

**HB**

**215**

**SFIN**

**FILE**

HB 215

was referred to the  
Senate Finance  
Committee

Hearing(s) were held

The bill did not move  
from Committee

23-LS0605\S  
Kurtz  
1/15/04

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

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES STOLTZE, Hawker, Wilson, Ogg, Lynn

*Motion to  
adopt "S"  
& 2 objections  
"Set Aside"  
1/29/04*

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 \$20,000,000 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 of that portion of the state  
10 funding that exceeds \$20,000,000 for the construction of a building or facility  
11 approved for construction by the legislature shall [WILL] be reserved for the  
12 following purposes: the design, construction, mounting, [AND] administration, and  
13 maintenance of works of art in a school, office building, court building, vessel of the  
14 marine highway system, or other building or facility that [WHICH] is designed for

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

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

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

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

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

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

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

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

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

22 (2) the total cost of art;

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

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

27 Sec. 35.27.024. Report to the legislature. The Alaska State Council on the  
28 Arts shall prepare an annual report listing the buildings and facilities subject to this  
29 chapter and each work of art purchased, including the cost, amount deposited into the  
30 art in public places fund (AS 44.27.060) for maintenance, and inventory reference.  
31 The Alaska State Council on the Arts shall submit the report to the Legislative Budget

1 and Audit committee within 30 days after the convening of each regular session of the  
2 legislature.

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

4 (1) "building" or "facility" means a permanent improvement  
5 constructed by a department, institution, board, commission, division, authority,  
6 public corporation, committee, or other administrative unit of the executive,  
7 judicial, or legislative branch of state government, including the University of  
8 Alaska, the Alaska Aerospace Development Corporation, and the Alaska  
9 Railroad Corporation [THE DEPARTMENT]; the term

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

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

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

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

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

17 (B) excludes

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

20 (ii) correctional facilities, as that term is defined in  
21 AS 33.30.901;

22 (iii) buildings that are not designed for substantial  
23 public use;

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

25 (4) "state funding" means

26 (A) an appropriation of state funds by the legislature;

27 (B) general obligation bond proceeds; or

28 (C) revenue bond proceeds.

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

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

31 (1) to commission or purchase a work of art that is to be made a

1 permanent part of, or placed on loan in, a building or facility owned or leased by the  
2 state that has substantial public use; [AND]

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

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

8 \* Sec. 7. AS 44.27.060(d) is amended to read:

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

10 (1) a building or facility of the state, as defined by AS 35.27.030, that  
11 is designed for [AND THAT IS SUBJECT TO] substantial public use; and

12 (2) a building or facility that is leased by the state and designed for  
13 [SUBJECT TO] substantial public use.

14 \* Sec. 8. AS 44.27.060 is amended by adding new subsections to read:

15 (e) The commissioner of a department responsible for the design and  
16 construction of a building or facility or the owner of a building or facility subject to  
17 AS 35.27 shall deposit into the art in public places fund at least five percent of the  
18 total amount that is received for works of art for a building or facility under AS 35.27.

19 (f) Money deposited in the art in public places fund does not lapse at the end  
20 of a fiscal year unless otherwise provided by an appropriation.

21 \* Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 TRANSITIONAL PROVISIONS. The provisions of this Act apply to appropriations  
24 made by the legislature and general obligation and revenue bonds authorized on or after  
25 July 1, 2004.

Sheila,

HB 215 was

"set aside". There is  
a motion on the table  
to adopt the CS. Do

you want that  
addressed or ignored?

Robin

Probably the minutes  
should reflect motion

made, objection, + chair  
asked to hold ~~the~~ the  
motion —

Does that work?

When heard the next  
time, Gary will recap +  
ask members if they still  
have objections, etc -----

~~Shelley~~  
Robin



SENATE FINANCE  
COMMITTEE  
Amendment Number: #1  
Bill Number: HB 215  
Sponsor: Dyson Date: 1/29/04  
Logged in By: Robin

23-LS0605VI.  
Shultz  
01/29/04

AMENDMENT

OFFERED IN THE SENATE  
By Senator Fred Dyson  
To: CSHB215(STA)

- 1 Page 3: Add new section 5.(1)(B)(iv) after Line 25 as follows:
- 2 (iv) buildings for which the primary purpose is to display or perform
- 3 art, or to train people for the creation or performance of art.

*Amend #1  
discussed, but  
not  
offered.*

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB215CS(STA)-DOT-CO-1-26-04  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Repeal One Percent for Art RDU Administration & Support  
 Component Commissioner's Office  
 Sponsor Stoltze  
 Requester Senate Finance Component No. 530

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: John MacKinnon Phone 465-6973  
 Division Deputy Commissioner Date/Time 1/26/04 1:51 PM  
 Approved by: John MacKinnon for Mike Barton, Commissioner Date 1/26/2004  
 Agency Department of Transportation and Public Facilities

# 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 CS for House Bill 215 (STA) am

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

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Alaska's "Percent for Art in Public Places" program originated in 1975 with the requirement that a percent of state capital expenditures for public buildings and facilities be set aside to acquire works of art for display in those facilities (Alaska Statute 35.27).

