

ALASKA LEGISLATURE

1318

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

February 8, 1995

Page 6

Legislative History and Intent--Confidentiality of Juvenile Court Proceedings

The Laws of Alaska in 1957 provided that the public be excluded from all juvenile hearings. Certain persons could be permitted to attend if, in the judge's opinion, such attendance was in the best interest of the minor. This aspect of the law has not changed, although in 1966 the legislature added a provision allowing for the presence of a "young adult advisory panel," and in 1991, the legislature passed a provision granting a victim the unlimited right to attend a hearing. The addition of the advisory panels was intended to allow for some measure of peer pressure for juveniles, as well as to provide a wider range of young adults with a look at the potential consequences of criminal behavior. The right to be present allowed to victims is in keeping with the victims' rights movement across the country.

Attachment C is a copy of Linda Szymanski's recent NCJJ publication, "Confidentiality of Juvenile Court Delinquency Proceedings (1994 Update)." As of 1994, 20 states admit the general public to juvenile hearings, at least under some circumstances. According to the summary provided, **hearings in nine states--California, Delaware, Kansas, Louisiana, Maine, Minnesota, Montana, Oklahoma, and Utah--are open if the crimes are serious.**

The general rule has always been that juvenile hearings, like juvenile records, should be kept confidential because children can change their behavior, have their records sealed, and go on to lead productive lives. Public sentiment, however, is changing in this regard.

The possibility of open juvenile court hearings raises questions about eligibility for Title IV-E funding similar to those raised by access to or publication of juvenile court records. I will include this issue in my request to the Children's Bureau.

I hope this information is helpful. If you have questions or need further information, please let me know.

Attachments

4/27/96

Attached is info from
Anne Carpeneti as requested
by the committee. She
has asked we hold this
until matter is taken up
again.

Jerry

Freedom of Information

§ 09.25.120

ALASKA STATUTES

§ 09.25.120

Sec. 09.25.120. Public records; exceptions; certified copies.

(a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50;

(2) records pertaining to juveniles unless disclosure is authorized by law;

(3) medical and related public health records;

(4) records required to be kept confidential by a federal law or regulation or by state law;

(5) to the extent the records are required to be kept confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal assistance;

(6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information

except that (A) could reasonably be expected to interfere with enforcement proceedings;

(B) would deprive a person of a right to a fair trial or an impartial adjudication;

(C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;

(D) could reasonably be expected to disclose the identity of a confidential source;

(E) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;

(F) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or

(G) could reasonably be expected to endanger the life or physical safety of an individual.

(b) Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the fees under AS 09.25.110 — 09.25.115 a certified copy of the record, and the copy shall in all cases be evidence of the original.

(c) Recorders shall permit memoranda, transcripts, and copies of the public records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of

the records and to prevent interference with the regular discharge of the duties of the recorders and their employees. (§ 3.23 ch 101 SLA 1962; am § 5 ch 200 SLA 1990; am § 1 ch 113 SLA 1994)

Revisor's notes. — Reorganized into subsections in 1994.

Cross references. — For provisions related to personal information in public records, see AS 44.99.300 — 44.99.350.

Effect of amendments. — The 1990 amendment rewrote this section.

The 1994 amendment, effective September 1, 1994, made a minor stylistic change in the introductory language and added "unless disclosure is authorized by law" at the end of paragraph (a)(2).

Opinions of attorney general. — Disclosing library use records, while deleting any references which would allow the library patron to be identified, should, in most cases, satisfy the policies underlying the Freedom of Information Act without interfering with privacy interests. There may, however, be some instances in which the release of names is necessary to accomplish an important public interest. Such requests should be reviewed on a case-by-case basis with advice from the Department of Law. July 13, 1984 Op. Att'y Gen.

The Alaska Judicial Council is a public agency, and its records are public records subject to the provisions of this section. Oct. 3, 1984 Op. Att'y Gen.

The Judicial Council is authorized to adopt rules and regulations regarding the confidentiality of its own records, provided they are consistent with state statutes, including this section. For those cases where considerations favoring disclosure are nearly equal to those favoring confidentiality, rules or regulations may, and indeed should, be adopted to set guidelines for use in deciding whether disclosure should be made. Oct. 3, 1984 Op. Att'y Gen.

Any letters concerning judicial applicants which are transferred by the Judicial Council to the governor remain confidential in the hands of the governor and should not be disclosed to the public. Oct. 3, 1984 Op. Att'y Gen.

Portions of trip memoranda prepared by the governor which related to personal matters were not public records subject to release. Further, the "public record" portion of the trip memoranda were communications which the governor's office, in its discretion, could have declined to release under the doctrine of executive priv-

ilege. Finally, even if the governor waived any claim to executive privilege, he should have declined to release material which compromised an individual's privacy rights, unless a waiver was obtained. Sept. 24, 1985 Op. Att'y Gen.

The radio frequencies of the Department of Fish and Games telemetry transmitters that are used to track wildlife in the state should not normally be disclosed to the public because this disclosure would be against the public interest. While there is no state statute specifically requiring these radio frequencies to be kept confidential, there are two other sources of "state law" under which records may be required to be kept confidential: (1) the right of privacy specified in article I, section 22 of the Alaska Constitution; and (2) the common-law "public interest" exception. Oct. 21, 1985 Op. Att'y Gen.

In response to a public records request received by the Division of Retirement and Benefits concerning former state troopers, firemen, and fish and wildlife protection officers who were receiving occupational disability benefits under the Public Employees' Retirement System (PERS), which request included asking for the recipients' names, former positions with the state, dates of injury, types of injury or disability, retirement dates, and amounts of monthly benefits, the public interest was served by providing the requested information, but, in order to protect the privacy interests of the benefit recipients, all personal references and information that would have easily allowed identification of individuals had to be deleted. Aug. 6, 1986 Op. Att'y Gen.

The names and addresses of individual trappers, contained on Alaska Department of Fish and Game wolf sealing forms, are not expressly exempted from the public disclosure requirements of AS 09.25.110, and there is no constitutional or common-law requirement for confidentiality. Sept. 3, 1986 Op. Att'y Gen.

Certain private business records in the possession of the Department of Commerce and Economic Development, which were submitted voluntarily, in order for the department to carry out its statutory duty to conduct economic development studies relating to domestic fish harvesting, which records included those used by

BILL: HB 104 SHORT TITLE: DISCLOSURE OF JUVENILE RECORDS
BILL VERSION: CSSSHB 104(JUD) AM
SPONSOR(S): REPRESENTATIVE(S) KOTT, BUNDE, GREEN, OGAN, ROKEBERG

CURRENT STATUS: (S) FIN

STATUS DATE: 04/11/96

TITLE: "AN ACT RELATING TO DISCLOSURES OF INFORMATION ABOUT CERTAIN MINORS."

01/20/95	101	(H)	READ THE FIRST TIME - REFERRAL(S)
01/20/95	101	(H)	HES, JUD
01/25/95	136	(H)	COSPONSOR(S): GREEN
02/10/95	301	(H)	SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/10/95	301	(H)	READ THE FIRST TIME - REFERRAL(S)
02/10/95	301	(H)	HES, JUD
04/06/95	1048	(H)	HES RPT CS(HES) 3DP 1NR
04/06/95	1048	(H)	DP: BUNDE, TOOHEY, VEZEY
04/06/95	1048	(H)	NR: BRICE
04/06/95	1048	(H)	3 ZERO FNS (DPS, COURT, DHSS)
04/22/95	1442	(H)	JUD RPT CS(JUD) 3DP 1NR 1AM
04/22/95	1442	(H)	DP: BUNDE, TOOHEY, PORTER
04/22/95	1442	(H)	NR: GREEN
04/22/95	1443	(H)	AM: FINKELSTEIN
04/22/95	1443	(H)	ZERO FISCAL NOTE (ADM)
04/22/95	1443	(H)	3 ZERO FNS (DHSS, DPS, COURT) 4/6/95
04/28/95	1533	(H)	RULES TO CALENDAR 4/28/95
04/28/95	1633	(H)	READ THE SECOND TIME
04/28/95	1633	(H)	JUD CS ADOPTED UNAN CONSENT
04/28/95	1634	(H)	AM NO 1 ADOPTED UNAN CONSENT
04/28/95	1634	(H)	AM NO 2 FAILED Y12 N25 F2 A1
04/28/95	1635	(H)	AM NO 3 WITHDRAWN
04/28/95	1635	(H)	ADVANCED TO THIRD READING 4/29 CALENDAR
04/28/95	1650	(H)	COSPONSOR(S): OGAN
04/29/95	1676	(H)	READ THE THIRD TIME CSSSHB 104(JUD)AM
04/29/95	1676	(H)	RETURN TO SECOND FOR AM 4 UNAN CONSENT
04/29/95	1676	(H)	AM NO 4 ADOPTED UNAN CONSENT
04/29/95	1676	(H)	AUTOMATICALLY IN THIRD READING
04/29/95	1677	(H)	RETURN TO SECOND FOR AM 6 UNAN CONSENT
04/29/95	1677	(H)	AM NO 6 ADOPTED UNAN CONSENT
04/29/95	1677	(H)	RETURN TO 2ND FOR AM 5 FLD Y14 N22 E4
04/29/95	1677	(H)	AUTOMATICALLY IN THIRD READING
04/29/95	1678	(H)	PASSED Y29 N7 E4
04/29/95	1678	(H)	BROWN NOTICE OF RECONSIDERATION
04/29/95	1681	(H)	COSPONSOR(S): ROKEBERG
05/01/95	1720	(H)	RECONSIDERATION NOT TAKEN UP
05/01/95	1720	(H)	TRANSMITTED TO (S)
05/01/95	1392	(S)	READ THE FIRST TIME - REFERRAL(S)
05/01/95	1392	(S)	HES, JUD, FIN
02/26/96	2538	(S)	HES RPT SCS 3DP 1NR SAME TITLE
04/11/96	3151	(S)	FISCAL NOTE TO SCS (COURT)
04/11/96	3151	(S)	FISCAL NOTES TO SCS (HES-8)
02/26/96	2538	(S)	ZERO FISCAL NOTES TO SCS (DOE, DHSS)
03/25/96	2864	(S)	ZERO FISCAL NOTE TO SCS (DPS)
04/02/96	3013	(S)	ZERO FISCAL NOTE TO SCS (ADM)
04/11/96	3151	(S)	JUD RPT SCS 3DP 2NR SAME TITLE
04/11/96	3151	(S)	PREVIOUS FISCAL NOTES (DHSS-8)
04/11/96	3151	(S)	ZERO FN TO SCS (COURT)
04/11/96	3151	(S)	PREVIOUS ZERO FNS (DOE, DHSS, DPS, ADM)
04/11/96	3151	(S)	REFERRED TO FINANCE

NEW BILL IN
COMMITTEE 4/11/96

SENATE COMMITTEE REPORT

DATE: 2/26/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 4-10-96

The Judiciary Committee considered CS SSHB 104(JUD) am

"An Act relating to disclosures of information about certain minors."

