To: "ginny_austerman@legis.state.ak.us" <ginny_austerman@legis.state.ak.us>

-----Original Message-----

From: Terry Schoenthal

Sent: Wednesday, April 02, 2003 2:42 PM

To: Lesil McGuire (Representative_Lesil_McGuire@legis.state.ak.us)

Subject: HB 215

Hello Lesil,

As a constituent from your district, I wish to express concern about HB 215, which I understand will get a hearing tomorrow. No doubt, you are getting an earful about the cuts already proposed by the Governor. In all honesty, I favor most of them. I even favor the idea of using the permanent fund toward education. How much sense does it make to tax us on one hand and return it as a permanent fund dividend on the other?

HB 215 calls for the repeal of the 1% for art in public buildings. This program has been a relatively painless way to assess ourselves to incorporate art in our everyday lives. There are clearly bad examples of this program that can be identified in our public buildings, but there are also wonderful and creative enhancements that have occurred over the years. At a minimum the art pieces give people something to talk and think about. When I show out-of-state guests and visitors around, the art in our public buildings is almost always mentioned.

Yes, money is getting tight and in the current political climate art may seem frivolous. To me, however, our public art represents a pride in our place. It also represents a commitment to quality of life. I would request support in defeating this bill and keeping our 1% for art program.

Thanks,

Terry Schoenthal

Subject: 1% for art

Date: Wed, 02 Apr 2003 14:58:41 -0900

From: "Kumin, Jon" <jkumin@kumin.alaska.com>

To: ginny_austerman@legis.state.ak.us

Hello:

I am an architect who has worked in all regions of Alaska. Please add my voice to those supporting continuation of this program. It is a citizen based system, and one that is an important part of making a complete built environment. Buildings are incomplete without windows and doors. As a designer I feel art is also a necessary component to a complete public building. Are we so poor in spirit we can't afford to add a little fun to our buildings? Quality of life will increasingly be a key part of where people locate. If we want Alaska to thrive, let's not make it a pinch-penny, poor-mouth place that people want to avoid.

Sincerely,

Jon Kumin

Fairbanks North Star Borough School District

520 Fifth Avenue • Fairbanks, AK 99701-4756 • phone (907) 452-2900



FAX COVER SHEET

Date: 4-3-03

To: Rep Weybrauch

Fax No. 907 465-2273

From: Barbara Short
Art Coordinator / Teacher

Fax No. (907) 451-0541

Number of pages (including cover sheet): 2

Notes: I tried to e-mail this but
since I have a conflict tomorrow
a.m. wanted to be sure you got
it.

This statute is a positive
thing for our state.

Please oppose AB 215 -

From: Barbara Short <bshort@northstar.k12.ak.us>
Date: Wed Apr 2, 2003 4:24:10 PM America/Anchorage
To: HB215 Sponsor Peggy Wilson <Representative_Peggy_Wilson@legis.state.ak.us>, Paul Seaton <Representative_Paul_Seaton@legis.state.ak.us>, Nancy Dahlstrom <Representative_Nancy_Dahlstrom@legis.state.ak.us>, HB215 Sponsor Mike Hawker <Representative_Mike_Hawker@legis.state.ak.us>, Max Gruenberg <Representative_Max_Gruenberg@legis.state.ak.us>, Vice Chairman Jim Holm <Representative_Jim_Holm@legis.state.ak.us>, Ethan Berkowitz <Representative_Ethan_Berkowitz@legis.state.ak.us>, Chairman Bruce Weyrauch <Representative_Bruce_Weyrauch@legis.state.ak.us>, Bob Lynn <Representative_Bob_Lynn@legis.state.ak.us>, HB215 Sponsor Bill Stolze <Representative_Bill_Stolze@legis.state.ak.us>
Cc: ashort@northstar.k12.ak.us
Subject: Strong Opposition to HB 215

To Members of State Affairs Committee:

When we study history, we learn about a people through their art. What will future students learn about us?

The Percent for Art statute stands as a tribute to Alaska. Citizens and visitors alike enter public buildings that welcome them as well as serve them. One rarely enters a building in Alaska and thinks 'what a sad and dour environment' as one used to.

HB 215 is, in my opinion, a poorly thought out attempt to limit artistic expression while benefitting the State of Alaska or local communities in no way whatsoever. It doesn't even save money.

I have been the Art Coordinator for the Fairbanks North Star Borough School District for about 15 years and, as such, am responsible for the Percent for Art program in our schools. The selection of art is taken very seriously by the volunteer committees that represent each school. The committee members represent the school community and include students, parents, staff, teachers, administrator and community artists. Normally there are 8-10 members not counting an architect or representative. On average these committees meet at least 7 times in the process of planning, drafting and selecting art. All selected artists are required to have an educational component/presentation for the school population.

The art selected by these committees is extremely well-received by their communities and enhances the buildings immensely. I have a slide show which I am sure you would be quite impressed with were you to see it...

I am unavailable to call in tomorrow morning and am thus writing you now. I am available to answer questions and can be reached next week at 452-2000, X 417.

Thank you for your consideration.

Barbara Short

"Art is the signature of civilization".
Beverly Sills

ANNE L. HERMAN
5100 East 112th Avenue
Anchorage, AK 99516-1664

April 2, 2003

Representative Bruce Weyhrauch, Chair
State Affairs Committee
Alaska House of Representatives
Juneau, AK

Dear Representative Weyhrauch,

We are writing today to ask you to please consider not passing through your committee House Bill 215, regarding the Percent for Art Program. Alaska is only one of a very few states in the country to have a program that grants a percentage of building costs to art installations in public buildings. What a wonderful and cost-effective way to introduce art into communities across this state. It is an investment in the community that goes well beyond the building that houses or exhibits it. This is truly the people's art since it is created by public artists and chosen by people in the communities in which it is displayed. Such public art encourages people to explore the arts in a friendly way; it is art that you can touch, walk around, sit on and look at every day to understand what it means. It is also a way to show that art is a part of all our lives, not just the few who can afford it.

The Percent for Arts Program also supports many Alaskan artists. We have a diverse and talented population of artists in this state who create works that enrich all our lives. This program helps them continue to create and explore their artistic visions, something that can benefit all of us. The program also supports the Alaska State Council on the Arts' Contemporary Art Bank, which holds hundreds of works that are loaned out to state and Congressional offices for your display. Perhaps you have already taken advantage of this art bank in your own offices? How much has this art added to your working lives and those of the people who come to visit your offices.?

The Percent for Arts programs creates art that can last a lifetime. It is art for all of us, not just those who can afford to purchase it or see it in a museum. It has so many benefits for the communities in which it is displayed at such a small cost. Please consider keeping this important arts program running in our state. We all will be better for it.

Thank you for taking the time to consider our request.

Sincerely,



Anne L. Herman
Bruce M. Herman

April 2, 2003

Representative Weyhrauch,

It's been said that "all art requires
courage"...

please have the courage to fight HB215
threatening public art.

Bristol Vaudrin Haggstrom
533 East 73rd Avenue
Anchorage, AK 99518
(907) 830-6913
bristol@bdsak.com

Art is not a thing; it is a way. -- Elbert Hubbard

Subject: 1% Art

Date: Wed, 02 Apr 2003 15:34:52 -0900

From: Kari Mote <kokopelli@alaska.com>

To: ginny_austerman@legis.state.ak.us

Ginny,

Please know there is a huge art community in Anchorage and we support Percentage for Art in Alaska. House Bill 215 is against Alaskans and against artists. We need more culture in Alaska, not less. As founding Artistic Director for Kokopelli Theatre Company I realize how hard it is for Alaskan artist to survive up here. We need to support local talent and to encourage our future artists, the children of Alaska to practice and keep their talent up here. If they cant survive they will leave. Please send a message of support to all Alaskan artists and oppose House Bill 215.

