

ALASKA LEGISLATURE COMMITTEES FILED 1900-1900

4387 SSTA HB 606 - HB 647

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James O. Smith  
Signature of Camera Operator

11/24/89  
Date

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HB 606 BRIEFING AND BACKGROUND

TABLE OF CONTENTS

- I. . . . . CSHB 606 (Finance) am  
Sectional Analysis
- II. . . . . HB 606  
Sectional Analysis  
Fiscal Notes - DOT/PF and Education
- III. . . . . SSHB 607  
Sectional Analysis  
Fiscal Notes - DOT/PF and Education
- IV. . . . . Sampling of Supportive Letters
- V. . . . . Chart and Articles
  - o "Accountability in Public Art" from Juneau Empire
  - o Chart--"State Art Grants Up..." from USA TODAY
  - o "Saturday Sundry" from Anch. Times
  - o "Giving Art a Bad Name" from Newsweek
  - o "Reaction mixed to changes..." from Fbks. News Miner
  - o "Nimbus gets the Boot" from Juneau Empire
  - o "Public must be part of Its Art" from Juneau Empire
  - o "Nimbus: Going but not gone" from Juneau Empire
  - o "Farewell to Nimbus" from Juneau Empire
  - o "Art" In public places? from Air Alaska
  - o "Airport Artpiece Causes Controversy" from Anch. Times
- VI. . . . . Alaska Statutes on Public Art

Offered: 5/5/86  
Referred: Rules

Original sponsors: Hanley, Adams,  
Ringstad, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 606 (Finance) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to art in public places; and provid-  
7 ing for an effective date."

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

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

10 (c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL  
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction  
12 cost of a building or facility approved for construction by the legis-  
13 lature shall [AFTER SEPTEMBER 1, 1977, WILL] be reserved for the  
14 following purposes: the design, construction, mounting and adminis-  
15 tration of works of art in a school, office building, court building,  
16 vessel of the marine highway system, or other building or facility  
17 which is subject to substantial public use.

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

19 (g) Each selection committee established under AS 35.27.021 [THE  
20 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON  
21 THE ARTS] shall require [ENCOURAGE] the use of state cultural re-  
22 sources in these art works and the selection of Alaska resident ar-  
23 tists for the commission of these art works.

24 \* Sec. 3. AS 35.27.020 is amended by adding a new subsection to read:

25 (h) A rural school building or facility is exempt from the  
26 requirements of this chapter unless inclusion of works of art in the  
27 design and construction of the building or facility is specifically  
28 authorized by the school board. In this subsection "rural" means a  
29 community with a population of 4,500 or less.

1 \* Sec. 4. AS 35.27 is amended by adding a new section to read:

2           Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes  
3 a work of art for a public school shall be selected by a majority vote  
4 of a committee, with the approval of the school board. The committee  
5 shall be composed of the architect, the project manager administering  
6 the facility construction, two representatives from the school dis-  
7 trict, and three members of the public who reside in the community  
8 where the school is located. At least one member of the public shall  
9 be knowledgeable in the arts. The president of the school board or a  
10 designee shall provide reasonable public notice that public member  
11 seats on the committee are available. The representatives from the  
12 school district, and members of the public shall be selected by the  
13 president of the school board or a designee.

14           (b) Except as provided in (a) of this section, an artist who  
15 executes a work of art for public buildings and facilities shall be  
16 selected by a majority vote of a committee convened by the project  
17 manager administering the facility construction. The committee shall  
18 be composed of the architect, the project manager, a designee of the  
19 Alaska State Council on the Arts, a designee of the principal user of  
20 the public building or facility, and three members of the public who  
21 reside in the community where the building is located. At least one  
22 member of the public shall be knowledgeable in the arts. The members  
23 of the public shall be selected by the project manager after reason-  
24 able public notice that public member seats on the committee are  
25 available.

26           (c) All meetings of the selection committee under (a) or (b) of  
27 this section are subject to the public meeting and notice requirements  
28 under AS 44.62.310.

29 \* Sec. 5. AS 44.27.060(b) is amended to read:

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

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

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

10 \* Sec. 6. AS 44.27.060 is amended by adding a new subsection to read:

11           (e) A work of art shall be identified by a permanent plaque  
12 installed on or near the work of art. The plaque must contain the  
13 name or title of the work of art, the name of the artist, and the year  
14 of completion.

15 \* Sec. 7. AS 35.27.020(e) and (f) are repealed.

16 \* Sec. 8. This Act does not apply to the construction of a building or  
17 facility approved by the legislature before July 1, 1986.

18 \* Sec. 9. This Act takes effect July 1, 1986.

MEMORANDUM

TO: Representative Alyce Hanley  
FROM: Scott Sutherland, Staff  
DATE: May 7, 1986

RE: Sectional Analysis- CSHB 606 (Finance) am, "An Act relating to Art in public places; and providing for an effective date."

Pursuant to your request I have prepared this sectional analysis of CSHB 606 (Finance) am, referenced above.

SECTION 1

Section 1 amends AS 35.27.020(c):

Sec. 35.27.020(c) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- Would bring publicly funded art projects required by this section to a funding level of one half percent of construction costs. Currently, construction of state buildings and facilities other than rural schools require expenditure of at least one percent and rural schools currently require the expenditure of at least one half percent.

SECTION 2

Section 2 amends AS 35.27.020(g):

Sec. 35.27.020(g) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- Change is necessary to reflect establishment of art project selection by the committee created in section 3, rather than the current method of artist selection by DOT and the State Art Council. Requires use of state cultural resources and artists to create art in this program. Current statutes mandate that the use of Alaskan artists and cultural resources shall be encouraged.

SECTION 3

Section 3 amends AS 35.27.020 by adding a new subsection:

Sec. 35.27.020(h) Exempts rural school buildings or facilities from percent for arts requirements unless specifically authorized by the school board. "Rural" is defined as communities with populations of 4,500 or less. Current statutes mandate 1/2% expenditure.

#### SECTION 4

Section 4 adds a new section to AS 35.27:

Sec. 35.27.021. SELECTION OF ART.-- (a) Requires that selection of artists be chosen by an artist selection committee and that artist selected shall be approved by the school board. Committee shall include the architect, the project manager, as well as two representatives from school district, and three members of public who reside in local community who are selected by school board president or designee. At least one of the public members must be knowledgeable in the arts.

(b) Except for (a), artists for projects in other public buildings and facilities shall be chosen by committee. Committee would include the architect, project manager, a designee of the principal user, a designee of the State Council on the Arts, and three members of the public who reside in local community. One public member must be knowledgeable in the arts. The public members are selected by project manager after reasonable public notice that seats are available.

(c) All artist selection committee meetings are subject to open meetings rules.

#### SECTION 5

Section 5 amends AS 44.27.060(b):

Sec. 44.27.060(b) ART IN PUBLIC PLACES FUND-- This change instructs deposit into the art in public places fund one half of one percent of the construction cost of a building or facility exempt from the requirements of the provisions of the Art Works in Public Buildings chapter (AS.35.27), because construction cost is less than \$250,000 or the facility is not designed for substantial public use. Currently one percent of construction cost is deposited in this account.

#### SECTION 6

Section 6 adds a new subsection to AS 44.27.060:

Sec. 44.27.060(e) Mandates addition of a plaque to all works of art executed under this chapter. Plaque includes name of art, name of artist, and year of completion.

#### SECTION 7

Section 7 repeals two current subsections of AS. 35.27.020:

Sec. 35.27.020 (e) and (f) are repealed.

#### SECTION 8

Section 8 exempts projects approved for construction prior to July 1, 1986 from these changes.

#### SECTION 9

Section 9 provides for July 1, 1986 effective date.

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

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

1 IN THE HOUSE

2 HOUSE BILL NO. 606

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

MEMORANDUM

TO: Representative Alyce Hanley  
FROM: Scott Sutherland, Staff  
DATE: February 12, 1986

RE: Sectional Analysis- HB 606, "An Act relating to Art in public places."

Pursuant to your request I have prepared this sectional analysis of HB 606, referenced above.

