

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
6087 HOUSE STATE AFFAIRS

8672

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- H. Dedication: If a dedication or "unveiling" of the work is desired, arrangements and costs incurred will be the responsibility of the owner agency, though technical assistance can be requested of the ASCA.
- I. Administrative Costs: The DOTPF and ASCA will cover all costs of administering the program from funds other than the Percentage for Public Art Allocation.

APPENDIX III.

Public Art Program Comparison Chart

| | State of Alaska | Municipality of Anchorage | First Banks, Minneapolis (corporate) |
|---|--|--|---|
| Percentage | 1%/5% for rural schools | 1% | Annual Budget |
| Total value of collection | \$4.5 million | \$2.5 million | \$3.5 million invested \$7.0 million (appraised value) |
| Administrative Responsibility | Decentralized among ASCA, DOT/PF, University of Alaska, School districts and other user agencies | Centralized with the Anchorage Museum of History & Art through a Program Director | Curatorial staff |
| Number of staff assigned to program | 0 | 1 | 2 full-time 3 interns 1 consultant |
| Administrative budget | 0 | \$74,000 | \$500,000 |
| Budget for maintenance and conservation | 0 | \$6,000 (1988 only) | Figures not available |
| Selection process | Selection committees | Selection committees | Curatorial choices |
| Public information program | Monthly bulletin Annual reports | Public hearings required in selection process, annual bus tours, presentations to civic groups, press releases | Highly active feedback mechanism interpretive labeling on artworks, seminars and curatorial of employees |
| Deaccessioning policy | None in place | In formative stages | In place, designed to improve investment |
| Average annual acquisition budget | \$450,000 | \$310,000 | \$440,000 |

APPENDIX IV.

Total Expenditures 1978-1988

| | All Commissions | Projects in Progress | Awarded to Non-Residents | Unspent or No Data |
|-------------------|--------------------|----------------------|--------------------------------------|--------------------|
| 1% For Facilities | 2,734,408 | 542,100 | 1,244,101 | 439,676 |
| .5% for Schools | 1,837,272 | 25,000 | 561,370 | 558,537 |
| Total | \$4,571,680 | \$567,100 | \$1,805,471 (39% of total) | \$998,213 |

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 28, 1989

SUBJECT: CSHB 3 (St. Aff.)

TO: Representative H.A. "Red" Boucher
Chair, House State Affairs Committee

FROM: Pamela Finley *Pam*
Assistant Revisor of Statutes

You asked me to discuss problems that currently exist in AS 35.27 (Art in Public Places), and to point out any problems that exist in CSHB 3 (St. Aff.).

PROBLEMS IN EXISTING AS 35.27.

A. Applicability. The purpose section, AS 35.27.010, states that money is to be reserved from "capital expenditures" for art in "state buildings and other public facilities" (emphasis added). However, the operative provisions, AS 35.27.020(a) and (c), require a percentage for art only in "buildings or facilities" "approved for construction by the legislature." (The "approved for construction by the legislature" language is deleted in the current CS.) A "building or facility" is defined by AS 35.27.030 as a building or facility constructed by the "department," which means the department of Transportation and Public Facilities. AS 35.95.100(c).

As a result of this definition, it appears that AS 35.27 does not apply to : (1) buildings constructed by municipalities, even if the bonded indebtedness is partially reimbursed by the state (although some municipalities have their own percent for art requirement); (2) buildings constructed with state grants; (3) buildings constructed by state entities other than DOTPF. I understand that the DOE writes a percent for art into its grant contracts; I do not know whether other state agencies handling grants do so. The DOE does not apply AS 35.27 to municipal bonded indebtedness for school construction.

Whether there is any "problem" with the applicability of AS 35.27 depends on what the legislature wants this chapter to apply to. However, it does appear to me that AS 35.27.-010, with its emphasis on "state buildings and other public facilities," is at odds with AS 35.27.020(a) and (c) and AS 35.27.030, which limit the applicability of AS 35.27 to buildings constructed by DOTPF. In addition, the DOE's authority to require a percent for art in its grant contracts is tenuous, even though it may be following the legislature's intent. I do not know whether state entities other than DOTPF actually construct buildings, but the court system does control the construction of its own facilities. AS 22.-05.025; AS 35.05.010. The system may, in fact, be working as the legislature intended, but there are certainly some inconsistencies in the statutory language.

B. Rural Schools. As you know, the percentage required for "rural" schools is one-half of one percent, rather than one percent. AS 35.27.020(c). There is, however, no definition of a "rural" school in AS 35.27. I suspect that what the legislature meant was "schools constructed within regional educational attendance areas," but that is not clear in the statute.

There has also been some confusion as to whether a rural school that is exempt under AS 35.27.020(d) from AS 35.27 had to put one percent or one-half percent in the art in public places fund under AS 44.27.060(c). An informal opinion of the Attorney General suggested that the proper amount was one-half of one percent. Op. Att'y. Gen. A66-074-81 (August 6, 1980). However, since the CS repeals the art in public places fund (AS 44.27.060), the question need not be addressed.

COMMENTS ON CSHB 3 (ST. AFF.)

A. The \$50,000 Cap. Since the intent is to limit the amount to be used for art, we should probably delete "at least" on page 1, lines 11 and 12. Also the first sentence of AS 35.27.020(c) could start with the damage cap: "Subject to a limit of \$50,000 on any one project, one percent or, in the case of a rural school facility, one-half of one percent of the construction cost . . ."

B. The Residency Requirement. In bill section 2, AS 35.27.-020(g) would require the committee to select an artist who

Representative H.A. "Red" Boucher

Page 3

March 28, 1989

is a resident of Alaska. This section probably violates the federal Privileges and Immunities Clause. Robison v. Francis, 713 P.2d 259 (Alaska 1986)(Requiring resident hire on buildings constructed by the state violates the federal Privileges and Immunities Clause.) While the state can probably "encourage" the selection of resident artists (as the current statute does), requiring them invites legal challenge, which would probably be successful.

If you have any questions about the above, or the CS, please let me know.

PF:kb

wkk3/044

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 24, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 3

HOUSE BILL NO. 3 [ART IN PUBLIC PLACES]

"An Act relating to art in public places; and providing for an effective date."

RECOMMENDS:

- replacing with CS HB 3 (SA) the same title
- the attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published:
2/24/89 DOT/PF
- zero fiscal notes(s) published:

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Alyce Hawley
Jim Zucchi

Donna Douley (NO REC)
Connie Williams, No REC
Bill Jones, NO REC
Elizabeth Maclean No Rec
Bob Barber No REC

Bob Barber
 Chairman's signature

Original sponsors: Hanley, Zawacki,
and Leman

Adopted

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 3 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST 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) ^{sure} 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 ^{up to a} shall [APPROVED FOR CONSTRUCTION BY THE ^{total of 50,000 on any one}
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow- ^{project}
14 ing purposes: the design, construction, mounting and administration of
15 works of art in a school, office building, court building, vessel of
16 the marine highway system, or other building or facility that [WHICH]
17 is subject to substantial public use. All administrative costs,
18 including those of the department, associated with the art project
19 shall be paid from the money reserved under this subsection.

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

21 (g) Each selection committee established under AS 35.27.021 [THE
22 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON
23 THE ARTS] shall encourage the use of state cultural resources in these
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists
25 for the commission of these art works who are residents of the state
26 under AS 01.10.055.

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

28 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
29 a work of art for a public school shall be selected by a majority vote

✓
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1 of a committee, with the approval of the school board. The committee
2 shall be composed of the architect, the project manager administering
3 the facility construction, two representatives from the school dis-
4 trict staff, and three members of the public who reside in the commu-
5 nity where the school is located. The president of the school board
6 or a designee shall provide reasonable public notice that public
7 member seats on the committee are available. The school board shall
8 select the representatives from the school district and the members of
9 the public.

10 (b) Except as provided in (a) of this section, an artist who
11 executes a work of art for buildings and facilities shall be selected
12 by a majority vote of a committee convened by the project manager
13 administering the facility construction. The committee shall be
14 composed of the architect, the project manager, a designee of the
15 Alaska State Council on the Arts, a designee of the principal user of
16 the public building or facility, and three members of the public who
17 reside in the community where the building is located. To select the
18 public members, the department shall advertise for applicants by
19 appropriate public notice and pick the members by lottery from among
20 the applicants.

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

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

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

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

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

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

6 (e) A work of art shall be identified by a permanent plaque
7 installed on or near the work of art. The plaque must contain the
8 name or title of the work of art, the name of the artist, the year of
9 completion, and the names of the members of the selection committee.

10 * Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 * Sec. 7. The amendments made by this Act do not apply to the construc-
12 tion of a building or facility if, before the effective date of this Act,
13 the department or the Alaska State Council on the Arts has entered into a
14 contract to meet the art requirements under this chapter for the building
15 or facility.

16 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

Item 2

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB3
PUBLISH DATE: 1/9/89

REQUEST: FISCAL NOTE

Revision Date:
Title: An act relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction
and the Alaska State Council on
the Arts

Sponsor: Hanley
Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTURAL | 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 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|-------|-------|-------|-------|-------|-------|
| CAPITAL | (195) | (195) | (195) | (195) | (195) | (195) |
|---------|-------|-------|-------|-------|-------|-------|

| | | | | | | |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

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 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

* International Airport Revenue Fund

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)

Based on the attached analysis a reduction in the amount of funds for artwork of 1/2% could provide additional construction funds in the amounts indicated.

Handwritten signature

Prepared by: Rod Wilson, Architect
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 02/17/89

Approved by Commissioner: Mark S. Hickey *MSH*
Agency: Department of Transportation and Public Facilities

Date: 02/17/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

STATEMENT OF ANALYSIS RE:
An act relating to Art in Public Places

FISCAL NOTE PREPARATION FOR:
Committee Substitute for House Bill 3

Assumptions made:

- (1) It has been assumed that language changes to section AS 35.27.020(c) (lines 12 and 13) will not change the current legal opinion excluding federal funds from the artwork requirements.
- (2) Based on anticipated construction activities of \$30 million net savings would result as follows:

| | |
|---------------------|---|
| \$30,000,000 | (current eligible projects) |
| X <u> .005</u> | (reduced % for artwork) |
| \$ 150,000 | (additional project funds) |
| X <u> 1.30</u> | (factor for artwork administrative costs) |
| \$ 195,000 | (total of additional available monies) |

Due to unpredictability of the future CIP program this same amount has been assumed into the budgets for FY 90 through 94.

HB 3 BRIEFING AND BACKGROUND

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 - * "Sculpture Contracts Rejected," Anchorage Daily News
 - * "Accountability in Public Art", Juneau Empire
 - * "Saturday Sundry", Anchorage Times
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 - * "Reaction Mixed To Changes", Fairbanks News Miner
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 - * Letter of Agreement Between DOT and Alaska Council on Arts for Administering 1% for art program

Original sponsors: Hanley, Zawacki,
and Leman

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
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12 cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-
14 ing purposes: the design, construction, mounting and administration of
15 works of art in a school, office building, court building, vessel of
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28 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes
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4 trict staff, and three members of the public who reside in the commu-
5 nity where the school is located. The president of the school board
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29 the requirements of AS 35.27 and the exemption is because

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2 facility is less than \$250,000; or

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

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7 installed on or near the work of art. The plaque must contain the
8 name or title of the work of art, the name of the artist, the year of
9 completion, and the names of the members of the selection committee.

10 * Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 * Sec. 7. The amendments made by this Act do not apply to the construc-
12 tion of a building or facility if, before the effective date of this Act,
13 the department or the Alaska State Council on the Arts has entered into a
14 contract to meet the art requirements under this chapter for the building
15 or facility.

