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**Chevron U.S.A. Inc.**  
 P. O. Drawer F, Kenai, AK 99611

Robert F. Williams  
 Manager, Alaskan Refinery  
 Manufacturing Department

*cc - ~~William Carter~~ - interview  
 FRC also submit  
 file. 11  
 qc*

Statewide Office  
 of Facilities  
 Planning and Construction  
 APR 26 1985 Time  
 DIST. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

~~Mr. Christopher K. Ahoy~~ ✓ *4/26/85*  
 Director Facilities Planning and Construction  
 3356 College Road  
 Fairbanks, Alaska 99701

Dear Chris,

I reviewed the April 5, 1985 memo regarding Art in Public Places - Student Residents. I am not an art critic and not qualified to comment on the piece selected. However, as a regent responsible for the use of State Funds, there are some comments I would like to present.

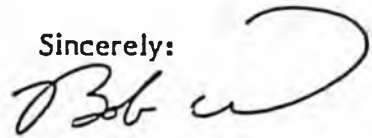
I believe that state funding, as much as possible, should be targeted toward multi-use projects. This becomes even more important in an atmosphere of declining revenues. With this concept in mind, I feel state-funded public art should also be targeted to enhance our tourism economy. We need to offer Alaska visitors a unique look at our history and culture. I believe our state funded, public-art is one way to make that happen.

The average visitor is not likely to be excited about (nor remember) "a contemporary design reflecting the progressiveness of the State of Alaska". However, a visit to the Egan Center in Anchorage opens the mind to things like the Northern Lights and the Aleut and Eskimo cultures as crafted by Hoover and Olanna. This art (to me) is contemporary in a traditional Alaskan way. I believe the Egan Center art offers an experience of great value to both our residents and to our visitors.

Art lovers may question my position because it overlooks the opportunity to enhance our minds through exposure to contemporary, modern art. They also may feel limitations on public art will suppress creativity in our artists. I am sensitive to those concerns. My visit to New York in late September, 1980 to visit the Picasso Exhibit showed me the value of new expressions in art. However, if Picasso were here today to design an Alaskan public-art item, I would request that he use an Alaskan theme or native materials, or not submit a design. We have been overlooking the opportunity to invest our public art funds in the revenue-generating tourism economy. Until we fulfill that priority, I feel people will have to be satisfied with The Last Nimbus, traveling Judy Chicago shows and private art funding to meet their modern art needs.

I apologize for using this specific opportunity to voice these broad concerns. Other citizens and legislators have expressed similar views, however no action has been taken. I believe that Regents, Administrators and Employees of the University system can demonstrate their sensitivity to declining revenues and maximum use of existing funds in many ways. Strategic planning for the multi-use of public art is a good place to start. I hope we will consider policy modifications that will help this new direction occur in the University.

Sincerely:



R. F. Williams

RFW:sa

cc: Dr. O'Dowd  
Fellow Regents



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Anchorage, Alaska 99502  
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WEST ANCHORAGE HIGH SCHOOL  
1700 Hillcrest Drive  
Anchorage, Alaska 99517

April 7, 1986

Representative Alyce Hanley  
1024 West 6th Avenue  
Anchorage, Alaska 99501

Dear Representative Hanley:

I am writing this letter to let you know that I wholeheartedly support your plan to cut in half the amount spent on art for public buildings, that is set for its first hearing on April 11, 1986, before the House State Affairs Committee.

I appreciate your stand on this issue and truly hope that the members of the committee agree with you.

Sincerely,

Howard Hosken  
Principal

HH/pp

## State can't afford 1 percent program

Dear Editor:

For a state cost cutting measure, why don't they do away with the 1-percent-for-art policy until they can find someone to approve art that is worth spending thousands of dollars on? Very few of the projects that money has been spent on in the past are worth trashing. Besides paying "Outside" artists mega-bucks, we have to spend more to have it hauled away after not being accepted by the public. What is

wrong with having art that looks like something or that you could recognize as being something specific? People, then, might be interested in coming to Alaska to see it as they now go to Europe to see the art treasures there. At least I think our legislators should seriously consider the bill introduced by Rep. Alyce Hanley as a step in the right direction.

Marian M. Hill  
8300 Nacline St.

ANCH. TIMES  
4-14-86

## Art lacks artistry

Dear Editor:

I have just returned from Anchorage and enjoyed the beautiful snowcapped mountains, glaciers and surrounding areas.

During a tour of the Federal building it was a shock to see the glaring, ugly \$80,000 modern art mural which adorns that building. It was depressing to see when there is so much natural beauty available for representation. Without a doubt there are many Alaskan artists who could have painted something in keeping with Alaska's beauty.

Also while on the subject of art, the \$27,000 shoeshine stand and the \$80,000 red mating spiders hanging from the ceiling at the airport are equally ugly.

Beauty is in the eye of the beholder, but surely the members of the Arts Council could have done better with taxpayers' money at half the price.

Perhaps they could visit the Sheraton Hotel to get an idea of true Alaskan artistry

Alta Boling  
LaConner, Wash.

## Basics in the world of art

Dear Editor:

Gee, golly whiz. I'm certainly overjoyed that someone of Mr. Stephen Haycox's credentials finally dismissed "those legions who actually can't tolerate new and different ideas" with his "One Percent for Photography" letter to the editor.

I used to be ignorant about art, blame it on my middle-class background, I guess. For instance, I used to believe that to have the title "artist," one had to actually be able to draw (can you believe that?) or to be called "sculptor," one had to be able to carve a reasonably recognizable shape from stone, wood or clay, (how mundane!)

An innovative state like Alaska shouldn't be hampered by having to review an artist's qualifications (or lack of same) be-

fore allowing them to grab some of that "One Percent for the Arts" money. After all, it's a free country, isn't it? And what do those uncouth "legions" out there know about art, anyway?

Without the guidance of the educated elite, like Mr. Haycox, the "great unwashed" would likely never be exposed to innovative and refined works of art. The sculpture "Nimbus" comes to mind here, along with purple walruses, (Lewis Carroll could've used those.)

Possibly The Anchorage Times will sponsor the "Stephen Haycox Award" for those letter writers who so succinctly "put down" those legions who are threatened by anything but the commonplace.

Bill Anton  
Mile 248.5, Parks Highway

## Arts funding not immune from cuts

Dear Editor:

I would like to respond to the article in the Sunday Times April 6, referring to a legislative bill to cut art funding from 1 percent to one-half percent for public buildings, which upsets our former Arts Council director.

First of all, I feel this "mandatory funding" for art should be subject to budget cuts like everything else, considering our present economic problems.

Secondly, much of this so-called "art" is shoved down our throats with the idea that if you don't understand it, can't figure out what it is, or choke when you hear the price tag, than you are just an uneducated slob who is not enlightened enough to appre-

ciate it. I believe "Absurd originality" seems to be the criteria for choice. I believe in being creative, but good taste and a touch of beauty should be in there somewhere too. Especially when its "our" money paying for it.

Thirdly, I take exception to Kuiper's comment that truck drivers are not qualified to be on the committee to choose works of art. I, for one, would like to see more truck drivers and a few garbagemen on the committee also.

At least they will know junk when they see it.

John Kiehn  
, 2129 Sunrise

APRIL 10, 1986

## How public art is chosen also important

### To the Editor:

The Empire's editorial of February 2nd concerning "public art" is pretty much on the mark. For years, a stream of incomprehensible objects - all publicly financed and having nothing to do with any aspect of community identity - have been installed statewide. Judging them as art and disregarding their relationship within the communities, I think a few of the pieces have merit, others aren't bad, but many are bad. Perhaps in communities where chaos and meaninglessness are the order of the day, some of these works have found appropriate settings; but I believe that in cities and smaller towns which have a discernable history and an intimate relationship with it as well as the future, undecipherable works have a shaky position in the public's consciousness. It's clear that committees which are appointed to select art work should be fully aware of their community's sentiments towards public art and act with care regarding this trust. Not an easy task and one that takes some courage. Unfortunately, for some members, it's merely a means of exercising personal influence; and the criterion for justifying their decisions is the snobbery of a narrow current fashion.

The problems we are having with public art are not isolated local events. Recently, in New York - "birthplace" of most modern American artistic fashions - a similar popular revolt has been taking place. A rusted metal panel sculpture named "Tilted Arc," located in the center of Foley Square, was the focus of common objection. Numerous heated public hearings were held and testimony taken. In the end, it was removed, and as a result of this major controversy as well as a similar one in St. Louis and others cropping up nationwide, William J. Diamond, of the U.S. General Services Adminis-

tration, the body that pays for these things, admitted that, "We're learning the lessons of the battle of Foley Square." As a result, GSA has been revising acceptance procedures of major art commissions to include public consultation before allowing contracts to proceed.

The piece recently installed at the airport has caused a steady abuse of an earnest and dedicated artist. I feel that the current public outrage is misdirected. After all, Paul was selected by a committee which evaluated many proposals. It's selection was done with full knowledge of what it was going to get - a contract was issued and the artist complied with the contract. The work is well crafted, and whether the public understands or not, it has some nice things happening in it. The play of shape, color, texture and light may be things worth encouraging in the public environment. However, if after a suitable period of time, the public still feels strongly that it should be removed, it probably should be given to an institution of art or sold to a private collector (it would be nice if the artist received a percentage of the sale). But, please, stop picking on the underpaid hard-working artist. The committee which selected the work is allowing the artist to take all the heat; it is they who should be called to task. Maybe it would be constructive if they took the time to issue a press release to defend and explain their selection to the public. The committee should spare us the charge of how "sophisticated" they thought we ought to be in Juneau, as was done by a committee member in the "Nimbus" fiasco.

A suggestion for one policy change on major future projects is the installation of a small plaque with the names of the committee members as well as those of the artists. This would allow all to share a bit in the accolades - or the wrath - but most of all, the responsibility.

Cordially,

Ed Way  
214A W. Eighth St.  
Juneau, 99801

Ed Way is a noted Alaskan sculptor. His life size bronzework depicting two gold miners at work has been a popular addition to downtown Juneau. It is located in front of the cruiseship dock. He obviously is in support of HB 607.

## LETTERS

JE 3/20

### Bill would improve public art program

Sir:

I would like to urge those who are interested in constructively affecting the selection of art for the "1 percent for art in public places" program to express their opinions on a bill presently before the Alaska House of Representatives. HB-607 was initiated by Rep. Alyce Hanley of Anchorage, and a number of legislators from many areas of the state.

This bill makes some additions to the existing legislation that would positively affect the participation of the public in that program's art selection process:

1. Paragraph (b) requires that no less than three of the seven members of the Art Selection Committee be lay members of the public. This is not presently required. The other members would be an Alaska State Council on the Arts (ASC/A) representative, the facility architect, the facility project manager and a designee by the principal user of the public building.

This paragraph further stipulates that the lay members will be selected by lottery from a list of volunteers from the general public. This mechanism is intended to maximize the representation of the public without unduly encumbering the art selection process.

I personally favor this structure because it will also inhibit "stacking" of a committee for any purpose whatever.

Another feature of this paragraph is that it mandates public hearings concerning potential art projects. While it would be required to hear the public out, the Art Selection Committee would not be bound by it. This is fine as long as they also take responsibility for the selection.

2. Paragraph (e) requires that a plaque or permanent label be installed at each artwork giving the name of the artist, the title of the work of art (some pieces are in sore need of that) and the names of those on the Art Selection Committee.

I feel that this would do much to assign responsibility where it most needs to be placed when it comes to art that outrages the public, which pays for it.

I'd like to encourage members of

the public who feel strongly about many of the pieces of art which are being placed around the state - 70 percent of which are done by out-of-state artists - to let your legislators know how you feel. More specifically, send a "public opinion message" (free) by calling 465-4648 and dictating a short civil telegram to the following legislators on the State Affairs Committee. Don't be parochial about it; send one to them all:

Katie Hurley, Chairperson.  
Mike Navarre, V-Chairperson.  
H.A. "Red" Boucher.  
Bette Cato.  
Virginia M. Collins.  
Roger Jenkins.  
M. Mike Miller.

If HB-607 gets out of State Affairs - and only public support will do it - the next two committee hurdles it'll have to negotiate will be H.E./S.S. and Finance. Then it would have to pass the full House, and then the Senate. There is little time left in this session. A show of public support will expedite this "no cost" bill.

Cordially,  
Ed Way  
214A W. Eighth St.  
Juneau, 99801

## Airport triptych a mystery

Dear Editor:

Ref: \$40,000 triptych at airport.

Webster says a triptych is a set of three panels side by side bearing pictures, carvings or the like — "the like" is what I'm not familiar with!

Supposedly, in this case, 1) A long-legged fox with hooves (and big ears); 2) A rooster trying to lay an egg, sitting behind a red-headed camp robber with a half dozen wings; 3) Zebra fish? 4) Pot-bellied humpy; 5) Disgusted

bear. Mr. Gentry sounds like an art professor I once had the University of Washington. "Can't give you an "A," Ken, or you would be as good as me!"

In a letter I once wrote about the "Drip Cloth" in the federal building, (still waiting for the art work to show) I suggested an Alaskan artist such as Fred Machetanz be commissioned to maybe do a triptych of his works.

Ken Krasselt  
4950 Nottingham

## An 'art' museum in Juneau's future?

Dear Editor:

I can just see it - many years from now the city of Juneau opens its own world class "art" museum and proudly displays a collection featuring some of the most bizarre examples ever crafted by man. Ardent connoisseurs rush from Paris, Frankfurt and Rome. No? How about Wrangell, Ketchikan or Petersburg?

Seriously though, which lapse of sanity was it that inspired our assembly members to entertain the illusion that any normal traveler who visits the Juneau Airport would ever be intoxicated anywhere near a level sufficient for sharing even their slightest amount of delirious amusement for this most recently acquired "magnum opus?"

Left speechless

Bob Croteau, Jr.

P.O. Box 2825

Juneau, 99803

P.S. A note to pilots: Don't let your prospective passengers catch you staring at this thing or you'll be departing Juneau for the friendly skies alone.

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March 3, 1986

JUNEAU  
EMPIRE

Mr. Metcalfe is a former Democratic member of the State Legislature from Juneau.

### Why not a 'Wall of Fame' for airport?

Dear Editor:

In re Mr. Steve Smith's letter of 5 February 1986, his comments about what he terms "non-representational art" fits conclusively with my earlier expressed comment about pseudo-intellectuals getting their jollies by terming such atrocities as our airport fiasco "art." It ain't.

Now I have a suggestion which will calm the storm and it would be a "Wall of Fame" featuring aircraft representing the history of aviation in Alaska. No place under the flag owes more to Orville and Wilbur than Alaska and I would also urge our city and borough assembly to commission Douglas-born Herb Bonnett to do the honors. Anyone who has seen his paintings of Grumman Geeses and PBYS will get my point here.

Then we should also have, on an adjoining wall, pictures of such early day luminaries in the Southeast Alaska aviation world as Shell Simmons, Alex Holden, Bob Ellis and Bud Bodding. All but Mr. Holden are still, blessedly, with us and as founders of what is now Alaska Airlines (although not responsible for current management) and deserve to be honored. Bodding, incidentally, is one of that long line of airline captains to have graduated from Juneau High School.