SECTION 1

Section 1 of this bill amends AS 35.27.020(c):

Sec. 35.27.020(c) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- This change brings all publicly funded art projects required by this section to the funding level now required in the case of a rural school facility, at least one half of one percent of the construction cost. Currently, construction of state buildings and facilities other than rural schools are required to spend at least one percent of total construction cost on public art projects.

SECTION 2

Section 2 of the bill amends AS 35.27.020(g):

Sec. 35.27.020(g) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- This change would require the selection of Alaskan resident artists for commission of art works covered in the Alaska % for Art program. Currently the selection of Alaskan artists is only encouraged in statute.

SECTION 3

Section 3 of the bill amends AS 44.27.060(b):

Sec. 44.27.060(b) ART IN PUBLIC PLACES FUND-- This change instructs deposit into the art in public places fund one half of one percent of the construction cost of a building or facility exempt from the requirements of the provisions of the Art Works in Public Buildings chapter (AS.35.27), because construction cost is less than \$250,000 or the facility is not designed for substantial public use. Currently one percent of construction cost is deposited in this account.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : House Bill 606  
 Title : An Act Relating to Art  
in Public Places  
 \_\_\_\_\_  
 Sponsor : Hanley  
 Requestor : Hanley  
 Date of Request : 3-11-86

**FISCAL DETAIL**

Agency Affected : DOT&PF and D.O.F.  
BRU: Design and Construction  
and the Alaska State Council  
on the Arts  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

**POSITIONS :**

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

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

The passage of this bill would provide additional funds to the construction budget. See further comments on the attached Statement of Analysis.

Prepared by : Rod Wilson Phone : 465-2960  
 Division : Engineering & Operations Date : 3-17-86

Approved by Commissioner : *[Signature]* Date : 3/25  
 Agency : DOT&PF

Distribution (by Agency preparing fiscal note) :

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

D.O.T./P.F.

STATEMENT OF ANALYSIS RE:  
An Act Relating to Art in  
Public Places

FISCAL NOTE PREPARATION FOR:  
House Bill 606

3/25/86

Specific monetary impacts associated with this bill:

Based on an assumption that eligible facility construction within the Department was to remain at its present \$35 million level the bill would shift \$175,000 from the Artworks program back to the facility construction funds. Similarly, if eligible construction funding was to drop to say \$20 million dollars the shift would be reduced to \$100,000.

On a statewide basis, and assuming that all other eligible construction costs (including "non-rural" school construction) total \$150 million; the anticipated shift from Artwork funding to construction funding would yield \$750,000.

The bill will not reduce administrative costs as associated with the program. These costs are fixed costs (representing media advertising, accounting, inspection, selection costs, management, etc.) and remain fairly constant irregardless of the value of the Artwork. As a percentage of the value of the artwork, administrative costs will actually increase.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : HB 606  
 Title : ...art in public places...  
 \_\_\_\_\_  
 Sponsor : Hanley, et.al.  
 Requestor : State Affairs  
 Date of Request : April 7, 1986

**FISCAL DETAIL**

Agency Affected: Department of Education  
 BRU: Boards and Commissions  
 \_\_\_\_\_  
 Components : State Council on the Arts  
 \_\_\_\_\_

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

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

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

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill has no fiscal impact on this department.

Prepared by: Steve Hole  
 Division: Commissioner's Office

Phone: 465-2800  
 Date: April 7, 1986

Approved by Commissioner: Marshall L. Linde  
 Agency: Department of Education

Date: April 7, 1986

Distribution (by Agency preparing fiscal note):

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



Dept. of Transportation & Public Facilities

# Position Paper

**BILL NO:** House Bill 606

**APPROVED:** *[Signature]*  
R. J. Knapp  
Commissioner

**TITLE:** An Act Relating to Art in Public Places

**DATE:** 3/24/86

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The reduction of artwork funds would provide additional funds to be expended on upgrading other elements within buildings or facilities. The provision stating "shall select Alaska resident artists" would substantially benefit Alaska artists.

Introduced: 4/3/86  
Referred: State Affairs,  
Health, Education & Social  
Services and Finance

BY HANLEY, ADAMS, RINGSTAD,  
PETTYJOHN, LARSON, PEARCE,  
COLLENS, JENKINS, PHILLIPS,  
MARROU, TAYLOR, FURNACE,  
GRUENBERG, FRANK, NAVARRE  
AND BOUCHER

1 IN THE HOUSE

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 607

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to selecting and identifying art in  
7 public places."

7

8

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

9

\* Section 1. AS 35.27 is amended by adding a new section to read:

10

Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes

11

a work of art for a public school shall be selected by the superin-

12

tendent of the school district in which the public school is to be

13

built, with the approval of the school board. If the department finds

14

in the best interest of the state that the selection by the superin-

15

tendent of the artist to execute the work of art may result in a cost

16

overrun to the state or delay of construction, the department shall

17

make the selection of the artist in consultation with the superinten-

18

dent.

19

(b) Except as provided in (a) of this section, art projects for

20

public buildings and facilities shall be selected by a majority vote

21

of a committee convened by the project manager from the department.

22

The committee shall be composed of the architect, the project manager

23

from the department, a designee of the Alaska State Council on the

24

Arts, a designee of the principal user of the public building or

25

facility, and three lay members of the public. The department shall

26

solicit volunteers in a local project area by public notice, and

27

choose the lay members of the committee by lottery from the volun-

28

teers. Before consideration of specific art projects, the committee

29

shall, after public notice, hold a hearing to receive public opinion

1 about potential art projects. The committee shall consider public  
2 opinion as expressed at the public hearing, but is not bound by it.

3 \* Sec. 2. AS 44.27.060 is amended by adding a new subsection to read:

4 (e) A work of art that is to be made a permanent part of a  
5 building or facility owned or leased by the state shall be identified  
6 by a permanent plaque installed on or near the work of art. The  
7 plaque must contain the name or title of the work of art, the name of  
8 the artist, the year of completion, and the names of the members of  
9 the selection committee.

10 \* Sec. 3. AS 35.27.020(e) and (f) are repealed.

MEMORANDUM

TO: Representative Alyce Hanley  
FROM: Scott Sutherland, Staff  
DATE: April 3, 1986

RE: Sectional Analysis- SSHB 607, "An Act relating to selecting and identifying art in public places."

Pursuant to your request I have prepared this sectional analysis of SSHB 607, referenced above.

SECTION 1

Section 1 of this bill creates a new section, 35.27.21:

Sec. 35.27.021 SELECTION OF ART -- This section requires art executed in public schools to be selected by the superintendent with approval of the school board. This is already in the statutes. It has been modified slightly at the request of Legislative Legal Services for clarification and grammar purposes only. The last section of the bill would repeal the current statute, AS 35.27.020(f).

This section also requires that except for the art projects in schools covered above, art projects in public buildings and facilities shall be selected by the majority vote of a seven member committee consisting of a DOT/PF project manager, the architect, a designee of the Alaska State Arts Council, a designee of the principal user, and three lay members of the public. Public members would be selected at random from a list of volunteers from the locality where art project is to be placed. The art project selection committee shall hold a public hearing to receive testimony on a potential art project. The art project selection committee is not bound by opinions expressed at the hearing .

SECTION 2

Section 2 of the bill amends AS 44.27.060:

Sec. 44.27.060 ART IN PUBLIC PLACES FUND-- This change would require the placement of a permanent plaque works of art installed under this program. The plaque must contain the name or title of the artwork, the artist's name, the year of completion, and the names of the committee members that selected the work. Currently the statute directs that the artist (not the work) is selected by the DOT/PF architect after consulting with the Alaska State Council on the Arts and the principal user. The last section of this bill repeals the current statute, AS 35.27.060(e).

SECTION 3

Section 3 of the bill repeals the current AS 35.27.020(e) and (f)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: HB 607  
 Title: ...selecting and identifying art in public places.  
 Sponsor: Hanley, et.al.  
 Requestor: State Affairs  
 Date of Request: April 7, 1986

**FISCAL DETAIL**

Agency Affected: Department of Education  
 BRU: Boards and Commissions  
 Components: State Council on the Arts

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

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

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill has no fiscal impact on this department.