Q Fair's TR

and recommends:

- be replaced with S B CS p CSSS HB104 Jud
- adopt previous CS _____
- attached amendment(s) _____
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical change
 new SCR

SIGNING DO PASS	DP	OFFER RECOMMENDATIONS	NR	DNP	AM
<i>Keith Green</i>	<input checked="" type="checkbox"/>	<i>Ellis</i>	<input checked="" type="checkbox"/>		
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Walker</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Court</i>	<i>4/10</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>all</i>			

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

4/02 JUN. 11 #8

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCS for CSSSHB104 (HES)

Revision Date: _____
 Title: An Act relating to disclosure of information about certain minors.
 Sponsor: Rep. Kott
 Requestor: (S)HES

Dept. Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No measurable impact on the Public Defender Agency is anticipated.

Prepared by: John Salemi, Director
 Division: Public Defender Agency

Phone: (907)264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration *MB*

Date: 3/29/96

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FISCAL NOTE

*3(Jud) updated
4/10/96 by #19*

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft "H" SCS CSSSHB104(JUD)

Revision Date: April 8, 1996 Dept. Affected: Public Safety
 Title: Disclosure of Juvenile Records BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative KOTT
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ -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.)

This bill will not have a material impact on the Division of Alaska State Troopers

Prepared By: Lt. Dan Lowden Phone: 465 - 5505
 Division: Alaska State Troopers Date: 04/08/96
 Approved by Commissioner: *Ronald L. Otte* Date: 4-9-96
 Agency: Ronald L. Otte, Dept. of Public Safety

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H/B 104

FISCAL NOTE

#7

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CSSSHB104 (HES)

Revision Date: February 29, 1996 Dept. Affected: Public Safety
 Title: "An Act relating to disclosure of information
about certain minors..." BRU: Alaska State Troopers
 Sponsor: Representative KOTT Component: Detachments
 Requestor: S. Judiciary COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No significant fiscal impact is anticipated.

Prepared By: Francis c. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 02/29/96
 Approved by Commissioner: *Ronald L. Otte* Date: 3/1/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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Updated
by #20

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSSHB 104 (Jud)am

Revision Date: 05/01/95

Department Affected: Education

Title: Disclosure of Juvenile Records

BRU: Executive Administration

Sponsor: Representative Kott

Component: Commissioner's Office

Requester: Representative Kott

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

CSSSHB 104 (Jud)am clarifies when state and municipal law enforcement agencies are required to disclose information to schools and the public regarding minors who commit certain offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Hornme, Special Assistant

Phone: 465-2803

Division: Commissioner's office

Date: February 20, 1996

Approved by Commissioner: [Signature]

Richard S. Cross, Deputy Commissioner

Agency: Education

Date: February 20, 1996

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#20

FISCAL NOTE

BILL NO. SCSCSSSHB104(Jud)

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 4/11/96

Title: Disclosure of Juvenile Records

Department Affected: Education

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Kot

Requester: Senate Judiciary Committee

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0.0

ANALYSIS: SCSCSSSHB104(Jud) clarifies when state and municipal law enforcement agencies are required to disclose information to the public and to schools regarding minors who commit certain crimes. This version added the stipulation that law enforcement agencies may disclose the name(s) of the parent(s) whose minor committed the felony. Further, these agencies may reveal necessary information to school officials in order to increase the safety of students and staff. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homme, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: April 11, 1996

Approved by Commissioner: Shirley J. Holloway

Shirley J. Holloway, Ph.D., Commissioner

Agency: Education

Date: April 11, 1996

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#19

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CSSSHB104(JUD)

Revision Date: April 11, 1996 Dept. Affected: Public Safety
 Title: Disclosure of Juvenile Records BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative KOTT
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ -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.)

This bill will not have a material impact on the Division of Alaska State Troopers

Prepared By: Lt. Dan Lowden Phone: 465 - 5505
 Division: Alaska State Troopers Date: April 11, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 4/11/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

#21

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCS CSSH B 104 (JUD)

Revision Date: _____
 Title: * An Act relating to disclosures of information about certain minors.
 Sponsor: Representative Kott
 Requestor: (S)Judiciary

Dept. Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 07	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No anticipated fiscal impact on the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: (907) 274-1684
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 4/15/96

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HB

106

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred February 10, 1995

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

HB 106

HOUSE BILL NO. 106

REPEAL ART IN PUBLIC PLACES REQUIREMENT

"An Act relating to art in public places requirements and the art in public places fund."

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNF	NR	AM
Died				
in				
Committee.				

CHAIR'S SIGNATURE _____



CXP
HB106

March 15, 1995

Representative Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Alaska 99801-1182

Dear Representative Hanley and members of the House Finance Committee:

We urge you to consign HB 106 to the trash bin. The State Percent for Arts Program is vital to the ongoing enrichment of the built environment in our state.

Grab your slingshot and slay the Philistines before they move this atrocity out of committee.

Very Truly Yours,

Door Specialties of Alaska, Inc.

H. Vance Taylor, Jr.
President

MAR 17 1995

R. Duncan Kerst
1300 West 7th Ave. #208
Anchorage, Alaska 99501

pm 3/13

March 14, 1995

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Alaska 99801-1182

Subj.: Percent for Public Art / ~~XXXX-XXXX-100~~

Ref.: 1995 Legislative Session

Dear Representative Hanley and members of the House Finance Committee:

I have lived in Alaska for eighteen years and I have worked as an architect designing buildings, both large and small, throughout the state. During that time, the presence of public art projects has added a level of quality and appropriateness to many of the buildings I have worked on. The funding of the artwork has been made possible by a State of Alaska law which requires that one percent of the construction cost be reserved for art. The rural areas of the state have only received 1/2 percent for their projects.

The enforcement of this law has not always been carried out. The responsibility for administering the law has gone from the Alaska State Council on the Arts (which has not always been able to fund a position for administering the law) to DOTPF which lacks the leadership, skills and understanding to even care if the law is properly carried out. There has been little accountability for ensuring compliance with the law. Many projects do not comply unless "someone" makes sure the money is reserved and spent properly. An audit of DOTPF several years ago revealed widespread abuse and non compliance with the law.

The current law on the books needs to be strengthened. The law should not be optional. Rural areas of the state should have a full one percent for art and should not be second class citizens. The law should be properly administered through the Alaska State Arts Council. The money should be spent wisely and art should be chosen by a local committee of building users along with technical assistance from the architect and the Arts Council. There needs to be a tracking method. Projects should not be exempted because no one is looking. DOTPF needs to be accountable to the public. Part of DOTPF's budget should be reserved to fund a position at the Arts Council for the proper administration of the law. DOTPF must be required to list all building construction funded by state dollars so that the Arts Council can track upcoming projects. The art selection process needs to take place during the architectural design phase so that it can be properly integrated into the project. This takes planning and good management!

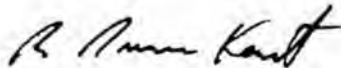
Representative Mark Hanley

March 14, 1995

Page 2

The Arts Council needs to provide the necessary coordination and follow through to ensure that the money is properly invested and the public gets the level of quality which will grow and take on lasting value to the State and the local community. I ask for your support to strengthen the existing Percent For Art law and to ensure that the people of Alaska get a good value from this very important program.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Duncan Kerst".

R. Duncan Kerst

March 10, 1995



Representative Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Alaska 99801-1182

Dear Representative Hanley and Members of the House Finance Committee:

I am writing to you today to express my support for the current mandate for the One Percent for Art Program. I am very concerned about the consequences of HB 106 and Representative Brown's proposed amendment to ~~HB 106~~, and I oppose the introduction of this legislation.

The One Percent for Art Program has been very successful in Alaska and has demonstrated fiscal responsibility over the years. The One Percent for Art Program benefits the public and artists across Alaska. School children in particular benefit from this program. For many children, the One Percent for Art Program may be their first exposure to art (particularly in rural Alaskan communities). Public art is an important and integral part of our culture, and as an architect I value its role in public facilities.

Furthermore, *HB 106 will not have an affect on the Capital Budget.* As the one percent amount is not an amount that is added to capital projects, but rather is dedicated to the project after the project has been appropriated, the one percent cost will be absorbed by other costs associated with the project. I fail to see who would benefit from HB 106. The capital budget remains unchanged and public art will be greatly diminished.

I am also concerned about Representative Brown's proposed amendment to HB 106. There is no assurance that contractors will use the preference, or that if they do use the preference that they will be awarded the contract. The result of this could be a significant decrease in Percent for Art activity.

I urge you to support and uphold the mandate that is the foundation of our One Percent for Art program. The One Percent for Art program is a modest investment in the quality of life in Alaska.

Sincerely,

LIVINGSTON SLONE, INC.

A handwritten signature in black ink that reads "Tom Livingston".

Tom Livingston, AIA
Principal

cc: Governor Tony Knowles

TOM LIVINGSTON
DONALD S. SLONE

LIVINGSTON SLONE, INC.
1500 ARCTIC BOULEVARD
SUITE 201
ANCHORAGE, ALASKA 99501
907-563-0325 FAX 907-563-0326

MAR 9 1995



March 8, 1995

4000 S. Bragaw #5
Anchorage, Ak 99508

Representative Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Ak 99801-1182

Dear Representative Hanley and members of the House Finance Committee;

Please do not support HB106 which asks for repealing the state percent for art program. As an artist, I am very interested in keeping the program. As a human being, I believe that this program is vital to my quality of life in Alaska. Public art is an aesthetic enrichment of the environment that comments on who we are and what we think is important. This art impacts me, my children, and society in general.

I think that a repeal of this program would have a negative effect on society. We need to be more aware of human needs. Art makes life better, richer. Art gives life a purpose.

Please do not support HB106.

Thank you.

A handwritten signature in cursive script that reads "Joy Falls".
Joy Falls

MT
March 8 1995
PO BOX 103554
Anchorage AK 99510-3554

Representative Mark Hanley, Co-Chair
House Finance Committee
State Capitol, Room 507
JUNEAU AK 99801-1182

MAR 14 1995
P.M. 3/9

Dear Representative Hanley and members of the House Finance Committee:

I am writing to express my opinion on HB106, which I understand to be an act repealing the State Percent for Art Program. I oppose this misguided effort to attack worthy legislation that has served the citizens of this state well.

It is sophistry to suggest this as a fiscal measure, since the funds involved are a portion of the overall cost of capitol projects and are not line items. Repealing the program would not save any expenditure, merely redistribute the funds to the exclusion of the arts. Really, HB106 appears to be a rhetorical piling-on in the effort to bee-sting the deficit into shape by attacking a fraction of it.

I believe the Committee will want to deal with larger and more important efforts to make better use of it's time. Further, I'm not sure it is wise for politicians to cut the flow of funds to Public Art which historically, if not recently, have gone to commemorate individuals and group ideals.

Thank you for taking the time to consider my opinion. I am interested in this issue as a person who has competed for Percent for Public Art commissions and who would like to continue tomorrow to have the opportunity available today.