There is nothing new about this suggestion. Anchorage International Airport has paintings of famed Alaskan bush pilots (including Simmons and Ellis) hung on the walls of its terminal building. They have also had the good taste to not have "non-representational art" displayed unless one can count graffiti as same.

And, Mr. Smith, I moved to Alaska 44 years ago "to live in a place where everything is real and understandable" and that does not include eating "franchised burgers." Meet me at Taguchi's Tea House, where they display a painting by John Cameron Asp, another local boy who made good in the real world - of art that is.

Sincerely,  
Vern Metcalfe  
3333 Nowell Ave.  
No. 208  
Juneau. 99801

JUNEAU EMPIRE

FEBRUARY

10, 1986

## LETTERS

### Name offered for airport's artwork

Editor,

I notice by the story that Betsy Longenbaugh authored under the heading of "Taking flight with airport artwork" that the piece was "untitled." As the one who felt Nimbus was misnamed and should have been entitled, "Bow off of Ferry Grounded at Prince Rupert," I have figured out nomenclature for our latest trauma.

It should be entitled "Sunrise at Sheep Creek," since somewhere in the collage I note what appears to be faint sunlight plus any number of fingerlings. I'm checking with the proprietor of the Sheep Creek hatchery, Ladd Macaulay, to see if he might have lost some prior to turning them loose to fend for themselves.

I'm moved to paraphrase a Supreme Court justice and will by adding that "I can't define art but I know it when I see it." If some of our pseudo intellectuals would please resist getting their jollies by picking such pieces I will promise not to support a bill to repeal the 1 percent for art bit in public buildings.

Like the Nimbus creator, Mr. Gardinier also needs a plumb bob for his iron work. If we must keep this latest artistic folly on the airport premises might I suggest it be placed in the older part of the terminal. My visit on Jan. 18 showed no one but one passenger waiting. Sunrise on Sheep Creek might cut down on the boredom for the air taxi operators as well.

Sincerely,  
Vern Metcalfe  
3333 Nowell, No. 208  
Juneau, 99801

JUNEAU  
EMPIRE  
1-24-86

The following letters to the Editor of the Juneau Empire demonstrate a history of dissatisfaction with the Public Art program.

# Letters *Juneau Empire* December 1984

## Nimbus should be a monument

Dear Editor:

The weighty problems described in your Dec. 11 article, "Panel Ponders Nimbus Future," may be easily solved.

For all of the controversy generated over Nimbus, he, she or it may be exactly right and in the exact right place to serve a very useful purpose. After a little thought it becomes more clear.

Nimbus is an ideal monument to bureaucratic bumbling.

The monument should stand adjacent to State Capitol and office buildings to remind both legislators and administrative regulators to re-examine each action for at least a small content of practical common sense. With that objective in mind the general public will gain from the presence of Nimbus.

The saving in capital can be appreciable. We not only save the expense of removal and replacement, but we may also save by avoiding potential future paper Nimbuses from legislative and administrative activities.

The idea seems worth serious consideration. What do you think?

E.O. Bracken  
Box 1098  
Juneau, 99801

## What to do with Nimbus

Editor's Note: The following letter

to the editor was written before the state Department of Transportation began work to remove Nimbus.

Dear Editor:

Another year has passed and Nimbus still assumes it's vigilant posture of resembling the likeness of nothing. It seems like about a year ago or so there was some discussion in circulation concerning the removal and disposal of this repulsive piece of junk. If one must assume that such discussion will ultimately be conducted and concluded within the building of which this structure remains a feature, then it becomes quite easy to realize why nothing in this respect has developed.

I may be a dreamer but I guess that what I would most dearly love to see concerning this particular item is a well-insured, full dressed 18-wheeler maxed out with a load of steel and for some reason or the other, finding itself on the upper block of Main Street where it would unfortunately experience a total failure of brakes. The driver would of course jump to safety and receive only minor injuries or abrasions and bruises, God bless him, but not before steering the vehicle into a path of perfect alignment and certain collision with Nimbus.

Naturally, the driver's logical intention would be to prevent the occurrence of a much larger catastrophe. In order to achieve desirable results the rig would reach an optimum speed of 40 mph before crashing into the structure and completely shearing it from the premises of its foundation.

An early Sunday morning would be perfect timing, as no one would be in the area to sustain injury due to such an accident. This would no doubt waste a

## Doonesbury

BY GARRY TRUDEAU



good Kenworth but the long overdue job of proper landscaping would finally become accomplished and who knows, the public may accept the

wreckage as a monument.

Larry R.  
3310 Douglas High  
Juneau.

R'e Munoz, a longtime Alaskan artist indicated in a Letter to the Editor that she would prefer something more of a representational replacement done by an Alaskan artist to replace the abstract, NIMBUS, crafted in the Lower 48 by outside artist Robert Murray.

### Bear statue gets a vote

Dear Editor:

Nimbus is gone. The governor's committee appointed to decide on a replacement has three proposals: (1) a statue of Governor Egan, (2) a war memorial, (3) a life-size bronze sculpture of an Alaska brown bear by Juneau artist R.T. Wallen.

I'm for the brown bear and here's why: The Court Plaza (where Nimbus stood) is an active location year-round. Summers it blossoms with the occasional band, guitar player or impromptu speaker. Now and again dance or exercise groups perform at

the small plaza.

The bear sculpture, to be mounted on a wind-topped spruce, will fit in perfectly with the up-beat spirit of the plaza. People will be able to sit on the sidewalk alongside the roaring bear. Children will be able to pat the animal and touch the salmon held by the bear. Altogether, the bronze bear will add to the lively spirit of the plaza, and indeed, bring it even more life.

Juneau has numerous magnificent, heroic statues honoring royalty and statesmen as well as war memorials, but the only statue there that is known worldwide is the "Little Mermaid" statue perched on a rock near the harbor. It has captured the imagination of everyone. I think the Wallen bronze bear will also capture the imagination of Juneauites and visitors alike.

We have the opportunity to express our preference at a meeting to be held early in January. If you can't attend please write a letter with your opinion to Carol Derriner, Board of Commissioners, in care of the Office of the Governor, P.O. Box 13201.

Art Munoz  
222 Fourth St.  
Juneau

ALASKA

NEWS

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## Nimbus shows weak selection

Dear Editor:

As the lonely dissenting member of the Alaska State Council on the Arts during the Nimbus days, I want to compliment you on your editorial of Dec. 21st.

My protest was against the method and the manner in which the artist was chosen and the elimination of ALL Alaskan artists by the clever phrase "an artist of national reputation." Although Alaska Indian Arts, Inc. has done many fine works of art, we were shut out as "we don't want totem poles" even though the door to the governor's office and the door to the IBM Building in Anchorage showed we could do more than fine totemic art.

The National Endowment convinced the council executive director that it would supply \$20,000 if the state would match it. The Art Council was then conned into putting up \$10,000 and the Public Works (the Court) the remaining \$10,000. Three "nationally known" artists submitted slides of their works, all, almost the same kind of "hard to understand" stuff. Artists like Joe

Princione (sp) and Joan Bugbee of Cordova have done great works.

Even when the 17 tons of steel were shipped, it was somehow lost in a Seattle warehouse, rather than have it arrive while the Legislature was still in session.

My last two years on the Council was one which placed Alaska Indian Arts, Inc. on the blacklist and we were written off as a principal grantee. Regulations, most of which didn't exist, were adjusted so that such things as "in-kind" assistance could not be used, although it was plainly documented that Alaska Indian Arts, Inc. was being supplied facilities worth over \$30,000 a year. Over 5,000 square feet of building, equipment, heat, light, etc. were supplied by this "in-kind" was disallowed.

As long as the elitist concept dominates the Arts Council and the present set-up for selecting the 1 percent public art recipient remains, you and the rest of us are not going to have truly Alaskan artworks.

Sincerely,  
Carl W. Heilmiller  
Box 271  
Haines, 99827

Mr. Heilmiller, a former member of the State Council on the Arts is a respected magistrate and founder of Southeast Alaska Inc. a non-profit art organization set up to promote traditional Southeast Alaska Indian art forms and teach young Tlingit and Haida Indians the art techniques of their cultural past. The totem poles in the Governor's office and in the lobby of the Court Bldg. were carved by this group.

# JUNEAU EMPIRE

## Accountability in public art

**L**egislation proposed by Anchorage Rep. Alyce Hanley could do much to avoid the misunderstandings created by the state's Art in Public Places program.

Currently, 1 percent of the cost of a public building is set aside for artwork. It's a good idea, but needs a little fine-tuning.

Rep. Hanley's bill, which is co-sponsored by 10 other members of the House, may not be the most earth-shaking legislation to come along this year, but it surely would prevent the public from feeling like a victim of its own largesse. Time and again, people find themselves wondering how and why certain pieces of art are chosen for public buildings, be they airports, court buildings or other public areas. Often, a reason for that wonderment is the public is dealt out of the selection process.

What this bill does is mandate that no fewer than three members of the seven-member art selection committee be lay members of the public. It also mandates public hearings on the selection of an artist to do the work.

Further, it requires a plaque or permanent label be installed identifying the artist, the title of the work and the names of the members of the art selection committee.

This bill does two things:

- It involves the public in choosing which artwork it will buy to place at publicly funded buildings. Currently, the public is confronted by artwork – good, bad or indifferent – that is chosen for it, not by it. Then, if the public doesn't like it, certain members of the arts community feel obliged to provide lectures on why the public should like it. The result is many people are plain turned off by art – certainly not the intent of the public art program.

- Second, it provides accountability. Just as accountability is needed in the expenditure of all other public funds, it is needed in public art projects. Providing a plaque with the people responsible for the project provides that accountability.

This bill, HB 607, deserves the consideration of the Alaska Legislature as a means of getting a good program back on track and keeping it there.

3-28-86

Chart from USA TODAY  
February 19, 1986

Among the 50 state governments, Alaska ranks first in per capita spending on the arts. The Alaska Legislature indirectly and directly appropriated over \$8.00 per Alaskan for art in FY'86 through the 1% for Art program and other arts programs. This is 280% more than Massachusetts, the #2 ranked state spent. Alaska spent more than ten times the 50 state average of 79.6¢ per capita.

## State arts grants up 25.2% in fiscal 1986

State legislative appropriations for the arts for fiscal year 1986 were up 25.2% over fiscal year 1985 — the highest increase since 1981 — a recent survey shows. Grants are used for research, awards and competitions, instruction, workshops and developing artists. Alaska ranked first in per capita support of the arts. Arts funding for fiscal year 1985, spending per capita and rank based on state legislative appropriations:

State	Appropriation	Per capita
Alabama	\$1,100,000	27.6c
Alaska	\$4,000,700	800.1c
Arizona	\$1,010,200	33.1c
Arkansas	\$970,694	41.3c
California	\$11,692,000	45.6c
Colorado	\$940,622	29.6c
Connecticut	\$1,479,000	46.9c
Delaware	\$496,000	60.9c
D.C.	\$1,673,000	269.5c
Florida	\$9,761,077	86.9c
Georgia	\$2,200,588	37.7c
Hawaii	\$2,237,297	215.3c
Idaho	\$137,600	13.7c
Illinois	\$7,462,701	64.8c
Indiana	\$1,830,576	33.3c
Iowa	\$522,593	18.0c
Kansas	\$589,711	24.2c
Kentucky	\$1,554,400	42.0c
Louisiana	\$1,397,646	31.3c
Maine	\$420,292	35.4c
Maryland	\$1,897,527	43.6c
Massachusetts	\$16,379,066	262.5c
Michigan	\$10,291,500	113.4c
Minnesota	\$2,747,400	66.0c
Mississippi	\$490,354	18.9c
Missouri	\$6,904,051	137.9c
Montana	\$758,507	92.1c
Nebraska	\$599,844	37.4c
Nevada	\$174,270	19.1c
New Hampshire	\$323,000	33.1c
New Jersey	\$10,391,000	139.3c
New Mexico	\$713,500	50.1c
New York	\$44,078,900	248.5c
North Carolina	\$3,932,233	63.8c
North Dakota	\$248,196	36.2c
Ohio	\$7,509,753	69.8c
Oklahoma	\$1,821,462	55.2c
Oregon	\$445,965	16.7c
Pennsylvania	\$6,724,000	56.5c
Rhode Island	\$444,357	46.2c
South Carolina	\$2,602,010	76.6c
South Dakota	\$279,885	39.6c
Tennessee	\$3,615,800	76.7c
Texas	\$9,280,000	59.0c
Utah	\$1,598,200	95.1c
Vermont	\$245,500	46.3c
Virginia	\$1,947,855	34.6c
Washington	\$2,235,974	51.4c
West Virginia	\$2,117,238	103.5c
Wisconsin	\$1,154,200	24.2c
Wyoming	\$144,605	28.3c
Total <sup>a</sup>	\$193,573,659	—

A list of the newest state funded art creations in the Anchorage airport shows that most the money spent there went to non-Alaskan artists.

JAN 24, 1986

# Saturday Sundry

By William J. Tobin

THE NEXT TIME YOU'RE OUT at the Anchorage International Airport, take a minute to look at the art work the state's "1 percent for art" program has paid for with public dollars. The sculpture hanging from the ceiling at the end of the refurbished B Concourse is the work of a Miami, Fla., artist, John Henry, and cost a nifty \$80,000. Other artistic attractions in the domestic terminal and their price tags: An untitled prismatic sculpture by Charles Ross of New York City, \$130,000; an oil painting, "Welcome to My World," by Alvin Amason, of Kodiak and California, \$40,000; an untitled oil painting by Leon Anderson of Anchorage, \$19,265; and a functional steel sculpture, "Shoeshine Shop," by Frank McGuire of Warrensville, Ohio, \$27,000.

\*\*\*  
Total \$ 296,265

AK Council of Arts



## Giving Art a Bad Name

GEORGE F. WILL

The rising sun spreads a rug of light through St. Louis's Gateway Arch and across a less loved artifact 11 blocks away. That object is a "sculpture" called "Twain," named after a Missouri boy who became a master of realism. It covers most of a block and consists of eight panels of rusting steel placed in a formation that resembles a triangle drawn by a quivering hand. "Twain" was perpetrated by Richard Serra, a "postminimalist" entrepreneur who once exhibited, as art, a 97-pound pig in a cage. His arrogance is almost a work of art. He says: "I don't think it is the function of art to be pleasing." He thinks it is the function of the public to give people like him money and space and limitless license. In fine, the public is to pay up and shut up. "Twain" is, in part, your tax dollars at work. The federal government chipped in.

Today there is rising over St. Louis a dark cloud of insurrection, a cloud as impressive as the one that rose over Toledo (Spain, not Ohio) and stirred El Greco, an artist who did not work in rusty metal. Some St. Louisans have seen "Twain" steadily and seen it whole and have seen enough of it. Not since opposition to the Dred Scott decision—Scott's case was tried in a nearby courthouse—has there been such an admirable opposition movement. St. Louisans are hospitable, ready to scale the skies and pluck out stars and strew them at your feet. But when provoked they are as turbulent as the tornadoes that frequent the region. Serra also is finding New Yorkers tiresome. In Manhattan there is a move afoot to junk Serra's "Tilted Arc," 73 tons of rusty steel 12 feet high and stretching 120 feet across the plaza of a federal building. (Yes, more tax dollars.) It is not just an eyesore, it is a nuisance, impeding pedestrians.