Prepared by: Steve Hole  
 Division: Commissioner's Office

Phone: 465-2800  
 Date: April 7, 1986

Approved by Commissioner: Marshall U. Lind  
 Agency: Department of Education

Date: April 7, 1986

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : House Bill 607  
 Title : An Act Relating to Selecting and Identifying Art in Public Places  
 Sponsor : Hanley, Adams, Ringstad, etc.  
 Requestor : Hanley  
 Date of Request : 3-11-86

**FISCAL DETAIL**

Agency Affected : DOT&PF and DOE  
 BRU : Design and Construction Alaska State Council on the Arts  
 Components : \_\_\_\_\_

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

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

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

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

**POSITIONS :**

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

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

SEE ATTACHED STATEMENT OF ANALYSIS

Prepared by : Rod Wilson  
 Division : Engineering & Operations  
 Approved by Commissioner : [Signature]  
 Agency : DOT&PF

Phone : 465-2960  
 Date : 3-17-86  
 Date : 3/25/86

Distribution (by Agency preparing fiscal note) :

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

DOT/PF

STATEMENT OF ANALYSIS RE:  
An Act Relating to Selecting  
and Identifying Art in Public  
Places

FISCAL NOTE PREPARATION FOR:  
House Bill 607  
3/25/86

Specific tasks required by the bill which are not presently carried out by the Department or the Alaska State Council on the Arts include:

- (1) The solicitation and random selection of three lay members of the public at large.
- (2) The holding of a public hearing to receive input and opinion about potential art projects.
- (3) Identification of selection committee (through the use of a plaque) on all permanently mounted Artwork.

Anticipated Costs:

The predominant cost associated with items 1 and 2 above is that of media advertisement. The costs are expected to be minimal and should be funded from the administrative contingency presently provided to the Council. Costs for a public hearing should also be insignificant since many of the committee members are volunteers and Departmental costs could be borne by CIP funds. The plaque should be considered a support amenity and ancillary to the cost of the Artwork.

Language Changes:

A modification is needed at line 28, page 1, so as to enable the Department and the Council to better control administrative costs. In cases of projects which have relatively small Artwork budgets (say \$2500 to \$5000) and are also at very remote locations, the administrative costs can often greatly exceed the price of the Artwork. For such instances the public hearing portion of the bill should be modified to read "the committee or a selected contingency thereof". This would permit a smaller group, most likely the local community members and perhaps a Council representative, to hear the public testimony. Such evidence could then be summarized (or tape recorded) for review by the entire committee prior to making the Artwork selection. Substantial travel savings would result.

Additional language (following line 3, page 2) requiring Departmental review and approval of all Artwork agreements is needed to replace similar language within AS 35.27.020(e) which this bill would delete. The Letter of Understanding between the Department and the Council relies heavily on the Department's approval of the Artwork agreement as a method of "checks and balances". Dropping such approval requirements would result in extensive negotiations and a rewrite of a new agreement.

Associated Students University of Alaska



(907) 474-7355

UNIVERSITY OF ALASKA-FAIRBANKS  
Fairbanks, Alaska 99775-0220

March 18, 1985

Representative Alyce Hanley  
4007 Bentwood Circle  
Anchorage, AK 99502

Dear Representative Hanley:

We applaud you and other co-sponsors in your attempt to provide for increased public involvement.

Attached is a copy of our ASUA Position statement that was passed by the Senate.

Thank you very much, we wholeheartedly support your efforts.

Sincerely,

Karl Thoenes III  
Student Association President

ph

Enclosure



UNIVERSITY OF ALASKA-FAIRBANKS  
Fairbanks, Alaska 99775-0220

POSITION STATEMENT - 1% for Art Amendments

State Representative Alyce Hanley has sponsored two bills (H.B. 606, 607) in the State Legislature which would amend the "1% for Art" program in the following ways:

1. Art selection would be restricted to works done by Alaskan Artists.
2. "1% for Art" would become "0.5% for Art" - in other words, the appropriations would be reduced from 1% of the total construction budget to 0.5%.
3. Public hearings to review items selected by the selection committees would be required before the art is paid for or installed.
4. Plaques indicating who selected the art shall be installed on or near the work.

WHEREAS, a great deal of concern has been expressed among students regarding the lack of public input in the selection of major art installation on campus,

AND WHEREAS, expenditures of over one hundred thousand dollars are made with comparatively little public involvement,

AND WHEREAS, Representative Hanley's bills would provide for extensive public input and review of proposed art purchases,

AND Representative Hanley's bill would give preference to Alaskan artists in the selection process,

THHEREFORE BE IT RESOLVED that the student association on the University of Alaska-Fairbanks campus strongly supports H.B. 606 and 607 as legislation long past due, and applauds Representative Hanley and the other co-sponsors in their attempt to provide for increased public involvement.

A handwritten signature in black ink, appearing to read "Karl E. Thoennes III".

Karl Thoennes III  
Student Association President  
March 4, 1986

ROBERT F. WILLIAMS

4-4-86  
APR 1986  
RECEIVED

DEAR ALYCE,

I WAS PLEASSED TO SEE THE ACTIONS  
YOU ARE PROPOSING WITH YOUR BILL  
ON THE ONE % FOR ARTS.

SINCE I GOT ON THE BOARD OF  
REGENTS IT HAS BEEN AN ISSUE WITH  
ME TO SEE THAT THE ART FUNDS IF  
THEY MUST BE SPENT BE DONE IN A  
WAY THAT ADDS VALUE TO OUR STATE.  
MUCH OF WHAT HAS BEEN DONE SEEMS TO  
HAVE MISSED THAT MARK.

I HAVE ENCLOSED A FEW THINGS  
I HAVE WRITTEN ON THIS SUBJECT. THE  
ARTISTS HAVE ALL BEEN AFTER MY IDEE ON  
THIS - I'M SURE YOU HAVE GOTTEN SOME  
INPUT AS WELL.

HANG IN THERE AND LET ME  
KNOW IF I CAN HELP.

Bob Williams

Chevron



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

Robert F. Williams  
Manager, Alaskan Refinery  
Manufacturing Department

*cc - ~~Shannon Carter~~ interview  
FPC exec summary  
file. 3/11/85*

Statewide Office  
of Facilities  
Planning and Construction

APR 26 1985 Time

DIST.		

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

Dear Chris,

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

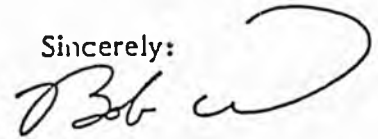
I believe that state funding, as much as possible, should be targeted toward multi-use projects. This becomes even more important in an atmosphere of declining revenues. With this concept in mind, I feel state-funded public art should also be targeted to enhance our tourism economy. We need to offer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

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

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

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

Sincerely:



R. F. Williams

RFW:sa

cc: Dr. O'Dowd  
Fellow Regents



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Avenue  
Pouch 6-614  
Anchorage, Alaska 99502  
[907] 333-9561

WEST ANCHORAGE HIGH SCHOOL  
1700 Hillcrest Drive  
Anchorage, Alaska 99517

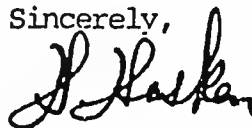
April 7, 1986

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

Dear Representative Hanley:

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

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

Sincerely,  
  
Howard Hosken  
Principal

HH/pp

## State can't afford 1 percent program

Dear Editor:

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

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

Marian M. Hill  
8300 Nadine St.

ANCH. TIMES  
4-14-86

## Art lacks artistry

Dear Editor:

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

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

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

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

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

Alta Boling  
LaConner, Wash.

## Basics in the world of art

Dear Editor:

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

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

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

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

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

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

Bill Anton  
Mile 248.5, Parks Highway

## Arts funding not immune from cuts

Dear Editor:

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

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

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

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

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

At least they will know junk when they see it.

John Kiehn  
2129 Sunrise

APRIL 10, 1986

## How public art is chosen also important

### To the Editor:

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

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

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

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

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

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

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

## LETTERS

JE 3/20

### Bill would improve public art program

Sir:

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

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

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

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

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

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

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

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

I'd like to encourage members of

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

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

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

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

## Airport triptych a mystery

Dear Editor:

Ref: \$40,000 triptych at airport.

