

HB

160

<TARGET><BILL>HB 160</BILL><SUBJECT>HB
160</SUBJECT><COMM>HSTA29</COMM></TARGET>



Fairbanks North Star Borough Mayor's Office

809 Pioneer Road PO Box 71267 Fairbanks, Alaska 99707-1267 (907)459-1300 FAX (907)459-1102

April 1, 2015

The Honorable Representative Bob Lynn
Chairman, House State Affairs Committee
Alaska State Capitol
Juneau, AK 99801

Re: Opposition to HB 160 – Repeal Art in Public Places

Chairman Lynn:

We write today to express our opposition to House Bill 160, which would enact a moratorium on the Art Works in Public Buildings and Facilities program managed by the Alaska State Council on the Arts (ASCA). Thank you for this opportunity to provide comment on this legislation.

Frankly, we are puzzled as to the purpose and intent of this legislation. HB 160 does not decrease the cost of public buildings – either in their construction, operation or renovation.

Just as investments in public facilities are a direct infusion of public dollars into the private construction sector, the investment of public dollars in works created by Alaskan artists results in new and increased private sector activity.

Alaskan contractors, engineers and construction workers lend their talents to the construction of our public spaces. The labor of Alaskan artists represents the pride of our craftspeople and expresses the unique beauty of our land. Forfeiting this private sector activity, especially in light of the non-existent cost savings, strikes us as counterproductive in these difficult economic times.

We urge your opposition to this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Hopkins'.

Luke Hopkins, Mayor
Fairbanks North Star Borough

A handwritten signature in black ink, appearing to read 'John Eberhart'.

John Eberhart, Mayor
City of Fairbanks

29-LS0696\H
Bannister
3/30/15

CS FOR HOUSE BILL NO. 160()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GATTIS

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the art requirements for certain public buildings and facilities and**
2 **to the funding of works of art; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 35.27.020 is amended by adding a new subsection to read:

5 (h) Notwithstanding another provision of this chapter, after July 1, 2015,
6 unless required by a contract entered into under this chapter before July 2015,

7 (1) subsection (a) of this section does not require a building or facility
8 constructed, remodeled, or renovated to include works of art;

9 (2) the department is not required to consult with the Alaska State
10 Council on the Arts under (b) of this section;

11 (3) a percentage of the construction cost of a building or facility may
12 not be reserved for the purposes described under (c) of this section;

13 (4) the department may not specifically authorize the inclusion of
14 works of art in the design and construction of a building or facility under (d) of this

1 section; and

2 (5) an architect, a superintendent of a school district, or the department
3 may not select an artist under (e) or (f) of this section.

4 * **Sec. 2.** AS 44.27.050 is amended by adding a new subsection to read:

5 (b) Notwithstanding (a)(5) of this section, after July 1, 2015, the council shall
6 manage the art in public places fund only to the extent required to manage money
7 deposited in the fund before July 1, 2015, or money deposited into the fund under
8 AS 44.27.060(b) under a contract that is entered into under this chapter before July 1,
9 2015.

10 * **Sec. 3.** AS 44.27.052(a) is amended to read:

11 (a) The council may

12 (1) hold public and private hearings;

13 (2) enter into contracts, within the limit of funds available, with
14 individuals, organizations, and institutions for services furthering the educational
15 objectives of the council's programs;

16 (3) enter into contracts, within the limit of funds available, with local
17 and regional associations for cooperative endeavors furthering the educational
18 objectives of the council's programs;

19 (4) accept gifts, contributions, and bequests of unrestricted funds from
20 individuals, foundations, corporations, and other organizations or institutions for the
21 purpose of furthering the educational objectives of the council's programs;

22 (5) make and sign agreements and do and perform any acts necessary
23 to carry out the purposes of AS 44.27.040 - 44.27.058 [AS 44.27.040 - 44.27.060];
24 and

25 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
26 to carry out the provisions of AS 44.27.040 - 44.27.058 [AS 44.27.040 - 44.27.060].

27 * **Sec. 4.** AS 44.27.060 is amended by adding a new subsection to read:

28 (e) Notwithstanding the other provisions of this section, after July 1, 2015,

29 (1) the council shall manage the art in public places fund only to the
30 extent required by AS 44.27.050(b);

31 (2) the commissioner of a department responsible for the design and

1 construction of a building or facility may not deposit one percent of the construction
2 cost of a building or facility into the art in public places fund under (b) of this section,
3 except that the commissioner may deposit one percent of the construction cost of a
4 building or facility into the art in public places fund if, before July 1, 2015, the
5 commissioner enters into a contract requiring the one percent to be used for art under
6 (b) of this section;

7 (3) notwithstanding (c) of this section, the council may not use the
8 money in the art in public places fund as allowed under (c) of this section, unless,
9 before July 1, 2015, the council enters into a contract under (c) of this section for the
10 commissioning, purchase, or expenses of a work of art for a building or facility.

11 * **Sec. 5.** AS 44.35.030 is amended to read:

12 **Sec. 44.35.030. Construction of memorials to Alaska veterans.** The
13 Department of Military and Veterans' Affairs may construct memorials to Alaska
14 veterans. A memorial constructed under this section is not subject to AS 35.15 [OR
15 AS 35.27].

16 * **Sec. 6.** AS 35.27.010, 35.27.020, 35.27.030; AS 44.27.050(a)(5), 44.27.050(b), and
17 44.27.060 are repealed.

18 * **Sec. 7.** Sections 1, 2, and 4 of this Act take effect July 1, 2015.

19 * **Sec. 8.** Sections 3, 5, and 6 of this Act take effect July 1, 2020.



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

SPONSOR STATEMENT
House Bill 160
Art in Public Places Requirement
Work Draft Version H

Between 2004 and 2013, the Department of Transportation and Public Facilities, the Department of Education and Early Development and the Alaska Court System spent a combined total of \$9,129,581 on art program expenditures.

There are two parts to HB 160 Work Draft Version H.

The first part enacts a five year moratorium on the 1% of funding for art in public places which would start on July 1, 2015 and end on July 1, 2020.

The second part enacts a sunset date on the "Art Works in Public Buildings and Facilities" statute as well as the art in public places fund.



HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

EXPLANATION OF CHANGES
House Bill 160
Art in Public Places Requirement
Work Draft Version H

Version A of House Bill 160 repealed all statutes that required one percent funding for art in public buildings and facilities as well amended other statutes that had references to the percent funding for the arts.

Version H changes HB 160 so that the requirement for one percent funding for art in public buildings and facilities is put on a moratorium for five years from July 1, 2015 to July 1, 2020.

Version H also includes a sunset date on the "Art in Public Buildings and Facilities" statutes found in AS 35.27 as well as the art in public places fund found in AS 44.27.050(a)(5), AS 44.27.050(b) and AS 44.27.060.



HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

SECTIONAL ANALYSIS
House Bill 160
Art in Public Places Requirement
Work Draft Version H

HB 160 Work Draft Version H puts a five year moratorium on the "Art Works in Public Buildings and Facilities" statutes and the art in public places fund. It then enacts a sunset date for the "Art Works in Public Buildings and Facilities" statutes and the art in public places fund.

Moratorium Sections:

Section 1:

Amends AS 35.27.020.

Ads subsection (h) stating that after July 1, 2015 one percent of funding for public buildings and facilities will not be reserved for art. This section essentially cancels out the "Art Works in Public Buildings and Facilities" statutes as a part of the moratorium.

Section 2:

Amends AS 44.27.050.

Ads subsection (b). As there will be no more funds coming into the art in public places fund after July 1, 2015, the Alaska State Council on the Arts (ASCA) will only manage money in the fund that is a part of the fund before July 1, 2015, whether through statute or contract. This is a part of the moratorium.

Section 4:

Amends AS 44.27.060.

Ads Subsection (e). States that a commissioner of a department cannot deposit funds in the art in public places fund after July 1, 2015. It also states that after July 1, 2015 the ASCA will not be able to use the money in the art in public places fund unless the ASCA has entered into a contract before July 1, 2015. This is a part of the moratorium.

Section 7:

Provides an effective date on July 1, 2015 for Sections 1, 2, and 4 which enacts the moratorium.

HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

Sunset Date Sections:

Section 3:

Amends AS 44.27.052(a).

Amends the powers of the Alaska State Council on the Arts (ASCA) to remove management of the art in public places fund. This is a part of the sunset date.

Section 5:

Amends AS 44.35.030.

Section 6 repeals AS 35.27 which is mentioned in this statute, thus the statute needs to be amended so that it is not referencing a statute that will not exist. This is a part of the sunset date.

Section 6:

Repeals the following statutes as a part of the sunset date:

AS 35.27 – Art Works in Public Buildings and Facilities

AS 35.27.010 – Purpose

AS 35.27.020 – Art Requirements for Public Buildings and Facilities

AS 35.27.030 – Definitions

AS 44.27.050(a)(5) – (the duty of the Alaska State Council on the Arts) to manage the art in public places fund;

AS 44.27.050(b) – Section 2 of this act.

AS 44.27.060 – Art in Public Places Fund

Section 8:

Provides an effective date of July 1, 2020 for Sections 3, 5, and 6 which enacts the sunset date.



HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

SPONSOR STATEMENT
House Bill 160
Art in Public Places Requirement
Version A

Between 2004 and 2013, the Department of Transportation and Public Facilities, the Department of Education and Early Development and the Alaska Court System spent a combined total of \$9,129,581 on art program expenditures.

House Bill 160 removes the mandate to set aside 1% of funding for art in public places.



HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

SECTIONAL ANALYSIS
House Bill 160
Art in Public Places Requirement
Version A

Section 3:

Repeals the following statutes:

AS 35.27 – Art Works in Public Buildings and Facilities

AS 35.27.010 – Purpose

AS 35.27.020 – Art Requirements for Public Buildings and Facilities

AS 35.27.030 – Definitions

AS 44.27.050(5) – (the duty of the Alaska State Council on the Arts) to manage the art in public places fund;

AS 44.27.060 – Art in Public Places Fund

As section 3 of this act repeals the art in public places fund there are a few statutes that need to be amended because they reference the repealed statutes.

Section 1:

Amends AS 44.27.052(a).

This statute included two references to AS 44.27.060 which was repealed in section 3 of this act.

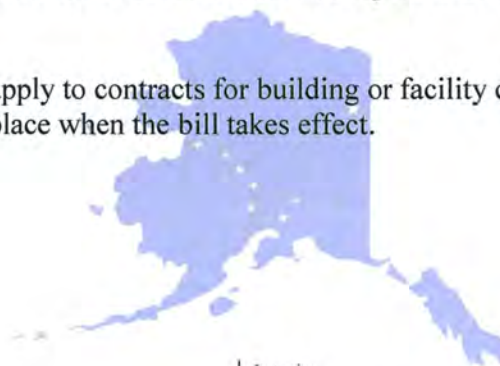
Section 2:

Amends AS 44.35.030.

This statute included a reference to AS 35.27 which was repealed in section 3 of this act.

Section 4:

States that the bill will not apply to contracts for building or facility construction and contracts for works of art that are in place when the bill takes effect.



HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833

Andrew Ford

From: Daut, Shannon E (EED) <shannon.daut@alaska.gov>
Sent: Thursday, March 26, 2015 1:27 PM
To: Andrew Ford
Subject: AIPP funds

Hello Andrew,

Below are the answers to your questions related to the AIPP fund. If you need to reach me, the best way would be through my cell (call or text):

Best,
Shannon

How does money come in?

Money is deposited to the AIPP fund in a variety of ways:

1. From AS 44.27.060: The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

- (1) the estimated construction cost of the building or facility is less than \$250,000; or
- (2) the building or facility is not designed for substantial public use.

2. ASCA collects a fee for services to help manage and administer public art commissions for other entities. We have long-running partnerships with the Ted Stevens Anchorage International Airport (TSAIA) and UAA; both of those entities pay ASCA contract fees to manage their public art and those revenues go toward purchase of works for the Contemporary Art Bank and public art project/collections management.

How does the Council manage the fund?

Currently, the AIPP fund has a spending authority cap of \$30,000 per year. We manage annual or biennial calls for artwork made by Alaskan artists; the selected pieces are acquisitioned into the Alaska Contemporary Art Bank, which is a program that provides artwork on loan to state buildings throughout Alaska and to the offices of our federal elected officials in Washington, DC. The funds used to purchase the artwork goes directly to Alaska artists. The contractor who manages the Contemporary Art Bank is paid out of a mix of GFM and NEA (National Endowment for the Arts) funds.

In other cases, funds may be specifically allocated to place artwork in a specific building. For example, we are currently working on identifying a finalist for the Alaska Veterans and Pioneer Home in Palmer. The artwork budget for that project is small--\$8,874. Typically, funds for public art do not flow through the ASCA budget or AIPP fund—they stay within the construction budget. However, for smaller projects (as outlined in the statute above), ASCA retains the % for art to pay for the commission directly, as is the case with the Veterans and Pioneer Home.

How much is in the AIPP fund?

Right now, the balance of the funds is at: \$116,733.40. That balance includes expenses to-date (\$3,482) and funds that are committed to public art projects (\$46,790). That leaves an unallocated balance of \$66,461. This balance includes a mix of both state % for Art money as well as UAA/TSAIA money.

Shannon E. Daut
Executive Director
Alaska State Council on the Arts

161 Klevin Street, Suite 102

Anchorage, Alaska 99508
907.269.6607
www.facebook.com/ArtsAlaska

Alaska Stat. § 35.27.010

Current through the 2014 Second Regular Session of the Twenty-Eighth State Legislature

Alaska Statutes > TITLE 35. PUBLIC BUILDINGS, WORKS, AND IMPROVEMENTS > CHAPTER 27. ART WORKS IN PUBLIC BUILDINGS AND FACILITIES

Sec. 35.27.010. Purpose

The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities.

History

(§ 1 ch 54 SLA 1975)

Annotations

Notes

LEGISLATIVE HISTORY REPORTS. --

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

Research References & Practice Aids

NOTES APPLICABLE TO ENTIRE TITLE

REVISOR'S NOTES. --The provisions of this title were redrafted in 1987 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982, and in 1987, 2002, and 2012 to make other minor word changes under [AS 01.05.031](#).

NOTES APPLICABLE TO ENTIRE CHAPTER

CROSS REFERENCES. --For nonapplicability of this chapter to memorials to Alaska veterans, see [AS 44.35.030](#).

ALASKA STATUTES

Copyright © 2015 by The State of Alaska and Matthew Bender & Company, Inc. a member of the LexisNexis Group. All Rights Reserved.

[Alaska Stat. § 35.27.020](#)

Current through the 2014 Second Regular Session of the Twenty-Eighth State Legislature

[Alaska Statutes](#) > [TITLE 35. PUBLIC BUILDINGS, WORKS, AND IMPROVEMENTS](#) > [CHAPTER 27. ART WORKS IN PUBLIC BUILDINGS AND FACILITIES](#)

Sec. 35.27.020. Art requirements for public buildings and facilities

- (a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.
- (b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.
- (c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature will be reserved for the following purposes: the design, construction, mounting, and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility that 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.

History

(§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 -- 4 ch 176 SLA 1980; am § 22 [ch 9 SLA 2013](#))

Annotations

Notes

EFFECT OF AMENDMENTS. --

The 2013 amendment, effective May 10, 2013, in (c), deleted "after September 1, 1977," following "approved for construction by the legislature", and made a stylistic change.

Research References & Practice Aids

CROSS REFERENCES. --

For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see [AS 44.27.060](#).

USER NOTE:

For more generally applicable notes, see notes under the first section of this article, chapter or title.

ALASKA STATUTES

Copyright © 2015 by The State of Alaska and Matthew Bender & Company, Inc. a member of the LexisNexis Group. All Rights Reserved.

[Alaska Stat. § 35.27.030](#)

Current through the 2014 Second Regular Session of the Twenty-Eighth State Legislature

[Alaska Statutes](#) > [TITLE 35. PUBLIC BUILDINGS, WORKS, AND IMPROVEMENTS](#) >
[CHAPTER 27. ART WORKS IN PUBLIC BUILDINGS AND FACILITIES](#)

Sec. 35.27.030. Definitions

In this chapter,

- (1) "building" or "facility" means a permanent improvement constructed by the department; the term
 - (A) includes, but is not limited to,
 - (i) schools, office buildings, and court buildings;
 - (ii) other buildings which the commissioner determines are designed for substantial public use;
 - (iii) boats and vessels of the marine highway system;
 - (iv) transportation facilities which accommodate traveling passengers;
 - (B) excludes other transportation facilities;
- (2) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases, and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility.

History

(§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am E.O. No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980; am § 57 ch 14 SLA 1987; am § 31 [ch 9 SLA 2013](#))

Annotations

Notes

REVISOR'S NOTES. --

Reorganized in 1987 to alphabetize the defined terms.

Paragraph (2), formerly paragraph (3), was renumbered in 2013 to reflect the repeal of former paragraph (2).

EFFECT OF AMENDMENTS. --

The 2013 amendment, effective May 10, 2013, repealed former (2), which read, "'commissioner' means the commissioner of transportation and public facilities;".

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this article, chapter or title.

ALASKA STATUTES

Copyright © 2015 by The State of Alaska and Matthew Bender & Company, Inc. a member of the LexisNexis Group. All Rights Reserved.

Alaska Stat. § 44.27.050

Current through the 2014 Second Regular Session of the Twenty-Eighth State Legislature

Alaska Statutes > TITLE 44. STATE GOVERNMENT > CHAPTER 27. DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT > ARTICLE 2. ALASKA STATE COUNCIL ON THE ARTS

Sec. 44.27.050. Duties of council

The duties of the council are

- (1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;
- (2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;
- (3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of the state and to expand the state's cultural resources;
- (4) to encourage and assist freedom of artistic expression essential for the well being of the arts;
- (5) to manage the art in public places fund;
- (6) to administer the provisions of [AS 45.65](#) relating to identification seals for authentic Alaska Native art created or crafted in the state and adopt regulations to carry out those provisions.

History

(E.O. No. 44, § 4 (1980); am § 7 ch 176 SLA 1980; am § 2 ch 97 SLA 1986; am E.O. No. 100, § 2 (1998); am § 1 [ch 16 SLA 2008](#))

Annotations

Notes

REVISOR'S NOTES. --

Enacted as AS 44.27.100. Renumbered in 1980.