**Nowhere Is Safe:** The natives are restless elsewhere, too. Chicagoans have never been considered among Nature's hamsters—tame—and some of them are up in arms about what they consider graffiti applied to the walls of a library and called a "fresco." In a world gone wonky, nowhere is safe. In Paris, the artist Christo is preparing to wrap the most beautiful Seine bridge, the 16th-century Pont Neuf, in shiny beige nylon, as a "sculpture." This treatment of the bridge is like the treatment of Michelangelo's *Pieta* at the 1964 World's Fair, where it was illu-

minated with flickering blue light, presumably to improve it.

Time was when artists wanted to shock the bourgeoisie. Today the bourgeoisie is running around with open wallets, trying to call forth art with cash. But art is not a commodity like pretzels. Strong monetary demand for pretzels increases the supply of pretzel makers. Their products are recognizably pretzels, and the best pretzel makers prosper. The market for art is different because the supply of good art is not similarly elastic. Unless, of course, you suspend all standards. There will be an abundance of fine art if you declare that fine art is anything that anyone calling himself an artist calls fine art. One way to expand the supply

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People are trying to call forth art with cash. But art is not a commodity like pretzels.

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of anything is to define it so permissively that limiting standards evaporate and almost anything can be included. But as a 19th-century politician from across the Mississippi River, up in Sangamon County, Ill., once said: If I call a tail a leg, how many legs has a dog got? Five? No, because calling a tail a leg doesn't make it a leg.

Such is the docility and gullibility of many city governments and corporations, it is almost dismaying when they decide to commission works of art. Of course, the disproportion between the large demand for art and the small supply of serious artists is not an argument against patronage. Pope Julius II did posterity a favor with his "jobs for the boys" program for artists. His boys included Michelangelo and Raphael. Today, patrons must have considerable prudence and self-confidence when the ratio of charlatans to serious artists is as high as it is.

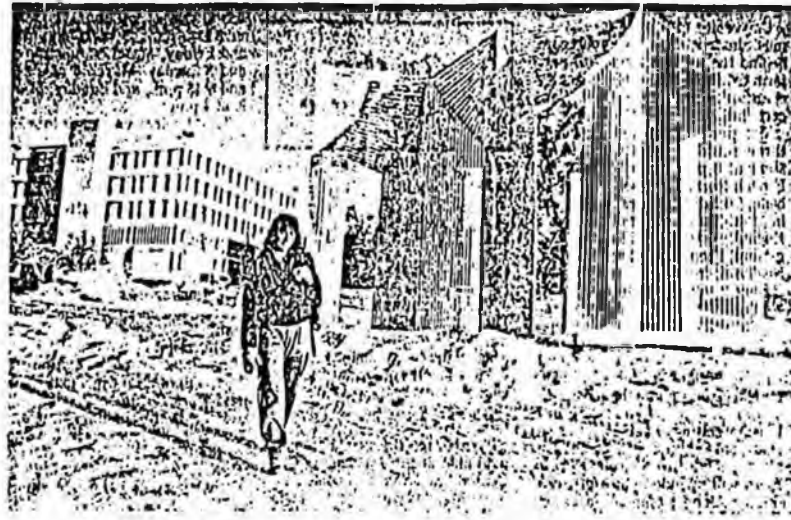
Some Serra defenders say his First Amendment rights are being trampled. But the issue is not a person's right to "express" his whims in rusty steel. The issue is the public's right not to be saddled with the

results forever. Even if the public's hostility were just a whim, so what? Artists who peddle their whims as art, counting on an absence of critical standards, cannot suddenly claim to have standards superior to the public's and incomprehensible to the public. And they cannot hide behind this crashing non sequitur: great innovations in art often have met hostility, therefore whatever provokes hostility must be a great innovation. Joan Mondale says the public should give "Tilted Arc" time to prove its "eternity." Sounds like a long wait.

**Deliciously Ironic:** Today Philistines often march under the banner of anti-Philistinism. Serra's defenders stigmatize his detractors as a backward mob slow to recognize genius. This is deliciously ironic, considering that abstract art once was defended as "democratic." It was supposed to be art purged of "academicism," art immediately and equally "accessible" to everyone, art "understood" by even the untutored eye. Actually, it is anti-intellectual "art" enveloped by ludicrous intellectualizing.

For example, this is how one critic "understands" Jackson Pollock's canvases covered with drips: "Pollock's strength lies in the emphatic surfaces of his pictures, which it is his concern to maintain and intensify in all that thick, fuliginous flatness..." One wishes that critic had reviewed Serra's movie that featured nothing but a hand holding a wad of cloth at arm's length until the arm was exhausted and the cloth dropped. One Serra fan brings his art-Babel to a rolling boil to praise the "savage elegance" of Serra's "resilient" and "insistent" stuff.

The emptiness of postminimalist and other fads of nonrepresentational art has elicited floods of theorizing from a clerisy of critics. They have acquired importance as the assigners of importance to substanceless "art." Theirs is not tiring work. The assigning can be capricious because the critics are not inhibited by the presence of any content in the art they construe. The exegesis of effortless art is effortless. If human beings were dominoes, such critics and the artists they inflate would be double blanks. In their formative years they must have been spanked with rolled-up learned journals of fine arts. How else explain their contempt for mind, and their seeming attempt to give art a bad name?



"Cathedral Series VI, Elysian."—Linda Howard, a Florida artist, designed this \$140,000 sculpture located on the University of Alaska-Fairbanks campus.

(News-Miner library photo)

## Reaction mixed to changes in One Percent for Art law

By DIANA BRYSON  
Staff Writer

Local reaction to a proposal amending the state's One Percent for Art program is as mixed as the public's response to artwork purchased through that agency.

State law requires that 1 percent of the construction cost of every public building built after June 1975, go to pay for artwork.

Rep. Alyce Hanley, R-Anchorage, is the primary sponsor of two bills that would change that. Hanley wants to cut commissions for art in public places in half, and increase public say in what art pieces are selected. She also wants to post a plaque near the artwork identifying the art and people who selected it, and restrict the program to Alaskan artists.

The selection process and the plaque proposals come in one package, House Bill 607. The other two proposals are listed in House Bill 606.

Dave Nicholls, the visual arts director for the Fairbanks Arts Association, said members of the association's visual arts committee met recently to discuss the bill. In general, he said members of the group support the One Percent for Art program.

"It's a good program. Looking at the bill there was a certain amount of support for using Alaskan artists and there was a certain amount of support for more public involvement in the selection process. Obviously they were dismayed at

the amount of money which would be cut."

Nicholls said when it comes down to it, the pair of bills probably would not meet the approval of many local artists. He said while members of the visual arts committee are all for the idea of opening the selection process to the public, they tend not to give blanket support to restricting the program to Alaskans.

Personally, Nicholls would like to see less drastic modifications made in the program so more statewide artists can qualify for commissions. Fairbanks painter Jim Behlke, who testified about the two bills during a statewide teleconference last week, is of the same mind.

According to Behlke, if more commissions were available for artwork done on a small scale, more Alaskan artists could participate in the One Percent program.

"Local artists cannot make proposals frequently because the proposals requested require work which most of us don't do," he said. "And I'm not talking as much about style as I am about scale and format. When I get sent a proposal, it's for something that weighs a ton and goes in front of a building in welded steel."

The painter would like to see more artwork inside buildings instead of those huge, outdoor sculptures which, over the years, have become the One Percent program's trademark. He used the University

of Alaska-Fairbanks' most recent art addition, as an example.

Money for the \$140,000 sculpture "Cathedral Series VI, Elysian," come from funding designated for three UAF buildings: Duckerting, the new addition to the main campus library, and Signers Hall. Elysian was the work of a Florida woman.

"If you walk through these buildings, you'll notice a lot of blank walls. I think they could have spent \$60,000 on the sculpture and the rest in the buildings," said Behlke, who donated his large, \$3,000 two-paneled oil painting to the Duckerting Building at the request of a dean.

A constituent initially prompted Hanley to introduce the two bills. "What started with a request that a plaque identify 'One Percent' artwork, developed into the proposals on hand."

"I thought 'that almost seems like a frivolous piece of legislation,' and proceeded from there," said Hanley.

Hanley is aware that her bills likely will gain support from local hire advocates, and that's just fine with her.

"I'm also hearing that instead of a big \$100,000 job, the public can enjoy some of the smaller projects Alaskan artists can provide," she said.

"I guess it's been my perception that there are several projects that have been purchased recently with art money that is not creating any



"Student Greeting"—Alaskan artist Karen Olanna sculpted this figure from marble.

(News-Miner library photo)

kind of appreciation, but are beginning to cause anger among residents," she said.

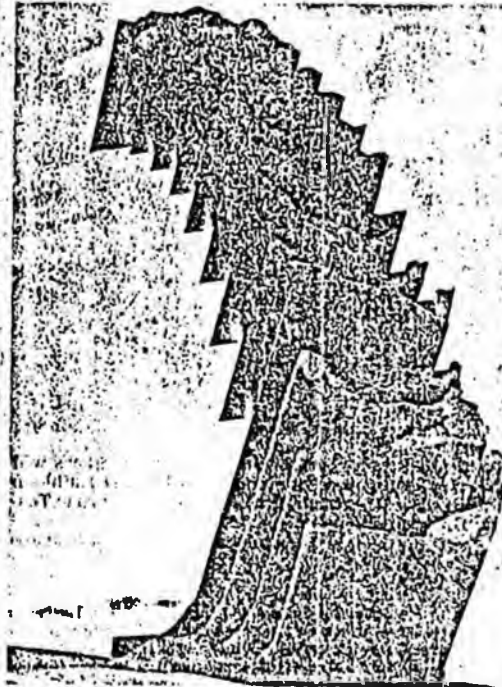
"I recognize that we're spending millions of dollars on this without much input from the public."

The executive director of the Alaska State Council on the Arts in Anchorage, Christine D'Arcy, thinks that if the proposals become law, they would be harmful, particularly the clause restricting the program to Alaskans.

"I think it's important to have a variety of artwork and I do not favor government dictating cultural values," she said.

D'Arcy estimates 60 percent of the commissions already are given to Alaskan artists.

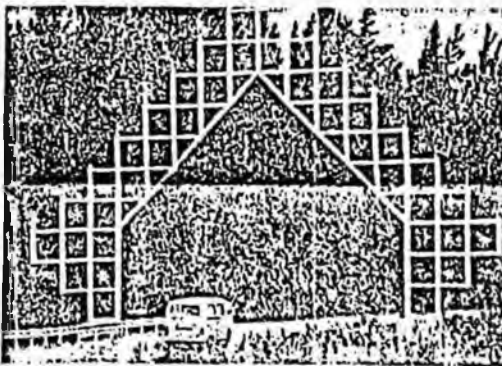
## Public art projects



"Denali"—Christlane Martens' sculpture stands in front of the University of Alaska Museum. Marten is not from Alaska.

(News-Miner library photo)

"I think it's important to have a variety of artwork and I do not favor government dictating cultural values."  
—Christine D'Arcy



"Solar Borealls"—This \$107,000 welded steel sculpture straddles the exit ramp at the Fairbanks International Airport. It was designed by San Francisco artist Robert Behrens.

(News-Miner library photo)

"My feeling is that the state of Alaska has funds set aside for different programs and no matter what the program is, the state should be trying to make the best investment of its funds, and buying the best that its money can buy, D'Arcy said.

"I think it would be a shame if Alaska took such a parochial view in terms of its public art program."

Hanley disagrees.

"We've had time to absorb and appreciate pieces done by outside artists," she said. "It's time for Alaskans first, time to start assigning it to Alaskan artists because when we say 'Alaskan artist,' that doesn't mean everybody will be painting a picture of Mount McKinley."

# JUNEAU *EM*

"The Voice of Alaska's Capital City"

VOL. 78 NO. 249

JUNEAU, ALASKA, TUESDAY, DECEMBER 18, 1984

## Nimbus gets the boot

### Statue put in storage

#### The Juneau Empire

Now you see it, now you don't. State employees today peered out their Capitol and Alaska Court Building windows to watch a crew begin the job of removing Nimbus, a green sculpture placed in the plaza in 1978.

The \$40,000 sculpture was ordered replaced by the 13th Alaska Legislature, which passed a resolution saying a war memorial or other piece of art should take its place.

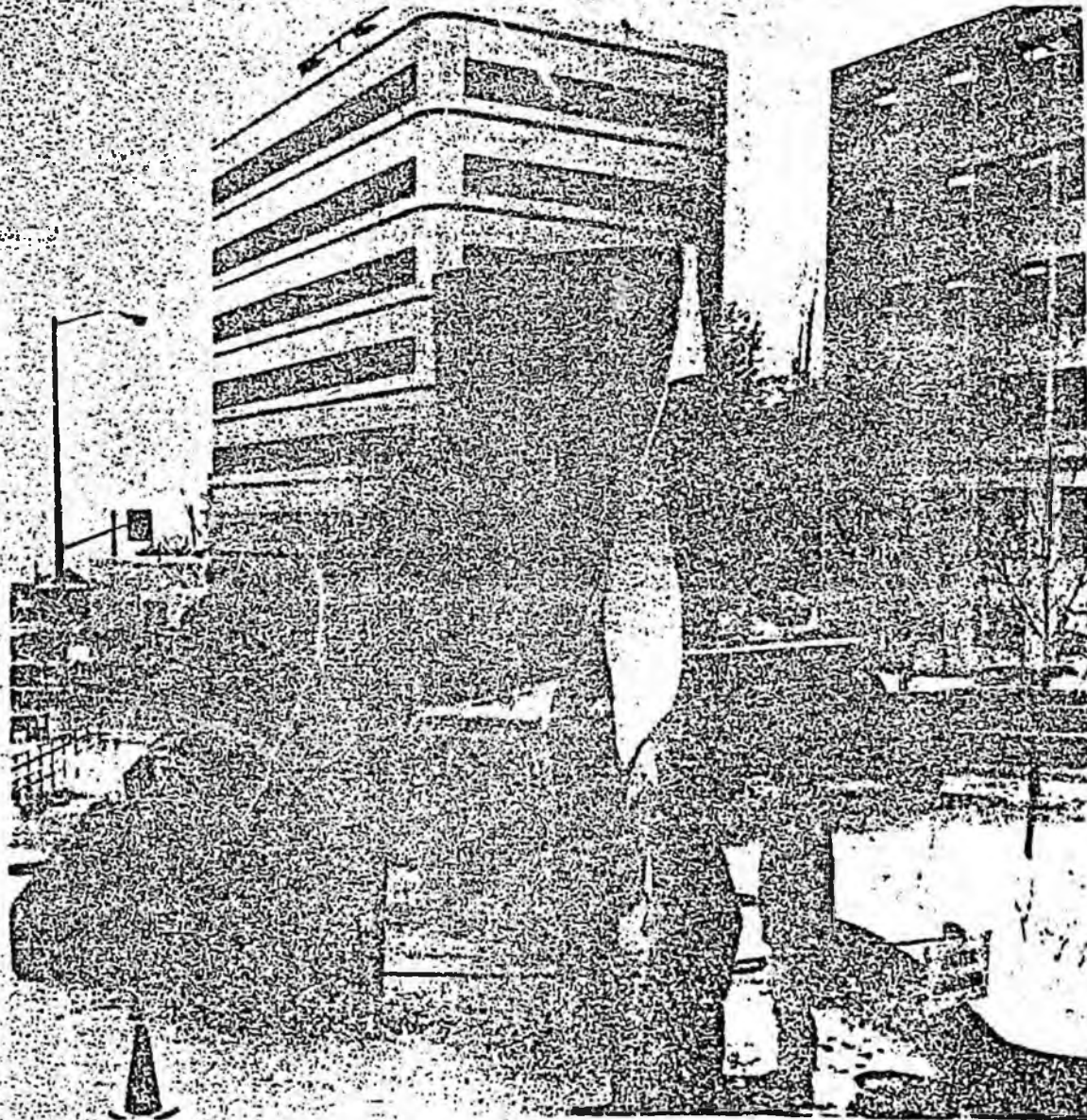
Once uprooted from its cement base, Nimbus will be taken to the Department of Transportation's Switzer Creek area building and stored until a state panel decides where it should be relocated. The cost of removing it is expected to be about \$6,000.