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

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

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

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

Ken Krasselt  
4950 Nottingham

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

**Dear Editor:**

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

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

Left speechless  
Bob Croteau, Jr.  
P.O. Box 2825  
Juneau, 99803

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

---

March 3, 1986

JUNEAU  
EMPIRE

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

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

Dear Editor:

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

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

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

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

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

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

JUNEAU EMPIRE

FEBRUARY

10, 1986

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# LETTERS

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## Name offered for airport's artwork

Editor,

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

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

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

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

Sincerely,

Vern Metcalfe

3333 Nowell, No. 208

Juneau, 99801

JUNEAU  
EMPIRE  
1-24-86

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

# Letters Juneau Empire

December 1984

## Nimbus should be a monument

Dear Editor:

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

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

Nimbus is an ideal monument to bureaucratic bumbling.

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

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

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

E.O. Bracken  
Box 1088  
Juneau, 99541

## What to do with Nimbus

Editor's Note: The following letter

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

Dear Editor:

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

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

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

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

## Doonesbury

BY GARRY TRUDEAU



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

wreckage as a monument.

Larry R. I  
3310 Douglas High  
Juneau, 9

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

### Bear statue gets a vote

Dear Editor:

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

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

the small plaza.

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

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

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

Rie Munoz  
222 Court St.  
Juneau

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## Nimbus shows weak selection

Dear Editor:

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

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

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

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

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

My last two years on the Council was one which placed Alaska Indian Arts, Inc. on the blacklist and we were written off as a principal grantee. Regulations, most of which didn't exist, were adjusted so that such things as "in-kind" assistance could not be used, although it was plainly documented that Alaska Indian Arts, Inc. was being supplied facilities worth over \$20,000 a year. Over 5,000 square feet of building, equipment, heat, light, etc. were supplied by this "in-kind" was disallowed.

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

Sincerely,  
Carl W. Heilmiller  
Box 271  
Halnes, 99527

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

# JUNEAU EMPIRE

## Accountability in public art

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

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

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

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

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

This bill does two things:

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

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

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

3-28-86

Chart from USA TODAY  
February 19, 1986

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

## State arts grants up 25.2% in fiscal 1986

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

State	Appropriation	Per capita
Alabama	\$1,100,000	27.6¢
Alaska	\$4,000,700	800.1¢
Arizona	\$1,010,200	33.1¢
Arkansas	\$970,694	41.3¢
California	\$11,692,000	45.6¢
Colorado	\$940,622	29.6¢
Connecticut	\$1,479,000	45.9¢
Delaware	\$496,000	80.9¢
D.C.	\$1,673,000*	253.5¢
Florida	\$9,761,077	83.9¢
Georgia	\$2,200,588	37.7¢
Hawaii	\$2,237,297	215.3¢
Idaho	\$137,600	13.7¢
Illinois	\$7,462,701	64.8¢
Indiana	\$1,830,576	33.3¢
Iowa	\$522,593	18.0¢
Kansas	\$589,711	24.2¢
Kentucky	\$1,554,400	42.0¢
Louisiana	\$1,397,646	31.3¢
Maine	\$420,292	35.4¢
Maryland	\$1,897,527	43.6¢
Massachusetts	\$16,379,056*	282.5¢
Michigan	\$10,291,500	113.4¢
Minnesota	\$2,747,400	66.0¢
Mississippi	\$490,354	18.9¢
Missouri	\$6,904,051	137.9¢
Montana	\$758,507	92.1¢
Nebraska	\$599,844	37.4¢
Nevada	\$174,270	19.1¢
New Hampshire	\$323,000	33.1¢
New Jersey	\$10,391,000	135.3¢
New Mexico	\$713,500	50.1¢
New York	\$44,078,900	248.5¢
North Carolina	\$3,932,233	63.8¢
North Dakota	\$248,195	36.2¢
Ohio	\$7,509,753	69.8¢
Oklahoma	\$1,821,462	55.2¢
Oregon	\$445,955	16.7¢
Pennsylvania	\$6,724,000	55.5¢
Rhode Island	\$444,357	45.2¢
South Carolina	\$2,602,010	76.8¢
South Dakota	\$279,885	39.6¢
Tennessee	\$3,615,800	76.7¢
Texas	\$9,250,000	55.0¢
Utah	\$1,558,200	95.1¢
Vermont	\$245,500	46.3¢
Virginia	\$1,947,855	34.6¢
Washington	\$2,235,974	51.4¢
West Virginia	\$2,117,239	103.5¢
Wisconsin	\$1,154,200	24.2¢
Wyoming	\$144,605	28.3¢
Total*	\$193,573,859	—

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

JAN 24, 1986

# Saturday Sundry

By William J. Tobin

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

total \$ 296,265

AK Council of Arts



## Giving Art a Bad Name

GEORGE F. WILL

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

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

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

minated with flickering blue light, presumably to improve it.

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

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

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

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

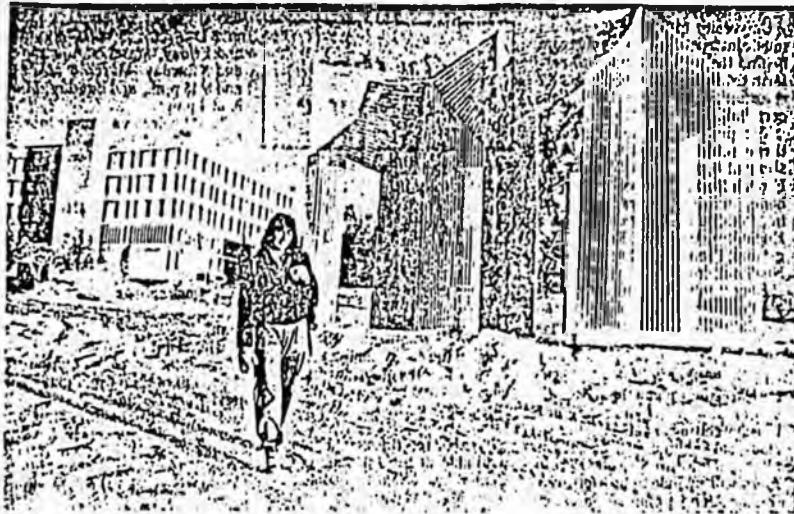
Some Serra defenders say his First Amendment rights are being trampled. But the issue is not a person's right to "express" his whims in rusty steel. The issue is the public's right not to be saddled with the

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

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

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

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



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

(News-Miner library photo)

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

By DIANA BRYSON  
Staff Writer

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

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

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

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

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

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

the amount of money which would be cut."

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(News-Miner library photo)

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

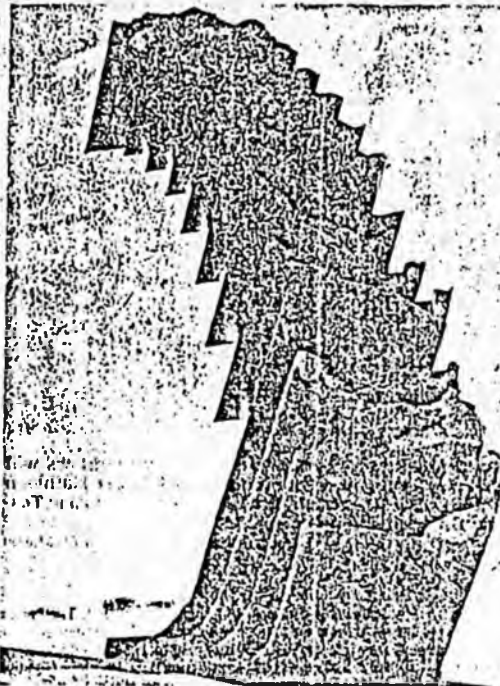
"I recognize that we're spending millions of dollars on this without much input from the public."