Sincerely,

Donald R. Ricker

FISCAL NOTE

No. 1

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

B. Bill Version: HB 106
(H) Publish Date: 2/10/95

Revision Date: _____
Title: An Act relating to art in public places
requirements and the art in public places fund
Sponsor: Rep. Veazy
Requestor: _____

Dept. Affected: Alaska Court System
BRU: Trial Courts
Components: _____
COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	(28.9)					
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

For FY 96, the Alaska Court System is requesting \$2,890,000 of capital funds for the completion of the Anchorage Courthouse Expansion project. This legislation would eliminate the requirement to spend \$28,900 on artwork if the capital request is approved. This legislation will not affect other capital construction projects of the court system.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
Agency: Alaska Court System Date: 02/06/95

Approved by: Arthur H. Snowden, II, Administrative Director *AHS*
Agency: Alaska Court System Date: 02/06/95

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COMMITTEE COPY

FISCAL NOTE

No. 2
 Bill Version: HB 106
 (H) Publish Date: 2/10/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____

Title: Repeal Art in Public Places Requirement

Department Affected: Education

BRU: School Finance

Component: Educational Facilities Support

Sponsor: Representative Vezey

Requestor: Representative Vezey

COMPONENT SERIAL NO. 1957

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

All Capital Improvement Projects issued by the Department of Education have a contractual obligation to comply with the art in public places requirement. Any savings derived by this legislation would be based on future capital appropriations.

Prepared by: Duane Guiley

Division: School Finance

Approved by Commissioner:

Agency: Education

Phone: 465-8679

Date: January 24, 1995

Jerry Covey

Date: January 24, 1995

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FISCAL NOTE

No. 3 HB 106
 (H) Version: _____
 (H) Publish Date: 2/10/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: Introduced 1/20/95 Dept. Affected: DOT&PF
 Title: An Act relating to art in public places requirements and the art in public places fund. BRU: Engineering & Operations/Design & Construc
 Component: Commissioners Office
 Sponsor: Rep. Vezby
 Requester: _____ COMPONENT SERIAL NO. 530

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 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)

The savings of capital monies resulting from cancellation of the "one percent for art" funds (about \$50,000) would be redirected towards the inclusion of higher quality materials or the construction of additional amenities.

Prepared by: Rod Wilson, Architect Phone: 465-2960
 Division: Engineering and Operations Date: 01/25/95
 Approved by Commissioner: [Signature] Date: 1/30/95
 Agency: Department of Transportation & Public Facilities

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FISCAL NOTE

(No. 4
Bill Version: HB 106
(H) Publish Date: 2/10/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: Repeal Art in Public Places Requirement

Department Affected: Education
BRU: School Finance
Component: Educational Facilities Support

Sponsor: Representative Vezey
Requestor: Representative Vezey

COMPONENT SERIAL NO. 1957

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

All Capital Improvement Projects issued by the Department of Education have a contractual obligation to comply with the art in public places requirement. Any savings derived by this legislation would be based on future capital appropriations.

Prepared by: Duane Guiley
Division: School Finance
Approved by Commissioner: _____
Agency: Education

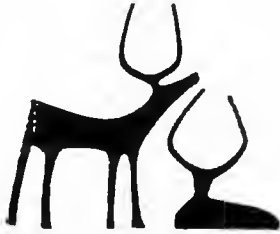
Phone: 465-8679
Date: January 24, 1995
Date: January 24, 1995

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Shan
no 4 is
a duplicate



February 24, 1995

Representative Mark Hanley
Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Alaska 99801-1182

Dear Representative Hanley and Members of the House Finance Committee:

I am writing on behalf of the Alaska State Council on the Arts to express the Council's unanimous opposition to House Bill 106 (An Act relating to art in public places requirements and art in public places fund.) Here is an outline of the Council's position.

HB 106 would negatively effect the two constituencies the Percent for Art program is designed to serve: the public and artists. Public Art is an aesthetic enrichment of the public environment that comments on who we are as Alaskans, and what it means to live, work, and study in this place. The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Artists would also be severely affected. The program is a vital means of supporting the development Alaskan artists' skills and careers. It means work for artists (about 875 Alaskan artists are on the Council's Percent for Art mailing list).

The Council considers Percent for Art an ideal program, and a fiscally conservative program. The amount of Percent for Art activity is tied directly to eligible projects in the capital budget. ASCA records indicate that in FY95, the Percent for Art program has eight active and pending projects totaling \$948,862. Each project includes from four to eight separate art commissions. These projects include appropriations dating back to at least FY91. It often takes months or years after the budget is passed for Percent for Art Projects to be announced.

According to the Department of Transportation and Public Facilities, repeal of the Percent for Art program would not affect the Capital budget. One percent is not added to the cost of capital projects, rather, once appropriated, it is dedicated to public art. If the program is repealed, this percent will be absorbed in other costs associated with the project.

Percent for Art operates without direct administrative expense. Every dollar spent in the Percent for Art program goes directly to the art project. The program has no staff. Responsibility for compliance is that of the department constructing the building or facility. Departments are required to consult with ASCA (35.27.020 [b] and [e]). Until 1986, the Council's Visual Arts Coordinator provided Percent for Art program services (due to budget cuts the position was eliminated in 1986). Although the Council has a strong interest in the prudent operation of the program, we do not have management authority over projects. Every department, agency, or school district maintains the authority to develop public art appropriate for their building.

Alaska State Council on the Arts

411 West 4th Avenue, Suite 1E, Anchorage, Alaska 99501-2343 (907) 269-6610 Fax: (907) 269-6601

Art commissioned and installed under AS 35.27 becomes a permanent part of the building or facility. Amortized over the life of a building, the cost of public art is a modest investment in the enhancement of the public environment and the quality of life in Alaska.

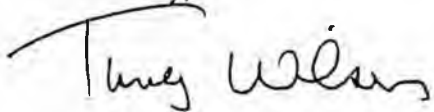
The Art in Public Places Fund has a balance of approximately \$38,500. As you know, under AS 35.27, a building or facility with an estimated construction cost of less than \$250,000, and/or a building or public facility without substantial public use, is exempt from the Percent for Art Program. For these buildings or facilities, AS 44.27.060 (Art in Public Places Fund) established a fund with which the ASCA can purchase art for permanent installation or loan. The balance of the fund is not a reflection of current spending, but the accrual of projects dating back to 1987.

Today, there are over one hundred public percent for art programs in the United States. The Federal government, twenty-nine states, and scores of cities operate percent for art programs. Anchorage is the only city in Alaska to operate a municipal program, and it is managed by a full-time position at the Anchorage Museum of History and Art. Public art has been commissioned since the antiquities. Public art is one of the important ways in which we can come to know and understand civilization. Try to picture Rome, London, or Washington, DC without public art. Public Art is a legacy to the leaders and cultures that produced it.

The art produced in the Percent for Art program becomes a testament to what we value as a state and as a people. It speaks to the Alaskan spirit, tells our history, and inspires our dreams. The Alaska Percent for Art program is a legacy for Alaska's future.

If you have any questions, or would like additional information, please don't hesitate to call.

Sincerely,



Timothy Wilson
Executive Director, for

Gloria Marinacci Allen, Anchorage
Wanda Chin, Fairbanks
Joann Congdon, Anchorage
Dale Hanson, Sitka, Acting Chair
Rose Atuk Fosdick, Nome
Joan Bugbee Jackson, Cordova

Gary Klopfer, Anchorage
Shannon McDade, Anchorage
Caroyn A. Roeber, O.P., Fairbanks
Tisket Seslar, Juneau

enclosure

cc: Pat Pourchot, Legislative Director, Office of the Governor
Commissioner's Office, Department of Education
Commissioner Joseph Perkins, DOT/PF

Active and Pending Projects

MCGLAUGHLIN YOUTH FACILITY	
Anchorage, (Seven (7) separate commissions) six are in progress	82,000
DZANTIK'I HEENI MIDDLE SCHOOL	
Juneau, three (3) installations completed	44,862
one (1) more commission anticipated	18,000
ARCTIC LIGHT ELEMENTARY	
Fairbanks, Commission FY94, Installation FY95	82,000
DANBY ROAD ELEMENTARY	
Fairbanks, Project Begins FY95	82,000
ANCHORAGE COURT HOUSE	
Funds designated from FY91-FY95, selection committee has been appointed	350,000
UNIVERSITY OF ALASKA - ANCHORAGE	
Business Education Building (6 installations)	150,000
UNIVERSITY OF ALASKA - FAIRBANKS	
Natural Sciences Facility (Bldg. not completed, waiting for full funding)	100,000
Bethel Campus - Yup'ik Cultural Museum (committee established)	40,000
	<u>948,862</u>

The projects listed above are in various stages of progress. The appropriations are from different fiscal years. The capital funds designated to pay for the commissions or art purchases may cross fiscal years due to delays in funding, construction, or art installation.



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE FINANCE, STATE AFFAIRS
COMMITTEE ON HB 106 COMMITTEE NAME
DATED 28 FEBRUARY 1995

BILL/SUBJECT

I would just like to say that I don't know how anyone as familiar with public buildings as professional legislators must be — especially buildings which are our capitols, legislative centers and memorial buildings across the country — can help but associate the public art displayed in those places as a part of the impact and the tone of those places.

I can remember — before the great criss-crossing of the lower 48 by the interstate highway system, when bridges were regionally constructed — ~~and~~ ^{they} had great beauty of commerce worked into the uprights — highways were all named — and buildings and bridges — I'm not suggesting a revival of that particular art style.

But — government buildings should not, I think, be the only public spaces with a sense of themselves and with an expression of the cities and the people who create them.

Remember that these buildings are — by statute — major projects, "designed for and subject to substantial public use." — Public Building means public spaces — these spaces should be allowed to have an expression of the ~~designated~~ ^{local} character.

SIGNED DANA S. HART 
TESTIFIER

SELF
REPRESENTING (OPTIONAL)

Box 278 (2800-1 Eva Creek Rd) ESTER, AK 99725
ADDRESS/PHONE NUMBER 479-7552



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE HOUSE FINANCE
 COMMITTEE ON HB 106 Percent for Art Program COMMITTEE NAME
 DATED TUES. FEB 28, 1995
 BILL/SUBJECT

Art is truly important to all peoples of all social, economic and ethnic societies. Art is a measure of a persons and a nations heritage. By filling our schools and public buildings with art we send a message to children emphasizing creativity and opportunity. Schools void of art send a different message.

The Percent for Art Program is an economic development program for all Alaskan artists which recirculates dollars throughout Alaska.

I wish you would answer how you can document the SAVINGS the legislature will gain from HB 106. The less than 1% for Art will not ~~not~~ give Alaska more dollars for building maintenance. Please defeat HB 106

SIGNED

TESTIFIER

Peter G. Biesiot PETER G. BIESIOT

REPRESENTING (OPTIONAL)

479 4628

P.O. Box 80849, Fairbanks AK 99708

ADDRESS/PHONE NUMBER

Attachment #1

3/3/95

Summary of Amendment to HB106, offered in the House by Representative Brown

I. The Amendment offers private sector incentives to fund the Percent for Art Program.

- A. The amendment eliminates the mandate for public art.
- B. Establishes 1% preference for bidders that agree to spend 1% for art.