Thank you,

Kari Mote

Artistic Director

Kokopelli Theatre Co.

Subject: RE: 1% for Art Testimony!!!!

Date: Wed, 2 Apr 2003 15:41:38 -0900

From: "Ed Oreill" <eoneill@brownjug.alaska.net>

To: <sacteson@akanhs.org>, <ginny_austerman@legis.state.ak.us>

Bruce Weyerauch,

House Bill 215 proposes to eliminate the Percent for Art program from the state. As a born and bred Alaskan, I find this to be very frustrating. We fought long and hard to get this program going to help beautify our public buildings. To find out our legislators are trying to turn our public spaces into buildings on par with "big box stores" is preposterous. Alaska is known for it's beauty; let's keep our public buildings beautiful too.

Ed O'Neill
Brown Jug, Inc.
4140 Old Seward Hwy.
Anchorage, Alaska 99503
(907) 563-3815 x225 Cell (907) 240-1818 Fax (907) 562-3008
eoneill@brownjug.alaska.net

-----Original Message-----

From: Shelby [mailto:sacteson@akanhs.org]

Sent: Wednesday, April 02, 2003 2:51 PM

To: Shelby Acteson

Cc: "All Office Employees"@gci.net

Subject: 1% for Art Testimony!!!!

Greetings,

Below is additional information about how your voice can be heard about the 1% for Art issue. Thanks to Christopher Constant for this information.

Shelby

As you read in the previous email, House Bill 215 proposes to eliminate the Percent for Art program from the state.

Tomorrow morning, the State Affairs Committee meets from 8-10 am. You can go to the Legislative Information Office then and sign up to testify. Another option is to submit your comments in writing. This is best done by writing to Ginny Austerman at ginny_austerman@legis.state.ak.us with your comments as soon as possible. She serves as the legislative aide for Bruce Weyerauch, the Representative in charge of the committee.

If you get your written comments to her today or before 7:30 AM tomorrow, she can get your comments to the house members before they deliberate.

Subject: FW: HB 215

Date: Wed, 02 Apr 2003 15:49:10 -0900

From: Karen Benning <benning@gci.net>

To: ginny_austerman@legis.state.ak.us

In case Representative Lynn does not receive this before the Thursday meeting.

Thank you.

----- Forwarded Message

From: Karen Benning <benning@gci.net>

Date: Wed, 02 Apr 2003 11:46:17 -0900

To: <Representative_Bob_Lynn@legis.state.ak.us>

Subject: HB 215

Dear Representative Lynn:

I have never written to my representative before, but with everything that's happening to our state right now, I feel I must at last make my voice heard. You are my elected House Representative, and I hope you will take my message under consideration.

Passing HB 215 would be a big mistake. Eliminating the 1% For Art program sends the message that art and culture is less important than building materials and furniture. I have lived in cities with stronger art programs than what Alaska currently has, and I can tell you it makes a difference in community pride. While community pride cannot necessarily be directly measured, it leads to a stronger sense of citizen responsibility. This shows up indirectly in community investment. People invest in what they're proud of; they do not invest in a community that does not care about its overall health. Art is one of the most visible ways to communicate this sense of community wellness.

I have seen capital projects in action, and trust me, the 1% for Art is the least of the issues when it comes to cost overruns.

I urge you to consider the big picture when deciding how to vote on HB 215. As a former accountant, I understand cost vs. benefit, and the benefits of this program far exceed the cost.

Thank you for your time.

Sincerely,

Karen Benning

Resident, House District 31

----- End of Forwarded Message

Subject: 1% for Art Letter of Support

Date: Wed, 02 Apr 2003 16:45:35 -0900

From: Meredith <mparham@akanhs.org>

To: ginny_austerman@legis.state.ak.us

Mary Jane Michael, CEO and Executive Director for Anchorage Neighborhood Housing Services, asked me to forward the attached letter in support of the 1% for Art program, and in opposition to HB215.

Thank you.


Meredith Parham, Executive Assistant

Anchorage Neighborhood Housing Services, Inc.

(907) 677-8422

(907) 677-8452-fax

mparham@akanhs.org

	1% for art letter.doc	<p>Name: 1% for art letter.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message</p>
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Subject: 1% for the ARTS

Date: Wed, 02 Apr 2003 16:49:06 -0900

From: cheryl chesnut <chesnut@alaska.net>

To: undisclosed-recipients;

Dear Representative Bruce Weyerauch,

As an alaskan artist I am urging you to keep 1% for the Arts intact.

This program is invaluable to our communities. I have summer art camps for children and these 1% for the Art projects directly influence them; often they will refer to their school as the one with the "steel moose out front," or the the one with the "large mural in the front entrance," etc.

It is a major source of income for artists. It is said a "higher" society is denoted by the level of their art. Art is a source of joy.

We don't want to look like a lot of the cities in the eastern block countries of europe (or Russia) where there is row after row of deadly boring, cold, concrete, uniform buildings, bridges and roads. Moscow's Red Square has become an icon representing Russia; not their usual concrete buildings. It is the color and design that we as human beings enjoy in homes, work places and our environment.

I urge you, despite our huge fiscal problems, keep 1% for the Arts. I urge you to walk around Juneau and seek out all the 1% for Art projects and feel how much they have made your day more enjoyable, or made you pause to reflect during your busy day.

Thank you,
Cheryl Chesnut
Spreading Tree Studio
522-2029

Subject: HB 215

Date: Wed, 2 Apr 2003 17:56:30 -0800

From: "Michele Miller" <Michele@northwestwishes.org>

To: <ginny_austerman@legis.state.ak.us>

CC: <mike_hawker@legis.state.ak.us>, <bill_stoltze@legis.state.ak.us>

Dear Chair Weyhrauch & House State Affairs Committee members, Dahlstrom; Lynn; Seaton; Berkowitz; and Gruenberg:

I know Rep. Hawker, Rep. Stolze and I respect them both, so I'm wondering what the motivation is for this legislation.

I am a life-long Alaskan, and have slowly migrated north from my humble beginnings in Thorne Bay, Alaska in 1952. My career has consisted of working in the legislature, so I know you have a tough job. For the past eight years, I have been a volunteer arts supporter and advocate in the Juneau and Anchorage communities.

Please consider Alaskan artists and their supporters by voting "Do Not Pass" on HB 215.

- * Public art helps to support artists;
- * It enhances communities;
- * It makes for permanent installations -- amortized over the life of a building, the cost of public art is a modest investment in the enhancement of the public environment;
- * Alaska is well known for its public art program -- one of 29 states with Percent for Art; the Percent for Art program supports the ASCA Contemporary Art Bank with over 600 pieces which are loaned to state and Congressional offices for display;
- * It is truly PUBLIC ART -- local volunteer public committees decide on the art which is appropriate for their community.

Sincerely,

Michele Miller
Development Manager
Make-A-Wish Foundation of Alaska,
Montana, Northern Idaho, and Washington
3201 C Street, Suite 610
Anchorage, AK 99503
907-258-9478 direct
907-227-6207 cell
907-258-9475 fax
michele@northwestwishes.org
www.northwestwishes.org

Re: 1% for Art Testimony!!!!