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

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

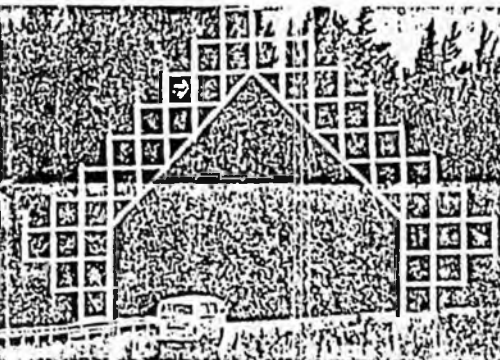
D'Arcy estimates 60 percent of the commissions already are given to Alaskan artists.

## Public art projects



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

(News-Miner library photo)



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

(News-Miner library photo)

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

—Christine D'Arcy

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

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

Hanley disagrees.

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

# JUNEAU EM

"The Voice of Alaska's Capital City"

VOL. 78 NO. 249

JUNEAU, ALASKA, TUESDAY, DECEMBER 18, 1984

## Nimbus gets the boot

### Statue put in storage

★ The Juneau Empire

Now you see it, now you don't.

State employees today peered out their Capitol and Alaska Court Building windows to watch a crew begin the job of removing Nimbus, a green sculpture placed in the plaza in 1978.

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

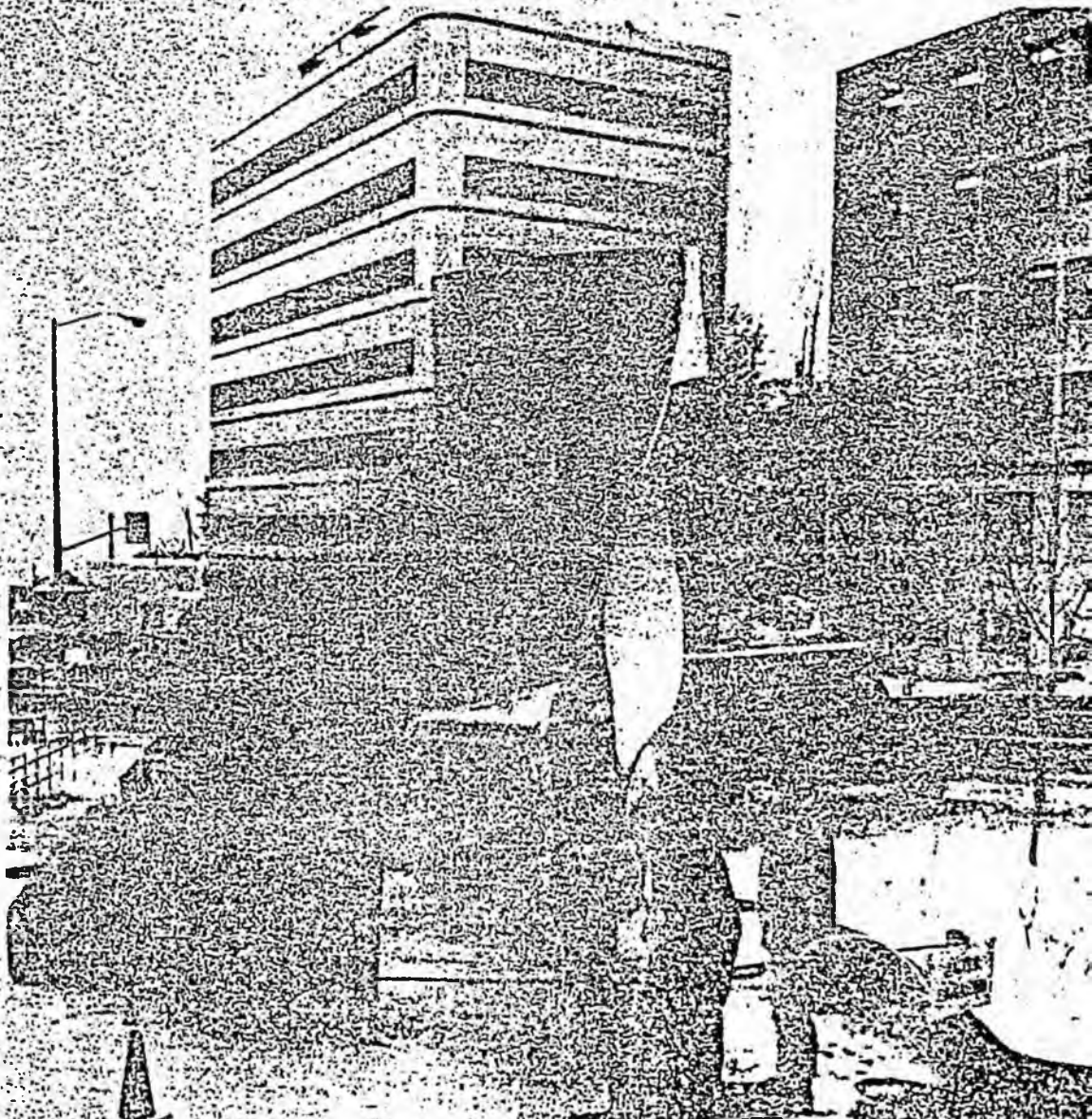
Once uprooted from its cement base, Nimbus will be taken to the Department of Transportation's Switzer Creek area building and stored until a state panel decides where it should be relocated. The cost of removing it is expected to be about \$6,000.

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

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

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

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



Nimbus no more: Eviction started this morning.

Photo by Mark Kelley

## Public must be part of its art

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

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

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

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

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

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

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

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

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

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

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

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

JUNEAU EMPIRE FEB. 3, 1986

# Nimbus: Going but not gone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Farewell to Nimbus

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

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

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

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

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

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

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

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

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

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

# 'Art' in public places?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

See DESIGNS, Page 13

# • Designs should follow bldg. theme

Continued from Page 12

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

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

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

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

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

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

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

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

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

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

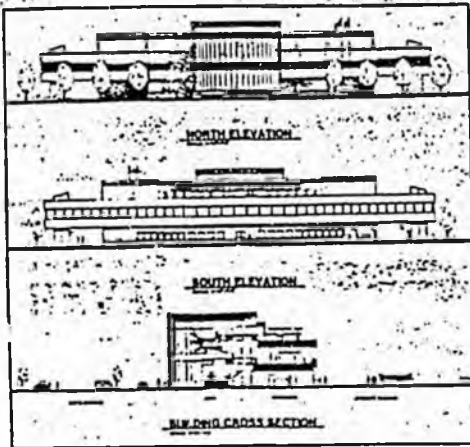
So now comes the Building Art Jury. Though construction money is not yet located for the building, design is under way

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

placement.

There are those close to this development and to aviation

See DESIGNS, Page 14



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

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

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

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

# • Design follows theme

Continued from Page 13

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

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

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

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

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

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

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

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

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

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

It's only appeal is for the artists themselves, and not those of us who will be subjected to it or pleased by it in years to come.

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

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

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

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

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

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

Amason's present tripartite canvas continues his brash color scheme, showing two salmon

with ramps. One is plopping a foot out from the canvas, chased by a bear splashing multi-colored water. A blue fox takes up the left side, and a bald eagle and magpie look on.