II. Procedures

- A. On the award of the contract, if the public art preference was used in the bid, 1% would be withheld from the contractor's payment and transferred to the Art in Public Places Fund (at ASCA).
- B. Agency and community-based procurement process would be maintained under current statute and regulation.

However, ASCA would now be responsible for the transfer of funds to a building agency at the beginning of the public art procurement process. Recommendation: agencies should be required (by regulation?) to submit procurement plan (with timeline) to ASCA prior to fund transfer.

The program would work the same way for schools. DOE's Transfer Responsibility Agreement with the building school district would contain the language and obligation described by this amendment. Note that the percent for art obligation for rural schools is one half of one percent.

III. Advantages of this Amendment

- A. Greater accountability. All Percent for Art Funds would be disbursed through the Art in Public Places Fund, making it easier to track and report on procurement activity. Because so many departments now have construction authority, the current process makes it very difficult to track projects and compliance. This amendment would solve that problem.

IV. Disadvantages

- A. Percent for Art activity may decrease. There is no assurance that bidders will use the preference or be awarded contracts if they do.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY

STATE OF ALASKA

(907) 465-3867 or 465-2450

FAX (907) 465-2029

Mail Stop 3101

130 Seward Street, Suite 409

Juneau, Alaska 99801-2105

MEMORANDUM

March 1, 1995

SUBJECT: Required selection of resident artists in proposed amendment to HB 106

TO: Representative Kay Brown
Attn: Dan

FROM: *TB*
Theresa Bannister
Legislative Counsel

This memo accompanies a draft of the amendment that you requested for HB 106 to require that state resident artists be selected for art works in the art in public places program.

Please be aware that the resident artist requirement may raise a constitutional privileges and immunities issue, since it discriminates against nonresidents. If you would like further information on this issue, please advise.

TLB:glc
95-179.glc

Enclosure

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 106

1 Page 1, line 4, through page 2, line 22:

2 Delete all material and insert:

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

4 (g) The architect, superintendent, department, and the Alaska State Council
5 on the Arts shall encourage the use of state cultural resources in these art works. The
6 artist selected for the art work shall be a resident of the state, unless a resident
7 of the state is not available for the art work [AND THE SELECTION OF
8 ALASKA RESIDENT ARTISTS FOR THE COMMISSION OF THESE ART
9 WORKS].

10 *** Sec. 2.** AS 44.27.060(c) is amended to read:

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

12 (1) to commission or purchase a work of art that is to be made a
13 permanent part of, or placed on loan in, a building or facility owned or leased by the
14 state that has substantial public use; if the work of art is commissioned, the artist
15 shall be a resident of the state, unless a resident is not available for the work of
16 art; if an existing work of art is purchased, the artist must be a resident; and

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

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HB 106

1 Page 1, line 2, following "fund":

2 Insert "and establishing a procurement preference for public arts"

3 Page 1, following line 3:

4 Insert new bill sections to read:

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

6 (a) A building or facility constructed after June 30, 1975, or remodeled or
7 renovated after June 30, 1975, shall include works of art, including but not limited to
8 sculptures, paintings, murals, or objects relating to Native art if the bid or proposal
9 that was awarded the contract for the construction of the building received a
10 public arts procurement preference under AS 36.30.345.

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

12 (c) If the bid or proposal that was awarded the contract for the
13 construction of the building received a public arts procurement preference under
14 AS 36.30.345, [AT LEAST] one percent [OR, IN THE CASE OF A RURAL
15 SCHOOL FACILITY, AT LEAST ONE-HALF OF ONE PERCENT] of the
16 construction cost of a building or facility shall [APPROVED FOR CONSTRUCTION
17 BY THE LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be deposited in the
18 art in public places fund established under AS 44.27.060 and reserved for the
19 following purposes: the design, construction, mounting, and administration of works
20 of art in a school, office building, court building, vessel of the marine highway
21 system, or other building or facility that [WHICH] is subject to substantial public use.

22 * Sec. 3. AS 36.30.170(b) is amended to read:

23 (b) The procurement officer shall award a contract based on solicited bids to
24 the lowest responsive and responsible bidder after an Alaska bidder preference of five

1 percent, an Alaska products preference as described in AS 36.30.322 - 36.30.338,
 2 [AND] a recycled products preference under AS 36.30.339, and a public arts
 3 procurement preference under AS 36.30.345 have been applied. In this subsection,
 4 "Alaska bidder" means a person who

5 (1) holds a current Alaska business license;

6 (2) submits a bid for goods, services, or construction under the name
 7 as appearing on the person's current Alaska business license;

8 (3) has maintained a place of business within the state staffed by the
 9 bidder or an employee of the bidder for a period of six months immediately preceding
 10 the date of the bid;

11 (4) is incorporated or qualified to do business under the laws of the
 12 state, is a sole proprietorship and the proprietor is a resident of the state, or is a
 13 partnership and all partners are residents of the state; and

14 (5) if a joint venture, is composed entirely of ventures that qualify
 15 under (1) - (4) of this subsection.

16 * Sec. 4. AS 36.30 is amended by adding a new section to read:

17 ARTICLE 6A. PUBLIC ARTS PREFERENCE.

18 Sec. 36.30.345. PUBLIC ARTS PROCUREMENT PREFERENCE. In the
 19 evaluation of a bid or proposal for a procurement of construction services, an agency
 20 shall decrease the bid or proposal by one percent if the bid or proposal provides that
 21 one percent of the amount of the bid or proposal cost will be available for art works
 22 in public buildings and facilities under AS 35.27.

23 * Sec. 5. AS 36.30.900 is amended to read:

24 Sec. 36.30.900. PRODUCT PREFERENCES. This chapter does not modify
 25 AS 36.15.010 and 36.15.020 regarding preference for Alaska forest products, or
 26 AS 36.15.050 and 36.15.060 regarding preference for Alaska agricultural and fisheries
 27 products, except as provided in AS 36.30.170(b), (c), and (e) - (h), [AND] 36.30.339,
 28 and 36.30.345.

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

30 (b) The commissioner of a department responsible for the design and
 31 construction of a building or facility shall deposit into the art in public places fund
 32 one percent of the construction cost of a building or facility if the bid or proposal

1 that was awarded the contract for the construction of the building or facility
 2 received a public arts procurement preference under AS 36.30.345 [IS EXEMPT
 3 FROM THE REQUIREMENTS OF AS 35.27 AND THE EXEMPTION IS
 4 BECAUSE

5 (1) THE ESTIMATED CONSTRUCTION COST OF THE BUILDING
 6 OR FACILITY IS LESS THAN \$250,000; OR

7 (2) THE BUILDING OR FACILITY IS NOT DESIGNED FOR
 8 SUBSTANTIAL PUBLIC USE].

9 * Sec. 7. AS 44.27.060(c) is amended to read:

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

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

14 (2) [TO] meet expenses for a commissioned work of art for a building
 15 or facility that has substantial public use if the cost of the work of art exceeds the
 16 amount deposited in this fund [RESERVED] under AS 35.27.020(c)."

17 Page 1, line 4, through page 2, line 9:

18 Delete all material.

19 Renumber the following bill sections accordingly.

20 Page 2, line 10:

21 Delete "AS 35.27, AS 44.27.050(6), and 44.27.060 are"

22 Insert "AS 35.27.020(d) is"

23 Page 2, line 11, following "APPLICATION.", through line 15:

24 Delete all material.

25 Page 2, line 16:

26 Delete "(b)"

1 Page 2, lines 16 - 18:

2 Delete "AS 44.27.052(a)(5) by sec. 1 of this Act and the repeal of AS 44.27.050(6)
3 and AS 44.27.060 by sec. 3 of this Act, AS 44.27.052(a)(5), as it reads before the effective
4 date of this Act, and AS 44.27.050(6) and 44.27.060"

5 Insert "AS 44.27.060(b) and (c) by secs. 6 and 7 of this Act, AS 44.27.060(a) and (b)
6 as they read before the effective date of this Act,"

Alaska State Legislature



While in Session:
State Capitol Building
Juneau, Alaska 99801-1182
907-465-3719

Interim:
119 N. Cushman
Suite 211
Fairbanks, Alaska 99701
907-456-5081

Representative Al Vezey

SPONSOR STATEMENT

January 26, 1995

"An Act relating to the art in public places requirements for state-owned and state leased buildings and facilities."

This is a simple bill. It merely removes the existing mandate that one percent of the appropriation for state buildings and facilities go to the Arts Council for the procurement of art. This bill does not prohibit the legislature and/or other appropriating bodies from appropriating any it deems appropriate for the procurement of art. Nor does it prohibit public agencies of political subdivisions from allocating any amount they deem appropriate for are for any public facility.

It is the intent of this legislation that the decision as much is spent on art be determined on individual projects rather than a statutory mandate.

CAROLYN A. ROEBER, O.P.
DOMINICAN SISTERS
1316 PEGER ROAD
FAIRBANKS, AK 99709
907/474-0753 FAX 907/474-8009

February 28, 1995

VIA FAX 907-465-2418

Representative Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182

Dear Representative Hanley and members of the House Finance Committee:

I am writing to urge you to oppose House Bill 106 and to continue the Percent for Art Program. This is a financially conservative program. Repeal of the program would have little, if any, effect on the capital budget, since the 1% for art would simply be absorbed in other costs associated with capital projects.

Permanent public art is a way of expressing our culture and making our communities more inviting and livable. There is a long standing tradition of public support for public art in most cultures. Our own experience in Alaska has shown us that when a culture loses its public artistic and cultural expressions, it loses its sense of self, its common identity. Alaskan native communities are seeking to regain and communicate their common identities and strengths through their arts.

When we fail to publicly support artistic expression, we express the opinion that art, creative dialogue, and vision have no place in our midst. We also undermine the vision of a shared identity and lose an important avenue for communicating our public values. We are evaluated by others based on the way we build, and on the place and manner in which we value arts in our building. If all of our public structures and organizations are out of touch with the creative expression of beauty and the challenge of artistic comment, we are judged to be similarly barren and utilitarian as a culture.

The art produced for the Percent for Art Program teaches us about our collective history, expresses our cultural heritage, provides us with tools to understand our diversity, and helps us to imagine and build our future together. As a people, we can not afford not to promote and encourage this public expression of our culture.

Sincerely,



Carolyn A. Roeber, O.P.

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To	Rep Mark Hanley	
Co.	H Partch	
Dept.	(607) 561-8975 W	
Fax	(907) 2418	(907) 276-4366

February 13, 1995

Representative Joe Green
Alaska House of Representatives

Subject: HB 106

Dear Representative Green:

I am concerned about Representative Al Vezey's bill to do away with the 1% public art program. Much of our public art is in the direct line of sight of our youth and it is the youth of our communities that seem to be the focus of our attention these days.