16 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 20, 1989

SUBJECT: Sectional analysis of CSHB 3(Trsp)
TO: Representative Alyce Hanley
FROM: Pamela Finley *Pam*
Assistant Revisor

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 sets one-half of one percent as the percentage to be reserved for works of art from the construction cost of certain buildings and facilities. It also provides that all administrative costs associated with the art project are to be paid from this one-half of one percent. ✓

Section 2 requires the selection committee established under sec. 3 to encourage the use of state cultural resources for the art works required by AS 35.27. The section also requires the selection committee to select state resident artists for the art works.

Section 3. Sec. 35.27.021(a) establishes the procedures for the selection of the artists for art works required by AS 35.27 for a public school. It establishes a committee to make the selection.

Sec. 35.27.021(b) establishes the procedures for the selection of the artists for art works required by AS 35.27 for non-public-school projects. It establishes a committee to make the selection.

Representative Alyce Hanley
Page 2
February 20, 1989

Sec. 35.27.021(c) requires meetings of the selection committee to comply with the public meeting and notice requirements of AS 44.62.310.

Section 4 sets one-half of one percent as the percentage that must be deposited into the art in public places fund from the construction cost of certain buildings and facilities that are exempt from AS 35.27.

Section 5 requires that a work of art funded by the art in public places fund be identified by a permanent plaque containing certain information and placed on or near the work of art.

Section 6 repeals certain statutory subsections dealing with the procedures for selecting artists. AS 35.27.021, in bill section 3, replaces these repealed subsections.

Section 7 indicates that the Act does not apply to certain construction projects.

Section 8 gives the Act an immediate effective date.

TLB:gc
G7/039

INFORMATION ON HR 3 PUBLIC ART BILL

House Bill 3 is aimed at responding to the public's dissatisfaction with the public art program. Strong bipartisan support for the bill has been demonstrated by passage of a very similar bill during the 14th Legislature.

Alaskans across the state have expressed concern about various aspects of the public arts program. There is legislative awareness of wide ranging discontent with the program and the method of art selection. The bill seeks to address those feelings of public discontent by opening up the selection process to the public; after all they are the ultimate consumers of the percent for art program.

Local hire has received much attention this session and last. HR 3 requires that Alaska's resident artists be put to work on these Alaskan projects. In 1985 of the \$750,000 spent by this program as of October, more than 75% went to outside artists. Not only that but two artists, one from Florida and another from Missouri each were paid more than twice what all the Alaskan artists put together were paid for the year.

Oil revenues are down by 50% and the state is looking for ways to save money throughout its budget. Providing fewer funds to this program will continue to recognize its merit but will also recognize the difficult financial situation the state is facing. If enacted the bills would reduce the amount of money from 1% to 1/2%, the amount the state is required to spend on art projects in new state funded construction.

As a result of the introduction of this bill, some will probably accuse its supporters of being anti-art. That is not true; there is support for the concept of having art displayed in our public buildings. However, countless Alaskans feel that their public art dollars are not being spent wisely. Alaskans who are out of work, or have suffered from the cuts we are having to make in state spending, feel we cannot afford the luxury of continuing to have large, expensive art projects constructed with state money and are demanding the program be abolished entirely. This bill seeks the middle ground in this debate. The bills would do four basic things:

1. Requires the use of Alaska resident artists for Percent for Art projects.

2. Adjusts the minimum amount of construction funds that must be used for art in some public buildings from one percent to one half percent. Rural schools are already at the 1/2% level. Also a non-binding public hearing early in the process would seek ideas for the type of projects the public would like to see at a particular facility.

3. Requires art projects that are selected to be picked by a committee of seven with three members representing the public from the local area. Currently there is no mandate that members of the public must be involved.

4. Require a plaque to be placed near these projects that gives the artist's name, title of the piece, date of completion, and names of the selection committee.

§ 35.25.020

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§ 35.27.010

PUBLIC BUILDINGS AND WORKS

§ 35.27.020

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

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)

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§ 35.27.030

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§ 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).

Chapter 30. Consistency with Local Government Plans and Ordinances.

| | |
|---|-----------------|
| Section | Section |
| 10. Review and approval by local planning authorities | 30. Waiver |
| 20. Compliance with municipal ordinances | 40. Definitions |

Cross reference. — As to construction procedures, see AS 35.15.010 et seq.

Sec. 35.30.010. Review and approval by local planning authorities. (a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the Department of Transportation and Public Facilities and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the Department of Transportation and Public Facilities has entered into agreement with the municipality for the planning of transportation corridors under AS 19.10.280 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, § 371; 68 Am. Jur. 2d, Schools, §§ 37 to 55; 72 Am. Jur. 2d, States, Territories and Dependencies, § 62. 78 C.J.S. Schools and School Districts, §§ 83 to 91.

Sec. 44.27.020. Duties of department. The Department of Education shall

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education;

(2) administer the historical library;

(3) plan, finance and operate related school and educational activities and facilities. (§ 11 ch 64 SLA 1959; am § 77 ch 69 SLA 1970; am § 5 ch 86 SLA 1979)

Article 2. Alaska State Council on the Arts.

Section

- 40. Creation
- 41. Composition
- 42. Appointment
- 43. Terms of office
- 44. Compensation
- 45. Chairman and vice-chairman

Section

- 50. Duties of council
- 52. Powers of council
- 54. Powers of chairman
- 56. Reports
- 58. National endowment funds
- 60. Art in public places fund

Sec. 44.27.040. Creation. There is created in the Department of Education an Alaska State Council on the Arts. (E.O. No. 44, § 4 (1980))

Sec. 44.27.041. Composition. The Alaska State Council on the Arts consists of 11 members, broadly representative of all fields of the performing, visual, and fine arts, who are widely known for their competence and experience or interest in connection with the performing, visual, and fine arts. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.050. Renumbered in 1980.

Sec. 44.27.042. Appointment. The members are to be appointed by the governor from among citizens of Alaska. In making the appointments, consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing, visual, and fine arts generally. In making the appointments consideration must also be given to having statewide geographical representation on the council. The members of the council

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§ 44.27.050

serve at the pleasure of the governor and their appointments are not subject to legislative confirmation. (E.O. No. 44, § 4 (1980))

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

Sec. 44.27.043. Terms of office. The term of office of each member is three years; however, of the members first appointed, three are to be appointed for terms of one year, four for terms of two years, and four for terms of three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments. (E.O. No. 44, § 4 (1980))

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

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

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

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

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

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

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

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

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

(5) to recommend to the governor a list of persons for consideration for appointment to the Advisory Council on Cultural Facilities, in accordance with AS 44.33.400;

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

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

Effect of amendments. — The 1980 amendment added paragraph (6).

Sec. 44.27.052. Powers of council. The council is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs; to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs; to make and sign agreements and to do and perform any acts necessary to carry out the purposes of AS 44.27.040 — 44.27.058. The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data which will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes. (E.O. No. 44, § 4 (1980))

Revisor's notes. — Enacted as AS 44.27.110. Renumbered in 1980.

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

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

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

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

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STATE GOVERNMENT

§ 44.27.061

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

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

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

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

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

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

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

(1) to commission or purchase a work of art 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).

Article 3. Alaska Historical Commission.

Section

- 61. Creation
- 62. Composition
- 63. Appointment
- 64. Terms of office
- 65. Compensation

Section

- 70. Duties of the commission
- 72. Reports
- 74. Executive director
- 76. Gifts and income

Sec. 44.27.061. Creation. There is created in the Department of Education the Alaska Historical Commission. (E.O. No. 43, § 3 (1980))

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

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PUBLIC FINANCE

§ 37.05.315

Sec. 37.05.300. Interpretation of chapter. This chapter shall be construed as supplemental to all other state laws not in conflict with it. If a section or part of a section of this chapter is in conflict with federal requirements for a program for which federal grant-in-aid funds are available, the section or part to the extent of the conflict is inoperative. (§ 1 art VIII ch 82 SLA 1955; am § 18 ch 186 SLA 1957)

Editor's notes. — For applicability of the chapter to the University of Alaska, see notes following chapter heading.

Sec. 37.05.305. Applicability to University of Alaska. The commissioner of administration may delegate the performance of the functions under this chapter as they relate to the university to the Board of Regents of the University of Alaska and set out the criteria and guidelines which shall be followed. The commissioner shall direct necessary stipulations and exercise monitoring responsibility for conformance through the Board of Regents of the University of Alaska. (§ 5 ch 46 SLA 1977)

Legislative history reports. — For (HCSSB 261), see 1977 House Journal, p. letter of intent on ch. 46, SLA 1977 1019.

Sec. 37.05.310. Fiscal year. The fiscal year of the state begins on July 1 of each year and ends at midnight on the following June 30. The accounts of the Department of Administration, the Department of Revenue, and all other state officers whose accounts are in any way connected with the treasury shall be kept, and all duties performed with reference to the beginning and ending of the fiscal year. (§ 12-4-1. ACLA 1949; am § 2 art VI ch 82 SLA 1955)

Revisor's notes. — Section 12-4-1 and § 2, ch. 24, SLA 1953 re-enacted ACLA 1949 was repealed and re-enacted § 12-4-1 ACLA 1949 as it appeared in by § 30, ch. 133, SLA 1951. Section 1, ch. ACLA 1949. 24, SLA 1953 repealed ch. 133, SLA 1951

Sec. 37.05.315. Grants to municipalities. (c) When an amount is appropriated or allocated as a grant to a municipality, the Department of Administration shall promptly notify the municipality of the availability of the grant. When the Department of Administration receives an agreement executed by the municipality which provides that the municipality (1) will spend the grant for the purposes specified in the appropriation or allocation; (2) will allow, on request, an audit by the state of the uses made of the grant; and (3) assures that, to the extent consistent with the purpose of the appropriation or allocation, the facilities and services provided with the grant will be available for the use of the general public, the Department of Administration shall pay the grant directly to the municipality. The agreement executed by a

municipality under this section shall be on a form furnished by the Department of Administration and shall be executed within 60 days after the effective date of the appropriation or allocation.

(b) An appropriation or allocation for a grant to a municipality for construction of a public facility lapses if substantial, ongoing work on the project has not begun within five years after the effective date of the appropriation or allocation.

(c) In accepting a grant of money for construction of a public facility, a municipality covenants with the state that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the state to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant of money for repair or improvement of an existing facility operated or maintained by the state at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the state.

(d) Not less than 20 percent of a grant shall be paid to a municipality within 10 days of the effective date of the agreement under (a) of this section. The remainder of the grant shall be paid either in monthly installments equal to the amount of grant money the municipality expended in the previous month or in a lump sum as determined by the Department of Administration. (§ 1 ch 156 SLA 1980; am § 1 ch 4 SLA 1982)

Effect of amendments. — The 1982 amendment in subsection (a), substituted "amount is appropriated or allocated" for "appropriation is made" in the first sentence, inserted "or allocation" in items (1) and (3) in the second sentence, and added "and shall be executed within 60 days after the effective date of the appropriation or allocation" to the end of the third sentence; redesignated the former fourth and fifth sentences of subsection (a) as subsection (d); inserted "or allocation" in two places in subsection (b); substituted "a" for "each" preceding "municipality covenants" and

"the practical life of the facility and that the municipality" for "its practical life and that it" in subsection (c); added the second sentence of subsection (c); deleted the provisions of former subsections (d), (f), and (g), which may now be found in AS 37.05.316, 37.05.317, and 37.05.318, respectively; and in present subsection (d), added "under (a) of this section" to the end of the first sentence. The substance of the provisions of former subsection (e) may now be found at the end of the third sentence of subsection (a).