The governor-appointed committee met last week to discuss possible replacements for the statue and will have a public meeting in Juneau on Jan. 8 to take testimony.

Among the new pieces of art suggested for the site are a memorial to late Gov. Bill Egan, a war commemorative, a sculpture of a bear by local artist Skip Wallen or a monument to the state's 25th anniversary of statehood.

Other options will be considered at the public meeting in January.

Where to put Nimbus is another question. Among the suggested sites are the downtown or Auke Bay ferry terminals, in front of the Alaska State Museum and at Cope Park along Gold Creek.



Nimbus no more: Eviction started this morning.

Photo by Mark Kelley

## Public must be part of its art

The issue of public art seems to be back in the eyes and minds of beholders, prompted by a new, abstract piece of work at the airport.

Some members of the community like it very much. Some don't like it very much. Some wish it were more "real" or more "relevant." Some wish it were more "representational" or more "Alaskan."

An argument could be made that for a piece of public artwork in Juneau to be truly real, relevant, representational and Alaskan, it would require a blinking, high-tech neon sign somewhere in the Capitol flower beds, flashing in alarming colors the minute-by-minute price of a barrel of Prudhoe crude.

Would that be art? Some would say so. Others would no doubt disagree. And that's precisely the point. There will never be a piece of public art that satisfies everyone. For that matter, there will probably never be a piece of privately owned art that pleases everyone who views it. For art, artists and beholders, universal agreement — a last word on what's art, what's bad art, what's good art — would be deadly dull. For artwork, dull is indeed a four-letter word.

Public art, however, particularly those relatively few pieces that are conspicuous in public places, presents a whole set of different issues than privately owned artwork or artwork, say, within a public museum. The issues, by the way, are not confined to Juneau, but are being raised in communities across the country.

Publicly commissioned artwork in public places is the creation of an individual artist, but belongs to the public and becomes part of their world and their lives.

Robert Murray, the sculptor who created the ill-fated "Nimbus," has been quoted as saying that "we cannot have public art by plebiscite." He's correct, even if only for the practical notion that plebiscites on public art would be so unwieldy and possibly so inconclusive that no artwork would ever result.

But that doesn't preclude involving the public to a greater degree in the selection — the crucial steps taken to determine what will belong to the public.

The selection process by the local, state or federal government should involve members from the public, meaning members of the arts community and the population at large. It should, furthermore, allow for public hearings and viewings of proposed pieces, to let artists hear the ideas of the community and give community residents ample opportunity to express themselves.

While the selection process here usually involves a public committee approach, it seems even more of an effort is needed if the community is to consider public artwork as its own, not imposed, but welcomed.

Yet the process also has to allow for artists to be heard, to be given the opportunity to talk about their ideas, why they've chosen a certain theme, or a particular medium, or a specific technique. They also deserve a chance before their work — created in good faith — is dumped upon as somehow coming out of nowhere.

It comes out of somewhere. And somewhere should include a very visible dialogue long before the paintbrush is applied to the palette.

JUNEAU EMPIRE FEB. 3, 1980

# Nimbus: Going but not gone

Nimbus, purchased for \$40,000 is now lying in a truck and equipment storage yard on the Old Glacier Hwy.

It was removed from its site after several years of public outcry at a cost to the state of \$5,000.

Nimbus may be out of sight, but some of the questions raised by the sculpture and the public outcry over it should be kept in mind.

Sculptor Robert Murray, interviewed when Nimbus was installed here in 1978, commented that when his artwork is placed in public, "I make my work visible to people who have very closed minds to the whole thing. It's not like a gallery where people come to see art. Some people feel very threatened by the whole experience."

Murray was probably more prophetic than he wanted to be. Many people — at least many vocal people — just don't like Nimbus. Beyond that, however, numerous critics voiced resentment that Nimbus was imposed, it was a stranger, it wasn't really "ours."

"Ours" doesn't have to mean dull like an old warhorse. Public art, abstract or representational, can be lively, humorous, sobering, eccentric or yes, even maddening, and still be "ours."

It might be ours if it grows familiar over time. It might be ours if one of us — an Alaskan or Pacific Northwest artist — creates it. It might be ours if it somehow, some way, depicts something we're somewhat familiar with or that both we and the artist care about.

But all those "ours" factors are elusive, as open to speculation as the question of what art is — ours, theirs or everyone's.

The most obvious and direct way to make sure a community thinks of an artwork as ours is to make sure the selection process is wide open to the public. And by public we mean the loc-

al people who will share their home, their community with the work.

A well-publicized invitation for public involvement should start at the beginning, the decision on what specific type of artwork is wanted and where it will go, and carry through all the way to the call for proposals and review of them. Such public participation resulted in the Ed Way statue at Marine Park, which is definitely considered "ours" by many people in town.

No, every piece of public artwork can't be chosen by referendum, just as every controversial political issue doesn't go on the ballot. Someone appointed or elected is going to have to bite the paintbrush and make a final decision, or the debate could rage for the millenium.

Better the public debate rages before the final choice, however, than to drag it on for years after a work is in place, then yank it. The fate of Nimbus — sealed for now — should be seen as a one-time occurrence only, a fluke that taught us a lesson. The sculpture's removal shouldn't be allowed to set a dangerous precedent for what, in the future, could be some pretty capricious decisions to remove public artwork.

One admonition, to indulge a pet peeve. It's hard to sympathize with those who have been invited to speak prior to a decision and instead opt to wait now and condemn later. A Monday Morning Picasso doesn't create much except hot air. And public artwork should be a lot more substantial and lasting than that.

# Farewell to Nimbus

Nimbus, the artful creation that has graced the front of the Alaska Court Building for nearly six years, today took leave of that location. As workers labored to evacuate that magnificent ode to modern art, a tear no doubt came to the eye of many a Nimbus lover. After all, who in this city hasn't stopped a moment to marvel at its wondrous beauty, its shiny green steel frame?

Alas, Nimbus is bound for a new, albeit temporary, location, a place where it can be better appreciated. The \$40,000 Robert Murray sculpture will take up residence where it will be sheltered from the elements. We can think of no better place than the Department of Transportation warehouse at 7 mile Glacier Highway.

But what of the public outcry that is sure to come? The public will inevitably seek — no, demand — the right to view Nimbus. How could the state deny the public the right to see that beautiful work?

We propose that the state DOT set up visiting hours at its warehouse so those lovers of Nimbus may see their cherished *objet d'art* in all its splendor. Our green friend, who has greeted us at the start of our workday for these many years will be lodged with other, equal works of art — snowplows and truck tires. Perhaps DOT can paint those plows an appropriate color to correspond to Nimbus's green hue. And maybe the tires can be delicately arranged around it in a garden setting.

Soon, we cannot predict when, a committee of those wiser than we will choose a final resting place for our Nimbus.

Wherever shall it be? The Auke Bay ferry terminal, the Alaska State Museum and other locations are vying for the privilege of displaying this masterpiece. Other suggestions have been tendered as well. Channel Sanitation is one of the most popular.

Some people say the role of art is to evoke a response. If that indeed were art's only role, Nimbus has filled it well. But art is more, much more, than presenting viewers with something to cause them to react. After all, people react to car wrecks, too. Does that mean they are art?

Tomorrow, when you venture past that spot along Main Street once occupied by Nimbus, remember all the reactions it evoked. The suggestions that it looked like the bow of a ship after running aground. That it resembled the aftermath of a plane wreck. That it would best be used as an anchor.

Then ponder what it would be like to have a meaningful piece of art there, like a memorial to Gov. Bill Egan, the state's first governor, or to Alaska's war veterans.

Whichever is chosen, it is bound to be an improvement.

# 'Art' in public places?

I suspect I'm going to get into trouble with this column ... however, that has never stopped me before. I'll preface by saying that I am not totally unsophisticated.

I appreciate symphony, good poetry, fine wine and other things of the "semi-enlightened" life. I am not down on the arts, nor artists' rights to express themselves.

I am, however, of the persuasion that PURCHASE of art or special efforts to SEE it, are MY option, based upon MY perception of the value of the artform.

I am about to take a potential Art-In-Public-Places process to task, but first some background so you can relate to it, and see I have done some homework.

Art-In-Public-Places, commonly referred to as "1 percent Art," first became Alaskan by State law in 1975. Partly because there was little public construction that qualified in the next several years, little came of it until implementation on buildings constructed beginning in 1980.

The only Municipal/City Ordinance in the State on the subject, Anchorage's, came in 1978 (Chapter 7.40.010 - .080). It also became operative in the 1980 period, most likely given emphasis by ex-Mayor George Sullivan's "Project 80's."

Any time Municipal money is spent on a structure ... even if it's a grant from the State or Feds which is administered by the Muni, and which exceeds \$250,000, the Ordinance comes into play.

You can see State & Federal results at the Federal Building, the Sullivan Sports Arena, the Municipal Museum, the ACC Aviation Complex at Merrill and other places.

For broad public acceptance of each of these items, a brief historical look at news stories as each has been unveiled, reveals that they are met with "mixed reviews" at best.

Here in Anchorage, the program is administered by MS MOLLY BJONES, who shared

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EDITOR



both some history of the program and copies of the current Ordinance and Regulations 7.40.001 - .0013 so I could come to grips with how the program operates, its limits, authorities and jurisdictions.

The ordinance and regulations require that "juries" be selected for qualifying buildings over \$1 million, and that they consist of one member each of the Urban Beautification Commission, the Anchorage Arts Advisory Commission, the Project Designer, the User Department and at least one interested local resident (this one also has a member of the Art Selection Committee).

While this does not constitute "ARTS LOADING" by numbers, I'd point out that every member of the panel GETS PAID TO BE THERE, or does so in a planned volunteer program of regular duration, except the PUBLIC MEMBER, whose vote could easily be pivotal.

I also note that the regulations do NOT contain any instructions whatsoever for the following critical areas: a. Investigation and study of the USE of the building; b. Study of the FUNCTION and PURPOSE of the building; c. Study of the HISTORY of the building site and its service area; d. Study of the nature of the BUILDING OCCUPANCY or CONSTITUENCY; e. Study of the proposed vehicular and pedestrian (and Aircraft) traffic flows; f. Determination of the building FOCUS POINT.

In the entire ordinance and implementing regulations, the ONLY review/appeal process noted is the one non-selected (and upset) artists use to appeal selection of the winning artist.

It is to the Mayor. All that aside, I find myself precisely centered in the "mixed review" element of our populace when viewing some of the items placed in the name of art.

I am not qualified to judge the quality of most of it, generally falling back on my sense of whether I like it or not ... much the same as with a new wine or sushi the first time.

I admit that much of what I see in public art forums I find A RIPOFF. That's only MY opinion.

It appears that "artists" have labored long and hard with large, sometimes disgusting colored materials, to create vague things that neither enhance the building, nor draw the passer-by with any desire to learn more about it or art in general.

In other words, for me, many are a big turnoff. Two exceptions are the sculpture in the ACC complex stairway, which I have identified as relating to early, albeit unsuccessful, flight; and the giant lock-washers in the front yard, appropriate, it would appear, to a Maintenance complex.

Many folks with whom I have talked simply ignore the large,

See DESIGNS, Page 13

# • Designs should follow bldg. theme

Continued from Page 12

obtrusive blobs which generally block snow removal, crowd control and good photographs of the particular structure.

I am first to admit that I could learn much about art if I had the time, money and inclination. My questions would be, however, "is it the function of Art in Public Places to thrust 12th generation obscurities down the throats of the masses in some effort to convert them to art appreciation? Are we being given art that is identified, classified and selected for us, the many, by the 'gifted few' so that we may be lifted out of our pig trough of existence in spite of ourselves?"

Let's get this down to specifics, hopefully relating to flying and aircraft: The Public Aviation Facility at Merrill Field is in final design now by McCool-McDonald, Architects.

Design money was a state grant to the Muni, thus the 1 percent requirement. The committee was set up and has met to begin planning how the 1 percent will be used on this one building (\$32,000 plus/minus).

The structure (see diagram attached) will be the gateway for many, many people who will either fly in or out of Anchorage, or will gather to view aviation or meet someone who has done one of the above. It is being designed per the Master Plan, as the new "focal point" for the field.

Aviation has a public fascination index higher perhaps even than football! Merrill, and indeed Alaska in general, has a fantastic aviation history.

Because we are still living it, and because it is such a fast moving history, we are way, way behind preserving it in photos, art, memorabilia and historical aircraft. Merrill was named for a colorful Anchorage pilot (Rusal) who was killed in his plane after taking off from Merrill.

The building is designed to give some impression of flight with its sweep back appearance

and two large wings. The center glass cylinder will house an historic 1920's vintage restored aircraft.

The walls have many designated locations for photos, art work, displays and dioramas. I anticipate that the many area aviation groups will bring in displays, that perhaps historic films and slides will be available on video monitors.

There is an observation deck on the "air side" for folks to watch planes taxi, takeoff and

land — complete with a speaker to listen to the FAA talk to pilots.

There is planning for an aviation theme restaurant/bar for the upper levels, like the famous BLUE MAX or the RED BARON. If that happens, those areas will be decorated like historic aviation facilities as well.

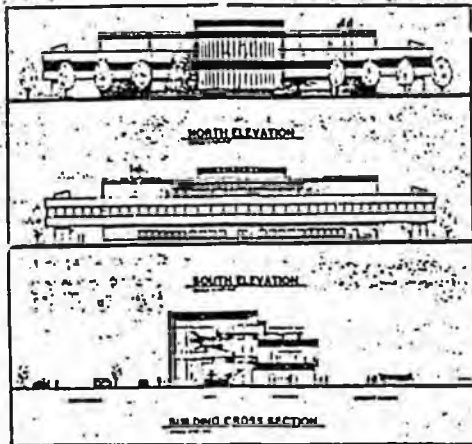
So now comes the Building Art Jury. Though construction money is not yet located for the building, design is under way

so the committee must chart the course that the 1 percent will be spent for, and then commission artists, make recommendations and direct

placement.