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this article, chapter or title.

ALASKA STATUTES

Copyright © 2015 by The State of Alaska and Matthew Bender & Company, Inc. a member of the LexisNexis Group. All Rights Reserved.

Alaska Stat. § 44.27.060

Current through the 2014 Second Regular Session of the Twenty-Eighth State Legislature

Alaska Statutes > TITLE 44. STATE GOVERNMENT > CHAPTER 27. DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT > ARTICLE 2. ALASKA STATE COUNCIL ON THE ARTS

Sec. 44.27.060. Art in public places fund

- (a) The art in public places fund is established. The council shall manage the fund.
- (b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of [AS 35.27](#) and the exemption is because
 - (1) the estimated construction cost of the building or facility is less than \$ 250,000; or
 - (2) the building or facility is not designed for substantial public use.
- (c) The council may use the money in the art in public places fund
 - (1) to commission or purchase a work of art 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\(c\)](#).
- (d) In (c) of this section, "building" or "facility" means
 - (1) a building or facility of the state, as defined by [AS 35.27.030](#), that is designed for and that is subject to substantial public use; and
 - (2) a building or facility that is leased by the state and subject to substantial public use.

History

(§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982; am § 37 [ch 32 SLA 1997](#))

Annotations

Notes

REVISOR'S NOTES. --

Enacted as AS 44.19.942. Renumbered in 1980.

Research References & Practice Aids

CROSS REFERENCES. --

For provisions relating to artworks in public buildings and facilities under this section, see [AS 35.27.010–35.27.030](#).

ADMINISTRATIVE CODE. --

For Alaska contemporary art bank, see 20 AAC 30, art. 12.

USER NOTE:

For more generally applicable notes, see notes under the first section of this article, chapter or title.

ALASKA STATUTES

Copyright © 2015 by The State of Alaska and Matthew Bender & Company, Inc. a member of the LexisNexis Group. All Rights Reserved.

Alaska Stat. § 44.27.052

Current through the 2014 Second Regular Session of the Twenty-Eighth State Legislature

Alaska Statutes > TITLE 44. STATE GOVERNMENT > CHAPTER 27. DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT > ARTICLE 2. ALASKA STATE COUNCIL ON THE ARTS

Sec. 44.27.052. Powers of council

- (a) The council may
- (1) hold public and private hearings;
 - (2) enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs;
 - (3) enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs;
 - (4) accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs;
 - (5) make and sign agreements and do and perform any acts necessary to carry out the purposes of [AS 44.27.040](#) -- [44.27.060](#); and
 - (6) adopt regulations under [AS 44.62](#) (Administrative Procedure Act) to carry out the provisions of [AS 44.27.040](#) -- [44.27.060](#).
- (b) The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data that will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes.

History

(E.O. No. 44, § 4 (1980); am § 39 ch 85 SLA 1988; am § 1 [ch 30 SLA 2010](#))

Annotations

Notes

REVISOR'S NOTES. --

Enacted as AS 44.27.110. Renumbered in 1980. Divided into subsections (a) and (b) in 1989.

EFFECT OF AMENDMENTS. --

The 2010 amendment, effective June 2, 2010, added (a)(6) and made a related stylistic change.

Research References & Practice Aids

ADMINISTRATIVE CODE. --

For operating support grants, see 20 AAC 30, art. 1.

For project grants, see 20 AAC 30, art. 2.

Alaska Stat. § 44.27.052

For individual fellowship grant, see 20 AAC 30, art. 4.

For career opportunity grants, see 20 AAC 30, art. 5.

For master artist and apprentice grants, see 20 AAC 30, art. 6.

For workshop program, see 20 AAC 30, art. 7.

For education programs, see 20 AAC 30, art. 8.

For community arts development grants, see 20 AAC 30, art. 10.

For arts education incentive grants, see 20 AAC 30, art. 13.

For council procedures, see 20 AAC 30, art. 14.

USER NOTE:

For more generally applicable notes, see notes under the first section of this article, chapter or title.

ALASKA STATUTES

Copyright © 2015 by The State of Alaska and Matthew Bender & Company, Inc. a member of the LexisNexis Group. All Rights Reserved.



LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

Research Brief

TO: Representative Lynn Gattis
FROM: Roger Withington, Legislative Analyst
DATE: December 16, 2013
RE: Percent for Art Expenditures in Alaska
LRS Report 14.134

You asked for information regarding Alaska's Percent for Art Program. Specifically, you asked for a summary of Percent for Art expenditures for each of the last 10 years.¹

The Art Works in Public Buildings and Facilities program, established in 1975 and codified at AS 35.27.010 through AS 35.27.030, requires that a portion of the funds appropriated for capital projects for public facilities (such as schools, office buildings, court buildings, and state ferries) be set aside for the purchase and installation of works of art.

Payments for purchases of art come from project funds for public buildings and schools; there are no individual appropriations or regular annual expenditures for the acquisition of public art. At least one percent of a project's construction or renovation costs must be dedicated to the 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.

The overall Percent for Art Program is not managed by a single agency, and there is no centralized repository of information on amounts spent for art in public places. Historically, entities such as the Alaska Court System and individual school districts have maintained their own accounting records on their projects; in general, the Department of Transportation and Public Facilities (DOTPF) maintains information on state building and facility projects, the Department of Education and Early Development (DEED) maintains information on school district projects, and the Alaska Court System maintains information on Court System projects. In Table 1 we summarize Percent for Art expenditures for each of the last 10 years.

¹ You also asked a number of other questions regarding the Percent for Art Program which we answered in previous report.

Table 1: Summary of Percent for Art Program Expenditures, State Fiscal Year 2004 through 2013

State Fiscal Year	Department of Transportation and Public Facilities	Department of Education and Early Development	Alaska Court System	Fiscal Year Total
2004	\$26,060	\$138,406	\$9,188	\$173,654
2005	\$273,763	\$100,958	\$-	\$374,721
2006	\$342,329	\$140,043	\$58,777	\$541,149
2007	\$24,950	\$140,750	\$76,092	\$241,792
2008	\$357,523	\$328,119	\$5,258	\$690,900
2009	\$546,804	\$599,377	\$58,665	\$1,204,846
2010	\$712,684	\$563,006	\$-	\$1,275,690
2011	\$992,066	\$759,335	\$79,300	\$1,830,701
2012	\$818,523	\$1,172,355	\$48,950	\$2,039,828
2013	\$354,115	\$345,987	\$56,198	\$756,300

Notes: Department of Transportation and Public Facilities figures represent actual expenditures. Department of Education and Early Development figures represent percent of art expenditures for closed projects from 2004 through 2013. Please note, however, that it is possible that there may be additional expenditures for art after project closeout. Alaska Court System figures represent money spent (FY2004 and 2006), or encumbered (FY2007 forward), for art costs. Please note that not all funding, such as deferred maintenance, is included in the Percent for Art figures. Also, an unspecified portion of the Courts' FY2006 expenditure occurred in FY2007, and the FY2009 encumbrance includes the FY2010 encumbrance. Additionally, much of the art funding for the Anchorage (Court) Campus project is being consolidated and will be procured after completion of the remodels in 2015.

Sources: Mark OBrien, Chief Contracts Officer, Alaska Department of Transportation and Public Facilities, 907-465-6990. Marcy Herman, Special Assistant to the Commissioner, Alaska Department of Education and Early Development, 907-465-2803. Lesa Hall, Facilities Manager, Alaska Court System, 907-264-8282.

We hope this is helpful. If you have questions or need additional information, please let us know.



LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

Research Brief

TO: Representative Lynn Gattis
FROM: Roger Withington, Legislative Analyst
DATE: December 13, 2013
RE: Percent for Art in Alaska
LRS Report 14.124

You asked for information regarding Alaska's Percent for Art Program.

Specifically, you wished to know the following.

- A history of Percent for Art Program.
- The entity that administers the Program.
- An explanation of how the Program funds are distributed.
- If there are any federal funds or mandates attached to Alaska's Percent for Art Program.
- What penalties, if any, are placed on a school district or department if the agency does not use their designated Percent for Art funds.
- If there have been any significant changes to the Program over the years.
- If there have been any attempts by previous legislatures to change or eliminate the Program, and
- If other states provide for art in public spaces in a way similar to that of Alaska.¹

The Art Works in Public Buildings and Facilities program, established in 1975 and codified at AS 35.27.010 through AS 35.27.030, requires that a portion of the funds appropriated for capital projects for public facilities (such as schools, office buildings, court buildings, and state ferries) be set aside for the purchase and installation of works of art. According to the Alaska State Council on the Arts, the objectives of the Percent for Art Program are to

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

Payments for purchases of art come from project funds for public buildings and schools; there are no individual appropriations or regular annual expenditures for the acquisition of public art. At least one percent of a project's construction or renovation costs must be dedicated to the 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.

The Alaska State Council on the Arts (ASCA) manages the Fund (not the Program funds maintained by other agencies) 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.² In addition, the Council provides technical assistance to agencies in establishing community panels to select art, and in identifying possible public art projects. Funds for public art may be used only for the actual costs of

¹ You also asked for a table summarizing Percent for Art expenditures for each of the last 10 years. This information will follow in a subsequent report as the agencies that maintain this information are unable to meet our deadline for this report.