Subject: Re: 1% for Art Testimony!!!!

Date: Wed, 2 Apr 2003 17:07:33 -0900

From: "Ann Kaiser" <altlighting@msn.com>

To: <ginny_austerman@legis.state.ak.us>

Hi Ginny,

I would like to voice a strong opposition to the repeal of House bill 215 which would take away the Art and Public funding in public buildings. The cost of public art is a modest investment which enhances our quality of life and defines what and who we are. It also acts as an historical snapshot defining our history as portrayed by the artist at the time. The repeal of this bill would be an action which would be a large step backwards for our communities, our artists, and our historical landmarks. Please reconsider your support for the repeal of this bill.

Sincerely,

Ann Kaiser Snedgen

P.O. Box 1072

Girdwood, AK 99587

ph. 907-783-2629

fax 907-783-1946

Subject: House Bill 215

Date: Wed, 02 Apr 2003 17:30:04 -0900

From: Shelby <sacteson@akanhs.org>

To: ginny_austerman@legis.state.ak.us

Greetings,

I am writing in support of the Percent for Art program that would be cut with the passage of House Bill 215.

As an artist, I feel that this program plays an important role in the recognition and acknowledgement of Alaskan artists and provides opportunities for artists to stay in Alaska.

As a business owner, I see how the arts positively impact our economy by creating jobs for Alaskan artists, supporting compatible businesses, and enhancing the quality of life for all Alaskans, young and old, rich and poor.

As a community member, I enjoy many Percent for Art projects around Anchorage and appreciate how a bright fish or an abstract sculpture can enrich my day and make Alaska a desirable place to live.

The Percent for Art program represents a very small percentage of our budget and yet its benefits extend far beyond the artists and their original audience. I strongly urge you to support the Percent for Art program and not pass House Bill 215.

Thank you for your consideration,

Shelby Acteson

Owner, Style Image Consulting
Marketing Manager/Community Organizer, Anchorage Neighborhood Housing Services, Inc.

907.301.9388 phone

in support of 1% for art program

Subject: in support of 1% for art program

Date: Wed, 02 Apr 2003 21:46:14 +0000

From: Clark <seewhy@alaska.com>

To: "ginny_austerman@legis.state.ak.us" <ginny_austerman@legis.state.ak.us>

CC: "Representative_Max_Gruenberg@legis.state.ak.us" <Representative_Max_Gruenberg@legis.st

Hello,

I have been working for various architectural firms in Anchorage since 1983. I have been involved in several publicly funded projects which were part of the 1% for Art Program. I consider the program highly successful and I cannot imagine what anyone believes is wrong? (Are people marching on the state capital and demanding its termination?) One can easily tour Anchorage and see some incredible works which have been installed over the years because the 1% program exists. It's easy to imagine that most of them never would have happened if they hadn't been mandated. One can also admire a consistent high level of quality - due mostly to the work of selection committees who volunteer their time and expertise. The interaction of architects and artists infuses energy into both groups - and the public benefits, in many obvious and not so obvious ways. The 1% program has been around so long now, I think most people take it for granted. It is something we should continue to pay for. The system of taking the funds out of the project budget is pragmatic and easily implemented. If the current effort to end the program is successful, I will consider that the legislature has acted disgracefully.
Clark Yerrington 517 north hoyt street anchorage AK

Subject: Opposition to HB215 Cutting Percent for Art Program

Date: Wed, 2 Apr 2003 21:06:17 -0900

From: "L. Saunders McNeill" <saundersmcneill@worldnet.att.net>

To: <ginny_austerman@legis.state.ak.us>

Dear Ms. Austerman,

I am opposed to HB215. Eliminating the Percent for Art Program will in my opinion have the following impact on the state:

1. Homogenize the economic opportunities for residents of the state (including all of the professional staff that work to create, incorporate and install art in public places) and eliminates real jobs for real artists.
2. Significantly reduce public access to the arts. Daily exposure to arts incorporated in public buildings broadens individuals intellect, encourages the pursuit of excellence, enhances the value of esthetics, and excites public discussion.
3. Robs the state of a viable and growing economic engine in the state, the Arts!
4. Implies to state residents and an outside visiting public a lack of pride in our public buildings, infrastructure and community.

Thank you for sharing this with the review committee.

Sincerely,

L. Saunders McNeill
Barra Productions
HC 4 Box 9107
Palmer, AK 99645
Home Studio Tel: 907-745-7286

L. Saunders McNeill <saundersmcneill@att.net>

Subject: House Bill 215

Date: Thu, 03 Apr 2003 10:29:09 +0000

From: "Sheila Wyne" <shewyne@hotmail.com>

To: ginny_austerman@legis.state.ak.us

Sheila Wyne
2911 Willow Street
907.274.6414
Anchorage, AK 99517
907.360.2382

shewyne@hotmail.com
voice mail

cell

fax

907.274.6416

TO: The House of Representatives State Affairs Committee
Rep. Weyhrauch Committee Chair
Fax 907.465.2273

RE: House Bill 215

I strongly encourage you to oppose House Bill 215. It does not serve the public interest, business interests, nor the state's interest. The current statute promotes a robust small business economy within the capitol budget.

You will hear from many citizens that support the aesthetic enhancements and quality of life benefits by having the 1% for Public Art Program in Alaska. I am an artist based in Anchorage who has participated in several 1% for Public Art projects at municipal, borough and state levels. I would like to inform you about the financial disbursements of these capitol projects from the perspective of a small business owner who has worked on such projects.

There is a misperception that "1% for Art" means that this pool of money goes directly into artists' pockets and stays there. In reality, the bulk of this funding passes from the artist to small Alaskan businesses that are the backbone of our communities.

As a sculptor working in the public art realm, I have hired excavators, metal fabricators, electricians, landscapers, engineers, commercial painters, and various local, specialty vendors such as stain glass suppliers. All of these businesses are based in Alaska - owned and operated by Alaskans. It is capitol project work that is not just for the artist. Based on my experience, approximate 80% of any given art project goes to construction and installation. The other 20% is divided between design fees, insurance, office management, documentation, etc.

The repeal of this program through House Bill 215 would undermine one of the few public projects that potentially has Alaskan participation at every level. It starts when the Alaskan site is chosen, moves to the local jury who selects the artwork, then to the businesses who provide the services to get the artwork completed, and finally to the public experience.

Thank you for your time and attention.

Sincerely,
Sheila Wyne

Subject: [Fwd: HB 215]
Date: Thu, 03 Apr 2003 06:55:29 -0900
From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

ginny

please put in the bill file

Subject: HB 215
Date: Wed, 2 Apr 2003 16:31:12 -0900
From: Matt Johnson <mattjohnson@resdat.com>
To: "Representative_Bruce_Weyhrauch@legis.state.ak.us" <Representative_Bruce_Weyhrauch@legis.state.ak.us>

Dear Representative Weyhrauch,

I am writing to express my strong support for the arts in Alaska, particularly the One Percent for Art program.

The Percent for Art Program has enriched communities across the state, creating artistic landmarks that will bring beauty and nuance to our public spaces for generations to come.

The cost of the Percent for Art program is negligible, while the value of the program to our collective quality of life is immeasurable.

Directly and indirectly, the arts enrich the lives of all Alaskans in countless ways: educationally, spiritually, and economically.