There are those close to this development and to aviation

See DESIGNS, Page 14



Merrill Field Public Aviation Facility (Illustration courtesy McCool-McDonald of Alaska Inc., architects.)

# • Design follows theme

Continued from Page 13

In general and close to the field itself, who see a tremendous opportunity to HAVE THE ART RELATE TO THE BUILDING, THE FIELD AND WHAT IS BEING ATTEMPTED THERE, and not some esoteric blob placed there to somehow broaden the horizons of the great unwashed masses who come there for something else entirely.

The initial meeting was held. The lone public member, aviation history buff Ted Spencer, suggested consideration of expenditure of a portion of the funds on the hanging aircraft, its associated display and titling.

That was turned down INSTANTLY by the Art leadership. From reading the minutes of the meeting, it appears that the group was then polarized, with "them" and "us." (We're "us"; you know who "them" are!)

One would hope that they would really see the light, and NOT attempt to make this building a shrine to art that has nothing to do with aircraft, history or Merrill Field.

I do not condemn them in advance, though I note the polarization. It will be up to that committee's members to bridge the gaps and come up with a consensus. Let me conclude, however, with a little more information that will delight you: PUBLIC REVIEW AND COMMENT.

When the State or Muni wants to build a road, change zoning, build a building, or other major item, they are required to develop a public input process — they hold hearings, notify adjacent property owners and known interested parties.

In theory, those comments from the public are taken into consideration in final design or decision making processes. If they are not, then the citizenry can approach the next level of authority and bitch about being ignored.

The whole purpose of this exercise is to see that Government, ACTING WITH OUR MONEY AND...

constituency and, in fact, does what their "boss" wants it to do.

Let me quote the Public Review and Oversight provisions of the Art-In-Public Places program: ZIP! You got it; if you want to impact how the building will be decorated, you've got to be on that tiny committee.

It's only appeal is for the artists themselves, and not those of us who fund it nor those of us who will be subjected to it or pleased by it in years to come.

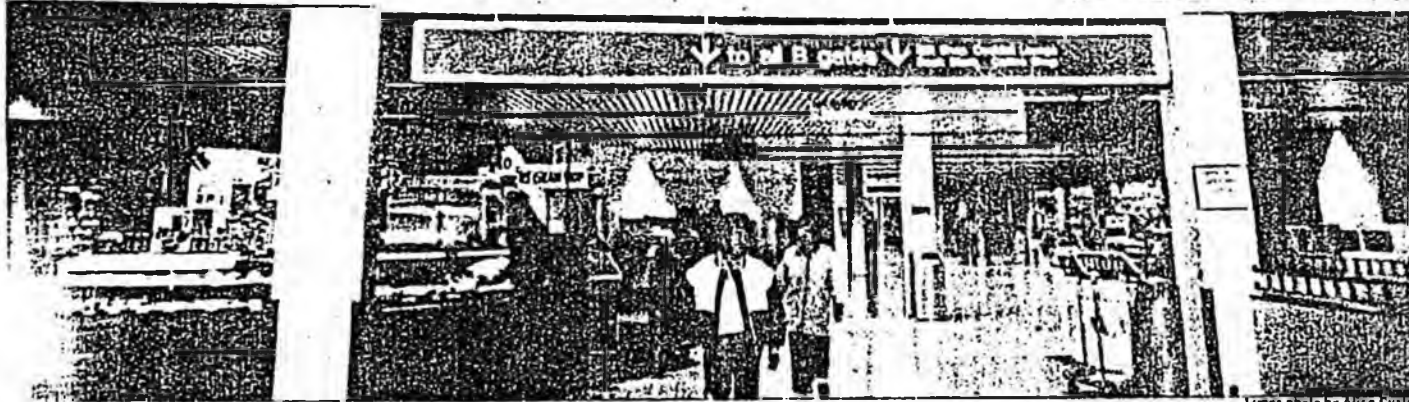
There is really only ONE review: The finished product's acceptance in the press AFTER THE MONEY IS SPENT.

Only one other avenue remains: IF you care, if you can make meaningful contribu-

tions, either attend their meetings (which must be public) or make written input — or both.

I do not want to condemn anyone in advance, but driving and walking around Anchorage and reading the minutes of the first meeting have prepared me for what may be coming. Hope not!

Ken Lee Woodman is the Executive Vice President of the Alaska Aviators Association and the Acting Chairman and Commissioner on the Municipal Airports Advisory Commission. He has been a Contributing Editor each issue of Air Alaska since its inception over four years ago. He is available at 12920 Hillside Drive, Anchorage 99516, or 345-1356 prior to 9 p.m.



'Welcome to My World,' a piece of art at the Anchorage International Airport, is scheduled to be removed Monday from its place above Concourse B

# Airport art piece causes controversy

By Ann Chandonnet  
Times Writer

A new One Percent for Art piece titled "Welcome to My World" is scheduled to be removed from its choice spot in Concourse B of Anchorage International Airport on Monday.

According to John Blaine, executive director of the Visual Arts Center, comments by Herb Shaindlin made during

## A profile of the work — Time Out, D-1

his nightly commentary following the 6 p.m. news Thursday on KIMO Channel 13 reportedly caused the removal of Alvin Amason's \$40,000 triptych. The 32-foot by 11-foot piece had been installed at the airport Wednesday morning

Fueled by adverse comments from airport employees, Shaindlin's criticism prompted a 1 p.m. Friday meeting at the airport. The news was then conveyed to Blaine by Jim Kuiper of the Alaska State Council on the Arts.

This is not the first time that the multicolored, animal-strewn art of Kodiak-born artist Amason has caused local controversy. His painting "Chimik

Rose," which was put on display at the Federal Building in October 1979, was commissioned at a cost of \$11,000 by the General Services Administration and hung in the stairwell which led to the courtrooms of two U.S. district judges.

The painting, which showed three purple walruses adrift in a red and blue sea, was called "an obscene gesture,"

See News, page A-12

"derogatory," and "three walruses... One of the walruses boasted real tusks, which jutted from the center of the canvas, and atop the frame sat a pair of puffins. With a third puffin flying in front of the canvas, just kept expecting to find a pile of bird droppings on the floor," one federal court employee told a Times reporter in 1979.

Amason's present triptych canvas contrasts his brush color scheme, showing two salmon-colored waterfalls, a blue fox takes up the left side, and a bald eagle and magpie look on. Amason flew "Welcome to My World" to Anchorage a week ago to make final adjustments at the Visual Arts Center. He had spent seven months working on it at his Oakland, Calif., studio.

"The people at the airport have responded to Shaindlin's saying 'his daughter could do it,'" said a departing John Blaine Friday afternoon. "They will take it down on Monday and

just repainted and laid out everything else," Blaine said.

"I have heard of nothing like this," Blaine added. "They are not even giving the piece a moment to find its place there. It's just a knee-jerk response to something new. It's absolutely unwarranted."

According to a Nov. 4, 1979, Times article, Amason is pleased when the public is moved by his work. "If people just pass by and not notice my work, then I've accomplished nothing. It's not a success."

**Effect of amendment.** — The 1977 amendment substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraphs (2) and (6).

## Chapter 27. Art Works in Public Buildings and Facilities.

### Section

- 10. Purpose
- 20. Art requirements for public buildings and facilities
- 30. Definitions

**Sec. 35.27.010. Purpose.** The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

**Legislative history report.** — For (Finance), see 1975 Senate Journal, p. report on ch. 54, SLA 1975 (CSHB 133 939.

**Sec. 35.27.020. Art requirements for public buildings and facilities.**

(a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

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

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 — 4 ch 176 SLA 1980)

**Cross reference.** — For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see AS 44.27.060.

**Effect of amendments.** — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in subsection (c) and added subsections (f) and (g).

The 1980 amendment rewrote

subsections (a) and (d), substituted "buildings" for "public works" in subsection (b), and in subsection (c), substituted "September 1, 1977" for "the enactment date of this chapter," "a school, office building, court building, vessel of the marine highway system, or other" for "the public," deleted "public" preceding "facility" near the end of the subsection, and added "which is subject to substantial public use" at the end of the subsection.

**Sec. 35.27.030. Definitions.** In this chapter

(1) "department" means the Department of Transportation and Public Facilities;

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

(A) includes, but is not limited to,

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

(ii) other buildings which the commissioner determines are designed for substantial public use;

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

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

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

(4) "commissioner" means the commissioner of transportation and public facilities. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am Executive Order No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980)

§ 35.30.010

PUBLIC BUILDINGS AND WORKS

§ 35.30.010

Effect of amendments. — The first 1977 amendment inserted "schools, office buildings, court buildings and other facilities which are designed for substantial public use" in paragraph (2) and added paragraph (3).  
The second 1977 amendment

substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraph (1).

The 1980 amendment rewrote paragraph (2), and added paragraph (4).

**Sec. 44.27.060. Art in public places fund.** (a) The art in public places fund is established. The council shall manage the fund.

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

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

(2) the building or facility is not designed for substantial public use.

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

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

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

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

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

**Revisor's notes.** — Enacted as AS 44.19.942. Renumbered in 1980.

**Effect of amendments.** — The 1982 amendment substituted "if the building or facility" for "which" in the introductory language of subsection (b).

Offered: 4/28/86  
Referred: Finance

Original sponsors: Hanley, Adams,  
Ringstad, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 606 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to art in public places."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

9 (c) Between one-half of [AT LEAST] one percent [OR, IN THE CASE  
10 OF A RURAL SCHOOL FACILITY, AT LEAST] and [ONE-HALF OF] one percent of  
11 the construction cost of a building or facility approved for construc-  
12 tion by the legislature shall [AFTER SEPTEMBER 1, 1977, WILL] be  
13 reserved for the following purposes: the design, construction, mount-  
14 ing and administration of works of art in a school, office building,  
15 court building, vessel of the marine highway system, or other building  
16 or facility which is subject to substantial public use. The actual  
17 amount shall be determined by the art selection committee created  
18 under AS 35.27.021.

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

20 (g) Each selection committee established under AS 35.27.021 [THE  
21 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON  
22 THE ARTS] shall encourage the use of state cultural resources in these  
23 art works and the selection of Alaska resident artists for the commis-  
24 sion of these art works.

25 \* Sec. 3. AS 35.27 is amended by adding a new section to read:

26 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes  
27 a work of art for a public school shall be selected by a majority vote  
28 of a committee, with the approval of the school board. The committee  
29 shall be selected by the project manager from the department and shall

1 be composed of the architect, the project manager from the department,  
2 representatives from the school district, and members of the public  
3 who are knowledgeable in the arts and reside in the community where  
4 the school is located.

5 (b) Except as provided in (a) of this section, an artist who  
6 executes a work of art for public buildings and facilities shall be  
7 selected by a majority vote of a committee convened by the project  
8 manager from the department. The committee shall be composed of the  
9 architect, the project manager from the department, a designee of the  
10 Alaska State Council on the Arts, a designee of the principal user of  
11 the public building or facility, and three members of the public who  
12 are knowledgeable in the arts and reside in the community where the  
13 building is located. The members of the public shall be selected by  
14 the project manager from the department.

15 \* Sec. 4. AS 44.27.060(b) is amended to read:

16 (b) The commissioner of a department responsible for the design  
17 and construction of a building or facility shall deposit into the art  
18 in public places fund one-half of one percent of the construction cost  
19 of a building or facility if the building or facility is exempt from  
20 the requirements of AS 35.27 and the exemption is because

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

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

25 \* Sec. 5. AS 44.27.060 is amended by adding a new subsection to read:

26 (e) A work of art that is to be made a permanent part of a  
27 building or facility owned or leased by the state shall be identified  
28 by a permanent plaque installed on or near the work of art. The  
29 plaque must contain the name or title of the work of art, the name of

- 1 the artist, and the year of completion.
- 2 \* Sec. 6. AS 35.27.020(e) and (f) are repealed.

Introduced: 2/14/86  
Referred: State Affairs  
and Finance

BY HANLEY, ADAMS, RINGSTAD,  
PETTYJOHN, LARSON, PEARCE,  
COLLINS, JENKINS, PHILLIPS,  
MARROU AND TAYLOR

1 IN THE HOUSE

2 HOUSE BILL NO. 606

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to art in public places."

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

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

9 (c) At [LEAST ONE PERCENT OR, IN THE CASE OF A RURAL SCHOOL  
10 FACILITY, AT] least one-half of one percent of the construction cost  
11 of a building or facility approved for construction by the legislature  
12 after September 1, 1977, will be reserved for the following purposes:  
13 the design, construction, mounting and administration of works of art  
14 in a school, office building, court building, vessel of the marine  
15 highway system, or other building or facility which is subject to  
16 substantial public use.

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

18 (g) The architect, superintendent, department, and the Alaska  
19 State Council on the Arts shall encourage the use of state cultural  
20 resources in [THESE ART] works of art under this section and shall  
21 select [THE SELECTION OF] Alaska resident artists for the commission  
22 of these art works.

23 \* Sec. 3. AS 44.27.060(b) is amended to read:

24 (b) The commissioner of a department responsible for the design  
25 and construction of a building or facility shall deposit into the art  
26 in public places fund one-half of one percent of the construction cost  
27 of a building or facility if the building or facility is exempt from  
28 the requirements of AS 35.27 and the exemption is because

29 (1) the estimated construction cost of the building or

- 1 facility is less than \$250,000; or
- 2 (2) the building or facility is not designed for substan-
- 3 tial public use.

**HOUSE**  
**COMMITTEE REPORT**

(11)

Date referred: 4/22/86

FURTHER REFERRALS:

DATE: 5-6-86

The FINANCE Committee has considered SSHB 608

"An Act relating to spraying and application of pesticides and broadcast chemicals."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS SS HB 608 (Fin)  same title
- new title

and recommends DO PASS

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note 3/13/86 - same

SIGNING DO PASS:

Arb. C. L. S.  
Mike Spinali  
[Signature]  
Ronald J. [Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature] (no REC)  
[Signature] No Recommendation  
[Signature] NO REC  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Arb. C. L. S.  
Chairman

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. SS House Bill 608 (FIN)  
 Title: An Act relating to spraying and application of pesticides and broadcast chemicals  
 Sponsor: Davis/Hurley/Clocks in/Koponen/  
 Requestor: Uehling/MM Miller/Goll  
 Date of Request: 3/13/86

**FISCAL DETAIL**

Agency Affected: Environmental Conservation  
 BRU: Environmental Health  
 Components: Director's office (Pesticide Program)

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS :**

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

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

No fiscal impact is anticipated by passage of HB 608

Prepared by: Doug Donegan  
 Division: Environmental Health

Phone: 465-2609  
 Date: 3/13/86

Approved by Commissioner: Bill Ross  
 Agency: Environmental Conservation

Date: 3/13/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsors: Davis, Hurley,  
Clocksin, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 608 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to spraying and application of  
7 pesticides."

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

9 \* Section 1. AS 46.03.320 is amended by adding a new subsection to  
10 read:

11 (c) The department shall adopt regulations prescribing the wind  
12 and other weather conditions during which spraying or application of a  
13 pesticide for other than agricultural purposes may be conducted, in  
14 order to protect the health and safety of the public and to limit  
15 damage to crops and the environment. Regulations adopted under this  
16 subsection do not apply to the spraying or application of a chemical  
17 fire retardant by the Department of Natural Resources.