² Generally Alaska State Council on the Arts provides technical assistance and consultation regarding best practices in the art adjudication process, collection management, and outreach to artists. The URL for the Alaska State Council on the Arts is <http://education.alaska.gov/aksca/>.

design, production, and mounting of artwork, and for the artist's direct administrative costs. For some projects, the ASCA manages the entire acquisition process.

The overall Program is not managed by a single agency, and there is no centralized repository of information on amounts spent for art in public places. Historically, entities such as the Alaska Court System and individual school districts have maintained their own accounting records on their projects; in general, the Department of Transportation and Public Facilities (DOTPF) maintains information on state building and facility projects, the Department of Education and Early Development (DEED) maintains information on school district projects, and the Alaska Court System maintains information on Court System projects. The Arts Council has no statutory requirement to compile information on these projects, nor does it have authority to require agencies to compile and report such information.

According to Shannon Daut, Executive Director of the Alaska State Council on the Arts, there are no federal funds or mandates attached to Alaska's Percent for Art Program, nor are school districts or departments penalized if they do not use their designated Percent for Art funds.³

Program History

In 1975 (Ch 54 SLA 1975), the Alaska Legislature passed the Art Works in Public Buildings and Facilities statute (also referred to as the Percent for Art Program) requiring that one percent of the capital construction costs of public building, including renovations, be directed towards the acquisition and permanent installation of artwork.

Since its inception, the Art Works in Public Buildings and Facilities statute has been amended three times—only twice substantively.⁴ Chapter 96 SLA 1977 provided that, under most instances, the artist who executes a work of art for public schools is selected by the Superintendent of the school district requiring the art work; changed the definition of public facilities to include schools, office buildings, court buildings, and other facilities designed for substantial public use; defined costs of construction; and in the case of a rural school facility, reduced the minimum percentage devoted to art work from one per cent to one-half of one per cent.

Chapter 176 SLA 1980 required that funds be reserved for use in the acquisition of works of art for buildings and facilities which are subject to substantial public use, defined the buildings and facilities to which the requirement applies, and established an "art in public places" fund to be managed by the Alaska State Council on the Arts. This fund would receive amounts reserved from appropriations for certain small public buildings or facilities or for buildings or facilities not subject to substantial public use for the placement of art in public buildings and facilities which are subject to public use.⁵

Since 1999, there have been 12 measures introduced that proposed, to some degree, a change to the Program. All but one of these proposals appear to have been small, ancillary components of a larger measure. House Bill 215, however, introduced in the Twenty-third Legislature, was solely directed at the Percent for Art Program and proposed its repeal. We summarize each of the 12 measures in Table 1.

³ Shannon E. Daut, Executive Director of the Alaska State Council on the Arts, can be contacted at 907-269-6607.

⁴ The non-substantive amendment was Chapter 14 SLA 1987, the "Revisor's Bill," which removed an obsolete reference to the Department of Public Works.

⁵ The Art in Public Places Fund is defined at AS 44.19.942.

Table 1: Summary of Measures Proposing a Change to the Percent for Art Program, 1999 through 2013

Legislature	Bill Number	Prime Sponsor	Summary	Final Status
21 st (1999-2000)	HB 122	Jeannette James	Excludes "office buildings" from the Art Works in Public Buildings and Facilities statute.	House Finance
	HB 280	Gail Phillips	Makes the Alaska International Airport Authority responsible for compliance with regard to the public buildings and facilities of the Authority.	House Transportation
	SB 189	Tim Kelly		Withdrawn by Sponsor
	SB 208	Jerry Ward	Makes the Alaska Marine and Rail Transportation Authority responsible for compliance with regard to the public buildings, facilities, and vessels of the Authority.	Senate Transportation
	SB 302	Community and Regional Affairs	Makes the Anchorage International Airport Commission responsible for compliance with regard to the public buildings and facilities of the Commission.	Senate Transportation
22 nd (2001-2002)	HB 273	Jeannette James	Makes the Alaska Airport Authority responsible for compliance with regard to the public buildings and facilities of the Authority.	House Transportation
	SB 227	Drue Pearce		Senate Transportation
	SB 130	Robin Taylor	Makes the Alaska Marine Highway Authority responsible for compliance with regard to the public buildings, facilities, and vessels of the Authority.	Senate Finance
	SB 271	Jerry Ward		Senate Finance
23 rd (2003-2004)	HB 215	Bill Stoltze	The first version of HB 215 called for a repeal of the Percent for Art Program. The final version revised the calculation of the amount funds spent on works of art.	Senate Finance
	SB 235	John Cowdery	Makes the Alaska Airport Authority responsible for compliance with regard to the public buildings and facilities of the Authority.	Senate Transportation
28 th (2013-2014)	HB 81	2013 Revisor's Bill	Makes corrective amendments to the Art Works in Public Buildings and Facilities statute.	Ch 9 SLA 2013

Source: Bill Action and Status Inquiry System, Alaska Legislature, <http://www.legis.state.ak.us/basis/start.asp>.

Art in Public Places, Other State Programs

According to the National Assembly of State Arts Agencies (NASAA), there are currently 26 jurisdictions with an active program that promotes access to the arts and increase the aesthetic value of public places. Using information from NASSA, we constructed Table 2 which summarizes the program funding mechanism in each of the 26 jurisdictions. As you will see, not all funding methods are identical nor are they all mandatory.

Table 2: Summary of the Funding Mechanisms of State “Percent for Art” Programs

State	Name of Program	Summary of Funding Mechanism
Alaska	Percent for Art	Up to one percent of capital construction costs of public buildings are set aside for acquisition and permanent installation of artwork and deposited into a fund managed by the State Arts Agency.
Colorado	Art in Public Places	Each capital construction appropriation for a public construction project shall include as a nondeductible item an allocation of not less than one percent of the state funded portion of the total capital construction costs for use in the acquisition of works of art. Any capital construction project that is the subject of a lease purchase agreement that provides for lease payments from moneys that have been appropriated in full or in part by the state must include in the project budget an allocation of not less than one percent of the total construction costs to be used for the acquisition of works of art.
Connecticut	Art in Public Spaces	The State Bond Commission, in the allocation of proceeds of state bonds for the purposes of construction, reconstruction or remodeling of any state building, shall allocate for works of art an amount not less than one percent of the total estimated cost of construction, reconstruction or remodeling.
District of Columbia	DC Creates!	An allocation exists in the capital budget of up to one percent for the commission and acquisition of artwork.
Florida	Art in State Buildings	Up to 0.5% of the construction appropriation is used to acquire artwork for permanent display in the interior or exterior of public access facilities. The amount is not to exceed \$100,000.
Hawai'i	Art in Public Places	One percent of all state funded appropriations for capital improvements are designated for funding to be used for acquisition costs, site modifications, maintenance, and storage and transport of artwork.
Illinois	Art-in-Architecture	One-half of one percent of the construction appropriation is set aside for the acquisition of artwork for all new and renovated public buildings financed by state funds.
Iowa	Art in State Buildings	Not less than 0.5% of the total estimated cost of such building or group of buildings.
Louisiana	Percent for Art	If the budget for constructing or renovating a state building is equal to or greater than \$2 million in state funds, then one percent of the state money is to be used to acquire, conserve or restore and install works of art for display in, on or on the grounds of the state building.
Maine	Public Art	In the construction or renovation of buildings funded through taxpayer dollars, one percent of the construction appropriation (with a cap of \$50,000 for K-12 schools) is appropriated for acquiring works of art. State office buildings, universities, transportation facilities and courthouses are eligible for the full one percent. Prisons and infrastructure projects are exempt. Any site can opt out of the process.
Maryland	Commission on Public Art	A mandatory appropriation not to exceed \$1 million each fiscal year is placed in the state budget for the Maryland Public Art Fund. Grants made to local governments must be matched.
Minnesota	Percent for Art in Public Places	The program may purchase or commission original works of art for state building projects financed wholly or in part by the State. Up to one percent of new construction or renovation projects that cost at least \$500,000 may be used for the acquisition of artwork.
Montana	Percent for Art	Capital project appropriations by the state legislature include a maximum of one percent of the total appropriation for use by the State Art Agency to acquire new artworks, maintain existing works and pay for administration costs.
Nebraska	1% for Art	One percent of the original construction appropriation for state buildings is used in the acquisition of artwork, less certain construction costs and any State Art Agency administrative fees and costs related to the project.

Table 2 is continued on the following page.