I urge you to support the arts in Alaska, particularly the One Percent for Art Program.

Thank you,

Matt Johnson
124 East 23rd
Anchorage, Alaska 99503
907-276-1725

To Representative Bruce Weyrauch

Chair, House State Affairs Committee

Dear Representative Weyrauch,

I would like to request this letter be included in packets for the House State Affairs Committee when you meet to consider HB215 .

I recently learned that HB215 would repeal the percent for art program in Alaska. This program is so wonderful, and has been so beneficial to the public, that I hope this bill is defeated.

Here in Sitka we have seen two "percent for art" projects recently at Sitka High School and at Baranof Elementary School. Mainly local artists participated, and I hope you get a chance to see their work. The high school project takes what would have been a sterile institutional building and makes it into one that tells the students they are really valued, and makes a beautiful space. The project at Baranof is extremely popular with the young students there as well as with adults - a colorful, three dimensional sea life fantasy.

Our community is a better place for this art.

These projects benefit Alaskan artists as well as the public, who have objects of beauty and culture in public spaces. It is small amount of money with huge benefits.

Alaska's program is a model for other states. A local committee makes the selection of art. With more and more public buildings designed for strict utilitarianism, the percent for art is a cheap way to improve the environment and elevate our minds. Permanent art installations are even cheaper when you consider the years of public enjoyment.

Thank you for your attention,

Rebecca Poulson
Sitka, Alaska

Jeffrey R. Patrick

4010 Woronzof Dr.
Anchorage, AK 99517

April 2, 2005

Dear Rep. Weyhrauch:

I am writing to you to express my concerns over HB 215, "An act repealing statutes that relate to art works in public buildings and facilities and that require a set percentage of construction costs to be spent on art."

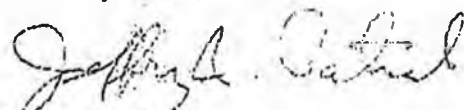
I think this Bill is nonsense. I think it's shortsighted and regressive. I think it's an easy way to make it appear that the state government is practicing fiscal responsibility. But, in fact, this Bill simply proposes to "save" money by not spending it on something we need. And when one individual or a whole community *needs* something, and I don't mean wants something, not providing it is bad government and foolish.

If our state is to prosper, if it is to gain a mature identity; then we must pay attention to more than economic development. We have to nurture the cultural and intellectual soul of the State. The Art in Public Places program provides a necessary part of our cultural foundation. Public art serves as a context and gives us alternatives. All forms of art serve to allow us new ways of seeing and gives voice to our thoughts.

I believe that state government exists to provide for the citizens in all possible ways. It is all well and good to expect private enterprise to develop our cultural institutions, but theirs is a role of enhancement, whereas it is the *responsibility* of government to provide the basis, the foundation. I do not want to hear from any State official about which of our cultural institutions will be cut next in the budget. That course of action won't make the community better nor will it make our economy grow. What I want to hear is that our governor and the Legislature are going to find ways to increase the overall arts budget. I want to hear it said that Alaskans deserve the best and that the State is going to find a way to make it happen. I want the proponents of HB 215 to stop crying that the economic sky is falling and to start actually doing something as constructive for the community as do public artists.

I urge you to defeat HB 215.

Sincerely,



Jeffrey R. Patrick

Subject: [Fwd: AS 35.27 should NOT be repealed by HB215]
Date: Wed, 02 Apr 2003 14:22:33 -0900
From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

Subject: AS 35.27 should NOT be repealed by HB215
Date: Wed, 02 Apr 2003 10:07:23 -0900
From: Donald Ricker <donaldricker@gci.net>
To: Chairman Bruce Weyhrauch <Representative_Bruce_Weyhrauch@legis.state.ak.us>, Paul Seaton <Representative_Paul_Seaton@legis.state.ak.us>, HB215 Sponsor Bill Stoltze <Representative_Bill_Stoltze@legis.state.ak.us>

Mr Chairman, Vice-Chairman, and esteemed members of the House State Affairs Committee ---

It is my understanding that you will meet to consider HB215 which contains language repealing the Alaska Statute 35.27 providing that 1% of Capital Project spending will be devoted to Art. I hope you will table or refuse this bill which has been sponsored because it has no merit. I feel confident that your constituents also support the results of the current statute, in place since 1975. Alaskans are justly proud of the state's inventory of Art in Public Places, and other states have modeled their programs after ours.

I do feel that the experience and wisdom gained from administering this program should lead to modifications which would improve the statute and make it more purposeful and sensible to comply with. However, repealing the law with the false premise that it will reduce state spending is mathematically illogical and reprehensible in its mean purpose of transferring allocated funds away from things of beauty and of the spirit.

I have taken the liberty of BCC'ing this message and your contact information to Patrons and Subscribers to ArtSceneAK, a bimonthly web review of the Visual Arts in Alaska, to its interested readers and members of the press community, and to Anchorage Museum of History and Art contributors.

Sincerely, Donald R Ricker
<http://www.exegv.com>

BTW: the following text is from AS 35.27.010 & .020 which HB215 seeks to repeal.

AS 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.

AS 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.

[Fwd: 1% for art]

Subject: [Fwd: 1% for art]

Date: Wed, 02 Apr 2003 14:29:28 -0900

From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

Subject: 1% for art

Date: Wed, 2 Apr 2003 09:18:30 -0900

From: "Dan DeRoux" <d_deroux@hotmail.com>

To: <Representative_Bruce_Weyhrauch@legis.state.ak.us>

Dear Representative Weyrauch,

As a lifetime Juneau resident of 51 years and a career artist here for 30 years. I EMPLORE you to save the State's 1% for art statute. It is not only an integral part of Alaska's culture, it is a valuable educational tool for many schools. This statute also offers a critical vehicle for the survival of many many artists in the state. There has been an exodus of artists from the state since the "oil days" were over, and the state should not further encourage this exodus by removing the statute. 1% for art in a year represents less than the cost of a mile of one of the Governor's proposed roads...and it goes a LOT further than a mile!

Thank you,

Daniel DeRoux

[Fwd: 1% for art-Winston Churchill]

Subject: [Fwd: 1% for art-Winston Churchill]
Date: Wed, 02 Apr 2003 14:22:00 -0900
From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

Subject: 1% for art-Winston Churchill
Date: Wed, 02 Apr 2003 12:42:01 -0900
From: "daniel deroux" <d_deroux@hotmail.com>
To: Representative_Bruce_Weyhrauch@legis.state.ak.us

Dear Representatives,

Winston Churchill, in response to criticism of spending money on the arts during wartime, had replied "Then what are we fighting for?".

A civilization without art is not. You can quote me on that.

Daniel DeRoux

for a good time, go to www.danielderoux.com

Subject: [Fwd: Fw: % for Art in Public Buildings Program- AS 35.27- House Bill 215]
Date: Wed, 02 Apr 2003 14:21:06 -0900
From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

Subject: Fw: % for Art in Public Buildings Program- AS 35.27- House Bill 215
Date: Wed, 02 Apr 2003 11:58:49 -0900
From: Donald Ricker <donaldricker@gci.net>
To: Paul Seaton <Representative_Paul_Seaton@legis.state.ak.us>,
Chairman Bruce Weyhrauch <Representative_Bruce_Weyhrauch@legis.state.ak.us>,
HB215 Sponsor Bill Stoltze <Representative_Bill_Stoltze@legis.state.ak.us>

----- Original Message -----

From: "Linda Boochever" <lboochever@craciun.com>
To: "HB215 Sponsor Peggy Wilson"
Cc: <Robert_Boochever@ca9.uscourts.gov>
Sent: Wednesday, April 02, 2003 10:17 AM
Subject: % for Art in Public Buildings Program- AS 35.27- House Bill 215

Dear Representative:

I am writing to express my strong opposition to the proposed House Bill 215 and that I understand will be discussed tomorrow morning in committee.