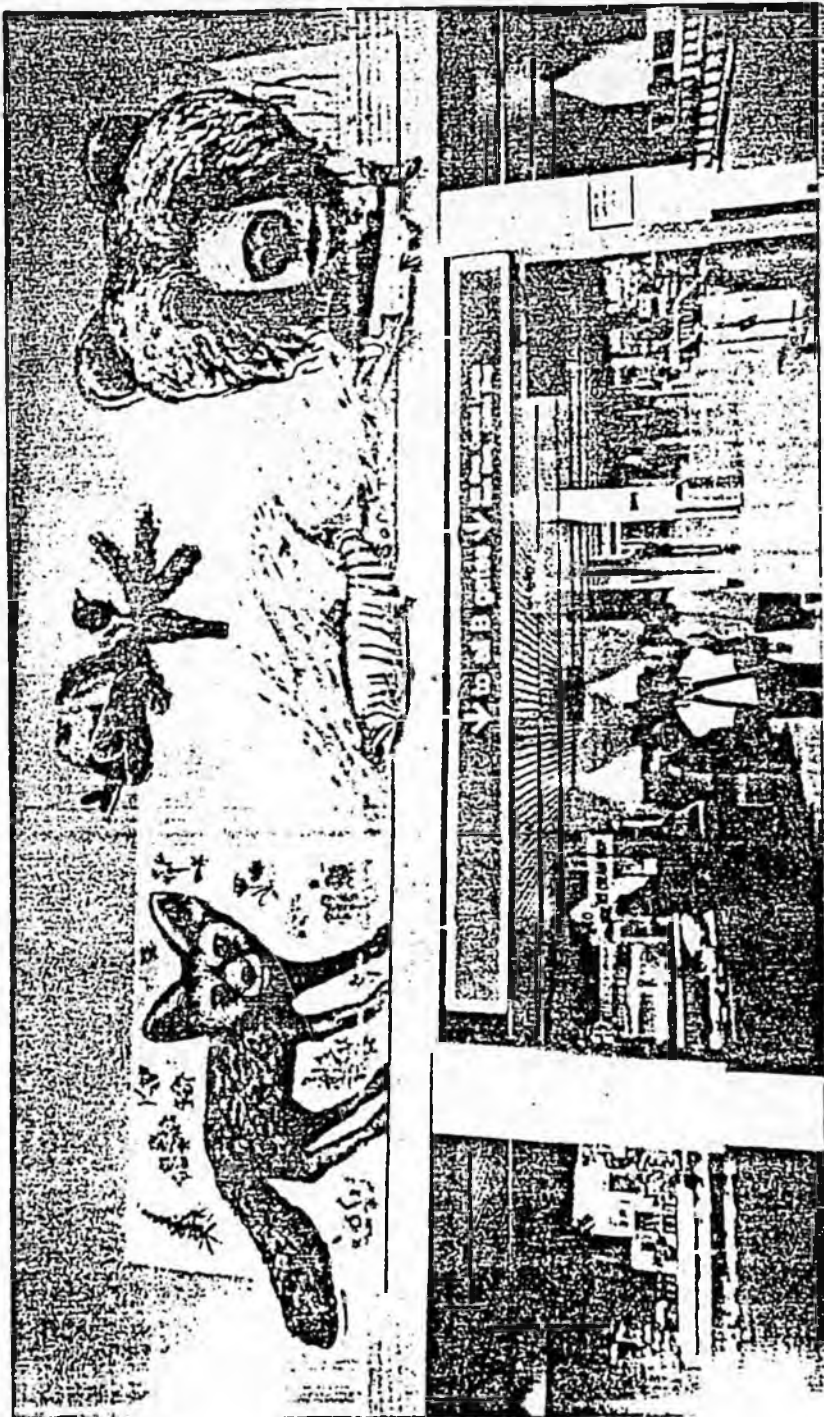
Amason flew "Welcome to My World" to Anchorage a week ago to make final adjustments at the Visual Arts Center. He had spent seven months working on it at his Oakland, Calif., studio.

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

just take the art and everything else," Blaine said.

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

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



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

# Airport art piece causes controversy

By Van Chandonniet  
Times Staff Writer

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

According to John Blaine, executive director of the Visual Arts Center, com-

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

This is not the first time that the multicolored, animal-strewn art of Koo'-k'-born artist Amason has caused local

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

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

## A profile of the work

— Time Out, D-1

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

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

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

### Section

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

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

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

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

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

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

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

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

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

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

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

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

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

The 1980 amendment rewrote

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

#### Sec. 35.27.030. Definitions. In this chapter

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

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

(A) includes, but is not limited to,

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

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

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

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

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

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

§ 35.30.010

PUBLIC BUILDINGS AND WORKS

§ 35.30.010

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

substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraph (1).  
The 1980 amendment rewrote paragraph (2), and added paragraph (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**REQUEST**

Bill/Resolution No. : CSHB 606 (FIN)  
 Title : Art in public palces  
 \_\_\_\_\_  
 Sponsor : Hanley  
 Requestor : House Finance Committee  
 Date of Request : 5/2/86

**FISCAL DETAIL**

Agency Affected : DOT/PF  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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

**POSITIONS :**

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

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

No additional funds should be needed. If costs are incurred, they can be absorbed within the Department's budget.

Prepared by : AAA Al Adams, Chair Phone : 465-3706  
 Division : House Finance Committee Date : 5/2/86

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

**Distribution (by Agency preparing fiscal note) :**

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



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

11/24/89  
Date

HB

647



**Katie Hurley, House of Representatives**

**Alaska State Legislature**

Chair, House State Affairs Committee  
Member, Health Education & Social Services Committee  
Member, Alaska Legislative Council  
Member, House Special Committee on Fisheries  
Member, Finance Subcommittee on Corrections  
Member, Joint Committee on Local Option Elections

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Box 870157  
Wasilla, Alaska 99687  
(907) 376-4058

To: Senator Mitch Abood  
Chair, Senate State Affairs Committee

From: Representative Katie Hurley *Katie Hurley*

Date: May 5, 1986

Subj: House Bill 647 - Community-Right-To-Know

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Attached is back-up information on House Bill 647 giving Alaskans the right to know the amount, location and dangers of hazardous chemicals being used and stored in their communities.

Supporters of House Bill 647 include: Alaska Municipal League, State Fire Marshal, Municipality of Anchorage, the Alaska Medical Association, Department of Health and Social Services, League of Women Voters, Alaska Public Health Association, Fairbanks North Star Borough, Department of Labor and the Mat-Su Borough.

Please let me know if you have any questions or need additional information.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

MEMORANDUM

May 5, 1986

SUBJECT: Sectional analysis of SCS CSHB 647(C&RA)  
TO: Representative Katie Hurley  
FROM: Edward H. Hein *EHA*  
Legislative Counsel

Section 1 states that the legislature's intent in this bill is to ensure the safety of emergency response personnel, permit development of a chemical profile of municipalities, protect the health and safety of state residents and visitors, and inform the public about hazardous materials and wastes.

Sec. 2 requires businesses or government agencies that "handle" hazardous materials or hazardous wastes to post warning placards provided by the division of fire prevention and in accordance with Department of Public Safety regulations. This section also requires the department to adopt the U.S.D.O.T. design for the placards, but allows municipalities that establish hazardous materials reporting program to use an alternative placard design if approved by the department. Requires the department to adopt regulations for posting the placards and to establish a fee schedule to cover costs of enforcement and of providing placards. Fees collected by the department go in a separate account in the general fund. Defines key terms the same as in sec. 4 of the bill.

Sec. 3 amends AS 29.10.200 so that the reporting and other provisions of AS 29.35 added by this bill apply to home rule municipalities.

Sec. 4 establishes minimum requirements for municipalities that establish hazardous materials and hazardous wastes reporting programs. Sec. 29.35.500 requires businesses and government agencies to submit inventories to the municipality on a form provided by the division of fire prevention, and

specifies what information must be contained in the inventory. The section specifies the minimum quantities of materials and wastes that must be reported in the inventories. These quantities can be reduced by the division of fire prevention or by a municipality. The section also specifies a 30-day limit for submitting the report and provides for amending the inventory if there are additions or significant changes in the materials or wastes handled. This section allows municipalities to require businesses and government agencies to submit OSHA Material Safety Data Sheets and to impose requirements outside of municipal boundaries under certain circumstances.

Sec. 29.35.510 provides for municipal inspections and penalties.

Sec. 29.35.520 allows municipalities to impose fees for processing inventories and administering inspections.

Sec. 29.35.530 requires the division of fire prevention to provide inventory forms and summaries or lists of materials and wastes that must be reported. This section also allows the division and the Departments of Environmental Conservation, Health and Social Services, and Labor to obtain copies of inventories submitted to municipalities and to provide educational materials.

Sec. 29.35.540 requires municipalities to make information collected under this bill readily available to the public.

Sec. 29.35.550 makes the provisions of section 4 of the bill applicable to home rule and general law municipalities.

Sec. 29.35.560 provides that the establishment of a municipal hazardous materials and hazardous waste reporting program does not increase the municipalities liability for damages resulting from hazardous materials or hazardous waste.

Sec. 29.35.590 defines various terms used in the bill. A key term, "handles," is defined so as to exempt the reporting of hazardous materials or hazardous wastes that are in transit and already covered by federal DOT regulations.