Table 2: Summary of the Funding Mechanisms of State “Percent for Art” Programs (continued)

State	Name of Program	Summary of Funding Mechanism
New Hampshire	Percent for Art	Half of one percent of the first \$15 million of the bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund. “Major addition” is defined as any addition which increases the square footage of the building to which it is being added by 25% or more.
New Jersey	Arts Inclusion	Up to 1.5% of the state financed construction budget is allocated for the commissioning and installation of artwork.
New Mexico	Art in Public Places	For each appropriated capital expenditure over \$100,000, a nondeductible amount is allocated that is equal to one percent or \$200,000 (whichever is less). If the total amount is not required for the artwork then the remainder returns to the Art in Public Places Fund and is used to acquire artwork for existing state buildings.
Ohio	Percent for Art	If a capital project is appropriated more than \$4 million, then one percent of the total appropriation is allocated for the acquisition of artwork. The contracting agency purchases the artwork from the State Art Agency.
Oklahoma	Art in Public Places	One and one-half percent of capital construction costs above \$250,000 are allocated for artwork with a maximum, single project assessment of \$500,000. If private money is provided, the amount goes into a subaccount for each project and does not replace the state's allocation.
Oregon	Public Art	No less than one percent of direct construction funds for new or remodeled state building budgets above \$100,000 is set aside for the acquisition of artwork. If the total allocation is not used, the State Art Agency and contracting agency can negotiate ways to use the remaining funds.
Rhode Island	Public Art	At least one percent of construction cost is appropriated for the inclusion of artwork. If construction costs are less than \$250,000, any funds for artwork can be transferred for other buildings.
South Carolina	Percent for Art	Projects are funded through the construction or renovation project budget. Since the Percent for Art Program is voluntary, state agencies do not have to set aside funding for artwork, but they may allocate up to 0.5% of the total construction or renovation cost.
Utah	Public Art	One percent of all state building construction costs (new or renovated) is allocated for existing or commissioning of new artwork. Any funds not used are considered non-lapsing and do not revert to the general fund.
Vermont	Public Art	Up to \$50,000 is transferred each year from capital funds already appropriated for projects over \$1 million; the amount remaining in the art acquisition fund does not revert to general fund.
Washington	Art in Public Places	Half of one percent of capital appropriations for new construction (and renovation projects exceeding \$200,000 for universities and colleges) is allocated for the acquisition and conservation of artwork, as per state statute. Capital projects include K-12 public schools, state colleges and universities, and state buildings.
Wyoming	Art in Public Buildings	One percent of new state construction costs is allocated for acquisition of artwork, not to exceed \$100,000.
Source:	National Assembly of State Arts Agencies, as of September 2013, http://www.nasaa-arts.org/Research/Key-Topics/Public-Art/State-Percent-for-Art-Programs.php .	

In 2013 the National Assembly of State Arts Agencies published a “Policy Brief” that summarizes state level percent for art policy and program trends which you may find helpful. We include this Brief as Attachment A.

We hope this is helpful. If you have questions or need additional information, please let us know.


STATE POLICY BRIEFS

Tools for Arts Decision Making

National Assembly of
State Arts Agencies

National Assembly of
State Arts Agencies
1029 Vermont Ave., N.W.
2nd Floor
Washington, D.C. 20005
Tel: 202-347-6352
Fax: 202-737-0526
TDD: 202-347-5948
nasaa@nasaa-arts.org
www.nasaa-arts.org

© 2013 by the National
Assembly of State Arts
Agencies. All rights
reserved.

 This work is licensed under
a Creative Commons
Attribution-
NonCommercial 3.0 United
States License.

PERCENT FOR ART

State percent for art policies are mechanisms for enhancing the built environment and for making public spaces more appealing, useful or accessible through the incorporation of artworks. With these policies, legislatively created in almost all cases, a small portion of the budget for construction or renovation of state buildings is set aside for the purchase, installation and/or maintenance of public artwork, which is usually installed on the grounds of the capital project.

This NASAA State Policy Brief summarizes state level percent for art policy and program trends, examining benefits as well as challenges. The brief is designed to equip arts leaders and policymakers—as well as cultural advocates and public art managers—with a succinct overview of how these policies can work at the state level and what factors should be taken into account by any state considering changes to its current policies. Although its primary focus is on state laws, this document also may be of value to county and municipal decision makers and to program managers responsible for stewardship of public art at the local level.

percent for art: a special type of public art

While a layman's definition of public art may be "art installed in public spaces," public art is more than that. State arts agencies and public art practitioners stress that public art is a product of community investment and stakeholder dialogue that doesn't just occupy but also actively shapes public space.

The goals, forms and media of public art should reflect community context as much as the installation site. Common goals are commemoration and celebration, fostering public appreciation for art, civic dialogue, community development, enhancing the functionality or accessibility of spaces, place making, cultural tourism, and connecting artists and communities. Similarly, public art takes many forms: enhancements to natural and built environments in both rural and urban settings, memorials and historical monuments, temporary installations, functional elements, performance events, community development projects, and even artist-in-residence programs. The media of public art is likewise varied and includes sculptural materials, murals, mosaics, digital mediums, and ephemeral mediums like dance and relational aesthetics.

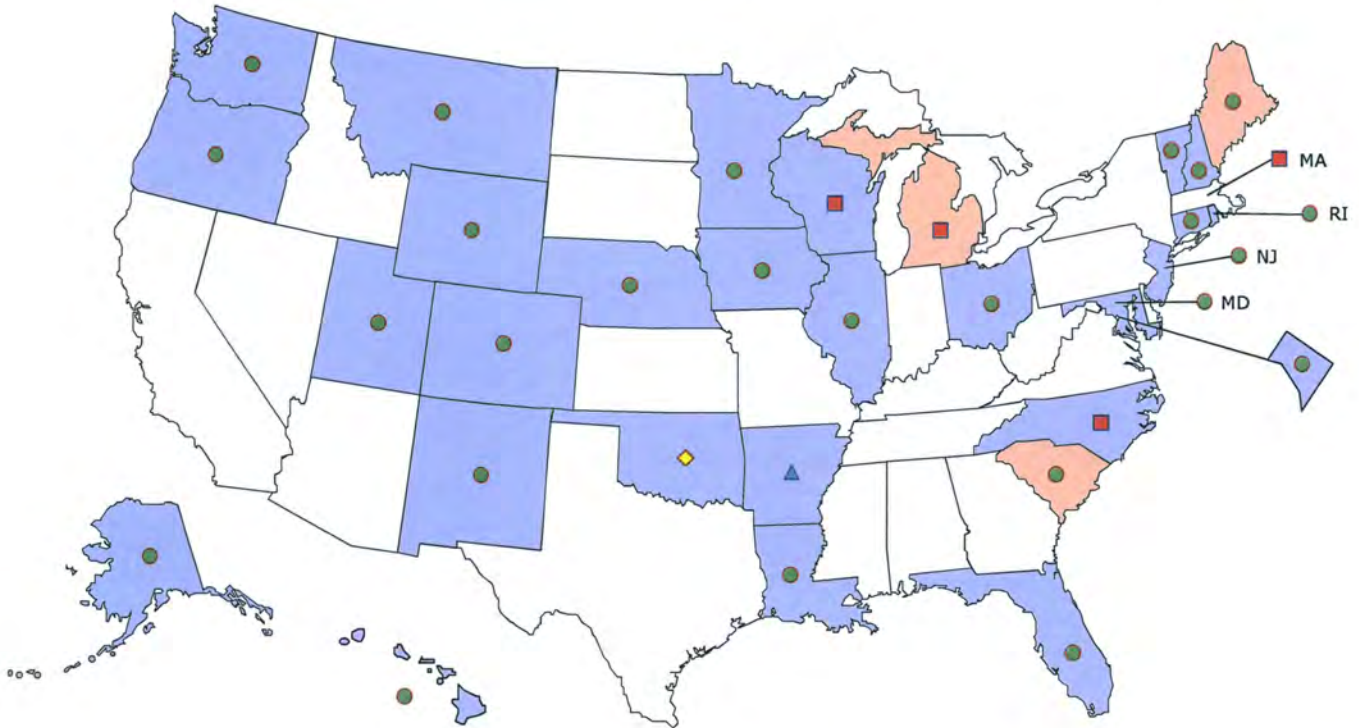
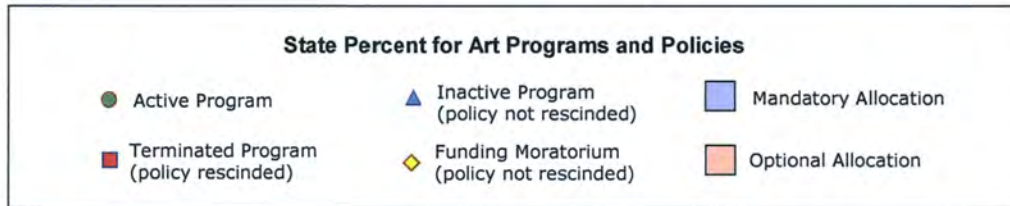
What Is Percent for Art?

Percent for art policies are regulations that recommend or require a designated portion of the budget for capital investment in state facilities to be set aside for artworks. Typically, about 1% of the construction or renovation costs are allocated for the commission, purchase and/or maintenance of artwork to be exhibited permanently in public space. With the exception of South Carolina, existing percent for art policies are initiated by state legislatures.

PERCENT FOR ART

Percent for art is a type of public art, but it categorically stands apart from other public art forms for several reasons. First, percent for art installations have formal and strategic funding mechanisms, generally 1% of the capital costs of the associated construction or renovation project, while other types of public art projects can be funded through agency allocations, legislative appropriations and private donations. Second, percent for art installations are limited by state laws to public space, whereas other types of public art can be sited in corporate office buildings and other private spaces. Similarly, by design, percent for art projects endeavor to shape and project the utility and identity of public property, whereas other public art may or may not share that intent. Finally, since percent for art projects create only permanent installations, they preclude types of public art that are ephemeral in nature, such as performances and time-limited installations.

funding mechanisms



Map does not include county or municipal percent for art programs, which exist in numerous jurisdictions.