Now I'm not suggesting that public art can turn a juvenile delinquent into a law abiding citizen but I am suggesting that youth who don't exactly fit the mold set as the shining example of success may see in a wide variety of public art, a message that it is okay to be different **within the rules of society**. A message that there is opportunity for individual expression and that we don't have to be carbon copies of our parents.

Our problem today is we write so much law that we hamstring our ability to produce, to be a creative force, and to be tolerant of each other which are three common denominators that made us great in the first place. If we were to stick with fewer, more specific laws, I suspect we would all have much more freedom to move around between the limits of those laws.

I serve on the Anchorage Public Art Committee and have enjoyed working on public art in our area. I hope you will not choose to do away with the State public art program.

Sincerely,

Howard A. Partch, AIA
730 Bounty Drive
Anchorage, AK 99515

cc: Representative Mark Hanley

Municipality
of
Anchorage



121 West Seventh Avenue
P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4326
Fax: (907) 343-6149

Rick Mystrom, Mayor

ANCHORAGE MUSEUM OF HISTORY AND ART

FEB 17 1995

February 14, 1995

Representative Mark Hanley
Co-Chair, House Finance Committee
Alaska State Legislature
State Capital
Juneau, AK 99801-1182

Dear Representative Hanley:

I am writing to express my support of the State's Percent for Art program and to encourage you to defeat the proposed legislation which would end this program.

Since the establishment of the State's Percent for Art program in 1976, the aesthetic environment of the state has improved considerably. Early state construction projects in Anchorage such as the UAA campus, the Overseas Terminal at the Airport, the Court House, and the Pioneer Home continue to make a positive visual statement which improves the buildings and makes people remember the time they have spent there.

Following the example of the state legislation, the Municipality of Anchorage established a local 1% for Art program in 1978, which is now administered by the Anchorage Museum of History and Art. As Director of the Museum, I am pleased with this arrangement, and believe that it has been very successful. As a result of the local 1% for Art ordinance, we have permanent installations of museum-quality artwork in more than 70 municipal buildings, including 47 schools as well as facilities that are heavily used by residents and tourists alike.

I am strongly opposed to eliminating the state's public art program which not only enhances public buildings and makes the visitors' interaction with the building more pleasant but also gives an Alaskan identity to the space. The art in these important public spaces provides a lasting sense of place.

As an educator of 20 years, I feel strongly that the public art program in the schools has served our children well. The percent for art projects have enhanced the children's learning environment, have given them daily contact with artwork with which they can identify, and given their school a unique identity. Further, the art in the schools often inspires children to think and to create their own visual statements and to think of the artists who made these pieces as role models.

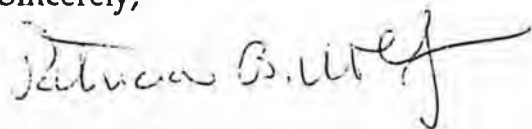
While I understand the State's concern for fiscal responsibility, the money that would be saved by eliminating the percent for art program is based upon the cyclical nature of construction budgets available to state agencies and local governments and is minimal. The 1% or 1/2% should be viewed as integral to the building and as an expenditure that will serve for the life of the building in the same way as the other 99% of the cost of the building. The inclusion of artwork is one very small part of the construction project which contributes to making the whole building more than the sum of its parts.

I have been known to call the Municipality's public art program the "Museum Without Walls." This concept describes what happens to a society with art in public places--art is not segregated in museums and galleries but is integrated into our daily lives. Rather than doing away with the state's percent for art program, I would like to see the program improved by more effective administration. We who are involved in Anchorage's 1% for Art program would be very pleased to be asked to offer our technical assistance toward this end.

If I can be of any assistance to you, or if you need further information, please don't hesitate to call me at 343-4326.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia B. Wolf". The signature is written in dark ink and is positioned above the typed name.

Patricia B. Wolf, Director
Anchorage Museum of History and Art

Chapter 25. General Provisions.

[Renumbered as AS 35.95.]

Chapter 27. Art Works in Public Buildings and Facilities.

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

Cross references. — For nonapplicability of this chapter to memorials to Alaska veterans, see AS 44.35.030.

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

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

Sec. 35.27.030. Definitions. In this chapter

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

(A) includes, but is not limited to,

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

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

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

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities;

(2) "commissioner" means the commissioner of transportation and public 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. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am E.O. No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980; am § 57 ch 14 SLA 1987)

Revisor's notes. — Enacted as AS 44.27.060. Renumbered in 1980.

Sec. 44.27.043. Terms of office. The term of office of each member is three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments. (E.O. No. 44, § 4 (1980); am § 32 ch 168 SLA 1990)

Revisor's notes. — Enacted as AS 44.27.070. Renumbered in 1980.

Effect of amendments. — The 1990 amendment, effective June 22, 1990, de-

leted a provision at the end of the first sentence pertaining to terms of members first appointed.

Sec. 44.27.044. Compensation. The members of the council are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as provided by law for board members. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.080. Renumbered in 1980.

Cross references. — For per diem and travel expenses, see AS 39.20.180.

Sec. 44.27.045. Chairman and vice-chairman. The governor shall designate a chairman and a vice-chairman from the members of the council to serve as such at the pleasure of the governor. The chairman shall be the chief executive officer of the council. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.090. Renumbered in 1980.

Sec. 44.27.050. Duties of council. The duties of the council are
(1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;

(2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of the state and to expand the state's cultural resources;

(4) to encourage and assist freedom of artistic expression essential for the well being of the arts;

(5) [Repealed, § 2 ch 97 SLA 1986.]

(6) to manage the art in public places fund. (E.O. No. 44, § 4 (1980); am § 7 ch 176 SLA 1980; am § 2 ch 97 SLA 1986)

Revisor's notes. — Enacted as AS 44.27.100. Renumbered in 1980.

Sec. 44.27.052. Powers of council. (a) The council may

(1) hold public and private hearings;

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

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

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

(5) make and sign agreements and to do and perform any acts necessary to carry out the purposes of AS 44.27.040 — 44.27.060.

(b) The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data that will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes. (E.O. No. 44, § 4 (1980); am § 39 ch 85 SLA 1988)

Revisor's notes. — Enacted as AS 44.27.110. Renumbered in 1980. Divided into subsections (a) and (b) in 1989.

Sec. 44.27.054. Powers of chairman. Subject to available appropriations the chairman may, with the concurrence of a majority of the council, employ necessary personnel and may contract for the services of experts and other persons who may be needed. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.120. Renumbered in 1980.

Sec. 44.27.056. Reports. The council shall report to the governor and the legislature not later than November 1, 1966, and from time to time thereafter. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.130. Renumbered in 1980.

Sec. 44.27.058. National endowment funds. The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts. (E.O. No. 44, § 4 (1980))

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

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

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

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

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

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

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

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

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

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

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

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

Secs. 44.27.061 — 44.27.076. Alaska Historical Commission. (Repealed, E.O. No. 63, § 3 (1987). For current law, see AS 41.35.300 — 41.35.380.)

Cecilia Kleinkauf, M.S.W.
Attorney at Law
4201 MacInnes
Anchorage, Alaska 99508

February 27, 1995

Representative Mark Hanley, Co-Chair
Representative Richard Foster, Co-Chair
House Finance Committee
Room 519, State Capitol
Juneau, Alaska 99801

Dear Representatives Hanley and Foster, and Members of House Finance Committee:

I am writing to urge your support for House Bill 92, which extends Alaska's Foster Care/Permanency Planning Review Panel until 1997. The Panel is established under A.S. 47.10.400 to help ensure that children do not linger unnecessarily in out-of-home placements, and are either reunited with their families or placed in a permanent home as expeditiously as possible. Without passage of HB 92, the Panel sunsets in July of this year.

As you know, the Panel is made up entirely of volunteers and provides a vital, independent oversight function for the services the Division of Family & Youth Services provides to foster children and their parents.

Federal law mandates the establishment of a case plan for each child in foster care and review of such plans on a regular basis. States are allowed to conduct either internal, administrative reviews or external, independent ones. The experiences of other states such as Nebraska, South Carolina, Delaware, and Arizona clearly demonstrate the value and advantages of an external system: advantages that include more rapid permanence for children and cost savings to the state. Alaska's external foster care review system will be able to achieve similar results, if allowed to continue and develop in the same way as these other states' systems have.

An average payment to foster parents for a child in care in Alaska is \$6,900 per year. If the State were able to save the cost of foster care for even twenty-four (24) children in a year through the efforts of the Foster Care Review Board, those savings would offset the \$170,000 fiscal note that accompanies HB 92.

Please vote yes on HB 92.

Sincerely,

Cecilia Kleinkauf

TO: Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol Room 507
Juneau, AK 99801-1182
fax#907-465-2418

Dear Representative Hanley and members of the House Finance Committee:

Please don't repeal the State Percent for Art Program! This program has been a vital part of the architectural landscape of this state for many years.

Whenever a new building is constructed, I look forward to seeing the art that will accompany it. For me, the structure is never complete until the Percent for Art piece is added to it.

Many buildings in this state would have NO art in them if it weren't for this program. Over the years, my children have grown up knowing different buildings in the state by their Percent for Art pieces.

Please, DON'T Repeal this program. It costs so little, and adds so much to the quality of life in this state.

Sincerely,



Charlotte A. Fox
4336 E. 101st Avenue
Anchorage, AK 99516

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To Rep Mark Hanley	From Joann Congdon	
Co. House Finance Com.	Co. Voter	
Dept. AK. Legislature	Phone # 907-345-1062	
Fax # 907-465-2418	Fax # 907-345-3552	

7300 South Park Drive
Anchorage, Alaska 99516

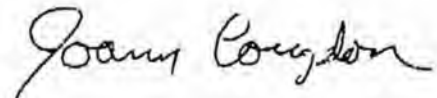
February 27, 1995

Representative Mark Hanley, CoChair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Alaska 99801-1182

Dear Representative Hanley and Members of the House Finance Committee,

Re: HB106: Please oppose HB106. The tiny percentage of the budget involved would not reduce the deficit, and the benefits to all Alaskans to view Alaskan art is beyond measure. I am not a visual artist, but I am so grateful for the art in my daughters' schools; I am so grateful that my girls can grow up viewing Alaskan art, can see their State's cultural heritage. Please do not deny that privilege to others.

Sincerely Yours,



Joann Congdon, voter

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Rep. Mark Hanley
House Finance Committee

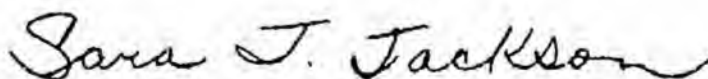
Dear Rep. Haley and Members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and a supporter of the arts, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY '93, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education in to the artwork as a creative educational tool for use by the school's faculty.

Thank you for your time and attention to this matter.