I was born and raised in Juneau. My parents came to Alaska in 1946 and lived here for more than 45 years. My mother, Connie Boochever, was a leader in the Arts in Alaska, a founding member and Chair or Vice Chair for eight years of the Alaska State Council on the Arts, founder of Juneau Little Theater, Juneau Art's and Humanities Forum, board member of the Alaska Repertory Theater, Arts Alaska and many other organizations and programs that benefited our entire state.

She along with many others campaigned tirelessly for many years to secure passage of Percent for Art in Public Buildings legislation which finally passed in 1975 as AS35-27. Well known for the success of our program, Alaska is joined by 29 other states that have instituted similar Public Art programs. The results of AS35.27 can be seen everywhere and are a legacy of my mother and those who worked so hard with her to assure that Alaska would always have a place for art and artists, to give our lives beauty and inspiration.

Public art helps support artists, and is a small investment to enhance the quality of life in our communities, which in turn attracts new business and residents to our state. The program also supports the Alaska State Council on the Arts Contemporary Art Bank that has over 600 pieces that are loaned to state and congressional offices for display. Local public committees decide on the art which is appropriate for their community, making the program truly PUBLIC ART.

I grew up knowing the meaning and importance of art in people's lives. For that I am grateful to my mother and to those legislators who also had the foresight to recognize its value. I would be ashamed to live in a state that didn't recognize the value that art and in particular this program has

given to all our residents. I urge you to refuse this bill in committee.

Linda Boochever
Trustee, Alaska Arts & Culture Foundation
8100 Majestic Court
Anchorage, AK 99501

To: Representative Bruce Weyhrauch
Alaska State Capitol
Room 102
Juneau, Alaska

From: Daniel DeRoux
19191 Randall Rd.
Juneau, Alaska 99801

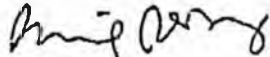
Re: 1% for Art

Date: April 2, 2003

Dear Representative Weyhrauch,

As a lifetime Juneau resident of 51 years and a career artist here for 30 years. I EMPLOY you to save the State's 1% for art statute. It is not only an integral part of Alaska's culture, it is a valuable educational tool for many schools. This statute also offers a critical vehicle for the survival of many many artists in the state. There has been an exodus of artists from the state since the "oil days" were over, and the state should not further encourage this exodus by removing the statute. 1% for art in a year represents less than the cost of a mile of one of the Governor's proposed roads...and it goes a LOT further than a mile!

Thank you.



Daniel DeRoux

Chair and Members
House State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)

HB 215

Written comments to follow up on oral testimony Friday, April 24, 2003 9am.

Page 1 Line 1. The Title as it stands is unclear and cumbersome.

5. Reducing the amount for art by lowering the bar is no real saving. Study after study show the economic benefits resulting from the % for Art laws in the U. S. alone.
7. The word "rural" needs rethinking. It is problematic.
8. There should be a clear statement of the reasons for differential in suggested funding.
14. We strongly urge that this money for maintenance be "additional to" rather than "from" the % for Art and that a cap to be set on the accumulated funds with provisions made for this money to be designated for additional works of art.

Page 2. Line 6. The ground stating Alaskan artists only to receive commissions has been gone over many times. It raises many questions.
The conclusion usually reached is not to compromise quality by insisting on the residency of the artist.

Additional statement:

The % for Art program benefits all citizens of Alaska.

- It encourages tourism, an industry vital to the economy of every village and city in Alaska.
- It benefits school children in developing a learning environment in which they often participate and help create and therefore feel connected to.
- It supports and promotes all artists and their audiences in Alaska.

Respectfully submitted,

Pauline Lee, Pres.
Petersburg Arts Council
Box 251
Petersburg AK 99833

HB 215

April 24, 2003

Christopher Constant
P.O. Box 244283
Anchorage, AK 99524

Representative Bruce Weyhrauch
State Capitol, Room 102
Juneau, AK 99801-1182

Dear Representative Weyhrauch and State Affairs Committee Members,

My name is Christopher Constant, and I am an artist living in Anchorage. I am writing to respectfully express my opposition to House Bill 215, a bill to repeal the Public Art Statute. I wish that I could be testifying today, however I will be working when your committee meets, and I will not be able to be there. I cannot express in these small words how much this program means to me as an individual, and a citizen of the great state of Alaska. I will do my best.

I listened to the telecast of the committee hearing on April 3, 2003. Representative Stoltze clearly stated in his testimony that he proposed this bill not as a protest to the emotional value of the artwork, but to bring light the economic impact that the statute has on the state budget. The percent for art programs statewide have a very real economic impact on individual artists, on local merchants selling the supplies and equipment needed to construct the art, on engineers and architects required to certify these projects, and even on families living in proximity to the facilities, as the public art improves the quality of life in the neighborhood.

Not only that, Percent for Art Commissions at public facilities often enhance property values, increase tax resources, and develop overall profitability for communities. The financial resources invested by the legislature are magnified, reinvested in the community, and result in substantial capital products, Art! Art that lasts for the life of the building. These commissions should in fact be considered capital from a construction perspective. They are integrated into the building. The money is not just spent and then gone, but rather, it is spent, reinvested, and the impact is felt for many years. These pieces of art make a direct contribution to urban and rural economies

After listening to the previous committee hearing, I understand that there may be problem with the organization, administration, and oversight of this program and the dedicated funds. I fully support setting in place benchmarks that will allow the legislature to concretely measure the costs and benefits of this project. But please do not eliminate this 100% positive program that improves so much.

I will close this letter by quoting Robert Lynch, president of Americans for the Arts...

Understanding and acknowledging the incredible economic impact of the arts, we must always remember the fundamental value of the arts. They foster beauty, creativity, originality, and vitality. The arts inspire us, sooth us, provoke us, involve us, and connect us . . . but they also create jobs and contribute to the economy."

Representative Weyhrauch, and esteemed representatives, I respectfully request that you hold House Bill 215, keeping it from moving out of this committee. Thank you very much for taking time to read my testimony.

Sincerely,

Christopher Constant

As a postscript, I hope to address one thing that I heard in the committee before. As I understand it, when a prison is built, or any other semi-public facility, the Percent for Art commission is calculated only for the portion of the building that is actually public, not prison cells, for example. The waiting rooms, and such are the only portions of the building that are calculated in that one percent allocation.

Please browse some of the art commissions made in Anchorage, by the Municipality of Anchorage
http://www.anchoragemuseum.org/mww_browse.asp

If you would like to read about the national impact of arts funding, you can see some concrete data at the website of Americans for the Arts
www.americansforthearts.org/economicimpact

Thanks.