Percent for art policies stipulate that a portion of a public property's capital construction or renovation costs be dedicated to the creation and installation of artworks. The stipulated percentage varies from 0.25% to 1.25%, with the most common increment being 1%.

Integration of public art costs into capital budgets offers several advantages to states and localities opting for this approach:

- Presence of a required percentage helps to ensure equity of access and consistent implementation. Other funding mechanisms (such as private funding, departmental allocations or other means), when used alone, may not ensure that public art reaches economically disadvantaged areas or smaller sites.
- Supporting art through capital outlays usually obviates the need for general funds to be appropriated on a project-by-project basis. This streamlines the funding and budgeting process for states.
- Including funds for art in construction and renovation budgets creates opportunities for architects, engineers and site managers to work with artists to integrate art and design into the vision for the site, enhancing the overall quality of the development plan.

Policy Chronology

[back to article](#)

1967	Hawai'i
1974	Washington
1975	Alaska
1975	Oregon
1977	Colorado (revised 2010)
1977	Illinois
1978	Connecticut
1978	Nebraska
1978	New Jersey
1979	Florida
1979	Iowa
1979	Maine
1979	New Hampshire
1980	Michigan (rescinded 1991)
1980	Wisconsin (rescinded 2011)
1981	Massachusetts (rescinded 1991)
1981	South Carolina
1982	North Carolina (rescinded 1995)
1983	Montana
1984	Minnesota
1985	Arkansas (inactive)
1985	Utah
1986	District of Columbia
1986	New Mexico
1987	Rhode Island
1988	Vermont
1990	Ohio
1991	Wyoming
1999	Louisiana
2004	Oklahoma (moratorium FY2012-2014)
2005	Maryland (revised 2013)

While in many states, any qualifying capital project automatically triggers the percent for art funding mechanism, not every state's policy is mandatory. Policies in some states allow for agency discretion in using the funding. Where percent for art policies aren't mandatory, agencies are able to decline installation projects for various reasons, including high costs and inaccessible or inappropriate sites.

other policy components

In addition to stipulating an allocation mechanism and allocation criteria, state percent for art statutes commonly include a variety of management provisions.

Designation of responsibilities. Policies designate whether the legislature or a state agency is responsible for managing the percent for art mechanism and ensuring the allocation of funds. Typical agency designees include capital development boards, state bond commissions and capital planning departments. Policy language also assigns responsibility for coordinating percent for art projects and/or managing the funds for them. While the state arts agency is frequently the designee, other agencies or committees, such as the department of transportation, can be tasked with this. In one case, policy directs the state arts agency to establish advisory relationships with third-party consultants, such as museums, arts organizations and professional associations.¹

Project parameters. Policies establish provisions for qualifying projects. For example, there may be trigger points for percent for art mechanisms, such as baseline construction costs or minimum square footage. There also may be cost caps on art installations. In addition, policies set the formula for how percent for art allocations are calculated. When applicable, policies also state what should be done with excess percent for art funds.

Exemptions from percent for art installations. There are policies that exempt certain state properties or capital projects from the percent for art program, which are separate from the policies requiring a minimum construction cost or square footage for a percent for art installation. What is exempt depends on the state, but examples include agricultural facilities, bridges, environmental remediation facilities, garages, heating plants, maintenance facilities, motor pools, parking garages, prisons, pumping stations, service facilities at state parks and highway rest areas, temporary buildings, transmitter buildings, tunnels, state universities, and warehouses.

Site selection. For the most part, policies specify that percent for art installations are sited either indoors or outdoors at the location of the capital project. Some state policies, however, have mechanisms that fund public art at other locations. For example, there are policies that set aside a portion or save the excess amount of a percent for art budget for art to be installed at other state properties. All state policies designate responsibility for siting percent for art installations. Depending on the state, responsibility falls to the state arts agency, the project architect, the state comptroller, the agency in charge of capital construction or an ad-hoc percent for art committee. Generally, policies require the siting team to consult with the tenant or jurisdictional agency.

Accessibility. Many state policies require that percent for art installations remain accessible to the public. For example, policies bar installations from private offices and other restricted areas. Other policies stipulate that the artwork has to be in public view or on property with heavy foot traffic.

Artwork and artist selection. Policies assign responsibility and establish the process for purchasing artwork or selecting artists for commissions. Some state policies require the creation of an ad hoc selection committee for each percent for art project. Depending on the state, selection committee members may include representatives from the state arts agency, the agency managing construction, the contracted architectural firm, the jurisdictional agency and the tenant agency. Committee members may also include professional artists, arts educators, community members and state legislators. Other state policies, however, task the project architect or a specific agency with choosing the artwork or artist in consultation with specified stakeholders. The rules for the selection process may be statutory or they may be created by the state arts agency. Most often, percent for art projects are chosen through the state arts agency's artist registry or through an open or invitational competition.

Preferences for in-state artists. More than a quarter of the states with active percent for art programs have policies requiring or specifying preference for state- or region-based artists for percent for art projects.

Artist contracts. Policies establish the process for contracting artists commissioned for percent for art projects. Across the states, various agencies are responsible for executing artist contracts, including the state arts agency, the jurisdictional agency, the comptroller, the planning and budgeting office, and the agency responsible for capital projects.

Installation, maintenance and conservation. Generally, policies for installing, maintaining and conserving percent for art projects assign that responsibility to the state arts agency. Installation is a multistep process that includes shipping and related insurance, site preparation, postinstallation cleanup and documentation. In some states, tenant agencies and percent for art committees are in charge of conservation. A related policy measure is allocating a portion of percent for art funds to a dedicated maintenance and conservation fund, which enables the responsible party to attend to maintenance needs over time.

Administrative costs. Some states have policies allocating a portion of the percent for art budget to the state arts agency for administration of the percent for art program. The allocation for administrative costs ranges from 5% to 20%. In one state, the legislature covers the administrative costs through its annual appropriation to the state arts agency.

Ownership of artwork and curation of state art collection. Policies establish ownership of percent for art installations. Normally the state or a specific state agency owns the artwork, though some policies clarify that the artist possesses copyright of the work. Many policies add all percent for art installations to the state art collection. In states with government art collections, the arts agency or a state museum may be responsible for its curation. Curation could include facilitating loans of artwork from one state-owned facility to another or producing and disseminating information about and images of percent for art projects.

Public education and related programming. Policies set public-education and -engagement goals for percent for art installations. Some of these policies are geared toward attracting cultural tourists and some focus on citizens and students. These policies set goals for state arts agencies but don't prescribe curriculum. Arts agencies are responsible for designing an education strategy and producing interpretive materials, interactive media, classroom lesson plans or other tools.

policy rationales

In many states, legislation authorizing the percent for art policy enumerates why it is necessary and what it should aim to achieve. In other states, the public purposes of these policies are more extensively detailed in program guidelines developed by the managing state arts agency. Regardless of the source of policy rationales, most tend to reference the following goals and types of benefits to states and citizens:

Public space enhancement. Public art is an effective tool for enhancing built environments, natural environments and other spaces. One state's percent for art policy says that such enhancement is a way to "humanize our man-made surroundings,"² while another notes that public art can "create a more humane environment of distinction, enjoyment, and pride for all its citizens."³ Percent for art installations can enrich social and physical environments and shape how people experience public

buildings, government institutions, transportation corridors and other spaces that affect citizens' daily lives.

Community development. Some states utilize percent for art as a tool of civic stewardship. Public art is more than an art object integrated into public space—it is also a public "process of dialogue, involvement, and participation involving all segments of a community."⁴ Beyond paint, stone or steel, public art is built from the medium of "citizen involvement" that results in a "collective expression."⁵ As artists and project managers gather citizen input and involve community stakeholders, the process behind a percent for art installation can become a powerful lever for community engagement and revitalization.

Artistic development. Artistic development and recognition are frequently cited as policy rationales for percent for art requirements. This view posits public art as a means to engender supportive working environments and professional opportunities for artists, which are necessary for a thriving creative class.

Economic development. Beyond providing employment and artistic opportunities for artists and craftsmen, public art can offer economic benefits to the broader community. When labor, materials and services are secured locally, an installation's economic footprint may extend far beyond the artist's bottom line. Once completed, public art installations may attract residents and visitors and contribute to ongoing economic productivity. According to the National Governors Association, "The question of how to foster high-quality places is one of the most important in economic development today. By providing amenities, connectivity, and sense of place, public art and well-designed public spaces can be part of the answer."⁶ As an arts leader from Georgia succinctly put it, "a city enriched with public art, and one that offers cultural amenities, is a city that attracts business."⁷

Place making. Economic benefits are not the only rewards that a state derives from vibrant places. Place making through the arts creates vibrant areas marked by their livability, quality of life and creativity. Percent for art policies can be a useful part of place-making efforts, helping communities improve their well-being. In the words of the Vermont Arts Council, public art is a community investment signifying that "this is a place worthy of living in and preserving."⁸ Washington, D.C., has a master public art plan that calls for its percent for art program to help exemplify how "economic growth and sound environmental practices can create good urbanism."⁹

Cultural heritage. Public art can celebrate, document and teach cultural traditions. An artwork can depict a state or community's heritage, promoting the history of a site and the diversity of its citizens. Such artworks make a community's cultural heritage a tangible asset, connecting citizens to their neighbors and shared history, thereby increasing community cohesion and pride.