18 \* Sec. 2. AS 46.03.330(b) is repealed and reenacted to read:

19 (b) The department shall conduct a public hearing on the pro-  
20 posed program if a hearing is requested by the governing body of the  
21 affected municipality, or by a petition signed by at least 50 resi-  
22 dents. The requirement for public hearing may be waived if the com-  
23 missioner determines that a public emergency exists.

24 \* Sec. 3. AS 46.03 is amended by adding new sections to article 6 to  
25 read:

26 Sec. 46.03.340. NOTICE OF PESTICIDE APPLICATION. (a) At least  
27 10 days before spraying or applying a pesticide on publicly or pri-  
28 vately owned land, the state, a municipality, a utility, a public  
29 corporation, or a contractor of any of these, shall publish notice of

1 the proposed spraying or application in a newspaper of general circu-  
2 lation serving the area where the affected land is located. Notice  
3 shall also be given in any other manner necessary and reasonably  
4 calculated to inform persons who lawfully reside on or use (1) land on  
5 or over which the pesticide is proposed or likely to be sprayed or  
6 applied; and (2) land any portion of the property line of which is  
7 within 100 feet of the area on or over which the pesticide is proposed  
8 to be sprayed or applied. The requirement for public notice may be  
9 waived if the commissioner determines that a public emergency exists.

10 (b) Notice under this section must include

11 (1) the chemical identity and product name of each pesti-  
12 cide to be applied;

13 (2) the dates and locations of the spraying or application;

14 (3) the problem or pest sought to be controlled by the  
15 spraying or application;

16 (4) the manner of spraying or application;

17 (5) the name, address, and telephone number of the state  
18 agency, municipality, utility, public corporation, or contractor of  
19 any of these, responsible for the spraying or application;

20 (6) appropriate warnings concerning

21 (A) the known or suspected acute and chronic health  
22 effects of exposure to each pesticide to be applied;

23 (B) evacuation of and reentry to an area affected by  
24 the spraying or application; and

25 (C) the use or consumption of, or contact with, crops  
26 or plants affected by the spraying or application.

27 (c) This section does not apply to the spraying or application  
28 of

29 (1) a chemical fire retardant by the Department of Natural

1 Resources; or

2 (2) a pesticide for agricultural research purposes by the  
3 Department of Natural Resources or the University of Alaska.

4 Sec. 46.03.350. CONTAMINATION OF DOMESTIC WATER SUPPLIES PROHI-  
5 BITED. A pesticide may not be sprayed or applied in a location or  
6 manner that contaminates water used for domestic consumption and  
7 thereby jeopardizes the health of persons consuming the water.

8 \* Sec. 4. AS 46.03.330(c) is repealed.  
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**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. SS House Bill 608 (FIN)  
 Title: An Act relating to spraying and application of pesticides and broadcast chemicals  
 Sponsor: Davis/Hurley/Clocks in/Koponen/  
 Requestor: Uehling/MM Miller/Goll  
 Date of Request: 3/13/86

**FISCAL DETAIL**

Agency Affected: Environmental Conservation  
 BRU: Environmental Health  
 Components: Director's office (Pesticide Program)

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING : (Thousands of Dollars)**


GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS :**


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

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

No fiscal impact is anticipated by passage of HB 608

Prepared by: Doug Donegan   
 Division: Environmental Health

Phone: 465-2609  
 Date: 3/13/86

Approved by Commissioner: Bill Ross   
 Agency: Environmental Conservation

Date: 3/13/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Submitted by: Chairman of the Assembly  
at the request of the Mayor  
Prepared by: Department of Law  
For reading:

ANCHORAGE, ALASKA  
AO No. 86-\_\_\_\_\_

AN ORDINANCE AMENDING TITLE 15 OF THE ANCHORAGE MUNICIPAL CODE  
PERTAINING TO PESTICIDE CONTROL.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. That Section 15.75.030 is repealed and reenacted  
as follows:

15.75.030 Permits Required.

- A. A person who engages in the business of applying pesticides or broadcast chemicals must have a valid permit issued pursuant to this chapter.
- B. A person who engages in the business of applying pesticides or broadcast chemicals may not use any pesticide, broadcast chemical or method of application of any pesticide or broadcast chemical unless such pesticide, broadcast chemical or method of application is set forth in a valid permit.

Section 2. That Section 15.75.040 is repealed and reenacted  
as follows:

15.75.040 Permits.

- A. An application for a permit must state the name, address and phone number of the applicant, each type of equipment to be used by the applicant, a complete list of every pesticide, broadcast chemical and method of application which the applicant intends to use, a description of the area in which the applicant wishes to conduct business, and such other information as the director reasonably requires.

- G. A permit may not be transferred.
- H. The director shall issue permits on an annual basis and all permits shall expire on December 31 of the year of issuance.
- I. There is an annual permit fee of \$10.00.

Section 3. That Section 15.75.050 is repealed and reenacted as follows:

15.75.050 Wind Speed Limitation.

A person who engages in the business of applying pesticides or broadcast chemicals may not apply by spraying any pesticide or broadcast chemicals out of doors if the wind speed exceeds five knots per hour at the site of application.

Section 4. That Section 15.75.060 is repealed and reenacted as follows:

15.75.060 Private Individuals Required to Give Notice.

- A. A person who engages in the business of applying pesticides or broadcast chemicals must give written notice as provided by this section every time that the person is going to apply by spraying a pesticide or broadcast chemical out of doors.
- B. Notice must be given at least 24 hours before application and not more than 96 hours before application.
- C. The person must post one or more copies of the notice on the property to be sprayed and at least one copy of the notice on each residence or commercial building located on property which is contiguous to the property to be sprayed.

- C. The Municipality must post at least one copy of the notice in a manner which is reasonably calculated to provide actual notice to persons using the public parks.
  
- D. The notice must include the trade name of the each pesticide or broadcast chemical, the chemical name of the principal active ingredients in each pesticide or broadcast chemical, the exact date and approximate time that the pesticide or broadcast chemical will be applied, the name, address and telephone number of the municipal department in charge of application, a warning that the pesticide or broadcast chemical is or may be harmful, and a statement of recommended precautions.

Section 6. That this ordinance shall become effective upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day  
of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Chairman of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk



# Alaska State Legislature

Representative Mike Davis

Pouch V  
Juneau, Alaska 99811  
(907) 465-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708

## MEMORANDUM

TO: House Finance Committee Members

FROM: Rep. Mike Davis *Mike*

DATE: May 6, 1986

RE: HB 608 - Application of Pesticides

-----

In communities throughout the state, citizens are becoming increasingly concerned about the health risks associated with the application of certain pesticides. Talkeetna residents are worried about the spraying of herbicides along the Alaska Railroad, residents in Fairbanks are concerned about the proposed spraying of herbicides along Golden Valley Electric Association's right-of-way, and residents in Anchorage have been vocal about private pesticide companies spraying trees or foliage in neighborhoods.

Many states and communities have developed laws and ordinances requiring prior notification of pesticide application, including New Jersey, New York, Connecticut, Maryland, Wisconsin, Illinois, Ohio and several other states.

HB 608 would establish a system of prior notification for pesticide application. The legislation would require local and state agencies, public utilities and public corporations to notify tenants and land owners of pesticide applications along or on their property. Prior notification allows agencies to continue using pesticides, while also providing protection from health risks and from contamination of gardens, children's play areas and other property.

HB 608 also directs the Department of Environmental Conservation to develop regulations regarding wind speed and other weather conditions at which pesticides can be applied.



# Alaska State Legislature

Representative Mike Davis

Room V  
Juneau, Alaska 99811  
(907) 465-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708

## MEMORANDUM

TO: House Resources Committee Members

FROM: Rep. Mike Davis

DATE: April 2, 1986

RE: HB 608 - Application of Pesticides

-----

In communities throughout the state, citizens are becoming increasingly concerned about the health risks associated with the application of certain pesticides. Talkeetna residents are worried about the spraying of herbicides along the Alaska Railroad, residents in Fairbanks are concerned about the proposed spraying of herbicides along Golden Valley Electric Association's right-of-way, and residents in Anchorage have been vocal about private pesticide companies spraying trees or foliage in neighborhoods.

Many states and communities have developed laws and ordinances requiring prior notification of pesticide application, including New Jersey, New York, Connecticut, Maryland, Wisconsin, Illinois, Ohio and several other states.

HB 608 would establish a system of prior notification for pesticide application. The legislation would require local and state agencies, public utilities and public corporations to notify tenants and land owners, by mail, of pesticide applications along or on their property. Prior notification allows agencies to continue using pesticides, while also providing protection from health risks and from contamination of gardens, children's play areas and other property.

HB 608 also directs the Department of Environmental Conservation to develop regulations regarding wind speeds and other weather conditions at which pesticides can be applied.

Existing law

6.03.310

§ 46.03.311

WATER, ETC., CONSERVATION

§ 46.03.320

Department of Environmental Conservation in consultation with the Department of Health and Social Services."

Sec. 46.03.311. Public records. (a) Permits, permit applications, records, reports, and information and documentation obtained under AS 46.03.302 — 46.03.308 are available to the public for inspection and copying. However, upon a showing satisfactory to the commissioner that a record, report, permit, application, or information would, if made public, divulge methods or processes entitled to protection as trade secrets, the commissioner shall treat the record, report, permit, application, or information as confidential.

(b) Information that is confidential may be transmitted under a continuing restriction of confidentiality to other officers, employees, or authorized representatives of the state or of the United States if

(1) the person responsible for furnishing the record, report, permit, application, or information to which such information pertains is informed at least two weeks before the transmittal; and

(2) the information has been acquired by the department under the provisions of AS 46.03.296 — 46.03.311.

(c) The provisions of this section do not limit the department's authority to release confidential information during emergency situations. (§ 10 ch 93 SLA 1981)

Article 6. Pesticide Control.

Section

320. Authority

330. Public pesticide programs

Collateral references. — 61A Am. Jur. 2d, Pollution Control, §§ 293-295, 299, 300, 305-406.

39A C.J.S., Health and Environment, § 47.

Constitutionality of statutes for protection of vegetation against disease or infection. 70 ALR2d 852.

Liability for injury caused by spraying or dusting of crops. 37 ALR3d 833.

Sec. 46.03.320. Authority. (a) The department is authorized to

(1) regulate the transportation, testing, inspection, packaging, labeling, handling and advertising of pesticides and broadcast chemicals offered for sale, or placed in commerce for use in the state;

(2) regulate and supervise the distribution, application or use of pesticides and broadcast chemicals in any state project or program, or by a public agency under the jurisdiction of the state;

(3) regulate or prohibit the use of pesticides and broadcast chemicals.

(b) The department may provide by regulation for the licensing of private applicators of restricted-use pesticides and for persons engaged

in the custom, commercial or contract spraying or application of pesticides and broadcast chemicals. A person engaged in the custom, commercial, or contract spraying or application of pesticides and broadcast chemicals may, by regulation, be required to secure a surety bond or liability insurance. (§ 3 ch 120 SLA 1971; am § 1 ch 26 SLA 1977)

**Effect of amendments.** — The 1977 amendment, in subsection (b), inserted "private applicators of restricted-use pesticides and for" in the first sentence, deleted "including the requirement of a surety bond and liability insurance for the licensee" from the end of that sentence, and added the second sentence.

**Sec. 46.03.330. Public pesticide programs.** (a) No officer, agent or employee of the state, or of a borough or city of any class, may direct, carry out, or participate in the spraying or application of a pesticide or broadcast chemical in any program or project involving funds, materials or equipment of the state, borough or city, except in accordance with regulations promulgated by the department under AS 46.03.320.

(b) Before a public project that would affect lands owned separately by two or more persons is initiated, the person directing the program shall give public notice of the program in the manner required by regulations of the department. The department shall conduct a public hearing on the proposed program if a hearing is requested by the governing body of the affected borough or city, or by a petition signed by at least 50 residents. The requirement for public notice or public hearing may be waived if the commissioner determines that a public emergency exists.

(c) The provisions of this section apply to home rule municipalities. (§ 3 ch 120 SLA 1971)

**Article 7. Prohibited Acts and Penalties.**

Section	Section
710. Pollution prohibited	810. Air and land nuisances
720. Construction and operation of certain facilities prohibited	820. Emergency powers
730. Pesticides	822. Strict liability for the discharge of hazardous substances
740. Oil pollution	824. Damages
750. Ballast water discharge	826. Definitions
755. Discharge reporting	828. Other rights of action not affected
758. Civil penalties for discharges of oil	830. Proof of financial responsibility required for petrochemical facility or hazardous waste disposal site operation
760. Civil action for pollution; damages	833. Compliance with financial responsibility requirements
765. Injunctions	840. [Repealed]
770. Detention of vessel without warrant as security for damages	850. Compliance order
780. Liability for restoration	
790. Criminal penalties	
800. Water nuisances	



# ALASKA RURAL ELECTRIC COOPERATIVE ASSOCIATION, INC.

237 E. FIREWEED LANE • SUITE 301  
ANCHORAGE, ALASKA 99503 • (907) 276-3235

April 11, 1986

Representative Richard Schultz, Chairman  
House Resources Committee  
Pouch V  
Juneau, AK 99811

Dear Mr. Chairman:

At the April 2 hearing of the House Resources Committee on HB 608, relating to the spraying and application of pesticide and broadcast chemicals, member utilities of the Alaska Rural Electric Cooperative Association presented testimony opposing the legislation.

The primary concern of the electric cooperatives was the exorbitant cost associated with section three of the bill, relating to notice of pesticide application. Member cooperatives are certain their consumer/owners would incur several hundred thousand dollars in costs annually if required to provide notice as specified in the bill (CS for HB 608 dated 4/1/86).

On April 3, Marilyn Heiman, aide to Rep. Mike Davis, organized a meeting with ARECA and various special interest groups to discuss proposed amendments to the bill. Participants in the meeting reached a compromise position on the notification provision which would ensure the public is adequately notified of pesticide use while substantially reducing the cost to cooperative utilities. This compromise is reflected in the most recent version of the bill (CS for HB 608 dated 4/7/86).

Cooperative utilities recognize their responsibility to provide persons living in the affected area with reasonable notice of pesticide application and substantive information on the pesticides being used. Our members believe this can best be accomplished through use of mass media (newspaper, television, and radio), and by posting notice in local public buildings and affected areas. We support amendments to HB 608 requiring these methods of notification be used before a planned program of pesticide application is implemented.

Thank you for the opportunity to present our members concerns to the House Resources Committee.

Respectfully,

Kenneth S. Johnson  
Director of Information

DEMOCRACY IN ACTION

**Municipality  
of  
Anchorage**



P.O. BOX 6650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4111

TONY KNOWLES,  
MAYOR

DEPARTMENT OF HEALTH & HUMAN SERVICES

April 25, 1986

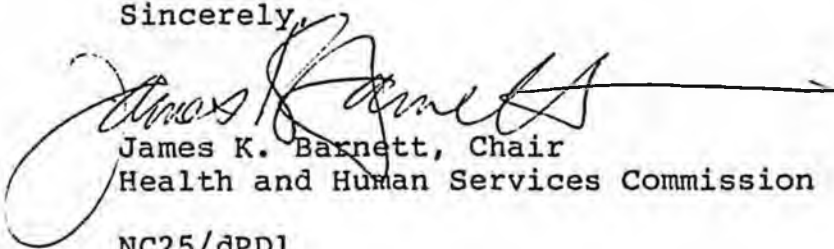
Representative Albert P. Adams, Chairman  
House Finance Committee  
Alaska Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Adams:

The Anchorage Municipal Health and Human Services Commission is charged with reviewing and making recommendations on "legislation which affects the health and social well-being of the residents" of Anchorage (Anchorage Municipal Code 4.60.060). In accordance with this responsibility, the commission reviewed and supports the passage of HB 608 - An Act Relating to Spraying and Application of Pesticides and Broadcast Chemicals. This legislation is consistent with the recent position the Health and Human Services Commission took on a municipal policy regarding the application of pesticides.

The Health and Human Services Commission is in the process of developing a comprehensive plan for health and human services which will establish priorities among services. The Commission's support for this legislation does not reflect any prioritization of services and needs.

Sincerely,

  
James K. Barnett, Chair  
Health and Human Services Commission

NC25/dPD1

cc: Brad Bradley, Commission Liaison, Anchorage Assembly  
Chip Dennerlein, Intergovernmental Affairs, MOA  
John F. Franklin, Commissioner of Public Safety, MOA  
Jewel Jones, Director, Department of Health and Human  
Services  
Tony Knowles, Mayor  
Dave Walsh, Chair, Anchorage Assembly

Johne Binkley, House Finance Committee  
Sam Cotten, House Finance Committee  
Jim Duncan, House Finance Committee  
Steve Frank, House Finance Committee  
Ron Larson, House Finance Committee  
Pat Pourchot, House Finance Committee  
Steven Rieger, House Finance Committee  
John Ringstad, House Finance Committee  
Mike Szymanski, House Finance Committee  
Rick Uehling, House Finance Committee

Offered: 4/22/86  
Referred: Finance

Original sponsors: Davis, Hurley,  
Clocksin, et al

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 608 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to spraying and application of  
7 pesticides and broadcast chemicals."

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

9 \* Section 1. AS 46.03.320 is amended by adding a new subsection to  
10 read:

11 (c) The department shall adopt regulations prescribing the wind  
12 and other weather conditions during which spraying or application of a  
13 pesticide or broadcast chemical for other than agricultural purposes  
14 may be conducted, in order to protect the health and safety of the  
15 public and to limit damage to crops and the environment. Regulations  
16 adopted under this subsection do not apply to the spraying or applica-  
17 tion of a chemical fire retardant by the Department of Natural Re-  
18 sources.

19 \* Sec. 2. AS 46.03.330(b) is repealed and reenacted to read:

20 (b) The department shall conduct a public hearing on the pro-  
21 posed program if a hearing is requested by the governing body of the  
22 affected municipality, or by a petition signed by at least 50 resi-  
23 dents. The requirement for public hearing may be waived if the com-  
24 missioner determines that a public emergency exists.

25 \* Sec. 3. AS 46.03 is amended by adding new sections to article 6 to  
26 read:

27 Sec. 46.03.340. NOTICE OF PESTICIDE APPLICATION. (a) At least  
28 10 days before spraying or applying a pesticide or broadcast chemical  
29 on publicly or privately owned land, the state, a municipality, a

1 utility, a public corporation, or a contractor of any of these, shall  
2 publish notice of the proposed spraying or application in a newspaper  
3 of general circulation serving the area where the affected land is  
4 located. Notice shall also be given in any other manner necessary and  
5 reasonably calculated to inform persons who lawfully reside on or use  
6 (1) land on or over which the pesticide or broadcast chemical is  
7 proposed or likely to be sprayed or applied; and (2) land any portion  
8 of the property line of which is within 100 feet of the area on or  
9 over which the pesticide or broadcast chemical is proposed to be  
10 sprayed or applied. The requirement for public notice may be waived  
11 if the commissioner determines that a public emergency exists.

12 (b) Notice under this section must include

13 (1) the chemical identity and product name of each pesti-  
14 cide or broadcast chemical to be applied;

15 (2) the dates and locations of the spraying or application;

16 (3) the problem or pest sought to be controlled by the  
17 spraying or application;

18 (4) the manner of spraying or application;

19 (5) the name, address, and telephone number of the state  
20 agency, municipality, utility, public corporation, or contractor of  
21 any of these, responsible for the spraying or application;

22 (6) appropriate warnings concerning

23 (A) the known or suspected acute and chronic health  
24 effects of exposure to each pesticide or broadcast chemical to be  
25 applied;

26 (B) evacuation of and reentry to an area affected by  
27 the spraying or application; and

28 (C) the use or consumption of, or contact with, crops  
29 or plants affected by the spraying or application.

1           (c) This section does not apply to the spraying or application  
2 of

3           (1) a chemical fire retardant by the Department of Natural  
4 Resources; or

5           (2) a pesticide or broadcast chemical for agricultural  
6 research purposes by the Department of Natural Resources or the Uni-  
7 versity of Alaska.

8           Sec. 46.03.350. CONTAMINATION OF DOMESTIC WATER SUPPLIES PROHI-  
9 BITED. A pesticide or broadcast chemical may not be sprayed or  
10 applied in a location or manner that contaminates water used for  
11 domestic consumption and thereby jeopardizes the health of persons  
12 consuming the water.

13 \* Sec. 4. AS 46.03.330(c) is repealed.

Introduced: 3/17/86  
Referred: Resources and  
Finance

BY DAVIS, HURLEY, CLOCKSIN,  
KOPONEN, UEHLING, M.M.MILLER  
GOLL AND BOUCHER

1 IN THE HOUSE

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 608

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to spraying and application of  
pesticides and broadcast chemicals."

7

8

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

9

\* Section 1. AS 46.03.320 is amended by adding a new subsection to  
read:

10

11

(c) The department shall adopt regulations prescribing the wind  
and other weather conditions during which spraying or application of a  
pesticide or broadcast chemical may be conducted, in order to protect  
the health and safety of the public and to limit damage to crops and  
the environment. Regulations adopted under this subsection do not  
apply to the spraying or application of a chemical fire retardant by  
the Department of Natural Resources.

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\* Sec. 2. AS 46.03.330(b) is repealed and reenacted to read:

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(b) The department shall conduct a public hearing on the pro-  
posed program if a hearing is requested by the governing body of the  
affected municipality, or by a petition signed by at least 50  
residents. The requirement for public hearing may be waived if the  
commissioner determines that a public emergency exists.

24

\* Sec. 3. AS 46.03 is amended by adding a new section to read:

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29

Sec. 46.03.340. NOTICE OF PESTICIDE APPLICATION. (a) At least  
10 days before spraying or applying a pesticide or broadcast chemical  
on publicly or privately owned land, the state, a municipality, a  
utility, or a public corporation, or a contractor of any of these,  
shall provide written notice to each person who owns or resides on the

1 land, or land adjoining the land, on or over which the spraying or  
2 application is proposed or likely to occur. Notice shall be published  
3 in a newspaper of general circulation serving the areas where the  
4 affected land is located. Notice also shall be mailed to persons who  
5 own or reside on land affected by the spraying or application. The  
6 requirement for public notice by mailing may be waived if the com-  
7 missioner determines that a public emergency exists.

8 (b) Notice under this section must include

9 (1) the chemical identity and product name of each pesti-  
10 cide or broadcast chemical to be applied;

11 (2) the dates and locations of the spraying or application;

12 (3) the problem or pest sought to be controlled by the  
13 spraying or application;

14 (4) the manner of spraying or application;

15 (5) the name, address, and telephone number of the state  
16 agency, municipality, utility, public corporation, or contractor of  
17 any of these, responsible for the spraying or application;

18 (6) appropriate warnings concerning

19 (A) the known or suspected acute and chronic health  
20 effects of exposure to each pesticide or broadcast chemical to be  
21 applied;

22 (B) evacuation of and reentry to an area affected by  
23 the spraying or application; and

24 (C) the use or consumption of, or contact with, crops  
25 or plants affected by the spraying or application.

26 (c) This section does not apply to the spraying or application  
27 of a chemical fire retardant by the Department of Natural Resources.

28 \* Sec. 4. AS 46.03.330(c) is repealed.

HOUSE  
COMMITTEE REPORT

(11)

Date referred: 4/4/86

FURTHER REFERRALS:

DATE: 4-14-86

The FINANCE Committee has considered HB 609

"An Act relating to increasing the alcoholic beverage tax."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 609 (Fin)

- same title
- new title

and recommends No Recommendation

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note - SAME as original

SIGNING, DO PASS:

Robert R. Ladd

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING, OTHER RECOMMENDATIONS:

Mike Drennan - we don't need more TAXES

Jim Duncan - No Rec

Ronald J. [unclear] - No Rec

Pat [unclear] NO REC

Rich Kelly (NO REC)

[unclear] No Recommendation

[unclear] NO REC.

[unclear] NO REC

[Signature]  
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No: HB 609  
Title: An Act relating to increasing alcoholic beverage tax

Sponsor: Clocks in et. al.  
Requestor: State Affairs/Finance  
Date of Request: 3/22/86

FISCAL DETAIL

Agency Affected: Revenue  
BRU: \_\_\_\_\_

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
<b>OPERATING</b>						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	-	-	-	-
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	5294.2	5294.2	5294.2	5294.2	5294.2

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

- The bill has no effective date; analysis assumes new rates begin July 1, 1986 (FY 87).
- Analysis assumes that consumption of alcoholic beverages will be constant over the fiscal period at these levels (in gallons): Liquor (1,333,288); Wine (1,519,188) and Beer (13,788,402).

Prepared By: David R. Tonkovich <sup>J.T.</sup>  
Division: Research

Phone: 465-2173

Date: March 25, 1986

Approved by Commissioner: [Signature]  
Agency: Department of Revenue

Date: March 25, 1986

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

Original sponsors: Clocksin, Navarre,  
Adams, et al

IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 609 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to increasing the alcoholic beverage tax; and providing for an effective date."

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

\* Section 1. INTENT. It is the intent of the legislature that revenue gained from the increased tax on alcoholic beverages under this Act be used for alcohol abuse programs and to provide assistance for victims of those persons who abuse alcohol.

\* Sec. 2. AS 43.60.010(a) is amended to read:

(a) Every brewer, distiller, bottler, jobber, retailer, wholesaler, or manufacturer who sells alcoholic beverages in the state or who consigns shipments of alcoholic beverages into the state, whether or not the alcoholic beverages are brewed, distilled, bottled, or manufactured in the state, shall pay on all malt beverages (alcoholic content of one percent or more by volume), wines, and hard or distilled alcoholic beverages, the following taxes: (1) malt beverages at the rate of 64 [35] cents a gallon or fraction of a gallon; (2) wine or other beverages of 21 percent alcohol by volume or less, at the rate of \$1.56 [85] cents a gallon or fraction of a gallon; and (3) other beverages having a content of more than 21 percent alcohol by volume at the rate of \$6.00 [\$5.60] a gallon.

\* Sec. 3. This Act takes effect July 1, 1986.

RLS 4-14-86  
NECD 4-15-86

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date 2/19/86

REQUEST

Bill/Resolution No: HB 609  
Title: "An Act relating to increasing the alcoholic beverage tax."  
Sponsor: Clocksinn, Navarre, Adams, M.M. Miller, M.W. Miller, Boucher & Hurley  
Date of Request: February 19, 1986

FISCAL DETAIL

Agency Affected: Department of Revenue  
BRU: Audit

Components:  
Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
<u>OPERATING</u>						
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL OPERATING</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<u>CAPITAL</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<u>REVENUE</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

POSITIONS:

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

ANALYSIS: This legislation would raise revenue by increasing tax on all alcoholic beverages sold in the state. It is the intent that the revenue gained under this Act be used for alcohol abuse programs and to provide assistance for victims of those persons who abuse alcohol.

Prepared By: Martin J. Richard  
Division: Audit Division

Phone: 465-2320  
Date: February 19, 1986

Approved by Commissioner: [Signature]  
Agency: Revenue

Date: 3/31/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

POSITION PAPER

HOUSE BILL NO. 609

"An Act relating to increasing the alcoholic beverage tax."

Discussion

Section 1 of this bill indicates the intent of the Legislature to use revenue gained from this tax increase for alcohol abuse programs, and to provide assistance for victims of those persons who abuse alcohol. Presently, seventeen states have a similar mechanism for funding alcohol abuse services through use of alcohol beverage taxes. Persons who consume the most alcohol will be paying a larger share of the tax. National (Gallup) and state surveys have confirmed that the heavy drinkers and alcoholics constitute 15-20% of the population, but drink 60-75% of all alcohol sold. These same people are also the most at risk to eventually receive alcohol abuse services.

Section 2 of this bill will increase the tax on beer from .35 to .64 a gallon; on wine from .85 to \$1.56 a gallon; and on liquor from \$5.60 to \$6.00 a gallon. The greater percentage increase on beer and wine would nearly equalize beverage excise taxes by alcohol content. The small federal tax increase in 1985 only taxed liquor. The last federal tax increase on beer and wine was 1951.

It is estimated the State of Alaska would realize approximately \$5.7 million of additional revenue if HB 609 were enacted. The chart below compares what revenue would have been in FY 86 assuming consumption remained the same. These figures were obtained with information from the Department of Revenue on taxable gallons.

	<u>Alcohol Revenue FY 85</u>	
	<u>Existing Rates</u>	<u>HB 609 Rates</u>
Beer	\$ 4,865,069.	\$ 8,896,127.
Wine	1,396,303.	2,562,626.
Liquor	7,546,818.	8,085,876.
Revenue Total	<u>\$13,808,190.</u>	<u>\$19,544,629.</u>

Difference: \$5,736,439.

The tax rates contained in HB 609 would bring near equity to all three beverages when measured in terms of alcohol content. This is consistent with a developing national trend. In part, this has been brought on by an increasing awareness that beer and wine can be as detrimental towards public health and safety as spirits. Under the present tax rates in Alaska, liquor pays more than its share while wine and beer pay less of the total alcohol tax.

This could have a long-term impact on alcohol revenue in Alaska since consumers' beverage preference appears to be changing. Between 1976 and 1985 in Alaska, per capita consumption of liquor decreased 19.6% while wine increased 43.9% and beer increased 18.2%. As this trend continues, Alaska will derive less revenue from the sale of alcohol as long as wine

and beer are taxed at relatively lower rates than liquor. The following table shows this trend clearly.

Alaska Per Capita Alcohol Consumption By Beverage

	1970	1979	1984
Beer	1.18	1.50	1.73
Wine	.37	.47	.52
Spirits	<u>2.08</u>	<u>1.65</u>	<u>1.56</u>
Total	3.63	3.62	3.81

The higher taxes established by HB 609 could result in lower rates of consumption. To the extent alcohol costs more, less may be sold. Research indicates the array of alcohol related problems a jurisdiction experiences is directly related to its per capita consumption of beverage alcohol. The lowering of per capita consumption thus becomes a health promotion strategy, not just for alcohol abuse and alcoholism problems. There are a variety of costs associated with high consumption including, but not limited to, alcohol and drug abuse treatment, medical care, and compensation for victims of violence and property damages. Dennis Kelso, Ph.D., documented major expenses in Alaska directly attributable to alcohol abuse in his 1977 comprehensive study. The State Office of Alcoholism and Drug Abuse conducted a brief cost estimate of alcohol abuse early in 1986 which confirmed Dr. Kelso's study. In summary, the State spends \$12.00 on alcohol abuse problems for every \$1.00 collected in alcohol taxes under the present tax schedule. In total dollar amounts, the State must spend \$185,294,061 and collects \$14,868,433 for a net loss of \$170,425,628 to alcohol abuse and alcoholism. These costs to society should be a strong consideration for levying a new tax on alcohol.

Position

The Department of Health and Social Services is supportive of HB 609. Recent estimates peg the economic benefit from the sale of alcohol to over \$19 million. This certainly appears to be in the public interest in an era of overall declining revenues. This legislation also would assist the prevention strategy of influencing per capita consumption through pricing and regulation of availability.

RECOMMENDED BY:

Matthew Felix by Leo Munnick  
 Matthew C. Felix, Coordinator  
 Office of Alcoholism &  
 Drug Abuse

DATE:

3/26/86

APPROVED BY:

John R. Pugh  
 John R. Pugh, Commissioner  
 Department of Health &  
 Social Services

DATE:

3/26/86

Introduced: 2/14/86  
Referred: State Affairs  
and Finance

BY CLOCKSIN, NAVARRE, ADAMS,  
BOUCHER, KOPONEN, M.M. MILLER,  
M.W. MILLER AND HURLEY

1 IN THE HOUSE

2 HOUSE BILL NO. 609

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to increasing the alcoholic beverage  
7 tax."

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

9 \* Section 1. INTENT. It is the intent of the legislature that revenue  
10 gained from the increased tax on alcoholic beverages under this Act be used  
11 for alcohol abuse programs and to provide assistance for victims of those  
12 persons who abuse alcohol.

13 \* Sec. 2. AS 43.60.010(a) is amended to read:

14 (a) Every brewer, distiller, bottler, jobber, retailer, whole-  
15 saler, or manufacturer who sells alcoholic beverages in the state or  
16 who consigns shipments of alcoholic beverages into the state, whether  
17 or not the alcoholic beverages are brewed, distilled, bottled, or  
18 manufactured in the state, shall pay on all malt beverages (alcoholic  
19 content of one percent or more by volume), wines, and hard or dis-  
20 tilled alcoholic beverages, the following taxes: (1) malt beverages  
21 at the rate of 64 [35] cents a gallon or fraction of a gallon; (2)  
22 wine or other beverages of 21 percent alcohol by volume or less, at  
23 the rate of \$1.56 [85] cents a gallon or fraction of a gallon; and (3)  
24 other beverages having a content of more than 21 percent alcohol by  
25 volume at the rate of \$6.00 [\$5.60] a gallon.

Testimony of  
Charlie Selman, CHARR President  
Presented to the  
House State Affairs Committee  
March 26, 1986

Madam Chairman, Committee members, my name is Charlie Selman and I am President of the Alaska Cabaret, Hotel, Restaurant and Retailers Association. I greatly appreciate the opportunity to present testimony to you on House Bill 609.

In reviewing H.B. 609, we have attempted to determine the public policy basis for this legislation. If the concern of the bill's sponsors is to raise additional revenue to fund alcohol treatment programs--as is implied in Section 1--then we submit that more than \$17 million is already targeted at this area in the Governor's proposed operating budget. In addition, as you know, Alaska's Constitution prohibits the dedication of state funds for a specific purpose. Therefore, while the intent section of H.B. 609 may not violate the letter of Article IX, Section 7 of the Constitution, it certainly violates the public policy principles which led the Constitution's drafters to place the dedicated fund prohibition in this historic document.

If the sponsors' intent is to assist victims of those who abuse alcohol--as Section 1 implies--then we believe it would be in the public interest to have companion legislation introduced which would authorize such a new program. In addition, clearly defined goals and objectives for such a program should be included in the companion legislation, as well as a carefully crafted fiscal note which accurately states the cost of program implementation.

If the sponsors' intent is to establish "tax parity," that is, to equalize tax rates on a per unit volume of alcohol content, then we suggest that the parity issue cuts two ways. Instead of raising the excise tax on wine and beer to achieve parity with distilled spirits, we suggest that an equally compelling public policy argument can be made to lower the tax rate on distilled spirits to be commensurate with that of beer and wine.

If the sponsors' intent is simply to raise taxes due to a belief that Alaska's hospitality industry is not paying its fair share of taxes, we believe this legislation is misdirected. In the document which has been given to you, the data clearly show that Alaska's consumers pay among the highest alcohol tax rates in the nation.

Alaskans bear the second highest tax rate in the nation for distilled spirits, the seventh highest rate for wine, and fourth highest for beer. And it might be appropriate to remind Committee members, that the Legislature raised state alcohol excise taxes just two years ago.

In closing I want to add one final note to this testimony. As members of this Committee are fully aware, CHARR members and Representative Clocksin often have divergent policy viewpoints on alcohol legislation. However, it may be that with a continued and constructive dialogue we can find common ground.

Last April, Representative Clocksin appeared before this Committee to testify on two difficult issues facing the

hospitality industry: pending dram shop legislation and the liability insurance crisis. In his testimony, Representative Clocksin expressed concern about insurance legislation which had been introduced by Senator Josephson. The legislation proposed a temporary doubling of the alcohol tax for a short period of time.

Representative Clocksin stated that inadequate time remained in the session to address the complex liability insurance problem. In addition, he stated, and I quote:

"Furthermore, I am concerned that the consumers will pay for this problem with drastic increases in alcohol at a time when many of us do not believe that consumer taxes need to be increased."

We believe that Representative Clocksin was right on target with his comments last session, and believe they are as timely today as they were a year ago. We believe there is no valid public policy reason to raise consumer taxes on any product, especially given Alaska's current economic circumstances.

We urge the Committee not to pass this bill out. If, however, the Committee is seriously considering taking action on this bill, we urgently request that a statewide teleconference be held to allow Alaskans throughout the state an opportunity to share their views on H.B. 609 with you. If this bill moves out of Committee without such an opportunity, it will be the first time that our organization in particular--and Alaskans in

general--will have been shut out of a meaningful public participation process before this Committee.

Thank you for giving us the opportunity to present this testimony.

EXCISE TAX RATES ON SPECIFIED ALCOHOLIC BEVERAGES  
LEVIED BY 32 LICENSE STATES AND THE DISTRICT OF COLUMBIA  
RANKED ACCORDING TO MAGNITUDE AND BY THE FEDERAL GOVERNMENT<sup>1</sup>

October 1984

Distilled Spirits		Table Wine		Dessert Wine		Beer	
State	Rate per Gallon	State	Rate per Gallon	State	Rate per Gallon	State	Rate per Gallon
1	2	3	4	5	6	7	8
Florida	\$ 6.50	Florida	\$ 2.25	Florida	\$ 3.00	South Carolina	\$ .768
Alaska <sup>2</sup>	5.60	Georgia	1.51	Georgia	2.54	Florida	.480
Oklahoma	5.00	Tennessee	1.10	South Dakota	1.40	Oklahoma	.403
South Carolina	4.91	South Carolina	1.08	Nebraska	1.25	Alaska	.350
Minnesota	4.39 <sup>2</sup>	New Mexico	.95	Oklahoma	1.25	Georgia	.322
New York	4.09 <sup>3</sup>	South Dakota	.90	Tennessee	1.10	Louisiana	.322
Massachusetts	4.05	Alaska	.85	South Carolina	1.08	South Dakota	.267
North Dakota	4.05	Arizona	.84	New Mexico	.95	Arkansas	.234
Tennessee	4.00	Arkansas	.75	Alaska	.85	Texas	.194
New Mexico	3.94	Nebraska	.65	Arizona	.84	New Mexico	.180
South Dakota	3.80	Oklahoma	.63	Minnesota	.79	Kansas	.180
Georgia	3.79	Massachusetts	.55	Arkansas	.75	North Dakota	.160
Wisconsin	3.25	Kentucky	.50	Kansas	.75	Arizona	.160
Arizona	3.00	North Dakota	.50	Nevada	.75	Nebraska	.140
Connecticut	3.00	Indiana	.47	Illinois	.60	Minnesota	.129
New Jersey	2.80	Delaware	.40	North Dakota	.60	Tennessee	.126
Nebraska	2.75	Maryland	.40	Massachusetts	.55	Indiana	.115
Indiana	2.68	Rhode Island	.40	Kentucky	.50	Massachusetts	.106
Arkansas	2.50	Nevada	.40	Indiana	.47	Connecticut	.100
Kansas	2.50	Kansas	.30	Wisconsin	.45	Maryland	.090
Louisiana	2.50	Missouri	.30	Texas	.408	Nevada	.090
Rhode Island	2.50	New Jersey	.30	Delaware	.40	Kentucky	.081
Texas	2.40	Connecticut	.30	Maryland	.40	Colorado	.080
Colorado	2.28	Colorado	.28	Rhode Island	.40	D. C.	.073
Delaware	2.25	Minnesota	.27	D. C.	.33	Illinois	.070
Nevada	2.05	Wisconsin	.25	Missouri	.30	Delaware	.065
California	2.00	Illinois	.23	New Jersey	.30	Rhode Island	.065
Illinois	2.00	Texas	.204	Connecticut	.30	Wisconsin	.065
Missouri	2.00	D. C.	.15	Colorado	.28	Missouri	.060
Kentucky	1.92	New York	.12	Louisiana	.23	New York	.055
D. C.	1.50	Louisiana	.11	New York	.12	California	.040
Maryland	1.50	California	.01	California	.02	New Jersey	.033
Federal Tax	10.50	Federal Tax	.17	Federal Tax	.67	Federal Tax	.29

<sup>1</sup>Hawaii, the only other license state, levies an excise tax on alcoholic beverages of 20 percent of the wholesale price.

<sup>2</sup>Based on one three-gallon case of spirits and including all "additional" taxes.

<sup>3</sup>New York City has an additional tax \$1.00/gal. on distilled spirits and 12¢/gal. on beer.

Source: Federation of Tax Administrators

Introduced: 1/13/86  
Referred: State Affairs and Finance

Funding Information  
General Fund \$500,000  
Other Funds -0-  
\$500,000

BY FERGUSON, ZIEGLER,  
ZHAROFF AND V. FISCHER

1 IN THE SENATE

2

SENATE BILL NO. 326

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making a special appropriation to the Office  
7 of Management and Budget for study of tax policy; and  
8 providing for an effective date."

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

10 \* Section 1. The sum of \$500,000 is appropriated from the general fund  
11 to the Office of Management and Budget for the purpose of analyzing the  
12 state tax structure to determine the effectiveness of existing state taxes,  
13 tax credits, licenses, and user fees in providing a broad, stable, and ac-  
14 countable source of revenue for the state; to provide information to the  
15 legislature to assist the formulation of long-term tax policy; to  
16 specifically examine the balanced use of conventional revenue sources,  
17 uniformity in taxation among taxpayers, and the relationship between mini-  
18 mizing taxes and fostering economic growth; and to report results of the  
19 study to the legislature by June 30, 1987.

20 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
21 made by this Act lapses into the general fund June 30, 1987.

22 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

HOUSE  
COMMITTEE REPORT

(11)

Date referred: 3/26

(Jud waived 3.26)

FURTHER REFERRALS:

DATE: 4-14-86

The FINANCE Committee has considered HB 611

"An Act relating to air carriers."

and recommends:

[ ] do pass

[ ] do not pass

[ ] do pass with attached amendment(s)

[ ] no recommendation

[X] replace with CS HB 611 (Fin) [ ] same title

[X] new title

and recommends DO PASS

[ ] further referral to the \_\_\_\_\_ Committee

and attaches:

[ ] letter of intent

[ ] first fiscal note

[ ] new fiscal note

[X] zero fiscal note 4-12-86 New one

SIGNING DO PASS:

*Albert P. Adams*  
*Mike Symonicki*  
*John Deussen*  
*Ronald L. Larson*  
*Steve Ruffin*  
*[Signature]*  
*Jim [Signature]*

SIGNING OTHER RECOMMENDATIONS:

*Pat Lauchlin Curran*  
*Rick [Signature] NO (REC)*  
*[Signature] No rec*

*Albert P. Adams*  
Chairman

*Utter*

Original sponsors: Cato and Szymanski

IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 611 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to enplanements, investigations of compliance with financial responsibility and certificate of compliance requirements for air carriers, penalties, display of certificates of compliance, and the definition of aircraft."

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

\* Section 1. AS 02.15.050 is amended by adding a new subsection to read:

(g) The department may acquire data on passenger enplanements from air carriers.

\* Sec. 2. AS 42.30.200(c) is amended to read:

(c) The department may authorize department personnel to conduct investigations and to enforce this section and may adopt procedural regulations necessary to implement this section. Upon finding a violation the department may issue a stop use order.

\* Sec. 3. AS 42.30.200(e) is amended to read:

(e) A person who violates [(a) OF] this section is guilty of a class A [B] misdemeanor and is further liable for [PUNISHABLE BY] a civil fine of not less than \$1,000 [\$500] or more than \$5,000 for each day of violation in a civil action brought by the department [\$1,000].

\* Sec. 4. AS 42.30.225(b) is amended to read:

(b) The annual fee for a certificate of compliance is \$50. The certificate is valid for a period of 12 months following the date of certification. The certificate shall be [DISPLAYED ON THE AIRCRAFT SO

1 THAT IT IS] visible to boarding passengers.

2 \* Sec. 5. AS 42.30.225(e) is amended to read:

3 (e) The department may authorize department personnel to conduct  
4 investigations and to enforce this section and may adopt procedural  
5 regulations necessary to implement this section. Upon finding a  
6 violation the department may issue a stop use order.

7 \* Sec. 6. AS 42.30.225 is amended by adding a new subsection to read:

8 (f) A person who violates this section is guilty of a class B  
9 misdemeanor and is further liable for a civil fine of not less than  
10 \$500 or more than \$1,000 in a civil action brought by the department.

11 \* Sec. 7. AS 42.30.380(3) is amended to read:

12 (3) "aircraft" means a propeller, rotor, or jet-powered  
13 device used or designed for flight in the air;

14 \* Sec. 8. AS 42.30.225(c) and 42.30.225(d) are repealed.  
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**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CS HB 611 (FIN)  
 Title : Air Carriers  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Sponsor : Representative Cato  
 Requestor : House Finance Committee  
 Date of Request : 4/12/86

**FISCAL DETAIL**

Agency Affected : Dept. Commerce & Economic Dev.  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

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

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

It is expected that funds for enforcement of the air carrier financial responsibility statute will be included in the FY 87 Budget.

Prepared by : Representative Al Adams - Chairman Phone : 465-3706  
 Division : House Finance Committee Date : 4/12/86

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)