My intent in introducing HB 215 was to address the fiscal aspect of the program; the original version repealed the percent for art program. The committee substitute for HB 215 provides 1% for art from the first \$10 million of the total construction costs, and reduces it to ½% thereafter. Additionally, the 1% would only apply to state funding sources, such as general funds or general obligation bonds.

At this time, a mechanism for maintenance doesn't exist. This bill sets aside 5% of the percent for art, placing it into the Art in Public Places fund to ensure works of art can be maintained in good condition. The Alaska State Council on the Arts (ASCA) would receive requests for maintenance, facilitate coordination of the repairs, and maintain a database of all artwork that is owned by the state.

Furthermore, annual reporting to ASCA will be required by those agencies subject to the Art in Public Places program. Required reporting will provide: the amount of state funding for the project, the percent set aside for art; the total cost of art, the title, artist, etc. The ASCA will have this information for monitoring works of art and the annual amount allocated to the percent for art program through new construction. Annually, the ASCA will prepare a report to the Legislative Budget and Audit Committee.

Additionally, this legislation strengthens the preference for Alaskan artists.

In the House State Affairs Committee, a member removed the long-standing reduced percentage for rural schools that allowed for a lesser percentage to compensate for the significantly higher construction costs for rural schools. On the House floor, the percentage for rural schools was amended back to one-half a percent.

I appreciate your consideration of this legislation.

DISTRICT 16

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

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES

## LEGISLATIVE AFFAIRS AGENCY

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

STATE OF ALASKA

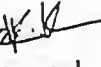
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

### MEMORANDUM

January 16, 2004

**SUBJECT:** Draft SCS CSHB215(FIN) (Work Order No. 23-LS0605\S))

**TO:** Senator Gary Wilken  
Attn: Darwin Peterson

**FROM:** Kathryn Kurtz   
Legislative Counsel

Enclosed is the revised draft CS you requested, relating to the percent for art program and the art in public places fund.

#### **Resident Hire Preference**

You asked about the constitutionality of requiring selection of artists who are residents of the state for the percent for art program. The Constitution of the United States generally does not permit this type of employment discrimination based on residency.

The privileges and immunities clause provides:

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

Article IV, section 2, Constitution of the United States. Under this clause, "a resident of one State is constitutionally entitled to travel to another State for purposes of employment free from discriminatory restrictions in favor of state residents imposed by the other State." Hicklin v. Orbeck, 437 U.S. 518, 525 (1978), *citing* Ward v. Maryland, 12 Wall. 419 (1871).

Alaska ran afoul of the privileges and immunities clause in the 1970s when it required a resident hire preference on projects related to state oil and gas leases, including pipeline construction. The "Alaska Hire" law was invalidated by the United States Supreme Court in Hicklin v. Orbeck, 437 U.S. 518 (1978). Less than a decade later, Alaska's "local hire law," requiring the use of Alaska residents for most work on public construction projects, was struck down by the Alaska Supreme Court in Robison v. Francis, 713 P.2d 259 (Alaska 1986).

The privileges and immunities clause is not an absolute bar to discrimination. It only protects individuals against interference with "fundamental rights." However, employment in a particular industry has been held to be a fundamental right. *Id.* at 265.

Where a fundamental right is involved, discrimination is not permitted unless there is a "substantial reason" for the discrimination, and the discrimination is "closely related to the interests served by the statute." *Id.* 263-264. The purpose of the "local hire" law at issue in the Robison case was "to exclude non-residents from public construction jobs so that more jobs will be available to Alaskans." *Id.* at 266. The court found that this was not a "substantial reason" sufficient to satisfy the privileges and immunities test.

In my memo to you of December 19, I mentioned that the "market participant" doctrine might offer the state some protection from a privileges and immunities suit. On further analysis, I do not believe that the market participant doctrine would be of much help in salvaging a requirement that artists in the percent for art program be Alaska residents. In general, the state may be entitled to a little more deference in the privileges and immunities analysis when acting as a market participant, although how much is not clear. *Id.* at 264. "[W]here the discrimination is far-reaching and exclusive in nature, and extends to the fringes of the state's proprietary interests, the state is entitled to a little deference. On the other hand, where the discrimination is narrow in scope and involves a direct relationship between the state and affected individuals, greater deference is called for." *Id.* at 264.

In this context, the state would be a market participant, since it is state buildings and facilities that are subject to the one percent for art requirement. However, in the employment cases discussed above, Hicklin v. Orbeck and Robison v. Francis, the scope and magnitude of the discrimination meant that the state was not entitled to much additional leeway on the basis of the market participant doctrine. *Id.* at 265. Requiring selection of artists who are residents of the state would appear to be an analogous situation.