Christopher Constant

P.O. Box 244283 ∞ Anchorage, AK 99524 ∞ (907) 258-3328 ∞ constant@uci.net

Donald Ricker

From: "Donald Ricker" <donaaldricker@gci.net>
To: "Alaskan Art Enthusiast" <ArtSceneAK@exegy.com>
Sent: Wednesday, April 30, 2003 10:12 AM
Subject: 'Amended' HB215 Still Repeals % for ART in ALASKA

Respected Patrons, Subscribers, and interested readers of ArtScenesAK —

In keeping with our Orwellian times, the Act to Repeal AS 35.27 is now a lot of highminded talk seemingly empowering the Alaska State Council on the Arts with some of the authority it needs to improve its administration of this Statute providing for Art in Public Places while it actually contains language in Sec. 4 EXPLICITLY REPEALING AS 35.27 without replacing it with any authority for the State to continue this popular program, known as % for Art.

Here is the text of the bill, sponsored by the same Stoltze, Walker, and Wilson gang, which must NOT make it out of committee:

<http://www.law.state.ak.us/pdf/23/Bills/HB0215A.PDF>

This is a mean-spirited effort to eliminate beauty from our public places and to limit state art to war memorials only, that does not deserve serious discussion because of its duplicitous nature. It is far better to leave the good statute in place than to allow this mean 'improvement' to be considered by the full legislature.

If you support the benefits and righteousness of the present program, please fax a brief statement of support for AS 35.27 and condemning HB215 to the members of the State Affairs Committee listed below, who meet Thursday May 1, 2003 to consider this pernicious language.

Sincerely, DRR
<http://www.exegy.com>

BTW: I guess you can tell how I feel about it!

Subject: [Fwd: I Oppose HB 215 - Repeal 1 Percent for Art]
Date: Fri, 11 Apr 2003 09:59:54 -0800
From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@legis.state.ak.us>
Organization: Alaska State Legislature
To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

bill file

Subject: I Oppose HB 215 - Repeal 1 Percent for Art
Date: Fri, 11 Apr 2003 13:05:57 EDT
From: MKathH@aol.com
To: Representative_Bruce_Weyhrauch@legis.state.ak.us

Dear Representative Weyhrauch:

Congratulations on your election and thank you for your positive representation of our community.

I urge you to oppose HB 215-Repeal 1 Percent for Art. The art in our airports, schools, and other public buildings makes a positive statement about who we are as a society in general and more specifically as Alaskans. It serves the purpose of uplifting spirits and teaching about the unique aspects and spirit of our state.

I would no more wish for our public buildings to be devoid of art than I would my private home. The 1 percent for art program is a valid use of public resouces in good times and bad.

Sincerely:

Jim Heumann
11070 Sundown Drive
Juneau, Alaska 99801

[Fwd: I Oppose HB 215 - Repeal 1 Percent for Art]

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Sincerely:

Jim Heumann
11070 Sundown Drive
Juneau, Alaska 99801

Subject: 1% for art

Date: Thu, 03 Apr 2003 13:34:03 -0900

From: Dylan Thomas <kiwiDylan@netscape.net>

To: ginny_austerman@legis.state.ak.us

I am writing this email in support for the 1% for art program. I believe that it would be a step back in the evolution of art and culture in this state to take away one of only a few avenues for artists and the public to enrich there lives with art. Historians measure the advancement of cultures over the centuries by the quality and proficiency of art. All the best in saving this great program and lets make it 2%.

Dylan Thomas
1045 C St.
Anchorage
Alaska 99501

Don't cut funding for the arts!

Subject: Don't cut funding for the arts!

Date: Fri, 4 Apr 2003 09:13:55 -0900

From: "Gordon Howell" <GHowell@ruralcap.com>

To: <ginny_austerman@legis.state.ak.us>

I am writing in response to the proposed bill to cut funding for the arts. Please don't do this! The positive influence of the arts spreads far and wide and positively influences all people. The urge to create art is inherent in the human race, and all cultures have expressed this urge since time immemorial. It is one of the primary identifying cornerstones of any given culture of people. The positive effect on all-children through elders, men and women, all races and cultures-is priceless. I strongly urge you to take action that enhances and supports the arts, not curtails them. Don't do this to the people of Alaska.

Respectfully, Gordon Howell

Subject: [Fwd: Less than 1 %]

Date: Thu, 03 Apr 2003 11:43:37 -0900

From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

please put in the bill file.

Subject: Less than 1 %

Date: Thu, 03 Apr 2003 10:34:20 -0900

From: "WANDA SEAMSTER" <anwes@uaa.alaska.edu>

To: Representative_Bruce_Weyhrauch@legis.state.ak.us,
"sandy_gillespie@eed.state.ak.us" <sandy_gillespie@eed.state.ak.us>,
Hal Gage <halgage@alaska.net>, youngjh@ci.anchorage.ak.us

Dear Representative Weyhrauch,

I understand that there is a move afoot to repeal the % for Art program. I know several reasons why it is an ineffective means to combat capital expenditures.

The % for Art program does not take all building costs into account when fixing the art allotment.

Design fees, many change orders, and other costs are not included; the result is that the 1% for Art program usually amounts to .3 to .5% of the building costs (not a substantial amount of capital expenditures).

The % for Art does not decrease the costs of the structures; the building budget will simply allot the monies for other costs, possibly overruns or change orders. No monies will be saved, only reassigned.

The % for Art program does not apply to all capital projects. Warehouses, some utility facilities, and other kinds of structures are not part of the program. UAA considers the program optional at its own discretion; UAF considers it very important and applies it to its capital projects. Bradley Lake dam did not use the program (it was built in an isolated area) while fish hatcheries near Seward used the program. It would be illogical to calculate the "savings" (reallotment) to all capital projects or major maintenance projects--that would give the public the idea that much much money is being saved by eliminating this program and that simply is not true.

The % for Art program is one of the most successful "Local Hire" programs in Alaska. While other local hire programs are subject to litigation, lack of local expertise, or reliance on seasonal help, the % for Art program gives opportunities to Alaska artists.

This program keeps our school, civic, and public service buildings from resembling Wal-Mart stores. Concrete block abounds in Alaska; only architectural sensitivity and public art prevent us from looking like a series of block stores.

This program produces very good results for small costs. Art choices for these projects are the result of committees formed by the users, community members, and the architects, making this program a successful way of allowing citizens input into a public decision.

Please find more productive ways to cut budgets that this small amount. If you think that small amounts are the way to approach budget cuts, let

me suggest a few alternatives:

Computers for state administrative offices cannot be replaced any faster than every five years, the exception being shared data bases such as those for the police and troopers. This would extend the life of office computers and keep costs lower.

State vehicles should be given longer life use and specified with fewer options and less engine power, saving money and gas.

Legislative representatives, serving as examples for Alaska citizens, reduce per diem for themselves by .5 to 2%.

Thank you for your time. I would appreciate a timely response from you or your staff, if possible.