Sec. 37.05.316. Grants to named recipients. When an amount is appropriated or allocated to a department as a grant for a named recipient which is not a municipality, the department to which the appropriation or allocation is made shall promptly notify the named recipient of the availability of the grant and request the named recipient to submit a proposal to provide the goods or services specified in the appropriation act, or both, for which the appropriation or allocation is made. At the same time, the department may issue a request for proposals from other qualified persons to provide the same goods or services, or both, in the same area. The department shall contract with

§ 37.05.316

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§ 37.05.317

PUBLIC FINANCE

§ 37.05.325

the named recipient unless the Office of the Governor, with due regard for any local expertise or experience among those making proposals, determines that an award of the contract to a different party would better serve the public interest. If the contract is awarded to another party than that named by the legislature, the basis of that action shall be stated in writing at the time the grant is issued and a copy of the written statement shall be sent to the Legislative Budget and Audit Committee. A contract shall be executed within 60 days after the effective date of the appropriation or allocation. The purchase of the goods or services, or both, shall be in accordance with AS 37.05.230(1)(C). (§ 2 ch 4 SLA 1982)

Sec. 37.05.317. Grants to unincorporated communities. When an amount is appropriated or allocated as a grant under this section to an unincorporated community, it shall be disbursed as follows:

(1) Within 45 days after the effective date of the appropriation or allocation, the Department of Community and Regional Affairs shall notify the governing body of the unincorporated community, if any, that a grant is available.

(2) The Department of Community and Regional Affairs shall determine if there is a qualified incorporated entity in the community area that will agree to receive the grant and administer it, subject to terms generally applicable to private grantees. If there is more than one such entity, the Department of Community and Regional Affairs shall select the most qualified and the grant shall be awarded to that incorporated entity for the purposes specified in the appropriation act. However, the Department of Community and Regional Affairs shall give preference to a nonprofit corporation organized by a community for receipt of the grant.

(3) If there is no incorporated entity qualified to receive the grant, the Department of Community and Regional Affairs shall administer the program as specified in the appropriation act directly or through agents or contractors with whom it may contract in the community area. (§ 2 ch 4 SLA 1982)

Sec. 37.05.318. Further regulations prohibited. Notwithstanding the Administrative Procedure Act (AS 44.62), the Fiscal Procedures Act (AS 37.05), and the Executive Budget Act (AS 37.07), a state agency may not adopt regulations or impose additional requirements or procedures to implement, interpret, make specific, or otherwise carry out the provisions of AS 37.05.315 — 37.05.317 unless required by the federal government for participation in federal programs. (§ 2 ch 4 SLA 1982)

Sec. 37.05.325. Definitions for AS 37.05.315 — 37.05.317. In AS 37.05.315 — 37.05.317, "allocation" and "appropriation" have the meanings given in AS 37.07.120(2) and (3). (§ 2 ch 4 SLA 1982)

The following letters to the Editor represent the views of artists, a former state arts council member as well as the true consumers of Percent for Art, the public.

Mona Lisa with a mustache

Richard Andrews raises an interesting point in Kim Rich's Oct. 9 story on public art. Could the owners of the Mona Lisa paint a mustache on it? I suppose they could, but it would be a foolish gesture, wouldn't it?

The trouble with the public art program, as I see it, is that much of what has been purchased as "art" is more closely related to the Mona Lisa's proposed mustache than to her smile. Seriously, folks, what is the point of propping up some object in front of a building, which says nothing to anyone about anything until you walk up close enough to read the plaque at its base, and then leaves you wondering how the sculpture you saw relates to the words you read?

Sure, there's an inside joke there — it's between the "artist" and his bank account!

— Lars Opland
Wasilla

Buy only meaningful works of art

I am an Alaskan who is for Alaskan art. I just finished reading an article by Kim Rich called "Culture shock." It pertained to a piece of art called "Nimbus" by New York artist Robert Murray.

I find that most of the artists such as Mr. Murray are con artists. Many so-called artists left our state as soon as the economy dropped off and there was less money to boost the one percent to the arts.

I find it insulting to my intelligence when artists say a piece of twisted metal can compare to the Eiffel Tower or an abstract bunch of paint is a sunset over the mountains.

I have been to many museums and galleries in Europe and the Lower 48 and find that the majority of people feel as I do.

If we are going to continue buying art work for the public let's buy meaningful Alaskan art.

— Pamela Port Duley

Daily News 10/22/88

Arch. Daily News - 7/1/87

Airport gets 'abomination'

Well, they have managed to do it again. What with trooper layoffs, teacher and educational cutbacks, not to mention attempting to cut remaining state workers' pay, the state

has managed to come up with the money to place another abomination in the airport.

This time what we got was 11 Plexiglass, triangular tubes filled with mineral oil. All these are suspended at various angles on some really good-looking cable. Not to despair, we got this at the fantastic price of \$130,000, which works out to only \$11,818.81 per prism. What a bargain.

I know that I keep bad-mouthing the "artwork" the state buys and the price it costs.

Now I will say, there are two beautiful works of art on public display in the domestic terminal of the airport; both happen to be sculptures.

"Eagle" is a sculpture of an eagle and is on loan to the airport. "Spirit of the West" is a grizzly catching a salmon and was donated to the airport by Ott Jones.

I haven't talked to anyone that doesn't like them, and neither of them cost the state a dime. Now that is what I call a bargain and is the only way the state should be involved in art.

— Duane J. Hallman

Anchorage Times 3/12/87

Squandering school dollars

Dear Editor:

Every time I think I have seen everything, I find I haven't!

Reference the Chugiak-Eagle River Star front page article on Feb. 26 titled, "Frenchman picked for art at Fire Lake." In this article I learned two things. First, \$70,000 is being spent on a sculpture for the Fire Lake Elementary School. Second, the contract is being awarded to a resident of Paris, France.

Combine this with information provided by an artist friend. My friend tells me there is a stained glass window being bid for the new addition at Chugiak High School. The window was bid at \$50,000 and it irritates me to discover that project also went out of state; the artist lives in Seattle.

I was recently speaking with a school official and discovered the entire 1 Percent for Art budget for the Chugiak High addition was going to total \$150,000.

Now I am just plain folk. I'm not uneducated, but I wear jeans to work, not a suit and tie. I'm more than a little fed up with hearing how bad things are (financially) within the Anchorage School District only to discover there is \$220,000 worth of state money floating around to fund art projects for just these two schools. Our kids are threatened with a lowered quality of education because of limited money but in these two projects alone there is enough to fund full-time salaries (even at inflated Alaska prices) for four or five teachers.

It's the final straw to discover that none of this money is going to pay even one Alaskan. So much for local hire!

Dennis Willman
16549 Mercy Drive
Eagle River

Frenchman picked for art at Fire Lake

An artist from Paris, France will build a sculpture that will be installed at the front entrance to Fire Lake Elementary School.

The artist, Art Brenner, won the competition with a proposal for a painted steel sculpture 28 feet high called "Under the Wing of the Fire Bird."

The Anchorage School District Monday approved a \$70,000 contract for the sculpture.

Rain News 10/13/86

Art work is 'monstrosity'

I am a student at UAA and was quite pleased to enter the new arts building this year. It is a beautiful building and represents a lot of well-spent dollars. I was not pleased, however, to see the "work of art" on the roadside between the arts building and the administration building.

Where does the university come up with these sculptures? I can tolerate the "Twisted Blue Square," but not the "\$250,000 arc-welded pile of multicolor construction left-overs." I was relieved to find that university funds, such as the new parking fee and our tuition, weren't used to fund that monstrosity.

— Steven Gallagher

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

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

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

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

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

Sincerely,
Carl W. Heinmiller
Box 271
Haines, 99827

Mr. Heinmiller, 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.

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

LETTERS

JE 3/20

Bill would improve public art program

Sir:

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

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

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

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

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

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

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

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

I'd like to encourage members of

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

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

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

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

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

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 PBYS will get my point here.

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

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

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

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

JUNEAU EMPIRE

FEBRUARY

10, 1986

The sampling of letters and Public Opinion Messages that follow indicate discontent with the Public Arts program in many different areas of the state. Many of the messages call for the program's repeal. HB 3 is seen as a compromise which will improve the program in the eyes of most Alaskans.

A
FEB 1987
RECEIVED

Dear Alyce,

Thank you so much for responding to my comments at the Sand Lake teleconference last Thursday. It really gives me peace of mind to know that I'm well represented by you in Juneau. I also appreciate your response to my monolithic letter regarding the "state of the State". I do hope that you and Drue plan on making the results of your constituents' poll public. What little you told us about the results was quite fascinating.

I'm glad to see that you re-introduced the 1/2 % art funding bill (HB 79). Luckily Sheffield isn't around this year and Cooper doesn't seem to be as susceptible to "last minute art fund raisers".

I'm very impressed with HB-79 because of the 3 following points:

- decrease in the rate of art funding to 1/2 %
- resident hire clause
- mandate that members of the public (3) be involved in public school art selection

Again thanks for the help at the teleconference and thanks for the hard work.

Jerry

Jerry Foster
8171 Fairwood Cir.
Anch, AK 99518

P.S. Enclosed is a recent article from the Oil and Gas Journal regarding ANWR. It is biased but it is factual. Although ANWR is important, ANWR is for my children, the ELF will affect me today.

1-29-87

Rep. Alyce Hanley
House of Representatives
Juneau, Alaska

Ernest Robertson
Traditional Arts Alaska
P.O. Box 15000-6
Wasilla, AK 99687

Dear Ms. Hanley,

I read with interest that you are again on the forefront of a movement to cut the amount of state money spent on art in public places and limit the program to Alaskan artists.

I am a 40 year Alaskan, active in the Alaska art market for 25 years with art produced and sold in Alaska being my sole income for the past 14 years. I have not participated in the 1% program other than a letter submitted at the request of one of my galleries last year to one part of the program that was requesting traditional art work.

The last time this issue came up, I sat back and watched as I naively thought that the problems with this program were obvious to everyone. Then a vocal group apparently lobbied and won continuation of this program in spite of the what I feel are insurmountable flaws.

There are two strata of art in this state. Art intellectuals and instructors from whom most of the opposition to cutting this program came, and the professional artists of the state. There are about 20 living artists that represent 80% of the art sold in Alaska, and these professionals combined with the old timers that have passed on really represent Alaskan Art to the public. A basic problem is that these professionals are not organized as there is usually no reason that we would need to be. We are not even particularly friendly with each other as we are extreme individuals and compete for the same market. Some of this group have participated in the arts program, some simply have not felt it was worth the effort.

[A simple fix for art funding would be a change in the federal income tax programs. An artist can only deduct the cost of MATERIALS from a donated piece of art. (In my case a \$5,000.00 oil painting would bring me a deduction of about \$300.00) Yet when I die, my estate will be taxed on the CURRENT MARKET VALUE of what ever unsold work I leave to my family. Change this so that it makes financial sense for professional artists to donate work and you have a library of high quality art always available at NO cost.]

A professional artist learns the hard way that value in art is achieved through long and careful growth. First of all, the artist must create a body of work large enough to be collectable, second, the quality of that work must be high (this includes not just the work, but the presentation), third, the subject and type of work must appeal to enough people that a significant number

want to OWN some of that work, fourth, the price must seem reasonable enough to those collectors that they are willing to spend it to own the work now and speculate on its future value.

Since very little of the art work purchased by this program has stood the tests outlined above, it is likely that the actual monetary value is well below the prices paid. Furthermore, if art does not have a monetary value, nor a cultural value, if in fact it does not represent the tastes of the population who provided the money to purchase it in the first place, what value does that art have.

There is nothing wrong with the state having, owning, and displaying arts, crafts or cultural items done by its residents, nor does such work have to represent 'master quality' in its execution if it truly represents our people. It was a noble concept that the state would mandate that 1% of the cost of a building be spent on art. This should and could have helped the artists of this state grow while showing the world who visits us what we as Alaskans take pride in. That certainly does not seem to be what happened. We seem to have been dictated to by well meaning folks who do not understand what the average Alaskan finds beautiful about this state. I have often wondered why we Alaskans assume that a degree from some far off college qualifies a person to judge us, and when they are done, for us to try to bring our talents into line with their opinion when in fact we can easily stand proud on our own unique abilities.