While less frequently cited, the additional rationales below also may be useful for jurisdictions considering percent for art programs.

- **Worker productivity and morale.** Agencies in buildings with public art "report that artwork has a positive impact on morale, encourages employee creative problem solving, [and] helps create a sense of respect and pride..."¹⁰
- **Supportive learning environments.** Public art manifests the cultural commitment of state colleges and universities. The place-making aspect of public art assists with student recruitment the same way it draws workers to communities: by creating environments conducive to productivity as well as fun.

- **Increasing public awareness of shared issues.** Works installed through percent for art programs can facilitate public awareness and knowledge of issues affecting a community, such as environmental stewardship and respect for diversity.

roles and challenges for state arts agencies

Program responsibilities and challenges vary for each state arts agency depending on the nature of the percent for art policy, details of specific percent for art installations and contextual variables within the state. Nonetheless, there are commonalities across states related to policy, politics, communications, and aesthetic opinions and goals. Examples of typical roles and their related challenges follow.

Partnerships and coordination with other state agencies. State arts agencies coordinate with other state agencies to realize percent for art installations, whether the partnership is policy-directed and formal or whether it is contextual and ad hoc. Regardless, managing relationships with other agencies is a critical part of percent for art programs. This can be challenging for a variety of reasons, including competition between agencies, disagreements about goals and processes, and the additional workload percent for art projects present. State arts agencies are the fulcrum of these projects and should work to leverage the expertise and assistance of other agencies.

Evaluating percent for art programs. Assessing percent for art programs is difficult because there are no clear statistical measures for the value of public art. There are many questions state arts agencies face when considering an evaluation effort. What is the return on investment of a percent for art installation? Should percent for art installations be measured in terms of the creative economy? If so, how? Would a simple tally of visitors suffice to evaluate engagement with public art, or should evaluation efforts focus on measuring other effects, such as educational, aesthetic and civic impacts?

Art controversies. Percent for art installations, like all public art, run the risk of sparking controversy. Not only are there as many aesthetic opinions as citizens, but these opinions change over time. What may be lauded today could be objectionable in the future, and vice versa.

Program Threats

Periodically, individual state legislators or governors attempt to eliminate or severely curtail percent for art programs. For the most part, legislative attempts to end percent for art programs are not successful: to date, the majority of legislators have supported programs and threatening bills have failed.

Legislative efforts to terminate programs frequently cite reducing state expenditures as their rationale. However, the percent for art funding mechanism, drawing as it does from capital outlays, is typically independent of the state general fund. Furthermore, percent for art allocations exist within—not in addition to—capital construction outlays. A related challenge is when governors or legislators try to trim outlays by reducing or freezing overall funds for capital projects, which has the secondary effect of reducing or terminating financial support for percent for art installations. Advocates stress that it is important to educate lawmakers and community stakeholders on an ongoing basis about the benefits of public art and the funding mechanisms they employ.

Specific information on state percent for art programs that are inactive or that have been terminated can be found on page 3 under [Policy Chronology](#) and on page 9 under [Percent for Art Program Websites, Statutes, Administrative Rules](#).

Furthermore, use of public property and money are topics that can elicit strong feedback. State arts agencies are responsible for designing and conducting the process for selecting artists and artwork in a thoughtful and responsive way. The selection process benefits when it is transparent, accounts for the state's diversity and represents the stakeholders of the community where the percent for art project is being installed.

Flexibility. Broadly speaking, flexibility is a component of all state percent for art programs. While some state policies are more prescriptive than others, all states have to make choices relative to policy rules and goals as well as staff resources, relationships with other state agencies, and citizen stakeholders. Examples of situations that yield flexibility to state arts agencies are policies that charge agencies with creating program rules; policies that call on agencies to develop and implement public-art education components; policies that allow agencies to hire consultants; and policies that give agencies significant authority in the artwork selection process. The challenges of such flexibility include additional work and greater exposure to political backlash.

Maintenance. Percent for art installations tend to require more maintenance than other artworks because they are sited in public spaces, which tend to have high pedestrian or vehicle traffic. In addition to the risks of integrating art into the flow of daily life is the damage caused by atmospheric conditions, especially when projects are sited outdoors. The necessary routines of inspecting and maintaining percent for art installations can be expensive and time-consuming, and therefore a strain on budgets and staff. Though some states have policies allocating a portion of percent for art funds to cover maintenance costs, those set-asides are not guaranteed to be sufficient. And while other states don't task their arts agency with maintenance responsibilities, these agencies may face the challenge of having to enforce percent for art maintenance protocols that are being ignored due to lack of expertise or willingness.

Artist registries. A number of states maintain on-line artist registries as part of their percent for art programs. In some cases, eligibility for commissions is limited to artists who are in the state's registry. Arts agencies with registries are responsible for managing them and for facilitating the process of including additional artists. Artist registries not only support percent for art programs, but also serve as a marketing tool for artists and states alike.

Aligning percent for art projects with strategic plans. Aligning programmatic work with state arts agencies' strategic plans is good practice, and public art programs are no exception. However, some factors unique to public art make this a complex challenge. Many factors outside the state arts agency's control drive the arc of this work, such as the plans and priorities of other agencies, capital budget decisions and the major differences in the needs and complexities of various project sites. For this reason, most state arts agency strategic plans do not set goals relating to the number, types or locations of percent for art installations. It may be more useful to set goals relating to the agency's capacity to facilitate a strong program, the relationships and resources needed for optimal policy implementation, educational programs relating to artworks, and long-term maintenance and conservation needs.

state policy and program details

The following table lists each state's percent for art statute(s) and, where available, administrative rules. The table includes links to these policy documents. For contact information for each program, see NASAA's [Public Art page](#). For a brief summary of all the programs, see NASAA's [State Percent for Art Programs page](#).

Percent for Art Program Websites, Statutes, Administrative Rules [back to article](#)

State	Name of Program	Statute	Additional Statute or Administrative Rule
AK	Percent for Art	Title 35, Chapter 35.27	(Additional statute) Title 44, Chapter 44.27, Section 44.27.060
AR	[Inactive] Public Art	Title 13, Chapter 8, Subchapter 2	
CO	Art in Public Places	Title 24, Other Agencies, Article 48.5, Part 3, Section 24-48.5-312 and Section 24-48.5-313	
CT	Art in Public Spaces	Title 4b, Chapter 60, Section 4b-53.	
DC	DC Creates!	Title 39, Subtitle II, Chapter 2, Section 39-205	(Municipal regulation) Title 10, Chapter 10-A14, Rule 10-A1406
FL	Art in State Buildings	Title, XVIII, Chapter 255, Section 225.043	(Administrative rule) Title 1, Division 1T, Chapter 1T-1, Section 1T-1.033
HI	Art in Public Places	Volume 101, Chapter 9, Section 9-21	(Additional statute) Volume 102, Chapter 103, Section 103-8.5
IA	Art in State Buildings	(Iowa Code) Title VII, Subtitle 7, Chapter 304A, Sections 304A.8 – 304A.14	
IL	Art-in-Architecture	Chapter 20, 20 ILCS 3105/14	

PERCENT FOR ART

State	Name of Program	Statute	Additional Statute or Administrative Rule
LA	Percent for Art	Title 25, Section 900.1	
MA	[Rescinded 1991] Art in Public Places	n/a	n/a
MD	Commission on Public Art	Economic Development, Section 4-601	(Additional statute) State Finance and Procurement, Section 3-602.2
ME	Public Art	Title 27, Chapter 16	
MI	[Rescinded 1991] Art in Public Places	Chapter 18, Sections 18.71 – 18.81	
MN	Percent for Art in Public Places	Chapter 16B, Section 16B.35	(Administrative rule) Chapter 1900, Part 2210
MT	Percent for Art	Title 22, Chapter 2, Part 4	
NC	[Rescinded 1995] Artworks for State Buildings	Chapter 143, Article 47A (Rescinded)	(Administrative rule) Title 07, Chapter 12
NE	1% for Art	Chapter 82, Sections 82-317 – 82-329	
NH	Percent for Art	Chapter 19-A, Sections 19-A:8 – 19-A:12	
NJ	Arts Inclusion	Title 52 Chapter 16A, Sections 52:16A-29 – 52:16A-36	
NM	Art in Public Places	NMSA Chapter 13, Article 4A	(Administrative code) Title 4, Chapter 12, Part 11