Wanda Seamster

Member, API Percent for Art Program
Past member, Municipal Art in Public Places selection committees
Graphic designer, UAA
Anchorage artist

For State Affairs CS Language for HB 215 - % for Art
4/22/03

1. **Exemption of correctional facilities, etc.** and other facilities that are not frequented by the public.
2. **Percent for Art (change):** \$10 million limit for 1% for art; ½% thereafter. Percent for Art will only apply to General Fund dollars; unless additional dollars from other funding sources are appropriated by the legislature. Specifying general fund dollars will let the agencies know the exact percent for art and resolve the difficulty in how it is currently being applied (some include federal funds, some don't) waiting for completion of the project - - total construction costs. Each session percent for art can be figured by the GF dollars appropriated; it will be obvious. This makes it easier for monitoring by audit, etc.
3. **Local hire** (Alaskan resident) focus strengthened (see page 2 of the fax which is from 1989 legislation).
4. **Monitoring.** All artwork \$500 and over must have an identification tag or some discernable tracking mechanism (building number if it is built into the structure) and be included in the state's fixed asset identification database. Otherwise, it must be identifiable (ex: incorporated into a building use the building number) - tagging of artwork and inclusion in annual inventory. All artwork not entered into the state system shall be monitored (ex: school district) and reported to ASCA and Legislative Audit on an annual basis. (At the time of the audit, the University only had moveable artwork costing more than \$2,500 listed.)
5. **Reporting on an annual basis to the Legislative Budget and Audit Committee** (and ASCA) an annual list of projects receiving percent for art; list of the artwork purchased with inventory tag reference, amount spent, **amount set aside for maintenance** (cleaning) of the artwork to keep up the value (this could be 5% of the price of the art into the art fund- ex: \$500 piece and \$50 would go into the art in public places fund maintained by the ASCA). Not all artwork will require cleaning (ex: rock, metal, etc. maintenance would be lower). All entities would have to work with the ASCA for restoration, etc. ASCA would be required to provide the amount spent on this with their annual budget each year.

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

LEGISLATIVE RESEARCH REPORT

APRIL 30, 2003



REPORT NUMBER 03.204

ALASKA'S "PERCENT FOR ART" PROGRAM

PREPARED FOR REPRESENTATIVE BILL STOLTZE

BY KATHLEEN L. WAKEFIELD, LEGISLATIVE ANALYST,

You asked what percentage of construction funds have been allocated to the "Percent for Art" program during the past three years.

As you may know, the legislature created the "Percent for Art" program in 1975.¹ The law, AS 35.27.010, stipulates that a portion of the funds appropriated for capital projects for public facilities (including schools, office buildings, court buildings, and state ferries) be set aside for the purchase of works of art. At least one percent of a project's construction or renovation costs must be dedicated to purchase of art, although schools in Rural Education Attendance Areas (REAs) may reserve a lower amount (no less than one-half of one percent). If the project's costs are under \$250,000 or the project will receive minimal public use, the amount reserved for art is placed in the Art in Public Places Fund.² The Alaska State Council on the Arts manages this fund and uses it to acquire art for other public buildings or to provide additional monies to a project if the actual cost for a work of art exceeds available funding.³

During fiscal years 2000-2002, the legislature appropriated about \$3.6 billion for all capital projects statewide.⁴ Of course, many of these projects were not for public facilities and did not qualify for the percent for art requirement. During that same time, the Alaska Court System and the Department of Transportation and Public Facilities (which also manages projects for other state departments) spent about \$1.1 million for art purchased under the "Percent for Art" program. This amount is less than one-half of one percent of the total authorized capital budgets for those years.

¹ For a more detailed legislative history of the "Percent for Art" program, you may wish to review Legislative Research Services Report 97.016, "Legislative History of Alaska's Percent for Art Program."

² AS 44.27.060.

³ The Alaska State Council on the Arts' website contains additional information on the "Percent for Art" program, <http://www.educ.state.ak.us/aksca/visual.htm>.

⁴ *Fiscal Summaries*, Division of Legislative Finance.

This \$1.1 million figure includes only two years' worth of expenditures by the Court System. During those two years, the Court System spent approximately \$8,000 for art. Expenditures vary from year to year, based on which projects are actually funded in the capital budget. In the previous two years (FY98-99), for example, the Court System spent almost \$279,000 for acquisitions under the "Percent for Art" program.⁵

The total figure for FY00-02, however, does not include amounts spent during those years for art for school construction and renovation projects. The Department of Education and Early Development does not track expenditures for art separately from other project costs, since school projects are managed by the individual school districts, and so was unable to provide us with firm cost figures. The department, which provides bond and grant funding to school districts for qualifying projects, spent almost \$584 million for school construction, renovation, and maintenance projects in FY00-02. Grant funding provides only 65 to 98 percent of the total project cost, so this figure is not the full construction amount.

However, based on the information for these projects provided by the department, we estimate that about \$3.6 million in state funds *may have been spent* on art for school projects for fiscal years 2000-2002. *Please note that this is our estimate only—actual expenditures may have been quite different.*⁶

It is important to note that there is no centralized repository of information on amounts spent for art in public places. For example, although the Alaska State Council on the Arts tracks expenditures for art on projects managed by the Department of Transportation and Public Facilities (based on information provided by the department!), other entities, such as the Alaska Court System and individual school districts, maintain their own accounting records on their projects.

With these exceptions, if we include our estimate for art in schools, the state may have spent approximately \$4.8 million on the "Percent for Art" program for fiscal years 2000-2002. This figure is just over one percent of the total capital projects budget for those three years.

Table 1 contains the amounts spent for art for capital projects by the Alaska Court System and the Department of Transportation and Public Facilities for fiscal years 2000-2002, as well as our estimates for the Department of Education and Early Development for those years.

⁵ Although for fiscal years 2000-2002 the Department of Transportation and Public Facilities spent almost \$1.1 million for art in public places, in the previous two years it spent only \$32,000.

⁶ We arrived at the \$3.6 million estimate by calculating one percent for art for urban school construction and renovation projects, and one-half of one percent for REAA school projects funded (in part) by the department for FY00-02, based on amounts for the projects provided to us by the department. These amounts, of course, are not total project costs and do not include any federal or local funding sources. We excluded any projects that appeared to be maintenance work (roof repair or replacements, deferred maintenance, asbestos abatement, ADA upgrades, structural upgrades, fuel tank upgrades, etc.) and projects that were for technology installations or upgrades. Since the total funding for school projects is a mix of state, local, and sometimes federal monies, this estimate is probably lower than the actual amount spent for art in schools.

Table 1: Expenditures for the "Percent for Art" Program, FY2000-2002

Fiscal Year	Alaska Court System ¹	Department of Transportation and Public Facilities ²	Department of Education and Early Development ³ (estimate)	Total
2000	\$5,000	\$240,614	\$1,190,530	\$1,436,144
2001	\$3,000	\$134,309	\$1,177,094	\$1,314,403
2002		\$698,722	\$1,327,531	\$2,026,253
Total	\$8,000	\$1,073,645	\$3,695,155	\$4,776,800

Notes: 1. The amounts listed in this table for the Alaska Court System are for the fiscal year in which funds were authorized, not the year in which the art was purchased. 2. The amounts listed for the Department of Transportation and Public Facilities are for projects for several state departments, and are for the years in which the actual expenditures for art were made. 3. The amounts listed for the Department of Education and Early Development are for certain school construction and renovation projects, and are for the year the construction funds were appropriated. By law, Rural Education Attendance Area (REAA) schools may allocate one-half of one percent to art, instead of the full one percent. *Please note: amounts for the Department of Education are estimates only, based on the amount of state grants or bonds allocated to the project and do not reflect total project costs. Total funding for school projects is a mix of state, local, and sometimes federal monies.* Actual project costs, including the amount spent for art, are accounted for by the individual school districts.

Sources: Alaska Court System; Alaska Department of Education and Early Development; Alaska State Council on the Arts.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.