Sec. 5 provides a January 1, 1987 effective date.



Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee  
Member, Health Education & Social Services Committee  
Member, Alaska Legislative Council  
Member, House Special Committee on Fisheries  
Member, Finance Subcommittee on Corrections  
Member, Joint Committee on Local Option Elections

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COMMUNITY-RIGHT-TO-KNOW  
FACT SHEET HB 647

Literally thousands of pounds of hazardous substances are shipped annually to communities across Alaska from Ketchikan to Kotzebue via air, rail, barge and road transportation. As Alaska industrializes, the likelihood of dangerous incidents involving hazardous chemicals increases. In 1984, the Alaska Health Project documented over 1300 accidents involving hazardous materials. The recent chlorine episode in Kodiak, the hydrochloric spill in Fairbanks and the Moose Pass situation underscore this fact.

With basic information about hazardous chemicals in their communities, firefighters, health professionals and the public are better able to take preventive measures against the dangers posed to health and safety.

HB 647 gives Alaskans the right to know the amount, location and unique dangers of hazardous substances being used and stored in their communities. As drafted, the bill does not require municipalities to enact ordinances but rather provides them with the authority and uniform guidance should they elect to do so. HB 647 also establishes a statewide placarding system to clearly mark where hazardous chemicals are being used and stored.

HB 647 eases compliance for businesses and government agencies that might otherwise have to contend with varying reporting and posting requirements in different localities.

HB 647 does not include transportation - this issue is being addressed in separate legislation. It also does not include the everyday person who has a few containers of gas and paint in the garage - the bill excludes quantities that do not pose significant public danger or threaten the safety of emergency responders.

There is no fiscal impact to the state associated with HB 647 due to the imposition of fees by the Fire Marshal's Office to cover the costs of enforcement and of providing placards. If the residents in a community elect to enact a Community Right to Know program, costs associated with such a program may be offset by the imposition of fees.

HURLEY  
PAGE 2

The Fire Marshal's Office in the Department of Public Safety has been designated the coordinating agency in this legislation because of its contact with fire halls and public safety officers across the state.

With the passage of HB 647, Alaska will join 12 other states from New Jersey to Oregon to enact Community-Right-To-Know Laws.

Unless the names and hazardous properties of chemicals in a community are publicly available, government officials charged with protecting property and public health are left virtually blindfolded waiting for a crises to occur. The actual cost of this ignorance can actually be much higher than the price of implementing a local Community-Right-To-Know Law.

SUPPORTERS OF HB 647 INCLUDE:

ALASKA MUNICIPAL LEAGUE	STATE FIRE MARSHAL
ALASKA HEALTH PROJECT	ALASKA MEDICAL ASSOC.
MUNICIPALITY OF ANCHORAGE	DEPARTMENT OF LABOR
FAIRBANKS NORTH STAR BOROUGH	LEAGUE OF WOMEN VOTERS
ALASKA PUBLIC HEALTH ASSOC.	MATSU BOROUGH
DEPARTMENT OF HEALTH AND SOCIAL SERVICES	

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SCSCSHB 647 (C&RA)

DRAFT

May 1, 1986

SUPPORT

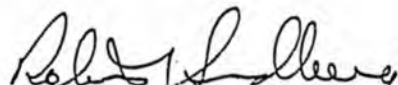
SCSCSHB 647 (C&RA) - "An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

The Department of Public Safety supports SCSCSHB 647 (C&RA).

The bill will provide a common framework for placarding structures housing hazardous materials and wastes which will alert emergency services responders and the public of potential dangers associated with its contents.

Municipalities which establish programs for the reporting of hazardous materials and wastes will receive reports of these on a standard inventory form developed by the Division of Fire Prevention and furnished to the handlers of hazardous materials and wastes.

The bill establishes a uniform approach to allow the recognition and identification of places handling hazardous materials and wastes.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST DRAFT**

**FISCAL DETAIL**

Bill/Resolution No. : SCSCSHB 647 (C&RA)  
 Title : An act establishing requirements for warning placards and for municipal reporting programs for hazardous materials...  
 Sponsor : Representative Hurley  
 Requestor : Senate Community & Regional Affairs  
 Date of Request : 5/1/86

Agency Affected : Public Safety  
 BRU : Fire Prevention  
 Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>33.6</b>	<b>35.3</b>	<b>37.0</b>	<b>38.9</b>	<b>40.8</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>		50.0	50.0	50.0	50.0	50.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
<b>TOTAL</b>		<b>33.6</b>	<b>35.3</b>	<b>37.0</b>	<b>38.9</b>	<b>40.8</b>

**POSITIONS :**

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

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

Prepared by : Gordon E. Brunton  
 Division : Fire Prevention

Phone : 465-4331  
 Date : 5/1/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 5/1/86

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

## ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

## CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0
	TOTAL CONTRACTUAL	<hr/> \$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X \$1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
	TOTAL SUPPLIES	<u>\$9.9</u>

REVENUE

5,000 placards per year X \$10.00	50.0
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Committee Substitute for  
Bill No. House Bill 647 (State Affairs)

Date March 27, 1986

Title "An Act establishing requirements for  
warning placards and for municipal  
reporting programs for hazardous  
materials and hazardous waste."

Contact: Eileen Plate  
465-2700  
Richard Arab  
465-4856

Committee Substitute for House Bill 647 provides for the placarding of places where hazardous materials and hazardous wastes are located; and further provides that municipalities may establish "community right-to-know" programs with respect to hazardous materials and wastes.


The Department of Labor currently requires employers to provide information to their workers on toxic and hazardous substances to which they may be exposed. However, there is presently no requirement that such toxic and hazardous substances be placarded so that emergency response agencies are aware of the existence of such toxic and hazardous materials. This information could be vital to emergency response personnel because such materials are often volatile and can cause fires to spread faster than anticipated. The placarding requirements of this bill should, therefore, assist emergency responsive personnel in protecting both the public and property.

Further, the opportunity provided in the bill for municipalities to establish hazardous materials and wastes reporting and inspection programs would enable municipalities to inventory such materials and thereby focus action plans, including the proper training and equipping of emergency response personnel, on specific hazardous materials and substances in their jurisdictions.

The Department of Labor appropriately would not have an active role in the implementation of Committee Substitute for House Bill 647. However, because it does afford an opportunity for additional protection for emergency response workers, the department supports its proposed provisions.

The educational and technical assistance that the Department of Labor would provide in designing warning placards, as outlined in proposed Section 18.70.310(b), and in furnishing information on hazardous materials as outlined in proposed Section AS 29.35.530, would not have a fiscal impact on the Department.

APPROVED:

  
\_\_\_\_\_  
Jim Robison, Commissioner  
Department of Labor

**POSITION PAPER/**Department of Labor

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

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

**REQUEST**

Bill/Resolution No. : CSHB 647 (SA)  
 Title : "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials..."  
 Sponsor : Hurley, Kononen, Davis, Goll...  
 Requestor : House State Affairs  
 Date of Request : 3/24/86

**FISCAL DETAIL**

Agency Affected : Labor  
 BRU : Labor Standards and Safety  
 Components : Occupational Safety & Health

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

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

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by : Robert J. Bacolas, Sr.  
 Division : Labor Standards & Safety

Phone : 465-4870  
 Date : 3/27/86

Approved by Commissioner : Jim Robison  
 Agency : Labor

Date : 3/27/86

Distribution (by Agency preparing fiscal note):

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

POSITION PAPER (AMENDED)

HOUSE BILL 647

"An Act requiring Municipalities to establish reporting and inspections programs for hazardous materials and hazardous waste."

This bill requires municipalities to establish hazardous materials reporting and inspection programs to ensure the safety of individuals who may come in contact with the materials. Under the terms of HB 647, individuals who utilize such materials must annually submit a detailed inventory and notify the municipality within 24 hours any changes in the status of the inventory. In addition, such individuals must place warning placards to notify the public of the presents of the materials.