Requiring the selection of Alaskan artists could pose equal protection issues as well. Alaska's equal protection clause is found in Article I, Section 1 of the Constitution of the State of Alaska: "all persons are equal and entitled to equal rights, opportunities, and protection under the law." Amendment XIV, section 1 of the Constitution of the United States provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." Alaska evaluates equal protection claims using a sliding scale. Matanuska-Susitna Borough School v. State, 931 P.2d 391, 396 (Alaska 1997). First, the court determines the importance of the individual interest impaired by the challenged statute. Then, the court looks at the purposes served by the statute. Finally, the court looks at how well the statutory means fits the purpose.

The Alaska Supreme Court has found the right to employment to be an important right. Malabed v. North Slope Borough, 70 P.3d 416, 421 (Alaska 2003). Impairment of an "important right" requires close scrutiny. "Close scrutiny of enactments impairing the important right to engage in economic endeavor requires that the state's interest underlying the enactment be not only legitimate, but important, and that the nexus between the enactment and the important interest it serves be close." *Id.* This is a fairly rigorous standard, similar to that used in the privileges and immunities analysis. A

Senator Gary Wilken  
January 16, 2004  
Page 3

discriminatory provision that failed to withstand scrutiny under the privileges and immunities clause would also be vulnerable under the equal protection clause.

Restricting the selection of artists in the percent for art program to residents seems to be a proposition analogous to the statutes which were invalidated in Hicklin and Robison and not likely to withstand a privileges and immunities clause challenge unless a novel and highly persuasive justification were found. Similarly, discriminating in favor of Alaska resident artists could be found to violate the equal protection clause.

#### **Dedicated Fund Issue**

You also asked whether the art in public places fund (AS 44.27.060) poses a dedicated fund problem. The art in public places fund does not fit the definition of a dedicated fund. Article IX, section 7 of the Constitution of the state of Alaska provides:

SECTION 7. Dedicated Funds. The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

The art in public places fund is not directly funded by a tax or license. Money in the fund has been appropriated by the legislature for the design and construction of buildings and facilities.

KLK:med/mdr  
04-039.med

Enclosure

# 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

During fiscal years 2000-2002, the legislature appropriated about \$3.6 billion for all capital projects statewide.<sup>4</sup> 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.

<sup>1</sup> 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."

<sup>2</sup> AS 44.27.060.

<sup>3</sup> 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>.

<sup>4</sup> *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.<sup>5</sup>

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.*<sup>6</sup>

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.

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<sup>5</sup> 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.

<sup>6</sup> 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 <sup>1</sup>	Department of Transportation and Public Facilities <sup>2</sup>	Department of Education and Early Development <sup>3</sup> (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.

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

## HB 215 - 1% for Art

### Existing Law

Portion of State Funding Reserved for Art Works in Public Buildings and Facilities as per AS 35.27.020(c)		
Total Construction Cost per Building or Facility	1%	Total Reserved for Arts
\$5 million	\$50,000	\$50,000
\$10 million	\$100,000	\$100,000
\$15 million	\$150,000	\$150,000
\$20 million	\$200,000	\$200,000
\$25 million	\$250,000	\$250,000
\$30 million	\$300,000	\$300,000
\$40 million	\$400,000	\$400,000
\$60 million	\$600,000	\$600,000
\$80 million	\$800,000	\$800,000

### House Version

Portion of State Funding Reserved for Art Works in Public Buildings and Facilities as per CSHB 215(STA) am			
Total Construction Cost per Building or Facility	1% (up to \$10 million)	.5% (over \$10 million)	Total Reserved for Arts
\$5 million	\$50,000	0	\$50,000
\$10 million	\$100,000	0	\$100,000
\$15 million	\$100,000	\$25,000	\$125,000
\$20 million	\$100,000	\$50,000	\$150,000
\$25 million	\$100,000	\$75,000	\$175,000
\$30 million	\$100,000	\$100,000	\$200,000
\$40 million	\$100,000	\$150,000	\$250,000
\$60 million	\$100,000	\$250,000	\$350,000
\$80 million	\$100,000	\$350,000	\$450,000

### Senate Finance Committee Version

Portion of State Funding Reserved for Art Works in Public Buildings and Facilities as per SCS CSHB 215(FIN)			
Total Construction Cost per Building or Facility	1% (up to \$20 million)	.5% (over \$20 million)	Total Reserved for Arts
\$5 million	\$50,000	0	\$50,000
\$10 million	\$100,000	0	\$100,000
\$15 million	\$150,000	0	\$150,000
\$20 million	\$200,000	0	\$200,000
\$25 million	\$200,000	\$25,000	\$225,000
\$30 million	\$200,000	\$50,000	\$250,000
\$40 million	\$200,000	\$100,000	\$300,000
\$60 million	\$200,000	\$200,000	\$400,000
\$80 million	\$200,000	\$300,000	\$500,000

# SENATE COMMITTEE REPORT

DATE: 5/10/03

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 5/17/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 215(STA) am

## HB 215 REPEAL ONE PERCENT FOR ART

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DOT+PF	4/10/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Dyson		✓			
Gress		✓			
Cawley		✓			
G. Stevens	CHAIR:				