REPRESENTATIVE BILL STOLTZE

Representative_Bill_Stoltze@legis.state.ak.us

FACSIMILE TRANSMITTAL SHEET

TO:	Kathryn Kurtz	FROM:	Representative Stoltze
COMPANY:	LAA Legal	DATE:	4/30/2003
FAX NUMBER:	(907) 465-2029	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:	(907) 465-2450	SENDER'S REFERENCE NUMBER:	
RE:	Revised CS for H (STA)	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Kathryn:

Attached are changes that I have discussed with the Alaska State Council on the Arts. The changes we would like to incorporate are marked: A, B, C, D, E, and F. They appear to be straightforward and shouldn't be too time consuming.

A - Clarifies that the 5% set aside for maintenance will come from the 1% for art.

B - Reiterates that for projects exempt from % for art or not subject to substantial use, 1% must be deposited into the Art in Public Places Fund. This should specify it is only applicable to state funds (GF and GO bonds) also to make everything consistent.

C - For monitoring, adds photo documentation for use in the art bank database; better monitoring and provides recognition to the artists.

D - Specifies that the % for art is strictly on the amount of state funding set-aside for a project and does not include cost-over runs, etc. This would provide clear designated

funding for the % for art program and allow them to set aside funds at or prior to construction being initiated.

E – Again, clarifies that the 5% set aside for maintenance comes from the % for art; they've also made a request to capitalize the "Art in Public Places Fund" because it is a proper name.

F – This is a request to safeguard the funds appropriated to the AIPPF for maintenance. Two different methods appear to be possible (let me know if you have other suggestions.) One would be to have spending authority that fluctuates with the ebb and flow of the additional funds put into the Art in Public Places Fund for maintenance. Having some sort of revolving fund? For something this small, it may be overkill. It is my understanding that any lapsing funds could always be re-appropriated, but the concern if they were re-appropriated on an annual basis that the funds may end up going for some other cause. If you have any suggestions here, that would be helpful.

Other issues discussed during the hearing are the bonds and when this act takes effect, which we discussed over the phone. I will speak with the Representative who was interested in including the bonds passed in November and clarify the legal issues it may raise (agreements already negotiated, etc.).

One other issue that was broached was "**subject to substantial public use**" versus "**designed for**". Questions about the difference between the two were asked in the hearing and a definition of each is needed. We had talked about this a little bit and I recall we were trying to create consistency in the statutes. It appears to me you could have a structure that was designed for substantial public use but the building wasn't placed in an area with a significant population. Then, the building wouldn't be subject to substantial public use due to its location. (Prisons would fall under not subject to substantial public use to me.) The definition "subject to substantial public use" would fluctuate with the need for use of the building. Since the % for Art is appropriated off the total construction costs and before the building is actually in use, wouldn't the "designed for substantial public use" be the clearest wording to use?

Please let me know your thoughts on this one!

Following are the changes designated A,B,C,D,E,F with written comments.

Thanks for all your help!

Barbara



MEMO TO: Representative Stoltze, Barbara Bitney
FROM: Charlotte Fox *Charlotte a fox*
RE: CS for HB 215
DATE: April 25, 2003

** Make change*
A, B, C, D, E, F

I have included below some specific recommendations for language changes in the proposed legislation. I apologize if I gave the impression during our brief meeting on Wednesday afternoon that I completely understood and agreed with all the language in the Committee Substitute bill.

Below, we have not addressed concerns of the other State Affairs committee members that were specifically addressed to Ms. Bitney. Instead, we have analyzed the old language of both statutes and the new language, and have attempted to clarify some old misunderstandings about the way the two statutes work – or don't work – together.

We need this to

Clarify the 5% needs to come out of the 10% for art

** A*

(New Language) section 1, relating to AS 35.27.020(c):
five percent of the "cost of each work of art" (line 14) needs to read five percent of the "total percent set aside for works of art"

This would enable ASCA to reduce the number of expenditure transfers, as opposed to taking 5% of each piece of artwork

We want it left as it is but may change it later

(New Language) Sec. 2: AS 35.27.020(g) Alaska resident requirement
The original language says that "selection of Alaskan artists shall be encouraged". As I explained in our meeting, for larger commissions, there is a limited pool of artists who are capable of doing the work. Also, there are Alaskan artists who earn money by doing Percent for Art commissions outside of Alaska. If we closed our commissions to only Alaskan artists, other states may do the same, therefore restricting employment. The reality is that – all other things being equal – Alaskan artists are almost always chosen to create the work.

Projects under \$250,000

Clarify only applicable to State Funding sources

(Existing Language) AS 35.27.020 (d)

Also clarify only applicable to Fed Funds
For the purpose of clarification regarding the relationship between AS 35.27.020 and AS 44.27.06; add a sentence at the end of (d) that a building or facility exempt under AS 35.27.020 must comply with AS 44.27.060.

We noticed that AS 35.27.020 made this exemption, but didn't make the department comply with AS 44.27.06

Alaska State Council on the Arts

411 West 4th Avenue, Suite 1E, Anchorage, Alaska 99501-2343 • (907) 269-6610 • Fax: (907) 269-6601
Toll Free: 1-888-278-7424 • E-mail: aksca_info@eed.state.ak.us • Website: www.eed.state.ak.us/aksca

C

(New Language) AS 35.27.022 (c)

Please add a fourth part of the required report:
(4) photo documentation (as specified by ASCA) of artwork

Like DOT control
they communicate w/ASCA

DOT is a control we want to leave this

(Existing Language) Sec. 4 AS 35.27.030 Definitions.

(b)(2) was written before the procurement breakup, when DOT commissioner oversaw all construction. Therefore, we need to delete "commissioner" means commissioner of transportation and public facilities". Because now, I presume, this means the commissioner of the respective department in charge of construction.

Funds set aside @ beginning of projects

D

(Existing Language) AS 35.27.030 Definitions. (B) (3)

In the past, these construction costs have included cost overruns and change orders. We suggest that such costs be excluded from this legislation and we support a change in the definition of "construction cost" to make these costs "exclusive of" change orders and overruns.

Clarify w/Charlotte this is to make it easier to identify "total" const costs
Yes!

new language

5% of all 1% for Art projects funding needs to go into Art Fund

E

(New Language) Sec 6. AS 44.27.060 (e) lines 31-32

As stated above, change "the cost of each work of art" to the "total percent set aside for works of art."

Also- could you please capitalize Art In Public Places Fund in that section, since it is a proper name?

One final concern is the annual appropriation for maintenance. Although I don't anticipate this, if there are funds to be carried over from one fiscal year to the next, I would appreciate an outline of how that will be accomplished. I am not familiar enough with the nuances of state government to fully comprehend this process. I am also mindful that we do not want this fund to grow too large.

Reappropriate that funding will be reappropriated to next fiscal year or increase
increase the ASCA spending authority to grow and recede with fluctuation of AF

F

In closing, let me reiterate, Representative Stoltze, as I said in my testimony, how very much I appreciate your work to make this program better in many ways. My testimony before the committee was honest - I had not had sufficient time to review closely this new language. After more than 25 years of these two statutes living many times in conflict with one another, I feel strongly that we needed to examine this very close. Until I had done that, and consulted members of my staff and members of the Council, I could not, in good conscious, support the Committee Substitute.

Reappropriation of funds from one yr to next or create language to Eb + Flow w/ adding maintenance due so ASCA can spend the funds on artwork before end of fiscal year or reappropriated to ASCA

TRANSACTION REPORT

APR-30-2003 WED 12:24 PM

FOR: REPRESENTATIVE STOLTZE 907 465 4928

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