PERCENT FOR ART

State	Name of Program	Statute	Additional Statute or Administrative Rule
OH	Percent for Art	Title 33, Chapter 3379, Section 3379.10	
OK	[Moratorium FY2012–2014] Art in Public Places	Title 74, Sections 74-9030.1 – 74-9030.6	(Administrative rule) Title 320, Chapter 10
OR	Public Art	Title 26, Chapter 276, Sections 073, 075, 080, & 090	(Administrative rule) Chapter 123, Division 475
RI	Public Art	Title 42, Chapter 42-75.2	
SC	Percent for Art	No statute. This voluntary program was not created by legislation.	
UT	Public Art	Title 9, Chapter 6, Sections 9-6-401 – 9-6-409	
VT	Public Art	Title 29, Chapter 2	
WA	Art in Public Places	Title 43, Chapter 43.46, Sections 090 and 095 and Chapter 43.17, Sections 200, 205 and 210	(Administrative code) Title 30, Chapter 40
WI	[Rescinded 2011] Percent for Art	Chapter 41, Section 57 (formerly Chapter 44, Section 57)	(Administrative code) Chapter AB 4
WY	Art in Public Buildings	Title 16, Chapter 6, Article 8	(Administrative rule) State Parks & Cultural Resources Dept, Art in Public Buildings, Chapters 1 & 2

notes

¹ New Jersey Statutes, Title 52, § 52:16A-34, http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=13799289&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutes.nfo&record={1579B}&softpage=Doc_Frame_PG42, accessed 5/9/13. [back to article](#)

² Alaska State Council on the Arts, Percent for Art Program, <http://www.eed.state.ak.us/aksca/visual.htm>, accessed 5/9/13. [back to article](#)

³ Montana Code Annotated 2011, Title 22, Chapter 2, Part 4, § 22-2-402, <http://leg.mt.gov/bills/mca/22/2/22-2-402.htm>, accessed 9/5/13. [back to article](#)

⁴ Louisiana Division of the Arts, Percent for Art Program, <http://www.crt.state.la.us/arts/PercentForArt.aspx>, accessed 5/9/13. [back to article](#)

⁵ North Carolina Arts Council, "Creating Place: North Carolina's Artworks for State Buildings," 2002, http://www.ncarts.org/elements/docs/AWSB_catalogue.pdf. [back to article](#)

⁶ National Governors Association, [New Engines of Growth: Five Roles for Arts, Culture and Design](#), 2012, p. 34. [back to article](#)

⁷ *Athens Banner-Herald*, "Caldwell: Public Art Has Positive Economic Impact," 3/21/12, <http://onlineathens.com/opinion/2012-03-21/caldwell-public-art-has-positive-economic-impact>, accessed 6/10/13. [back to article](#)

⁸ Vermont Arts Council, Public Art in Vermont, <http://www.vermontartscouncil.org/ProgramsInitiatives/PublicArt/tabid/83/Default.aspx>, accessed 5/10/13. [back to article](#)

⁹ DC Commission on the Arts & Humanities, DC CREATES! Public Art Master Plan, 2009, p. 9, http://dcarts.dc.gov/sites/default/files/dc/sites/dcarts/publication/attachments/Public%20Art%20Master%20Plan_0.pdf. [back to article](#)

¹⁰ Colorado Creative Industries, State of Colorado Public Art Program, <http://www.coloradocreativeindustries.org/about-program>, accessed 9/12/13. [back to article](#)

recommended resources

To learn more about individual state percent for art policies, including the role of the arts agency, the source of funding, and the process for selecting artists and artwork, see NASAA's [State Percent for Art Programs page](#). To contact the state arts agency staff responsible for implementing these policies, see NASAA's [Public Art page](#).

The Americans for the Arts (AFTA) [Public Art Network](#) (PAN) has a number of good resources related to percent for art policies, including reports and model public-art agreements and contracts. In addition, PAN facilitates engagement among public art practitioners. Another way to stay up to

date with current trends in percent for art and other types of public art is to follow AFTA's [Public Art Blog](#).

acknowledgements

This update is authored by Paul M. Pietsch. The State Policy Briefs series editor is Kelly J. Barsdate.

This NASAA State Policy Brief is based on information collected from multiple sources for each state's percent for art policy. It cites the program and policy information posted by arts agencies on their websites as well as the state legislation and administrative code that established the policies in question. State arts agency staff provided current contact information for each program and confirmed policy details such as the role of the agency, the source of funding, and the process for selecting artists and artwork.

State Policy Briefs synthesize research on key issues affecting the arts and state arts agencies. Designed to inform decision making at the state level, the series provides information on state arts agency policy alternatives and innovative strategies for serving the public. For information on ways to build political and constituent support for the arts, consult the [advocacy tools](#) available on the NASAA website, including the series [The NASAA Advocate: Strategies for Building Arts Support](#).

the national assembly of state arts agencies

The National Assembly of State Arts Agencies (NASAA) is the membership organization that serves the nation's state arts agencies. NASAA helps state arts agencies fulfill their many citizen service roles by providing knowledge services, representation and leadership programs that strengthen the state arts agency community. NASAA also serves as a clearinghouse for data and research about public funding and the arts. For more information on the work of state arts agencies, call 202-347-6352 or visit www.nasaa-arts.org.

The work of NASAA and of state arts agencies is supported and strengthened through funding and programming partnerships with the National Endowment for the Arts.



THE STATE
of **ALASKA**
STATE LEGISLATURE

Rep. Lynn Gattis

Rep.Lynn.Gattis@akleg.gov

House Finance Committee

Education Finance Subcommittee Chair
Administration Finance Subcommittee Chair

To: Representative Bob Lynn, House State Affairs Committee

From: Representative Lynn Gattis

Re: Bill Hearing Request

Date: March 25, 2015

A handwritten signature in blue ink, appearing to read "Lynn Gattis".

I respectfully request the scheduling on House Bill 160 pending it being passed out of the House State Affairs Committee.

HB 160 repeals the art in public places requirement and fund.

Please do not hesitate to contact my staff, Andrew Ford, at 465-4833, with any questions or concerns about this legislation.

Included in this packet are the requested materials that pertain to this resolution.



HOUSE DISTRICT 7
GREATER WASILLA

Interim
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 373-6285
Fax: (907) 373-6286

Session
Alaska State Capitol Rm 500
Juneau, AK 99801-1182
Phone: (907) 465-4833
Toll Free: 800-782-4833

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 160
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB160-DOA-DGS-03-27-15
Title: REPEAL ART IN PUBLIC PLACES
REQUIREMENT
Sponsor: GATTIS
Requester: House State Affairs

Department: Department of Administration
Appropriation: General Services
Allocation: Facilities
OMB Component Number: 2429

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Tom Mayer, Director	Phone: (907)465-5677
Division: General Services	Date: 03/26/2015 03:00 PM
Approved By: Sheldon Fisher, Commissioner	Date: 03/27/15
Agency: Department of Administration	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 160

Analysis

This bill would discontinue the deposit of one percent of construction funds for public buildings into The Art in Public Places fund. This bill repeals AS 35.27.010, 35.27.020, 35.27.030; AS 44.27.050(5), and 44.27.060.

The Division of General Services does not anticipate any impacts to their operations as a result of this legislation as draft and, therefore, submits a zero fiscal note.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 160
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB160-DOT-CO-3-27-15
Title: REPEAL ART IN PUBLIC PLACES
REQUIREMENT
Sponsor: GATTIS
Requester: House State Affairs

Department: Department of Transportation and Public Facilities
Appropriation: Administration and Support
Allocation: Commissioner's Office
OMB Component Number: 530

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By: <u>Mike Lesmann</u>	Phone: <u>(907)465-4772</u>
Division: <u>Commissioner's Office</u>	Date: <u>03/27/2015 11:45 AM</u>
Approved By: <u>Mary Siroky</u>	Date: <u>03/27/15</u>
Agency: <u>DOT&PF</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 160

Analysis

This proposal has no fiscal impact on the department.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 160
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB160-EED-ASCA-3-27-15
Title: REPEAL ART IN PUBLIC PLACES
REQUIREMENT
Sponsor: GATTIS
Requester: House State Affairs Committee

Department: Department of Education and Early Development
Appropriation: Commissions and Boards
Allocation: Alaska State Council on the Arts
OMB Component Number: 192

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	***	***	***	***	***	***	***	***
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	***	0.0	***	***	***	***	***	***

Fund Source (Operating Only)

None								
Total	***	0.0	***	***	***	***	***	***

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Shannon Daut, Executive Director
Division: Alaska State Council on the Arts
Approved By: Mike Hanley, Commissioner
Agency: Department of Education & Early Development

Phone: (907)269-6610
Date: 03/27/2015 03:00 PM
Date: 03/27/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB160

Analysis

An indeterminant fiscal note is being supplied because the department cannot accurately forecast the revenue implications of the repeal of the Art in Public Places program until the capital budget has been finalized.

For the vast majority of projects, the Percent for Art funds that are part of the construction budget do not flow through ASCA--they are maintained and managed by the construction Project Manager. As such, the fiscal impact of this repeal is limited to the situation outlined in AS 44.27.060, which is repealed under this legislation:

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

- (1) the estimated construction cost of the building or facility is less than \$250,000; or*
- (2) the building or facility is not designed for substantial public use.*

Without knowing the budget figures for any capital projects that would apply to the above stipulations, we cannot anticipate the loss of revenue this bill would create.

Secondly, ASCA collects a fee for services to help manage and administer public art commissions for other entities. We have long-running partnerships with the Ted Stevens Anchorage International Airport (TSAIA) and University of Alaska-Anchorage; both of these entities pay ASCA contract fees to manage their public art. The revenues go towards the purchase of works for the Contemporary Art Bank and public art project/collections management. These contract funds are deposited into the Art in Public Places account, which allows us to carry funds over across fiscal years. This is important because often public art commissions are multi-year projects. Should this fund component be repealed, ASCA would need to evaluate how and if these earned revenue programs could continue.