Sincerely,



Sara J. Jackson
137 W. 12TH Avenue
Anchorage, AK 99501

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801 1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee

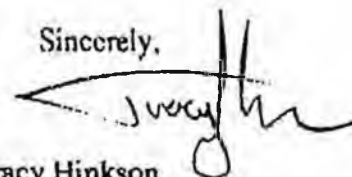
Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

Thank you for your time and attention to this matter.

Sincerely,



Tracy Hinkson
TOAST Theatre
Artistic Director
3906 Greenland Dr
Anchorage, AK 99517
fax (907)-279-6278
(907) 258-6278



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

February 27, 1995

Barbara Short
Art Coordinator and Percent for Art Supervisor
Fairbanks North Star Borough School District
520 Fifth Avenue
Fairbanks, Ak. 99701
907) 452-2000, X417

Dear Representative Hanley and members of the House Finance Committee:

I am writing in opposition to HB 106, Repeal of the State Percent for Art Program, a bill which does no good for Alaska, Alaska's children, or even Alaska's economy.

History teaches us that leaders are not always good, self-less, visionary, imaginative, or even intelligent people. Often in these cases their main goal is to encourage their communities to reflect themselves. If we leave the decision regarding public art to be locally decided, we essentially kill the program. In so doing we negate ourselves in the eyes of future historians, as well as make present life less than what it should be.

Thanks to the present bill and the support of our school board and superintendent, 15 of our 29 schools have art installed in them, with 1 in progress, and 2 to start soon. Present and future students live with this art and respect it, and it adds enormously to our educational environment. Those of you who have visited public schools with Percent for Art in them know the difference. Those of you who haven't need to.

The elimination of public art is an extremely short-sighted action and will be the result of this bill. Please do not support HB 106.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Short".

Barbara Short
Art Coordinator

To: House Finance Committee

From: Karen Stomberg
P.O. Box 5
Ester, Ak. 99725

Re: HB 106, Repeal of the State Percent for Art Program

I am concerned about HB106 which would leave the decision to spend 1% for art in construction of public buildings in the hands of people who may not have the foresight or willingness to invest in art. Art is one of the most important and permanent investments we can make. Much of what we know of world history and of Alaska before the present we know through the discovery and preservation of cultural objects and art. Art has always needed patronage. One percent is not too much to spend to continue the enrichment of our lives and community and the recording of our times and experience through public art.

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee

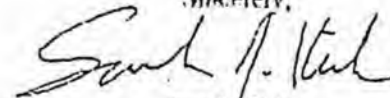
Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 the repeal of the State 1% for Art Program.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY95, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

Thank you for your time and attention to this matter.

Sincerely,



Sarah Kirk
University of Alaska, Anchorage Faculty
Department of Developmental Education
3211 Providence Drive
Anchorage, AK 99508

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee

Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

Thank you for your time and attention to this matter.

Sincerely,

Diane Bachman

Diane Bachman
Division Manager
Alaska Executive Search Inc.
821 N Street
Suite 204
Anchorage, AK 99501

Sheila Wyne
710 Orca Street #A
Anchorage, AK 99501
(907) 274-6414
fax (907) 279-6278

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
fax 907-465-2418

Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program.

As an Alaskan artist, I have participated in the State Percent for Art Program. From my own personal experience I've seen how crucial this program has been in providing money for filling the special needs within state construction projects that would otherwise go unfunded. For example, at Johnson Youth Center in Juneau, it has provided sculptural benches in a garden alcove for troubled children to talk one-on-one with their families. This was a project highly desired by the staff at the Center, but no funds were available to make it happen. Through the 1% for Art Program this need was filled.

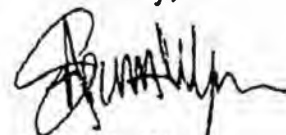
However, the 1% for Art Program provides more than well-integrated designs that meet the specific needs of particular sites. The very production and installation of these 1% commissions provides jobs for Alaskans in areas that often seem far removed from the art world. A small percentage of the 1% money goes to the artist, most of the funds go towards paying other Alaskan trades people to implement the winning artist's design. My own commissions have included Alaskans who work in the construction trades, such as concrete foundation work, metal fabrication, carpentry, painting, and electrical installation. Also businesses in engineering, landscaping, shipping, and heavy equipment rental often enjoy a percentage of the 1% for Art commission money.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

Thank you for your time and attention to this matter.

Sincerely,



Sheila Wyne

February 27, 1995

Representative Mark Hanley, Co-Chair
and the House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182

Dear Representative Hanley and members of the House Finance Committee,

I do not support the passage of HB106 repealing the Percent for Art program. Anchorage and the rest of the state are in dire need of the influence a work of art brings to our often bleak winter and unadorned buildings.

Percent for Art pieces are selected democratically by a jury, representing the users of the building, the architect and a community person. It is not an "elitist" decision, but a careful consideration of the space, the architectural features, how to enhance the structure and how it would add personality to the building. Of course, not everyone is going to like it and not every piece will be successful.

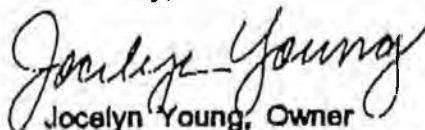
But I don't like everything the state spends money on and some projects, as you well know, are not entirely successful. I also don't believe the Percent for Art Program is unconstitutional. Aren't building safety codes and funding for school lunch programs also being dictated?

If people say that Percent for Art buys unattractive art and art that suits the taste of someone else, then they should get involved in the democratic process of selecting the art. I don't see the capitol budget being eliminated or funding for education being repealed because we don't like the results and it doesn't always meet our expectations.

I have watched artists successfully share their art and their inspiration with students. I have seen schools compete for the "best" or most "fun" art for their schools. I have observed students proudly assist with the selection of the art for the building they spend 7 hours each day in.

It's an excellent program. It helps keep wonderful artists working in our state. Please don't repeal a relatively inexpensive program, that brings visual beauty to so many Alaskans. Repealing this law will not reduce the capitol budget one bit.

Sincerely,



Jocelyn Young, Owner
Young and Associates
11938 Rainbow Avenue
Anchorage, AK 99518

345-6808 Home



Alaska State Legislature

Please enter into the record my testimony to the House Finance
committee name
committee on HB 106, dated 2.28.95
bill/subject

As the student representative on the committee that chose art for Ketchikan's new high school, I have witnessed first hand the power art has on a building and the people that use it. Though silent in the background of school life, the art is there to stir up conversation, make people think, and draw attention to an aspect of life many don't experience. Since the High School is used by the community, it also becomes a show piece. Showing the members of the community wonderful works of art brought to them by the money from 1%. It is vital that this program stay active and alive.

Signed: Stephanie D. Higgins
Testifier

Ketchikan High School 1% For Art Committee
Representing (Optional)

117 Forest Park Dr. Ste 516, Ketchikan, AK 99901

Address

(907)-225-4984

Phone No.

2/28/95


I AM FOR THE CONTINUATION OF THE 1% FOR ART PROGRAM FOR A HOST OF REASONS. HAVING BEEN A RECIPIENT OF ONE OF THE PROGRAM'S COMMISSIONS (FOUR LARGE, 4x8 ft. PAINTINGS @ \$5,000) I CAN SPEAK FROM EXPERIENCE TO THE BENEFITS.

THE INCOME GAVE ME THE OPPORTUNITY TO GIVE EVEN MORE TO THE COMMUNITY THAN I HAD IN THE PAST. THERE ARE THE DONATED PAINTINGS TO THE CANCER SOCIETY, THE WOMEN'S SHELTER AUCTION, THE THORNE BAY SALMON DERBEY, AND THE KETCHIKAN SALMON DERBY, WHICH ARE ANNUAL AND CONTINUING. NOW, IN ADDITION, IN JUST THE MONTH OF FEBURARY 1995, I GAVE A FOLLOW UP LECTURE ON ART HISTOY TO THE KETCHIKAN HIGH SCHOOL'S ACEDEMIC DECATHALON AND THEY TOOK STATE HONORS IN THEAT FIELD, I CO-CURRATED THE BALLARD HADMAN, BETH EBERHART, AND MARGARET BELL SHOW AT THE TONGASS HISTORICAL MUSEUM, TITLED WINDRIDERS, DREAM CATCHERS, I GAVE A SLIDE SHOW AND LECTURE AT THE MUSEUM ON KETCHIKAN IN THE 1930's-1960's, I DID THE POSTER FOR A LOCAL MUSICAL HAPPENING CALLED THE MONTHLY GRIND, AND THESE ARE THE VOLUNTEER GIGS I CAN AFFORD TO DO BECAUSE OF THE INCOME FROM THE 1% FOR ART COMMISSION, AND THAT IS JUST ONE SHORT MONTH, AND THAT IS IN ADDITION TO MY CLASSES AND PREPARATION FOR AN ART SHOW OPENING MARCH 3, 1995.

I AM NOT UNIQUE IN MY CITIZENSHIP AND OBLIGATION TO MY COMMUNITY. THE ARTISTS IN KETCHIKAN AND OTHER CITIES IN ALASKA GIVE AND GIVE SOME MORE. VERY FEW KNOW HOW TO DECLINE REQUESTS FOR TIME OR ART BECAUSE WE FEEL ITS IMPORTANCE, AND IT IS PAY BACK FOR THE CREATIVE EXPERIENCES GIVEN US AS EMERGING ARTISTS.

IN CONCLUSION, FOR MANY SMALL TOWNS AND VILLAGES, THE 1% FOR ART PROGRAM IS THE ONLY CONTACT WITH ART AVAILABLE TO THE POPULATION. THERE ARE NO NEGATIVES TO THIS PROGRAM, IT IS ONLY 1% AND THE RETURN IS, HONESTLY, 100%.

SINCERELY


 MARY IDA HENRIKSON

P.O. Box 998

WARD Cove AK 99928

(907) 247 1330



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FINANCE
committee name

committee on HB 106 , dated FEB 28, 1995
bill/subject

I AM STRONGLY IN SUPPORT OF THE PERCENT FOR ART PROGRAM - THE COMMUNITY RECEIVES SO MUCH FOR THE FEW DOLLARS EXPENDED AND ALASKAN ARTISTS ARE GIVEN REAL TANGIBLE BOOSTS TO THEIR CAREERS. YEARS AGO WHEN I RECEIVED TWO PERCENT FOR ART COMMISSIONS I RENTED MY FIRST STUDIO - I STAYED THERE FOR NINE YEARS AND EVENTUALLY BUILT MY OWN STUDIO. THAT ONE PERCENT WAS A VITAL STEP FOR MY CAREER, AND CONSEQUENTLY PUMPED MANY DOLLARS BACK INTO OUR LOCAL ECONOMY. SCHOOLS AND OTHER PUBLIC BUILDINGS HAVE BARREN SPACES TRANSFORMED INTO PLACES OF WONDER & EXCITEMENT THROUGH THE ART INSTALLED IN THEM.

Signed: Tam Twell

Testifier MYSELF

Representing (Optional) PO BOX 8874 KETCHIKAN AK

Address 99901

Phone No. 907-225-5954

PLEASE VOTE DOWN HB 106.