Alaska has had some premier artists, men who are famous throughout the art world. Many of these men could have been vastly more famous than they were, but they choose to stay in Alaska and make a minimal living because the beauty of Alaska was the essence of their art. It would be interesting to know how much of their work has been purchased by this program and placed in our state buildings. (Price cannot be cited as the reason for not doing so, many of these contract awards are for more than the cost of these artists finest work.)

I know from just that dab of artwork I have seen purchased by the state that we are now faced with a mess of monumental proportions. We own art work that is badly presented, badly framed and some that is just bad work. We own a substantial amount of work done by artists who are outsiders to Alaska and regardless of the brave words of someone that 'we do not fear outside competition' this work really deserves no place in our Alaskan buildings or our Alaskan heritage.

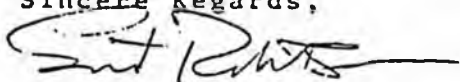
It is a personal observation that I would like to see a total end to this program as it has not fulfilled its original mandate, but if that cannot be done then I applaud your efforts to halve the funds and keep the money in Alaska for the benefit of Alaskan artists. I would love to have my art in Alaskan buildings, and I would frankly enjoy being paid for that. On the other hand, I would give up that privilege in order to participate in the selection of what hung in our state buildings to represent the

state of ART in Alaska.

This will be your biggest challenge, not halving the funds nor selecting only Alaskan artists, the economy should help with both of those problems, but breaking the stranglehold of the groups that control these selections and finding enough 'just plain folks' who like 'good old fashioned art' to create a majority opinion on the selection committee. It might be a workable suggestion that the selection committee include professional artists who would be unable to submit their work while they serve, but who's input is really needed to weed out work will not stand the test of time, nor meet simple archival requirements.

I wish you luck. As I am tainted by being a professional artist, and a traditional one at that, my opinions outside of this letter may be of little value. I am sure that I can be easily dismissed as a 'whining traditionalist' who spreads 'sour grapes' but if I can help, let me know.

Sincere Regards,



Ernest Robertson

376-6276
P.O. Box
15000-6
99687

Question #6/STUDENT LOAN PROGRAM

| | | |
|---|-----|------|
| 1. Should the amount for undergraduates be reduced to \$4000 with an additional \$1500 available if there is proof of need? | | |
| a. Yes | 481 | 66% |
| b. No | 169 | 23% |
| c. Not answered | 53 | 7% |
| d. Eliminate the program completely (not an alternative on survey) | 25 | 4% |
| | 728 | 100% |
| 2. Would you support having the state sell bonds to continue the program in its present form? | | |
| a. Yes | 261 | 36% |
| b. No | 367 | 50% |
| c. Not answered | 33 | 5% |
| d. Leave program as is (not an alternative on survey) | 67 | 9% |
| | 728 | 100% |

Question #7/MARIJUANA

| | | |
|--|-----|------|
| Should marijuana in any quantity be considered an illegal substance? | | |
| 1. Yes | 443 | 61% |
| 2. No | 246 | 34% |
| 3. Not answered | 28 | 4% |
| 4. Undecided | 11 | 1% |
| | 728 | 100% |

Question #8

What three state programs should be protected from further cuts?

1. Educational funding
2. Public safety/law enforcement
3. ~~Road maintenance~~

Question #9

What three state programs/budget items should be cut first or experience the most severe budget cuts?

1. Government spending and operating costs
2. Art grants/percent for art program
3. Capital projects

Question #10

Other matters of concern (top three responses)

1. Alaska hire
2. Imposition of income/sales tax
3. Tort reform/insurance

TOTAL NUMBER OF SURVEYS SENT OUT 10,161 (100%)

TOTAL NUMBER OF RESPONSES RECEIVED 728 (7%)

January, 1987

1987 LEGISLATIVE SURVEY

Representative Alyce Hanley Representative Drue Pearce

The 1987 legislative session begins on January 19th. Legislators will be faced with a dramatic shortfall in state revenues and a subsequent need to reduce state spending.

We both believe that spending can no longer exceed anticipated revenues. It is imperative that we identify and retain those services provided by the state that are essential and recognize that other programs will have to be reduced or phased out. We also believe we need to avoid any new taxes, especially in the near future.

Should state spending be reduced to a sustainable level over a 3-5 year period or should the cuts be immediate? We would appreciate your opinion. Please answer the following questions and feel free to include any comments about additional concerns.

1). **Reducing State Spending.** In general, do you support phasing down the state's spending over 3-5 years, or would you prefer a more immediate cut?

- Phase down over 3-5 years
 More immediate cut

Other (Please explain) REDIRECT SPENDING TO HELP DIVERSIFY ECONOMY

2). **Permanent Fund.** Expenditure of the principal is prohibited by the State Constitution. This can only be spent after a majority vote of the people. Earnings from the Permanent Fund are used as follows: First, to pay dividends. 50% of the earnings are used for permanent fund dividend checks. Second, to inflation-proof the fund. This is an amount sufficient to offset the rate of inflation. Third, any income from earnings after the first two expenditures goes into the Undistributed Income Account.

Would you be willing to reduce the percentage dedicated to the permanent fund dividend check from 50% to 33-1/3% in order to supplement the state budget?

- Yes
 No

Other USE THIS SOLELY FOR ECON. DEV.

3). **Undistributed Income Account:** Would you be willing to use the Undistributed Income Account to:

- Phase down the operating budget
 Fund capital projects, i.e. roads

Other _____

4). **Budget Reserve Fund:** This is the new name for the Rainy Day Account which was money originally set aside for hard times and natural disaster relief. Would you be willing to use the Budget Fund Reserve to:

- Phase down the operating budget
 Fund capital projects, i.e. roads
 Other _____

Are there other matters of concern to you or your family? BRANCH LIBRARIES (i.e. SAND LK) NEEDS MORE HOURS + GREATER CLEANLINESS.

5). **Longevity Bonus:** The present program costs 50 million dollars annually. It provides \$250 per month for each person who is 65 or over and has been an Alaskan resident one year. Please select just one of these plans:

Should the Longevity Bonus Program be based on need?

- Yes No

Should the Longevity Bonus Program be phased out by establishing a date after which no one could become eligible? January 1, 1988 has been suggested as a possible date. (This would not effect those currently receiving the bonus).

- Yes No

Should the program be phased out by reducing the monthly check by a specific amount, perhaps \$25, each year? Example, 1988 monthly bonus would be \$225, 1989 monthly bonus would be \$200, etc. Under this plan, eligibility would continue for one year residents over 65.

- Yes No

6). **Student Loan Program:** The present program costs 80 million dollars annually. (60 million state dollars and 20 million from payments of past loan recipients). This program provides \$5500 per year for undergraduate students and \$6000 per year for graduate students at 8% interest.

Should the amount for undergraduates be reduced to \$4000 with an additional \$1500 available if there is proof of need?

- Yes No

Would you support having the state sell bonds to continue the program in its present form?

- Yes No

7). Should marijuana in any quantity be considered an illegal substance?

- Yes No

8). What three state programs or budget items should be protected from further cuts?

- EDUCATION AT ALL LEVELS
- ROAD MAINTENANCE (POTHOLE)
- ECONOMIC DEVELOPMENT PROGRAMS

9). What three state programs or budget items should be cut first or experience the most severe budget cuts?

- THE ARTS + 1% FOR ART PROGRAMS
- UNESSENTIAL CAPITAL BUILDING PROGRAMS, I.E. T. NOT FOR INFRASTRUCTURE DEVELOPMENT.

NEW LAWS OF INTEREST

Continued

HCSCSSB-367 - Local Hire. Requires the hire of Alaska residents on state-funded construction projects and sets up a system of determining what percentage of Alaskans should be hired on each project.

CCSSB-377 - Tort Reform. Limits recovery of damages in a civil action, provides for itemization of the verdict and for reduction of future damages to a present value. Requires apportionment of damages for multiple defendants, limits joint liability of certain parties and increases the interest rate on certain offers of judgment. It blocks the court award of attorney fees in certain civil actions as well.

SCSCSHB-288 - Subsistence. Limits subsistence to Alaska residents living in rural areas. Establishes a preference for residents over non-residents in the hunting of moose, deer, elk and caribou for personal or family use.

SCSCSHB-240 - Overtaking and Passing School Buses. Makes it illegal to pass stopped school buses that have flashing red lights and requires drivers to stop not less than 30 feet from the stopped bus. A driver convicted receives a mandatory assessment of six (6) demerit points and may also receive a civil penalty of up to \$100.

SCSCSHB-494 - Subcontractor Liens. Allows liens to be filed against prime contractors who fail to reimburse subcontractors for materials and labor.



Rep. Hanley meeting with Sen. Murkowski in Juneau.

1985 LEGISLATIVE QUESTIONNAIRE RESULTS

Thank you for participating in the District Nine Legislative Questionnaire. Listed below are the results.

1. State revenues are expected to be reduced further because of decreasing oil prices. Which of the following is the best way to balance the state's budget? Please rank in order of priority.
 - #6 Transfer some of the \$650 million currently in the undistributed income account of the Permanent Fund into the General fund. (6.9%)
 - #2 Cut state spending with an emphasis on reducing road and school construction projects. (21.1%)
 - #1 Cut state spending with an emphasis on reducing service programs such as health, education and state loan program. (32.3%)
 - #3 Reduce or suspend Permanent Fund Dividend payments to Alaska citizens until the deficit is eliminated. (17.4%)
 - #5 Increase taxes on oil companies doing business in Alaska. (7.7%)
 - #4 Other (14.6%)
2. Alaska's Permanent Fund currently has a principal balance of more than \$6 billion. Your Permanent Fund dividend checks are paid out of the interest earned from investment of the principal. Which of the following is the best use of the interest? Please rank in order of priority.
 - #1 Dividend Checks. (37.0%)
 - #2 Build schools, roads, and utility projects. (25.7%)
 - #3 Put all interest earned back into the Fund's principal. (22.8%)
 - #4 Use to "balance the budget" for operating costs. (10.3%)
 - #5 Other (14.6%)
3. Would you favor a lottery as a way of raising state revenues?

| | | | | | |
|-----|-------|----|-------|-----------|------|
| Yes | 66.7% | No | 25.6% | Undecided | 7.7% |
|-----|-------|----|-------|-----------|------|
4. Do you favor the creation of an Independent, elected State Treasurer or Auditor?

| | | | | | |
|-----|-------|----|-------|-----------|-------|
| Yes | 48.2% | No | 29.2% | Undecided | 22.6% |
|-----|-------|----|-------|-----------|-------|
5. Should the Attorney General be elected rather than appointed by the Governor?

| | | | | | |
|-----|-------|----|-------|-----------|------|
| Yes | 58.9% | No | 34.4% | Undecided | 6.7% |
|-----|-------|----|-------|-----------|------|
6. Do you support legislation to establish the death penalty?

| | | | | | |
|-----|-------|----|-------|-----------|------|
| Yes | 65.0% | No | 30.0% | Undecided | 5.0% |
|-----|-------|----|-------|-----------|------|
7. When State money is used for construction projects, state law requires 1% of construction costs to be used for art. Should this art be created by Alaskan artists?

| | | | | | |
|-----|-------|----|-------|-----------|-------|
| Yes | 64.2% | No | 25.0% | Undecided | 10.8% |
|-----|-------|----|-------|-----------|-------|
8. Should Anchorage fishermen and hunters be treated the same as rural residents when our natural resources must be allocated?

| | | | | | |
|-----|-------|----|-------|-----------|------|
| Yes | 64.0% | No | 28.9% | Undecided | 7.1% |
|-----|-------|----|-------|-----------|------|
9. Please rank the following district needs in order of priority.
 - #4 Parks & Recreation Development. (11.0%)
 - #2 Neighborhood Crime Prevention. (23.5%)
 - #1 Road Improvements. (39.4%)
 - #3 School funding. (20.8%)
 - #5 Other Issues (5.3%)
10. What is the most important issue or problem facing Alaska (Results represent priority of respondents who listed that as their first or second choice)
 1. Cost of state government should not exceed the state's income.
 2. Develop resources and provide incentives to stimulate the economy.
 3. Reduce size and cost of state government.
 4. Save the Permanent Fund.
 5. How to adjust to declining oil revenues.
 6. Jobs/Local hire.

Dewey M. McLean
Post Office Box 66
Winslow, Arizona 86047
June 18, 1986

Anchorage Daily News
Post Office Box 6616
Anchorage, Alaska 99502

Attn: Editor

Dear Editor:

Recently, I was the guest of an Anchorage family for two weeks. I had a wonderful vacation in your city, and was very impressed by the beauty and unique lifestyle set forth in Alaska. Each and every Alaskan should be proud of their state.

While in Anchorage I read the Anchorage Daily News every day. On June 4, 1986 I reviewed an article entitled "Sheffield Kills Cut In Arts Subsidy". The article stated that Governor Sheffield had vetoed an art bill that would limit the current 1 percent subsidy of public art. After careful review it became clear that a State Representative had introduced the art bill limiting the amount of money that could be spent on public art. The reason being that past monies had been spent in a wasteful manner. NOTE: Having not been able to read the actual bill introduced I may be vague as to some important points. Keeping an open mind I was told that I could see some of the "art" at the Anchorage International Airport. Upon my departure I had the opportunity to see the art on display.

-The first piece I saw was a shoe shine stand. Let me note that there is nothing artistic about that shoe shine stand, and the cost incurred by the State of Alaska should not be overlooked.

-The second piece I looked at was entitled "Anchorage: Crossroads of the World". Again, I saw nothing artistic in this piece and was very surprised to find out that close to \$80,000 dollars had been spent by the state.

Editor
Anchorage Daily News
June 18, 1986
Page Two

-The third piece viewed was a painting (if you could call it that) entitled "Welcome to my World". This piece was so gross and unsightly that I could not believe it was allowed on display.

I do realize that the State of Alaska is in no economic hardship, and I do understand the importance of having art. However, your state funds should not be wasted. You should encourage art, but encourage pieces that will fit in and enhance Alaskan heritage.

Is this art on display created by Alaskans or have California hippies been imported?

In my opinion the State of Alaska has a great heritage in scenery, wildlife, Aleuts and Eskimos. Why not capitalize on your natural environment and develop art that is pleasing, as well as educational?

I hope an art bill will be re-introduced in the Legislatures next session. It is important that your state dollars be spent on art, not junk!

Maybe your governor should put some of the art pieces in his home or grounds for the viewing pleasure of his family and guests.

Thank you for allowing me the opportunity to express my concern. I will always remember the fun I had in Alaska, as well as its beauty.

I remain,

Sincerely,

Dewey M. McLean
Dewey M. McLean

DMM:d

cc

Called
3/13/87



Associated Students University of Alaska

(907) 474-7355

UNIVERSITY OF ALASKA-FAIRBANKS
Fairbanks, Alaska 99775-0220

March 18, 1986

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 Phoennes 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.R. 596, 697) 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.R. 596 and 697 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 "Carl Thoennes III".

Carl Thoennes III
Student Association President
March 4, 1986

10 March 1986

Alaska Representative
Alyce Hanley
Pouch V
Juneau, Alaska 99811

Dear Representative Hanley:

Thank you for your letter of March 6th. I'm pleased to hear that you used some of my suggestions outlined in my letter to the Juneau Empire. My wife is picking up the committee assignments for your HB 607, and I will be writing to those members concerning its passage as well as letting a few sympathetic people I personally know do the same. We'll see if something can be done about constructively changing the structure of art selection committees as well as some of their procedures.

I like very much your proposed requirement for the inclusion of three "lay" members on art selection committees. I'm sure the direct impact of such a policy would be the selection of art more relevant to each individual community; however, the indirect impact will be equally important in that it clarifies the intent of the legislature pertaining to the selection of public art.

Also, your bill will require dissemination of vital information to each community pertaining to those responsible for a particular public art selection. The Art Selection Committee will become a stronger more responsible institution for it.

On a somewhat different but related subject, I would like to make a few suggestions which, if you agree, could be either be expedited through ammendment of your present bill or through "policy suggestions" to the Alaska State Council on the Arts:

1. It occurs to me that the public at large looks upon "Art" with some trepidation and that the participation of a broader section of the lay public will be difficult to accomplish at best. Would it be possible to "suggest" to the ABCFA to create a booklet for all interested and prospective committee members concerning the detailed procedures and responsibilities of its art selection committees. This booklet would also outline the decision options to which each member has recourse. This would be a constructive effort to help the lay public become more comfortably involved in that process as well as becoming something other than a "rubber stamp" useful only for committee legitimization.

2. Recently I talked to an Art Selection Committee member on one of the local "1% for Art" projects who was quite disgruntled about the quality of a particular site selection for art. He was left with no option for objecting other than resigning from the committee which, of course, would influence nothing.

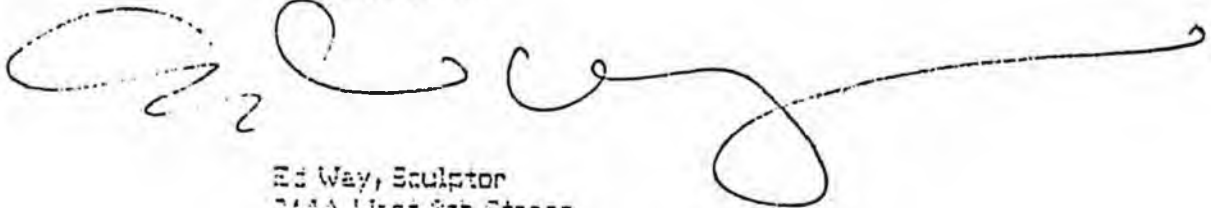
I myself declined to submit a sculpture proposal for that same project after independently determining that it was an extremely poor site, on which I'd rather not put any piece I might do.

It seems to me that it would be better to have a mechanism in the committee process not unlike that of the Supreme Court, in that it would document not only the "justification" of a selection - not ~~concern~~ the present committee process - but provide a procedure for giving a "statement of dissent" to that selection for those who feel the need. The person or persons dissenting would also have the option of having their names excluded from the dedication plaque - required if HB 507 were passed - rather than having to resign in order to avoid possible public indignation or objection.

3. If a piece of public art is vociferously objected to by the community in which it is placed, a moratorium of, say five years, should be observed concerning the matter. After that period, the sentiments of the community should again be gauged by any mechanism within that community concerning the art work. If it is found to remain unacceptable by, say 50%, of those openly polled or voting, the piece should be removed. At the discretion of the community, it would either be given to the ASC/A for their disposal or sold directly to a private art collector or institution in an effort to recover as much of their 1% money as possible.

I apologize for the length of my letter, but I don't often get the ear of a Legislator who is willing to influence change in the mechanisms of the Alaska State Council on the Arts.

Cordially yours,



Ed Way, Sculptor
214A West 8th Street
Juneau, Alaska 99801

in: (907) 586-3335

586-3335

April 5, 1978

Dear Representative Hanley,

You have my wholehearted support in your efforts to curb the state's "One Percent for Art" policy. It should be abolished completely. This policy has been responsible for more pieces of trash shoved down the public's throat in the name of "art" than I care to count.

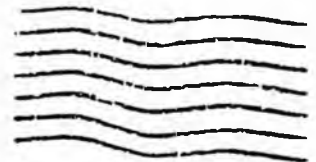
I don't believe that pandering to artists or would-be artists is the job of government. Believe me, you have immense support for your efforts. Keep on fighting the good fight and don't be discouraged by the squawking that will emanate from the elitist snobs who will proclaim that they and they alone are fit to judge what is "art".

Sincerely,

Mel Hedum

Mel Hedum

Mel Hedum
SRO Box 9073
Palmer, AK.
99645



Representative Alton 21.1 0 1

Larry R Leap
3310 Douglas Hwy.
Juneau Ak 99801
586 8385

Representative Hanley, HB 606 & 607

Dear Alyce:

I strongly support and favor your ideas concerning
HB 606 & 607.

For many years I have maintained that such
legislation is and has been long overdue.

The long standing idea that the public is excluded
from selecting the type of commemoratives,
monuments, and any items of artistic nature
simply does not get it with most of us.

To be quite blunt, it sucks.
Public input is absolutely essential in this
respect particularly to curb the poor quality
of "art" which we have been made to
purchase and been subjected to experience
in the past.

Perhaps the minimum amount of construction
funds set aside for this purpose has
largely contributed to the acquisition of
various outstanding pieces of junk such
as our now retired "nimbus".

I think that an adjustment in the funds favoring
an increase in this area is absolutely
in order.

Here is a state where we have some of the finest artists, period.

Some I know personally, most I do not. However I am very sympathetic of their efforts particularly where a ridiculous price of junk is purchased from outside of the state of Alaska and the general public is summonsed to acknowledge it.

Much of the public's attitude on several of these previous so called "masterpieces" has been wonder, pity, or just plain rejection. That should tell us something.

Our artists deserves all of the attention and chance in the world to outclass the results of this poor practice.

I also like the idea of lending information of the acquisition of art projects which in my opinion would not only be interesting but also be very useful if a controversy did develop.

I am all for your efforts and I hope that you get the two House Bills through. Thanks for reading my letter.

Respectfully



ROBERT F. WILLIAMS

4-4-86
APR 1986
RECEIVED

DEAR ALYCE,

I WAS PLEASED 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.

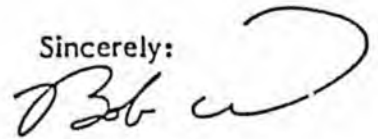
I HAVE ENCLOSED A FEW THINGS
I HAVE WRITTEN ON THIS SUBJECT. THE
ARTISTS HAVE ALL BEEN AFTER MY IDEE ON
THIS - I'M SURE YOU HAVE GOTTEN SOME
INPUT AS WELL.

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

Bob Williams

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

5/2/85

Dear Governor:

I am sure you are aware of the enclosed statement by Mr. Heinze. I would simply like to say that I feel he hit the nail right on the head with the page three comment about reducing spending instead of seeking ways to increase revenue to support what the State government now views as "necessities"!!

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* Equestrian trails-These serve a purpose for at best 1% of the population for perhaps 6 months out of the year! They can not be well used for any other purpose such as skiing, jogging, or biking because of hoof print holes in the snow in winter, and the "fertilizer" present yeararound!

* "Artwork" in public buildings--I see no need for forcing ourselves to spend 1% (or whatever set amount it may be) of the capital cost of a public building on unnecessary "artwork". Some such decorative art is justified to provide a reasonable pleasant working environment, but we now spend a fixed percentage whether it is "needed" or not. Worse yet, we usually commission a special piece when for less cost, there already exists on the market artwork that would be at least as fitting (and often more fitting) than what is specially made for the project. Supporting the arts is fine. I attend and thoroughly enjoy the Alaska Rep. BUT I DO it by choice. Save a slice of the capital budget right off the top-Eliminate, or at least reduce, the forced expenditure on alleged "artwork"

Construction information signs. (This is aimed particularly at Anchorage, but the State pays a substantial portion of the costs through its distribution of revenue.) There is no need for the "Tony Knowles" signs at the various improvement projects done in the city. If people read the paper, they will know what is going on. If they don't read the paper and see some work taking place, and want to know what it is all about, they can call one of the many city or state offices and ask!

Other key areas for savings are:

*Concessions- State of Alaska and municipal employee compensation packages are out of sight. The pay is unjustifiably high to begin with. On top of that, the benefits are unbelievable! Large vacation packages; Personal days off; Sick days; Use of government

2/21/86

"BRAVO" FOR YOU

REP. HANLEY!! KEEP AT IT.

M. Aulby

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vehicles (Troopers and police use is justified I believe-but I see many "for official use only" vehicles doing things that are obviously not for public service purposes). Sick days make me sick in that they are cumulative and really just "time off". Be like industry-have a sick day policy that recognizes that people will be sick and miss work at times, but most real workplaces do not allow the days to accumulate. You are not allowed a certain number of sick days-if you're sick too often, disciplinary action can be taken; if you are a dependable employee, your good attendance will be rewarded come merit raise time. In general, State and municipal wages are overly inflated. This probably goes back to the days when it was hard to get people to this "uncivilized" place, and the cost of living was very high compared to the "outside". Alaska is a very attractive place now. This is evidenced by the population growth, the State's efforts to discourage outsiders by State hire laws, and preferential treatment for in-state contractors. The strongest indication of the way that State and municipal jobs are viewed by the workers is the fact that there is such a huge backlog of applications on waiting lists for the government jobs.

Doesn't that tell you that you may be a bit too generous?? Again, take a lesson from industry. Cut back on the fringe benefits; freeze salaries until they are caught up to by inflation; Do like the airlines-scale back the pay rates and benefits to a more realistic level for all future hires. Get rid of free tuition at the state university for relatives of people who work for the school. They are well compensated, and can afford the tuition better than many people who do have to pay!

*Forget about the Knik Arm crossing. The State's "extra" money has gone away for one thing. In addition, if such a bridge is really a sound idea, I believe the private sector (namely the ones who would benefit greatly due to land value increase) would either build a bridge at their expense and charge tolls, or offer a reasonable amount of private financial support to the project.

*Forget about the Susitna dam project also. Very simply, it's too much to spend for too little benefit.

*Run more of the State (and in many cases, municipal) services as "break even" propositions. The railroad is profitable, and those who use it, pay for it. Ferries and busses should fall into the same category--let those who benefit by their use foot the bill for this type of service. State campgrounds--another service that deserves to have a reasonable fee. I use the facilities, and am more than willing to support their upkeep by having to pay for the privilege of using the excellent park areas.

Enough said, I believe. The simple point, of course, is that the government must change it's outlook by cutting down on spending instead of trying to support the type of spending to which it has become accustomed by increasing revenues.

Thank you for your time.

Matthew J. Scully
6121 Austria Drive
Anchorage, Ak. 99516

ANOTHER QUICK MILLION TO SAVE - ELIMINATE THE REIMBURSEMENT
OF POLITICAL CONTRIBUTIONS BY THE STATE. THAT IS ONE OF THE
DUMBEST WASTES OF PUBLIC MONEY I HAVE EVER SEEN OR HEARD OF!

The following articles show that on a per capita basis, Alaska spends the most by far on Arts as a whole. They also point out that in Tacoma, Washington the public got so angry over not being allowed input on art selection they voted to repeal the whole program. These bills are designed to appease rising dissatisfaction perhaps avoiding eventual repeal of the program in Alaska.

Eagle River Star
2/26/87

Frenchman picked for art at Fire Lake

An artist from Paris, France will build a sculpture that will be installed at the front entrance to Fire Lake Elementary School.

The artist, Art Brenner, won the competition with a proposal for a painted steel sculpture 28 feet high called "Under the Wing of the Fire Bird."

The Anchorage School District Monday approved a \$70,000 contract for the sculpture.

Sculpture contracts rejected

Anchorage Daily News 4/20/87

Assembly turns thumbs down on two 1 percent for art projects

By DAVID POSTMAN
Daily News reporter

Anchorage Assembly members may not know much about art but they know what they don't like — spending money on sculpture in days of tight money.

This month the assembly overwhelmingly rejected two art contracts mandated by the city's 1 percent for art pro-

gram. The program requires that 1 percent of construction costs of city and school buildings be used for art at the building.

The city official in charge of the program said Monday this is the first time in at least five years that a 1 percent for art project has been stopped by the assembly.

Assemblymen said they

killed the contracts because the community was not involved in choosing the art and they didn't think it wise to spend \$100,000 on art when they are being forced to cut budgets and layoff workers.

But city officials and the head of a local arts group said there was plenty of public

See Back Page, ART

ART: Assembly rejects plans for two sculpture projects

Continued from Page A-1

involvement in selecting the art and the program should not be hurt because there is not enough money to pay for other city services. Besides, they say, it's the law.

"This is a knee-jerk reaction because they are trying to save money," said sculptor Bill FitzGibbons. "But as far as I'm concerned, there should not be a whole lot of talking about this because what they did is clearly not in compliance with the city law. It's clearly illegal."

FitzGibbons is chairman of the Alaska Citizens for the Arts steering committee. The group was formed late last year to lobby for art funding.

At its April 14 meeting, the assembly voted 9-2 against awarding a \$100,000 contract for a 40-foot-long carved and painted wood wall sculpture for Ravenwood Elementary School in Eagle River. Assembly members Heather Flynn and Pat Parnell cast the two yes votes.

The assembly voted 10-1 at the same meeting to kill a \$70,000 contract for a 28-foot-high steel sculpture at Fire Lake Elementary School, also in Eagle River. Flynn was the lone yes vote. Parnell voted no because he thought the sculpture, "Under the Wing of the Fire Bird," would be dangerous to students.

Eagle River Assemblymen Fred Dyson and Craig Campbell led the effort to stop the contracts. Campbell said his constituents told him at a recent meeting "they didn't want to spend money on art



Anchorage Daily News Bob Hallinen

Molly Jones, administrator of the 1 percent for art program for the municipality, holds a model of Paris sculptor Art Brenner's "Under the Wing of the Fire Bird." The full-size version is to be installed at Eagle River's Fire Lake Elementary School.

right now. It is not the time for extras."

Dyson said he has long opposed the 1 percent for art program because the art "is mandated in a way that doesn't allow for judgment of any kind." He said art teachers and PTA members complained they did not have a chance to comment on the proposed works of art.

Both assemblymen said they thought their no votes would be symbolic. They were surprised when a majority of their colleagues joined them.

Campbell and Dyson said the money should be used at the schools and for art, but not sculpture. Campbell suggested art scholarships and

Dyson said the money might be used for art supplies.

"It's clear the money cannot be spent for anything else," said Molly Jones, the program administrator. "We try to look at the art work as part of the building. But I can see how it would strike some people as odd to pay \$70,000 for a sculpture for an elementary school."

Jones said city officials will continue to push for the project and plan to submit the contracts to the assembly a second time.

The Ravenwood sculpture would be a 40-foot-long wood carving showing the Eagle River and animals indigenous to the area. Students would help artist Arthur Higgins choose subject matter for the

project. The sculpture would be paid for by an insurance settlement the city got when the school's original sculpture was destroyed by vandals, Jones said.

Fire Lake's sculpture, by Paris artist Art Brenner, will use the entire 1 percent set aside for art on the project. "If this doesn't go through the school has nothing," Jones said.

Jones said the proposed sculptures have been reviewed by the Anchorage School Board, the city Urban Design Commission, the Anchorage Arts Advisory Commission and a jury selected specifically for each project.

The jury included school personnel and Eagle River-area residents.

"If that's not the community I'd like to know what alien planet they come from," FitzGibbons said. "The community wants it. The community was involved in the selection."

FitzGibbons said he sympathizes with politicians concerned about saving money, but said money for art is money well spent. "Anchorage is an ugly town ... and we have very long, cold, dark winters and if a little bit of art in the school and the public buildings contributes to anyone's well being in the winter time, what price is that?"

But modern art may have been its worst enemy, he said. "There's possibly a misunderstanding of modern art. I think that if there was a little more education done somewhere ... with the assemblymen themselves they would not be as hostile."

JUNEAU EMPIRE

Accountability in public art

Legislation 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

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

At 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 Pictà 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. Strung 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

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

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

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

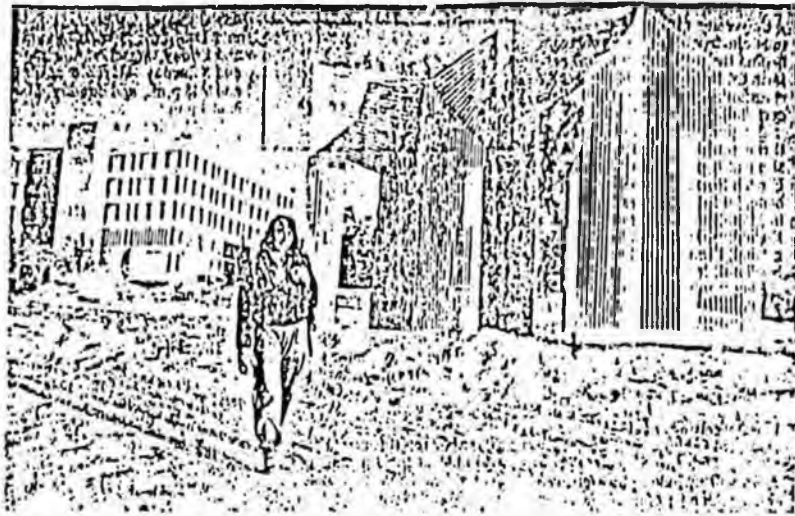
Some Serra defenders say his First Amendment rights are being trampled. But the issue is not a person's right to "express" his whims in rusty steel. The issue is the public's right not to be saddled with the

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

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

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

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



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

(News Miner library photo)

Reaction mixed to changes in One Percent for Art law

By DIANA DRYSON
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 put 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 697. The other two proposals are listed in House Bill 696.

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, some were dissatisfied 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 \$50,000 on the sculpture and the rest in the buildings," said Behlke, who donated his large, 33,000 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 proposal.

"I thought that about 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 here advocates, and that's just fine with her.

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

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



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

(News Miner library photo)

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

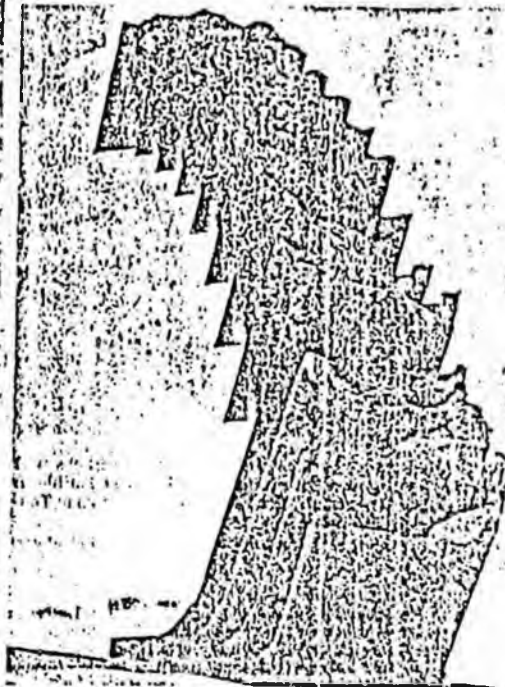
"I recognize that we're spending millions of dollars on this without much input from the public."

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

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

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

Public art projects

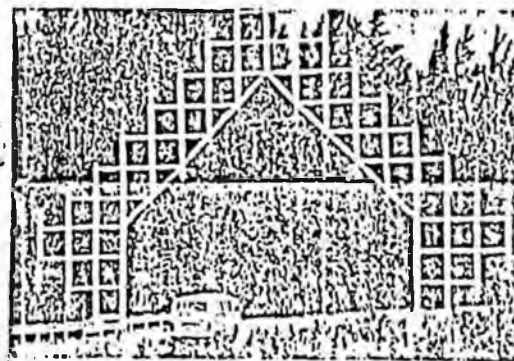


"Denali"—Christiane Martens' sculpture stands in front of the University of Alaska Museum. Marten is not from Alaska.

(News Miner library photo)

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

—Christine D'Arcy



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

(News Miner library photo)

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

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

"We've had time to absorb and appreciate pieces done by the state artists," she said. "It's time for Alaskans last 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 EA

"The Voice of Alaska's Capital City"

VOL. 78 NO. 249

JUNEAU, ALASKA, TUESDAY, DECEMBER 18, 1979

Nimbus gets the boo

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.

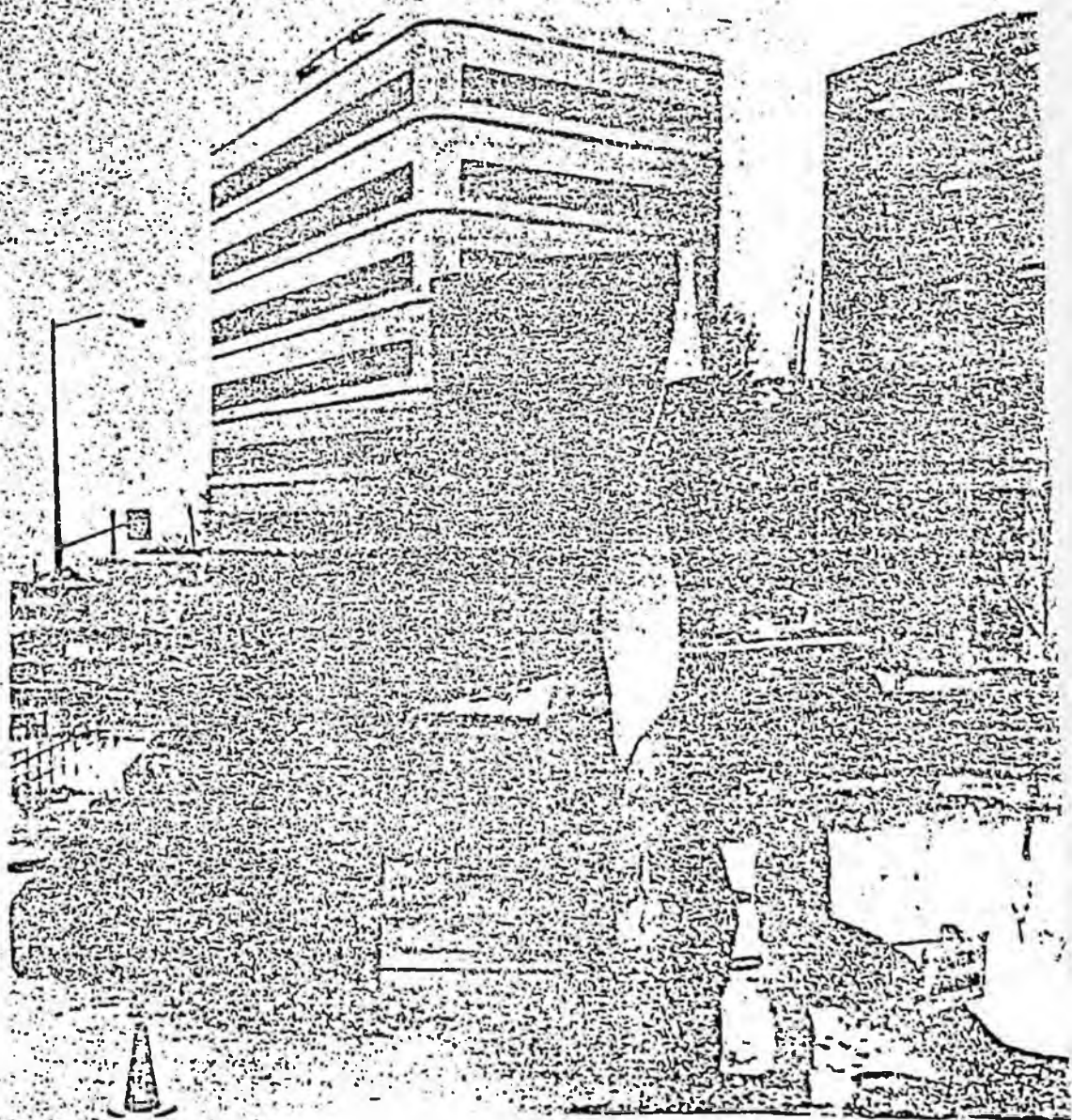
Once uprooted from its cement base, Nimbus will be taken to the Department of Transportation's Switzer Creek area building and stored until a state panel decides where it should be relocated. The cost of removing it is expected to be about \$6,000.

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 Ken

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 mean dull like an old warhorse. Public art, abstract or representational, can be lively, humorous, sobering, eccentric or yes, even maddening, and still be "ours."

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

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

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

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

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

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

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

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

Farewell to Nimbus

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

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

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

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

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

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

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

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

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

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

'Art' in public places?

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

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

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

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

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

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

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

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

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

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

COMMENTS

by:

Kent
Lee
Woodman

CONTRIBUTING
EDITOR



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

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

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

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

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

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

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

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

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

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

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

See DESIGNS, Page 13

• Designs should follow bldg. theme

Continued from Page 12

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

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

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

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

Aviation has a public facination 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 (Rusa) 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

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

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

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

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

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

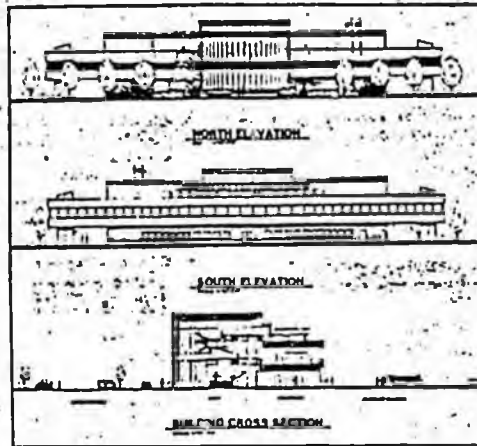
So now comes the Building Art Jury. Though construction money is not yet located for the building, design is under way

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

placement.

There are those close to this development and to aviation

See DESIGNS, Page 14



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

• Design follows theme

Continued from Page 13

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

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

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

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

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

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

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

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

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 make written input — or both.

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

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

"derogatory," and "three walruses splashed in early bathroom vomit." 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 faint, blue line drawings of a fox, a bear splashing multi-colored water. A blue fox takes up the left side, and a bald eagle and magpie look on.

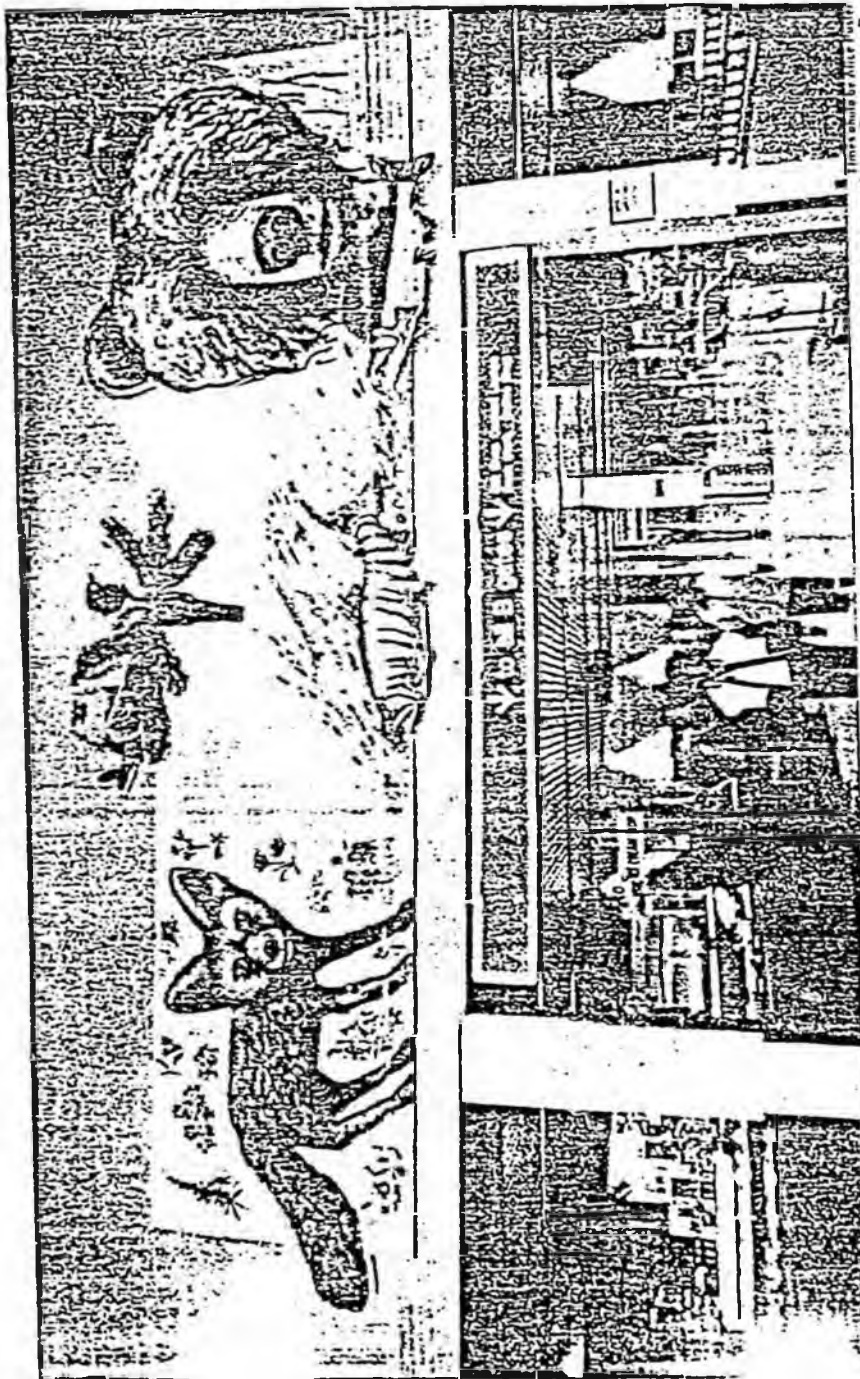
Amason flew "Welcome to My World" to Anchorage a week ago to make final adjustments at the Visual Arts Center. He had spent seven months working on it at his Oakland, Calif., studio.

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

just repainted and tried and everything else," Blaine said.

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

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



Times photo by Alice Joubert

"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

A profile of the work
— Time Out, D-1

his highly complimentary following the 8 p.m. news Thursday on KIMO Channel 33 reportedly caused the removal of Alvin Amason's \$30,000 triptych. The 32-foot by 11-foot piece had been installed

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 frolic in a red and blue sea, was called "an obscene gesture,"

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

This is not the first time that the multicolored, animal-striated art of Kodiak-born artist Amason has caused local

by Van Chandonnet
Times writer

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

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

Comparison of Percent for Art Laws in the Other 49 States

36 states have no statutes requiring the expenditure of public monies for art projects in public buildings.

Besides Alaska, eight other states have a mandatory 1% construction set aside for public art projects. Three states have non-mandatory 1% set asides.

Four states have mandatory 1/2% set asides and one has non-mandatory 1/2%.

Wisconsin mandates two-tenths of a percent of construction monies for art and New Jersey allows but doesn't require, up to 1.5% for art.

Source: Nat'l Conf. State Legislatures
As of 4/1/84



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

March 17, 1987

MEMORANDUM

TO: Representative Alyce Hanley

ATTN: Shirley Armstrong

FROM: Mary Jennings *MJ*
Legislative Analyst

RE: Projects Under the Percent for Art Program Completed During
FY 86
Research Request 87.201

You requested that we provide a list of projects completed during FY 86 under the Percent for Art Program. The attached table lists the location, artist, artist's place of residency, title, medium, and the commission paid to each artist for projects completed during FY 86. This information was provided by Chris Darcy of the Alaska State Council on the Arts. Ms. Darcy did not have information concerning projects in schools readily available, but felt that she might be able to compile this information during the next few days.