Position

The Department of Health and Social Services supports HB 647 and its intent to protect the general public and inform emergency response personnel regarding the type and location of hazardous materials in a community. The right of public awareness to the presence of hazardous materials is an effective means of minimizing the dangers. Implementation of this bill will be the responsibility of the Department of Public Safety, Division of Fire Prevention and local municipalities. The department will work with the responsible agencies to provide assistance in coordinating with emergency medical services personnel and other appropriate health care providers. The Department of Health and Social Services feels the development of guidelines by the Department of Public Safety relating to placarding will be a positive step in developing a uniform statewide system and has our endorsement.

Recommended by:

*Elizabeth Ward*

Elizabeth Ward, M.N.

Director

Division of Public Health

Date:

3/1/91

Approved by:

*John R. Pugh*

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

Date:

3/10/91

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : HB 647  
 Title : An act requiring municipalities to establish reporting and inspection programs for haz. materials and haz. waste:  
 Sponsor : Katie Hurley  
 Requestor : Peter Goll (CGR) and SA  
 Date of Request : 2/27/86

**FISCAL DETAIL**

Agency Affected : Environmental Conservation  
 BRU : Environmental Quality  
 Components : Director's Office

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

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

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

**POSITIONS : NONE**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by : Keith Kelton  
 Division : Environmental Quality

Phone : 465-2640  
 Date : 2/27/86

Approved by Commissioner : Bill Boss  
 Agency : Department of Environmental Conservation

Date : 3/18/86

Distribution (by Agency preparing fiscal note) :

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

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-09

A RESOLUTION SUPPORTING STATEWIDE  
HAZARDOUS MATERIAL DISCLOSURE LEGISLATION.

WHEREAS, the handling, storage, transportation, use, processing, and disposal of hazardous materials and hazardous waste occurs in all communities in Alaska, and

WHEREAS, the potential impacts of accidents associated with hazardous materials and hazardous wastes can have devastating impacts on the public health and the environment, and

WHEREAS, knowledge of the types of hazardous materials and hazardous wastes are critical and central to a community's ability to recognize potentially dangerous situations, and

WHEREAS, firefighters, police officers and other public safety and medical professionals often lack the information necessary to respond quickly and safely to emergencies involving hazardous materials and hazardous waste, and

WHEREAS, the public has the right to know what hazardous materials and hazardous wastes are in their community;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports the adoption of state enabling legislation to allow local governments to establish a Hazardous Materials Disclosure (Community Right-to-know) Program. Such a Hazardous Materials Disclosure law should address minimum program requirements for a municipality, including:

- a. Notification
- b. Placarding
- c. Transportation Routing
- d. Transportation requirements for selected materials
- e. Emergency Coordination Procedures

Alaska

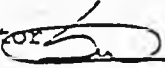


TELEPHONE  
(907) 586-1325

League

105 MUNICIPAL WAY SUITE 301  
JUNEAU, ALASKA 99801

TO: Representative Peter Goll, Chairman  
Members of the House Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 5, 1986

SUBJECT: HB 647 - Hazardous Waste Reporting and Inspection

The Alaska Municipal League supports the concept of HB 647 as another piece of the legislation needed to address a critical and growing threat to the people who live, work and visit in our communities; however, without a financial commitment by the State to fund additional mandates on local government, the mandatory "shall" language referring to municipal action should be changed to "may". The current language appears to place the mandate on municipalities to set up a potentially expensive reporting mechanism. Instead, the language should allow local option by those communities able to implement such a program. The mandatory language requiring the "handle" to report the information should remain. With such a change, the AML supports the program, and appreciates the work of the sponsors of this and other hazardous waste legislation this year. From the attached resolutions debated and adopted by the AML in Fairbanks in November, the Committee can see that hazardous waste and substance issue is a significant one for municipalities.

In addition to the resolutions attached, the following policy language appears on page 8 of the AML 1986 Policy Statement:

"The League supports legislation which would require producers, shippers, distributors, and commercial and industrial users to submit to all affected municipal governments, the Standard Material Safety Data Sheet on all toxic material physical agents being shipped to or through, or stored, manufactured, utilized, produced as a by-product, or otherwise found at any time, on the property or rights-of-way of any enterprise or site within the municipal boundaries."

This legislation gives the legislative intent and statutory language needed for the municipalities and the State to work together to begin developing and implementing a "community right to know" program. Many municipalities are faced with problems presented by our advanced, industrialized and often complex society. HB 674 begins to address the problem by allowing information to be collected and posted on the storage and use of hazardous wastes and substances. The legislation is only a part of the solution because we have not adequately address hazardous wastes and substances clean-up, transportation and disposal disposal. Several other bills are before the legislature this session which do attempt to begin addressing these other problems.

AML Testimony on HB 647

March 5, 1986

Page 2

I want to reiterate that the solution to the problems presented by hazardous materials in our communities is not for the federal and state governments to mandate additional responsibilities on local governments. Effective laws are part of the solution; individual and corporate responsibility is another part; and, finally, money, whether from fees and penalties on the generator or from society as a whole in the form of taxes.

One final concern in relation to money that I would request the Committee address in reviewing this and other legislation is the adequacy of training funds and programs to adequately prepare local emergency response personnel. Whether it is to be provided by the Department of Environmental Conservation, the Department of Public Safety, Division of Fire Prevention, or the Department of Military and Veterans Affairs, Division of Emergency Affairs, training in emergency response and clean-up needs to be provided statewide.

Again, the AML is in support of HB 647 with permissive rather than mandatory statute language.

Resolution Passed by the Alaska State Medical Association and  
the Anchorage Medical Society 1985

SUBJECT: COMMUNITY RIGHT-TO-KNOW

WHEREAS, hundreds of thousands of gallons of hazardous substances are released into Alaskan air, lands and water by hundreds of documented industrial and transportation accidents each year (1); and

WHEREAS, residents and entire communities may be exposed to these accidentally released hazardous substances and physical agents as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

WHEREAS, the public health can be best served by a preventative approach whereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and physical agents in their communities; and

WHEREAS, several states and municipalities have adopted or are considering for adoption community right-to-know legislation including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachusetts (2); Therefore be it

RESOLVED, that the Alaska State Medical Association supports the establishment of statewide and local community right-to-know legislation with at least the following elements:

- a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic material physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and
- b. Full access by the general public, health care providers, and emergency responders to this public information; and
- c. An associated educational program for employers, the general public health care providers, emergency responders, and public health professionals and officials; and
- d. Sufficient funding for the legislation to be fully effective.

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(1) Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation

(2) Worobec, MR, et al. Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.D, 1984.

Resolution Passed by the Alaska Public Health Association 1985

ADVOCATING COMMUNITY RIGHT-TO-KNOW LEGISLATION

The Alaska Public Health Association:

Noting that hundreds of thousands of gallons of hazardous substances are released into Alaskan air, lands and water by hundreds of documented industrial and transportation accidents each year [1]; and

Observing that not only workers may be exposed to these accidentally released hazardous substances and physical agents, but that nearby residents and entire communities may be exposed as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

Recognizing that the public health can be best served by a preventive approach hereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and physical agents in their communities; and

Recalling that several states and municipalities have adopted or are considering for adoption community right-to-know legislation, including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachusetts [2]; and

Remembering that ALPHA and the national organization APHA have already gone on record as supporting the principle of right-to-know legislation [3]; therefore

Advocates, endorses, and supports the establishment of both statewide and/or local community legislation with at least the following elements:

- a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic materials and physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and
- b. Full access by the general public, health care providers, and emergency responders to this public information; and
- c. An associated educational program for employers, the general public, health care providers, emergency responders, and public health professionals and officials; and
- d. Sufficient funding for the legislation to be fully effective; and

Provides that copies of this resolution will be distributed to:

- a. The Governor
  - b. All members of the Alaska Legislature
  - c. All members of the ALPHA
  - d. Major newspapers in Alaska in the form of a press release
-

- [1] Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation.
- [2] Worobec, M.R. et al, Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.C., 1984
- [3] In support of Right-To-Know Resolution passed by ALPHA, 1983.

Informing Workers of Occupational Health Risks Policy Statement adopted by APHA Governing Council, November 2, 1977.

Support for the proposed Labeling Standard of the Occupational Safety and Health Administration. Policy Statement adopted by APHA Governing Council, October 22, 1980.