JUNEAU
ARTS &
HUMANITIES
COUNCIL



P.O. Box 20562 / 206 North Franklin Street Juneau, Alaska 99802-0562 (907) 586-ARTS FAX: (907) 586-2148

February 28, 1995

The Honorable Mark Hanley, Co-Chair
House Finance Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Hanley and members of the House Finance Committee:

The Juneau Arts & Humanities Council (JAHC) is concerned over House Bill 106, currently before the House Finance Committee, which would repeal AS 35.27, the "Percent for Art" program as well as the Art in Public Places Fund (AS 44.27.060).

The purpose of the "Percent for Art" program is to "foster culture and the arts and ... for the viable development of its artists and craftsmen." The repeal of this program would negatively affect the two constituencies the Percent for Art program is designed to serve: the public and artists. The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Artists would also be affected by the elimination of a means of support for their development.

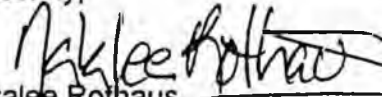
These programs have provided an opportunity for government agencies, public officials, artists, architects, engineers, builders, professionals and art organizations to work together for the benefit of all Alaskans. The results of these programs have improved the environment of public buildings and made art accessible on a daily basis to people from all walks of life. They have also given artists work, support and a place to display their art. It should be government that sets the example for an aesthetically pleasing environment--one in which we are all proud to live, work and enjoy!

As was so aptly put in the San Francisco Chronicle in a recent editorial by Jon Carroll:

"You bet we should fund the arts. If the government has the duty to subsidize commerce that feeds our bodies, it also has the duty to subsidize art that feeds our souls. The urge to make art is as universal as the urge to make money. If the business of government is to subsidize those activities that reflect our collective needs and aspirations, then it must subsidize art."

The JAHC believes that public officials have a responsibility to enhance the quality of life in Alaska. We strongly encourage all of you to vote against HB 106.

Sincerely,


Natalee Rothaus
Executive Director



Anchorage Opera

3 March 1995

Representative Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182

Dear Representative Hanley and
Members of the House Finance Committee:

I write to urge you not to report HB106, an act repealing the State Percent for Art, out of committee. Such a bill is not in the best interests for the quality of life in Alaska.

We at Anchorage Opera feel that every form of art is a revelation of the cumulative human soul and serves to make places like schools communities rather than institutions. The arts should never be considered an "add on" but one of the cornerstones of community. We hope that the Alaska Legislature will continue to provide for the well being of its communities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Peter H. Brown', written over a horizontal line.

Peter H. Brown
General Director

John Luther Adams, Composer in Residence for Meet The Composers New Residencies

1507 Spar Avenue • Anchorage, Alaska 99501
(907) 279-2557 • Facsimile (907) 279-7798

Municipality
of
Anchorage



121 West Seventh Avenue
P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4326
Fax: (907) 343-6149

Rick Mystrom, Mayor

March 3, 1995

ANCHORAGE MUSEUM OF HISTORY AND ART

Rep. Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, Alaska 99801-1182

Dear Representative Hanley and Members of the House Finance Committee:

Thank you for the opportunity to testify on Wednesday by teleconference on HB 106.

Enclosed with this letter is a written transcript of my remarks and those of Molly Jones, who administers Anchorage's 1st for Art program.

I urge each of you to give serious consideration to the testimony of the members of the public who took the time to testify on Wednesday. I hope you will take the time to review the testimony before voting on this bill.

Sincerely,

Patricia B. Wolf
Patricia B. Wolf
Director

Enclosures

Patricia B. Wolf, Director, Anchorage Museum of History and Art

Testimony on HB 106
House Finance Committee Hearing
March 1, 1995

My name is Pat Wolf. I have written to each of you regarding my support of the public art program, and I feel that I am qualified to speak about the program and to ask you to vote against HB 106.

I have worked at the Anchorage Museum of History and Art for 21 years, 8 years as director and the preceding 14 years as curator of education. I'm a 28 year resident of Alaska. I have seen a lot of growth and change in the arts during that time.

Since the establishment of the State's Percent for Art program in 1976, the aesthetic environment of the state has improved considerably. Speaking of the percent for art projects in Anchorage, with which I am most familiar, early state construction projects such as the UAA campus, the Overseas Terminal at the airport, the Court House, and the Pioneer Home, to name a few, continue to make a positive visual statement which improves the buildings and makes people remember the time they have spent there.

Following the example of the state legislation, the Municipality of Anchorage established a local 1% for Art program in 1978, which is now administered by the Anchorage Museum of History and Art. I am pleased with this arrangement and believe that it has been very successful. As a result of the local 1% for Art ordinance, we have permanent installations of museum-quality artwork in more than 70 municipal buildings, including 47 schools as well as facilities that are heavily used by residents and tourists alike. We would not have the wonderful artwork by Melvin Olanna, John Hoover, and Jeanne Leffingwell in the lobby of the Egan Center, for example, without this program.

I am strongly opposed to eliminating the state's public art program which not only enhances public buildings and makes the visitors' interaction within the building more pleasant but also gives an Alaskan identity to the space. When you are at the airport, for example, you want to know that you are in Alaska. The art in these important public spaces provides a lasting sense of place.

As an educator of more than 20 years, I feel strongly that the public art program in the schools has served our children well. The percent for art projects have enhanced the children's learning environment, have given them daily contact with artwork with which they can identify, and given their school a unique identity. Further, the art in the schools often inspires children to think and to create their own visual statements and to think of the artists who made these pieces as role models.

While I understand your concern for fiscal responsibility, the money that would be saved by eliminating the percent for art program is based upon the cyclical nature of construction budgets available to state agencies and local governments and is minimal.

The 1% or 1/2% should be viewed as integral to the building and as an expenditure that will serve for the life of the building in the same way as the other 99% of the cost of the building. The inclusion of artwork is one very small part of the construction project which contributes to making the whole building more than the sum of its parts.

I have been known to call the Municipality's public art program the "Museum Without Walls." This concept describes what happens to a society with art in public places -- art is not segregated in museums and galleries but is integrated into our daily lives. Rather than doing away with the state's percent for art program, I would like to see the program improved by more effective administration. We who are involved in Anchorage's 1% for Art program would be very pleased to be asked to offer our technical assistance toward this end.

Patricia B. Wolf

Molly B. Jones, Curator of Public Art, Anchorage Museum of
History and Art

Testimony on HB 106
House Finance Committee Hearing
March 1, 1995

Mr. Chairman and Members of the Committee. My name is Molly Jones. For the last 12 years, my job has been to administer Anchorage's 1% for Art program. Unlike other kinds of arts programs, which require a regular source of funding to survive, funding for public art is tied to construction activity, I've watched Anchorage's percent for art program change dramatically with the economy, with the peak in the mid '80s. In recent years, public construction activity in Anchorage has been mostly schools. While most people are aware of the art in the Egan Center and the Loussac Library and other central city buildings, many people do not know about the wonderful works of art in our schools -- well over 100 installations of art in 47 schools, at last count.

A great variety of artwork has resulted from the program -- everything from tile and terrazzo floors to stained glass windows to murals, mosaics, tapestries, and play sculptures for children. More than 400 people have served as volunteers on the art selection juries that have chosen the works of art. Certainly not everyone likes everything, but we have had very little controversy. Even more remarkably, we have had almost no vandalism. This is a testament, I believe, to the respect the general public has for art in public places.

Anchorage's 1% for Art program is administered by the Museum, and included in our assignment is maintenance and repair of the artwork acquired as a result of the program. This is an important responsibility, because the artwork may well increase in value over time.

To put the public art program in historical perspective, Alaska was one of the first states in the nation to pass mandatory percent for art legislation. I think only Hawaii and Washington State had done so prior to Alaska, in 1975. Now there are more than half of the 50 states and at least 100 city and county governments in the U.S. with such laws on the books. In my travels in and out of Alaska, I've gone out of my way to see as much public art as I could. With the inclusion of art, we are replacing the dull sameness of public buildings with much more meaningful and enjoyable spaces that will continue to have an impact on many lives over a period of many years.

I urge you to retain Alaska's percent for art legislation.

Molly B. Jones

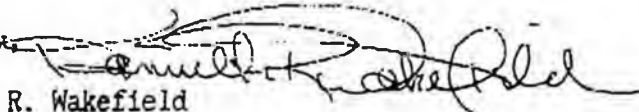
I urge you to oppose HB 106

Every year we must step forward to testify in support of the Percent of Art program for public buildings. It does not save any money. What it does do is daily enrich the lives of the children, parents, adults and visitors that use each building. I am surprised, delighted and appreciative of how the Percent for Art selections have enhanced and enriched our lives and the buildings. Each selection has been carefully selected with consideration toward the cultural, artistic and visual merit for each location and the public use of each building.

I just returned from a long trip outside of Alaska and realize how truly lucky I am to have chosen Alaska as my home for the last 20 years and for the next 30 years. Alaska the land of the future, enhanced by its natural beauty and by the foresight of past leaders in 1976 to insure that our public building reflect our cultural and artistic sensitivity toward our land, our heritage and the enrichment of our lives through the Percent of Art program.

I urge you to not support this bill.

Sincerely,


Dannetta R. Wakefield
PO Box 10104
Fairbanks, AK 99710

907.457.4124

Sheila Wyne
710 Orca Street #A
Anchorage, AK 99501
(907) 274-6414
fax (907) 279-6278

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
fax 907-465-2418

Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program.

As an Alaskan artist, I have participated in the State Percent for Art Program. From my own personal experience I've seen how crucial this program has been in providing money for filling the special needs within state construction projects that would otherwise go unfunded. For example, at Johnson Youth Center in Juneau, it has provided sculptural benches in a garden alcove for troubled children to talk one-on-one with their families. This was a project highly desired by the staff at the Center, but no funds were available to make it happen. Through the 1% for Art Program this need was filled.


However, the 1% for Art Program provides more than well-integrated designs that meet the specific needs of particular sites. The very production and installation of these 1% commissions provides jobs for Alaskans in areas that often seem far removed from the art world. A small percentage of the 1% money goes to the artist, most of the funds go towards paying other Alaskan trades people to implement the winning artist's design. My own commissions have included Alaskans who work in the construction trades, such as concrete foundation work, metal fabrication, carpentry, painting, and electrical installation. Also businesses in engineering, landscaping, shipping, and heavy equipment rental often enjoy a percentage of the 1% for Art commission money.

The biggest public impact of the repeal would be on Alaska's schools and children. In 1993, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

Thank you for your time and attention to this matter.

Sincerely,



Sheila Wyne



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE FINANCE STATE AFFAIRS
COMMITTEE ON HB 106 COMMITTEE NAME
DATED 28 February 1995

BILL/SUBJECT

I WOULD JUST LIKE TO SAY THAT I DON'T KNOW HOW ANYONE AS FAMILIAR WITH PUBLIC BUILDINGS AS PROFESSIONAL LEGISLATORS MUST BE — ESPECIALLY BUILDINGS WHICH ARE OUR CAPITOLS, LEGISLATIVE CENTERS AND MEMORIAL BUILDINGS ACROSS THE COUNTRY — CAN HELP BUT ASSOCIATE THE PUBLIC ART DISPLAYED IN THOSE PLACES AS A PART OF THE IMPACT AND THE TONE OF THOSE PLACES.