Ms. Darcy stated that the council does not feel it is responsible for maintaining project data. She explained that the Department of Transportation and Public Facilities (DOT/PF), which contracts for the projects, is better suited to perform this task. Rod Wilson of DOT/PF, stated that during FY 86, the department had adopted the policy of allowing the Council on the Arts to maintain project data. He added that DOT/PF is currently preparing a letter to Representative Mike Davis explaining the department's position in this situation.

I hope you find this information useful. I will forward any additional data I receive from the Council to you upon receipt. Please contact me if you have any questions.

Attachment

Percent for Art Projects--FY 86

| LOCATION | ARTIST/RESIDENCY | TITLE/MEDIUM | COMMISSION |
|---|-----------------------------------|---|------------|
| Fairbanks University of Alaska Student Housing | Bernard Hosey Washington | "Totem" Steel Sculpture | \$24,000 |
| Kotzebue- Chukchi Community College | Doug and Kathy Bayer Seward | "Basket Making" Stained Glass Window | \$6,000 |
| Juneau- International Airport | Bill Ray Juneau | "Flight Turbulence" Acrylic Painting | \$17,000 |
| Juneau- International Airport | Paul Gardinier Juneau | Untitled Wood/Canvas Construction | \$17,000 |
| Juneau- Governor's Mansion Renovation | Michelle Corder Anchorage | Untitled Painting | \$2,000 |
| Juneau- University of Alaska Morant Building | Gail Van Slyke Anchorage | Untitled Banner | \$10,000 |
| Juneau- University of Alaska Core Building | Bill Ray Juneau | Untitled Exterior Painting | \$33,339 |

Prepared by the House Research Agency, March 1987 (87-201).



Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 465-3991

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

January 30, 1986

MEMORANDUM

TO: Representative Alyce Hanley

ATTN: Scott Sutherland

FROM: Nancy Pease
Legislative Analyst

RE: Percent for Art in Public Places
Research Request 86-071

In response to your questions on Alaska's Percent for Art in Public Places Programs, this memorandum provides the following information:

- background on Alaska's Percent for Art Program;
- a list of Percent for Art projects statewide, including the type of art purchased, the artist's name, artist's state of residence, location of display and cost;
- the composition of art selection committees under the Percent for Art programs for the state, Juneau and Anchorage;
- the provisions for public review and comment concerning potential public art acquisitions;
- information on the acquisition and removal of Nimbus, including the costs; and
- an account of the repeal of Tacoma's Percent for Art Program.

BACKGROUND ON ALASKA'S PERCENT FOR ART PROGRAM

As you may know, Alaska's Percent for Art in Public Places program originated in 1975 with the requirement that a percent of State capital expenditures for public buildings and facilities be set aside to acquire works of art for display in those facilities (AS 35.27). Generally, at least one percent of the cost of a facility's construction or renovation, as approved by the legislature, must be set aside to purchase art. If the facility to be constructed is a rural school,

ART SELECTION COMMITTEES AND PUBLIC PARTICIPATION

State Selection Committees. The Artwork Selection Committee for the State's Percent for Art projects consists of four to six individuals: the project manager from the Department of Transportation and Public Facilities (DOT/PF); a designee of the Alaska State Council for the Arts, (usually a person professionally involved in the arts); a designee from the client agency; and sometimes a representative from the architecture firm.³ If the amount for the public artwork exceeds \$50,000, the commissioner of DOT/PF may appoint one additional member to the selection committee and those five members may elect to add one representative from the community (See Attachment A).

State provision for public participation. According to Neil Atkinson, a project manager for DOT/PF's Southeast Region, the selection process does not provide for a period of public review or comment on proposed art acquisitions. The Art Selection Committee sometimes receives advice from facility users, community representatives, or technical assistance from the ASCA Visual Arts Center. In addition, the Alaska State Arts Council helps to identify the best art display sites for large facilities with no obvious exhibit area; and aids the selection committee in the design competition by preparing and mailing a project prospectus and collecting the results. According to Lauren Rasmusson, Chief of Design and Construction Maintenance Standards for DOT/PF, DOT/PF became less active in Percent for Art selection when Rural Education Administrative Areas (REAAs) were established and took over construction for rural schools; art for most schools is now selected by regional or local panels rather than a DOT/PF committee.

Juneau Selection and Participation Process. In Juneau, a six-member jury will be named to select works of art for each construction project costing over \$250,000. Two jurists will be appointed by the Juneau Arts and Humanities Council; two by the city assembly; one by the city manager; and the final jurist will represent the users of the facility under construction. The project architect will act as consultant to the jury, and the city assembly will give final approval of the jury's decision. According to the Director of the Juneau Arts and Humanities Council, the council will publicly seek nominations for art jurists and will advertise all art jury meetings to the public.

Anchorage Selection and Participation Process. In Anchorage, art for smaller construction projects (those budgeted at \$250,000 to \$1 million) is selected by the mayorally appointed Art Selection Advisory Committee.

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Representative Hanley
January 30, 1986
Page Five

REPEAL OF THE TACOMA PERCENT FOR ARTS PROGRAM

Tacoma voters repealed the City of Tacoma's Percent for Arts Program in November of 1985. The repeal was the final battle in a four-year struggle over public art policy that began in 1982 with the commissioning of a massive neon display for Tacoma's new convention and civic center.

Both Zia Gipson, Arts Director for the City of Tacoma, and Carolyn Bondy, leader of the "No Neon" Committee, attribute the repeal of the program to poor allowance public participation. According to Ms. Gipson, Tacoma's Percent for Art program functioned smoothly for its first five years. During that time, few large public works were constructed. In 1985, Percent for Arts produced only \$6,500 worth of art; and the largest single art purchase in five years was \$50,000 of portable artworks for the city hall.

Controversy over the Percent for Art program first arose in 1982 when the City of Tacoma built a new convention and civic center, called "the Dome", and, in accordance with the Percent for Art program, dedicated approximately \$240,000 to the acquisition of art for the site. The art selection committee, appointed by the city's Arts Commission, chose a massive neon display (called "Neon") for the roof of the Dome. Potential roof leakage required that Neon be scaled down from its original 20,000 square foot design. The final 2,000 square foot work was installed inside the Dome in August 1984 at a cost of \$272,000.

Ms. Gipson cited numerous factors which she feels contributed to immediate public opposition to Neon. She stated that some residents:

- generally oppose any expenditure of public money for art;
- oppose the large amount of money spent for Neon, especially in times of high unemployment for Tacoma;
- feel that Neon is unsuited for the Dome because it's aesthetic appeal is not widespread enough for a building which ought to be a symbol of civic pride;
- reject neon as a bona fide art medium;
- unconditionally disapprove of abstract rather than representational art; and
- protest that the selection process does not adequately consider public opinion.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 465-3991

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

January 30, 1986

MEMORANDUM

TO: Representative Alyce Hanley

ATTN: Scott Sutherland

FROM: Nancy Pease
Legislative Analyst

RE: Percent for Art in Public Places
Research Request 86-071

In response to your questions on Alaska's Percent for Art in Public Places Programs, this memorandum provides the following information:

- background on Alaska's Percent for Art Program;
- a list of Percent for Art projects statewide, including the type of art purchased, the artist's name, artist's state of residence, location of display and cost;
- the composition of art selection committees under the Percent for Art programs for the state, Juneau and Anchorage;
- the provisions for public review and comment concerning potential public art acquisitions;
- information on the acquisition and removal of Nimbus, including the costs; and
- an account of the repeal of Tacoma's Percent for Art Program.

BACKGROUND ON ALASKA'S PERCENT FOR ART PROGRAM

As you may know, Alaska's Percent for Art in Public Places program originated in 1975 with the requirement that a percent of State capital expenditures for public buildings and facilities be set aside to acquire works of art for display in those facilities (AS 35.27). Generally, at least one percent of the cost of a facility's construction or renovation, as approved by the legislature, must be set aside to purchase art. If the facility to be constructed is a rural school,

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one-half of one percent is set aside. If the facility will cost less than \$250,000 or will not receive substantial public use, the amount for art is deposited in the Art in Public Places Fund, and may be spent at the discretion of the Alaska State Council on the Arts to acquire art for public places or to cover cost overruns on artworks commissioned through the Percent for Arts Program (AS 44.27.060).

The money appropriated for public art may be spent only for the actual cost of design, production and mounting of the artwork, and the artist's direct administrative costs. Art-related costs to the Department of Transportation and Public Facilities (DOT/PF), the Alaska State Council on the Arts (ASCA), the architect or the client agency may not be charged to the Percent for Art appropriation.¹

ART ACQUISITIONS IN THE PERCENT FOR ARTS PROGRAM

Art acquisitions in the Percent for Art Program are difficult to categorize by fiscal year because the selection, commissioning and fabrication process often take more than a year to complete. Attached are lists provided by the Alaska State Council on the Arts showing projects completed in fiscal years 1983, 1984 and 1985. The lists include location, title, type and cost of each artwork, as well as the artist's name and residence.

As you may know, Anchorage and Juneau have established municipal Percent for Art programs similar to the State's.² The State's program still funds public art acquisition in Anchorage and Juneau facilities which remain in the control of a State agency, such as a jail or fish hatchery. The municipal programs provide a funding and acquisition process for art in libraries, schools and other municipal facilities. Anchorage's Percent for Art Program funded approximately \$750,000 of public art projects in its first six years (February 1978 to August 1984). Juneau's Percent for Art program was established in July 1, 1985, and has not as yet funded any public artwork.

¹DOT/PF Design Standards Manual - Buildings, Section 13.6.3 (C). See attachment.

²The City of Fairbanks does not have a municipal Percent for Art program.

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This standing committee currently has seven voting members, including five community representatives who are active in the arts, one representative from the mayor's Urban Design Committee and one member of the mayor's Arts Advisory Commission. (The two non-voting selection advisers are a representative of the Historical and Fine Arts Museum, and the municipal Director of the Arts.)

If an Anchorage construction project will cost over \$1 million and the accompanying artwork will thus cost more than \$10,000, the mayor appoints an art jury for that particular project. The art jury includes 5 to 11 members: the project architect, representatives from the Urban Design Committee and the Anchorage Art Selection Advisory Committee, a representative of the user group for the facility, a person involved professionally in the arts, and representatives from the community at-large.

NIMBUS

Nimbus, a metal sculpture by Robert Murray, was installed in the Court Building plaza in Juneau in 1978 at a cost of \$40,000. Nimbus was commissioned with funds from the National Endowment for the Arts, with matching funds from the Alaska State Council on the Arts (ASCA) and the Alaska Court System. The selection committee was named by the National Endowment for the Arts, and included national arts experts as well as local representatives.

Nimbus was removed from the Court plaza in early 1985 and stored in the Department of Transportation and Public Facilities storage yard in Juneau. The \$5,000 removal cost was paid from DOT/PF's Southeast Region's maintenance budget.

Chris D'Arcy, Executive Director of ACSA, calls the decree to remove Nimbus "very mysterious". According to D'Arcy, Nimbus' removal was unrelated to HCR 9, introduced by Bob Bettisworth in May of 1984 to replace Nimbus with a veterans' memorial. The State Council on the Arts was not consulted on the decision. Barbara Dale, head of Boards and Commissions in the Governor's Office could not offer any information about whether the Governor himself decided that Nimbus should be relocated; however, the Governor appointed a Nimbus Advisory Committee to choose a site for the relocation of Nimbus. After the initial uncredited decision to remove Nimbus, the Nimbus Advisory Committee held a public meeting on January 22, 1985 to discuss a replacement for Nimbus; 70 people participated. No replacement was selected.

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