I CAN REMEMBER — BEFORE THE GREAT CRIS-CROSSING OF THE LOWER 48 BY THE INTERSTATE HWY SYSTEM, WHEN BRIDGES WERE REGIONALLY CONSTRUCTED — ~~AND~~ ^{THEY} HAD GREAT GODS OF COMMERCE WORKED INTO THE UP RIGHTS — HIGHWAYS WERE ALL NAMED — AND BUILDINGS AND BRIDGES — I'M NOT SUGGESTING A REVIVAL OF THAT PARTICULAR ART STYLE.

BUT — GOVERNMENT BUILDINGS SHOULD NOT, I THINK, BE THE ONLY PUBLIC SPACES WITH A SENSE OF THEMSELVES AND WITH AN EXPRESSION OF THE CITIES AND THE PEOPLE WHO CREATE THEM.

REMEMBER THAT THESE BUILDINGS ARE — BY STATUTE — MAJOR PROJECTS, "DESIGNED FOR AND SUBJECT TO SUBSTANTIAL PUBLIC USE." — PUBLIC BUILDING MEANS PUBLIC SPACES — THESE SPACES SHOULD BE ALLOWED TO HAVE AN EXPRESSION OF THE ~~unique~~ CHARACTER OF LOCAL

SIGNED DANA S. HART 
TESTIFIER

SELF
REPRESENTING (OPTIONAL)

Box 278 (2900-1 Eva Creek Rd) Ester, AK 99725
ADDRESS/PHONE NUMBER
479-7552

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee

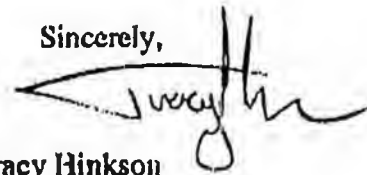
Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

Thank you for your time and attention to this matter.

Sincerely,



Tracy Hinkson
TOAST Theatre
Artistic Director
3906 Greenland Dr
Anchorage, AK 99517
fax (907)-279-6278
(907) 258-6278



Alaska State Legislature

Please enter into the record my testimony to the House Finance
committee name
 committee on HB 106, dated 3/3/95
bill/subject

I am strongly opposed to Any cuts to the Percent for program! This program is essential for the cultural well being of Alaskan citizens! I have been involved in the % Percent for art program at the Ketchikan Highschool project and see it as a fantastic teaching opportunity for my children who will go to the school. The Arts need to be funded and deserve your support! Do NOT pass HB106! It would simply be the wrong thing to do.

Signed: [Signature]
 Testifier
Richard H. Van Cleave
 Representing (Optional)
6077 S. Tongass Hwy., Ketchikan
 Address
907-225-1595
 Phone No.

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee

Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 - the repeal of the State 1% for Art Program.

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Thank you for your time and attention to this matter.

Sincerely,



Mary Norris
4541 Piper Street #3
Anchorage, AK 99507



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE HOUSE FINANCE
 COMMITTEE ON HB 106 Percent for Art ^{Program} DATED TUES. FEB 28, 1995
 BILL/SUBJECT COMMITTEE NAME

Art is truly important to all peoples of all social, economic and ethnic societies. Art is a measure of a persons and a nations heritage. By filling our schools and public buildings with art we send a message to children emphasizing creativity and opportunity. Schools void of art send a different message.

The Percent for Art Program is an economic development program for all Alaskan artists which recirculates dollars throughout Alaska.

I wish you would answer how you can document the SAVINGS the legislature will gain from HB 106. The less than 1% for Art will not ~~not~~ give Alaska more dollars for building maintenance. Please defeat HB 106

SIGNED Peter G. Biesiot PETER G. BIESIOT
 TESTIFIER

REPRESENTING (OPTIONAL) 479 4628
P.O. Box 80849, Fairbanks AK 99708
 ADDRESS/PHONE NUMBER

Representative Mark Hanley
House Finance Committee
The Alaska Legislature
State Capitol, Room 507
Juneau, AK 99801-1182
fax (907) 465-2418
(907) 465-4939

February 27, 1995

TO: Representative Mark Hanley
House Finance Committee

Dear Representative Hanley and members of the House Finance Committee,

I am writing in support of the State Percent for Art Program. As an Alaskan, a voter, and an artist, I am opposed to the passage of HB 106 the repeal of the State 1% for Art Program.

The biggest public impact of the repeal would be on Alaska's schools and children. In FY93, every project was in either a school or university building. Much of the 1% for Art within the schools is designed to integrate education into the artwork as a creative educational tool for use by the school's faculty.

Thank you for your time and attention to this matter.

Sincerely,



Julie M. Jakolat
4541 Piper Street #3
Anchorage, AK 99507

FISCAL NOTE

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

BILL NO. HB106

Revision Date:
Title: Relating to Art in Public Places

Department Affected: University of Alaska
BRU: All
Component: all

Sponsor: Representative Vezey
Requestor:

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FD SOURCE						
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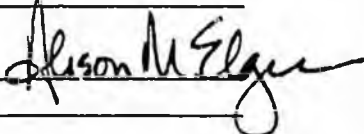
FUNDING: (Thousands of Dollars)

1002 FEDERAL FUNDS						
1003 GF MATCH						
1004 GENERAL FUND						
1006 GF/MHTIA						
OTHER						
TOTAL FUNDING	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Wendy Matheny, Budget Analyst Phone: 463-3086
 Division: Statewide Budget Office Date: _____
 Approved by: Alison Elgee, Director  Date: 1/27/95
 Agency: Statewide Budget Office

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

**STATE OF ALASKA
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Requestor: _____ **COMPONENT SERIAL NO.**

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CAPITAL						
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REVENUE FD SOURCE						
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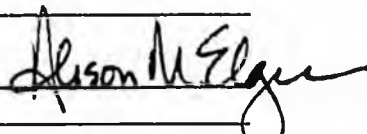
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REVENUE FD SOURCE						
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FUNDING: (Thousands of Dollars)

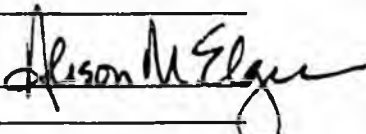
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 Approved by: Alison Elgee, Director  Date: 1/27/95
 Agency: Statewide Budget Office

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Lipson Design Architecture
1135 West Eighth Avenue; #7
Anchorage, AK 99501
(907) 274-0913
Fax (907) 274-5178

March 8, 1995

Representative Mark Hanley
House finance Committee
The Alaska Legislature
State Capitol; Room 507
Juneau, AK 99801

Dear Representative Hanley and Members of the House Finance Committee:

I am a registered architect in the state of Alaska, and I volunteer as Director of the Alaska Design Forum, a volunteer non-profit group of architects and designers dedicated to improving the quality of our built environment in Alaska.

Regarding HB 106: as an architect, I believe public art is critical to the development of our communities as safe and people-oriented places. The art from the State's Percent for Art program is often the most significant community-oriented and developed element in our public buildings. It is for all, not just the most frequent users of the building - it broadens the scope of the building.

We at the Alaska Design Forum are committed to the integration of art into our lives and buildings, not just separated into museums. To that end, we, the architects, have just sponsored a workshop on The Making of Public Art, at the Anchorage Museum last Sunday.

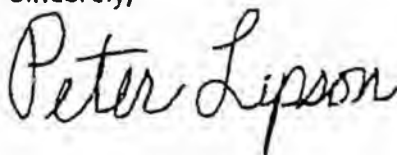
We feel this is as important as the building itself.

It is only through the integration into the community and the explorations into how we live in Alaska, in the Public Art program, that we as a society can build truly responsive buildings within our communities.

This is a pro-development position. We need to build and develop our communities. The Percent for Art Program for State Facilities provides the lead for all Alaskans to integrate their lives into our public structures, so that we may grow as people with the development of our communities.

I urge you to support the State's Percent for Art Program and not pass HB 106. Thank you.

Sincerely,



Peter Lipson

JULIE A. MATTHEWS

MAR 9 1995
P.M. 3/

March 7, 1995

Representative Mark Hanley, Co-Chair
House Finance Committee
The Alaska Legislature
State Capital, Room 507
Juneau, AK. 99801-1182

re:HB 106, An act Repealing the State Percent for Art
Program

Dear Representative Mark Hanley, Co-Chair:

I am writing to voice my opinion about the recent HB 106, an act repealing the State Percent for Art Program. HB 106 would negatively effect the two constituencies the Percent for Art program is designed to serve: the public and artists. Public Art is an aesthetic enrichment of the public environment that comments on who we are as Alaskans, and what it means to live, work and study in this place. The biggest public impact of the repeal would be on Alaska's schools and children. For students, the arts develop creativity and problem solving skills, act as a basis means of communication and enhance the study of other subjects. As an artist and parent who has completed several Percent for Art programs along with over twenty Artists-in-Schools programs in Alaska this repeal would weaken the quality of our artistic and cultural lives in this state.

I am well aware of controversial Percent for Art program projects but feel that they are only a few of the numerous awarded commissions. I am confident that there are projects for everyone to enjoy despite different artistic tastes.

According to the Department of Transportation and Public Facilities, repeal of the Percent for Art program would not effect the Capital budget. One percent is not added to the cost of capital projects, rather, once appropriated, it is dedicated to public art. If the program is repealed, this percent will be absorbed in other costs associated with the project.

Percent for Art operates without direct administrative expense. Every dollar spent in the Percent for Art program goes directly to the art project. Art commissioned and installed under the program becomes a permanent part of the building. Amortized over the life of a building, the cost of public art is a modest investment in the enhancement of the public environment and the quality of life in Alaska.

131 W. Klatt Road
Anchorage, AK 99515
(907) 344-2529 (CLAY)

Vivienne McConnell
P.O. Box 670791
Chugiak, Alaska 99567

RE: HB106

March 7, 1995

House Finance Committee
The Alaska Legislature
Juneau, AK FAX 907-465-2418

Dear Representative Hanley and
Members of the House Finance Committee:

PLEASE do not repeal the art in public places law!

For those of us who can't afford art work and have little time to frequent the museums, this law guarantees that we the public will have artistic endeavors around us and in our communities.

By repealing the art in public places law, the public would not save an appreciable amount of money, if any. All monies allocated for a public building would be spent. 1% of those funds, if not spent on art, would be spent on construction and administrative costs. 1% would not be put back into the general fund. Instead it would be absorbed into the project and disappear.

The 1% For Art program has given Alaska many beautiful and worthwhile art works. We the public have these beautiful works to look at in our public places because a very important law has set aside a very small amount of funds to insure this. Don't pass HB106 and take away the public's ability to own art.

Sincerely,
V. B. McConnell
Vivienne B. McConnell

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska