

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6088 HOUSE STATE AFFAIRS

492

Representative Hanley  
January 30, 1986  
Page Six

Ms. Bondy reiterated that many residents objected to the enormous cost of purchasing and maintaining Neon, and objected also to the artwork's "inappropriateness" with the function and symbolism of the Dome. Mostly, Ms. Bondy felt that citizens objected to the selection process which seemed to ignore public opinion and thwart public participation. Ms. Bondy stated that:

- Northwest artists were not given a fair chance in the design competition;
- the art jury did not include lay members of the public;
- the citizens' advisory committee (to the art jury) had no vote; and
- public hearings on the art selection were not held until after the art jury had selected Neon.

Ms. Bondy stated that, when the roof problems prevented the fabrication of the original Neon artwork, the Tacoma Arts Commission, the art jury and the builders of the Dome worked "behind the scenes" to produce nine alternatives. Although some of the alternatives called for new competition, design competition was not opened to Northwest artists who had been passed over for the roof-top project because of their lack of experience with large scale projects. According to Ms. Bondy, the final choice was sudden and was not a previously considered alternative: after two months of inactivity, the Arts Commission and the Dome manager toured the Dome once and announced their selection of scaled down, indoor neon panels by the same artist originally commissioned. According to Ms. Bondy, the first public hearing, held after the selection, showed seventy percent disapproval of Neon.

Critics of Neon petitioned successfully to place an initiative to remove Neon on the ballot in September 1984. Seventy-five percent of Tacoma voters agreed that Neon should be removed. However, after three months of deliberation, the Tacoma City Council decided not to follow the non-binding voter initiative. According to Ms. Gipson, the Council felt bound by its contract to the artist; felt that the cost of removal (\$75,000) was too high; and felt that removal constituted art censorship and was not appropriate.

To redress public grievances about Neon and the Percent for Art program, Tacoma's mayor and two council members appointed a Public Art Task Force. The Task Force included five supporters of the art program, five critics and five neutralists. After six months of studying all Percent for Art projects, the task force recommended that the City Council limit the amount of money spent on any single artwork and henceforth install art

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only in places with free, unrestricted public access during all operational hours. According to Ms. Bondy, this recommendation did not address major program shortcomings such as inadequate provision for design competition and public comment.

Neon's critics responded by placing a second initiative on the ballot, this time, to repeal Tacoma's Percent for Art Program. The City Council drafted an alternate ballot measure, based on the Task Force's recommendations to limit the amount of money spent on any single project and to assure accessibility to public arts. By a 60 percent majority, Tacoma voters chose to repeal the Percent for Arts requirement.

The resolution repealing the Percent for Art program is binding for two years; however, the City Council may in the meantime fund public art through other means. Other art funding programs are still operating in Washington: the State of Washington's One-half Percent for Art program, King County and Spokane's Percent for Art programs, and Kent's \$2 per capita arts appropriation. Washington State's One-Half Percent for Art program stirred up controversy several years ago when the Washington Legislature objected to the style of a mural commissioned for the Statehouse and ordered the work to be covered over before its completion.

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

NP

Attachments

## Percent for Art Technical Assistance

Legislation passed in 1975 created Alaska's Percent for Art program and provides that at least one percent of all construction costs for public buildings be allocated to the acquisition of artwork for the building. The Alaska State Council on the Arts provides technical assistance for the program to state agencies, the University of Alaska system of higher education and school districts throughout the state. In addition, the Arts Council produces project announcements and oversees the artwork selection process in cooperation with the Department of Transportation and Public Facilities.

In FY85 the State Arts Council funded technical assistance and support activities for the program which included ASCA staff facilitation of all meetings of Percent for Art selection committees, assigning of a public art panelist or panelists to selection committees; and advertising and promoting available projects to artists. ASCA staff advises committees regarding site selection and project feasibility.

In FY85 the following projects, totaling \$848,000 in available commissions, were advertised to artists by the State Arts Council: Sackett Hall student housing at Kuskokwim Community College, Bethel; new student housing and the Duckering Engineering Building, University of Alaska-Fairbanks; Juneau Airport Expansion Renovation; Statewide Forensic Laboratory, Anchorage; Kodiak Auditorium; Southeast Correctional Institute, Juneau; Yukon-Kuskokwim Correctional Facility, Bethel; Skagway School; Vocational Education Center, Mountain Village; Walter Northway School, Northway; Anchorage International Airport, Domestic Terminal; and the Badger Creek and Rosamond Weller elementary schools in Fairbanks.

The State Arts Council maintains records and photographic documentation of artwork purchased and commissioned through the Percent for Art program. Slides and background material on completed works are available for use by schools and other agencies planning art in public places projects. Model contracts and other program material is available to artists and the public. Technical assistance in the form of staff assistance or site visits was provided to the following schools and school districts: Fairbanks North Star Borough Schools, Yukon Flats School District, Juneau-Douglas School District, Aleutian Regional School District, Copper

River School District, Lower Yukon School District, the Southwest Region School District and the Skagway City Schools.

Projects in the Percent for Art Program are difficult to categorize by fiscal year since the selection, commissioning and fabrication process often take more than a year to complete. The following projects were completed in FY85:

Harborview Developmental Center, Valdez  
 Untitled, site specific earthwork \$34,000  
 Lloyd Hamrol, Venice, California

Wrangell Ferry Terminal, Wrangell  
 Shake's Bear Screen, carved cedar bas relief 3,500  
 Wayne Price & Steve Brown, Wrangell

Fairbanks Airport, Fairbanks  
 Solar Borealis, fabricated steel sculpture 107,000  
 Robert Behrens, St. Louis, Missouri

Yukon Kuskokwim Correctional Facility, Bethel  
 carved & painted Yupik dance stick 900  
 Kay Hendrickson, Bethel

Three panoramic photographs of Kuskokwim River villages 3,893  
 Myron Wright, Anchorage

Anchorage International Airport, Domestic Terminal, Anchorage, hanging sculpture 80,000  
 John Henry, Miami, Florida

Chiniak School, Kodiak Island Borough  
 Like Father, Like Son, copper/brass sculpture 12,500  
 Ken Speiring, Spokane, Washington

Two Rivers School, Fairbanks North Star Borough  
 Alpine Fantasy, soft sculpture 9,000  
 Ken Speiring, Spokane, Washington

Nikolai School, Iditarod District  
 Untitled mural 2,500  
 Arthur Higgins, Wasilla

Rasmuson Library, University of Alaska-Fairbanks  
 Polar Projections, unique artist's book 5,000  
 Timothy Ely, New York

Dillingham Middle School  
 Color Flux Festival, nylon mobile 5,000  
 Louise Kodis, Spokane, Washington

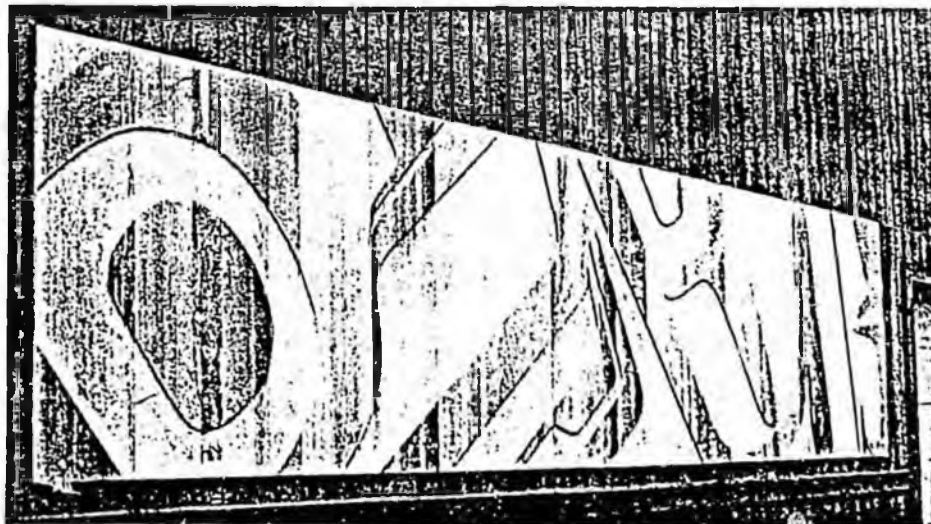
Andreafski High School, St. Mary's  
 St. Mary's Portraits, acrylic on linen 24,300  
 Moses Wassilie, Bethel

Southeast Regional Correctional Institute, Juneau  
 Nine portable works: \$7,000

Fireplane, watercolor  
 Dyann Alkire, Portland, Oregon

Shadows, Spetsai, Greece, black and white photo  
 Michael Besh, Anchorage

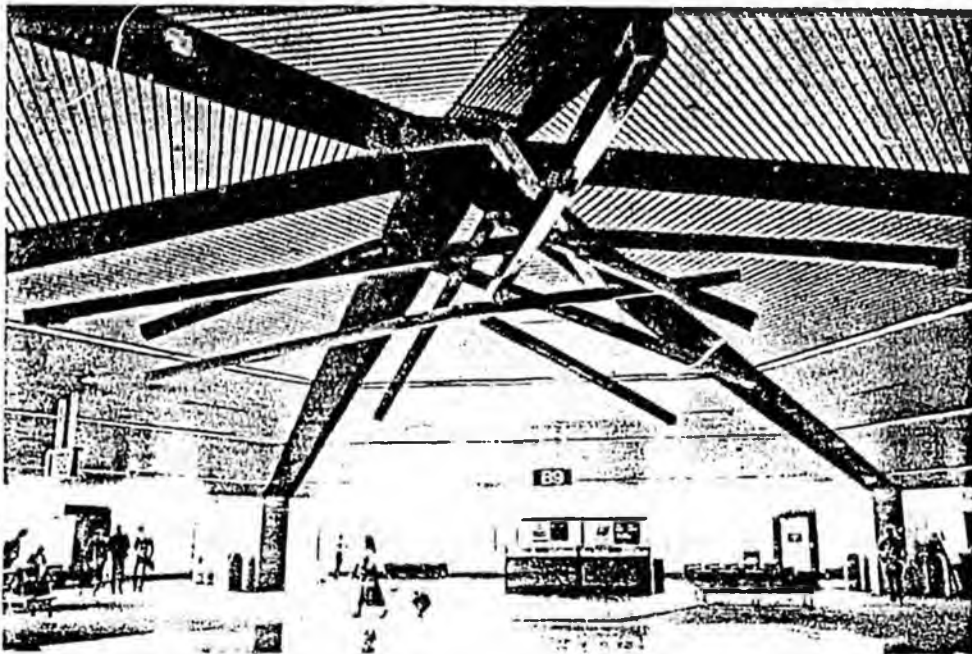
The Raven's Soliloquy, intaglio prints (suite of 6)  
 Susan G. Bremner, Anchorage



Big Sky Salmon, a 32-foot carved relief by Tlingit artist Jim Schoppert, was commissioned for the Fort Richardson Fish Hatchery through the Percent for Art program. The hatchery has an active visitors center and is the site of another interior work by Anchorage artist, Keith Appel. Schoppert's wall piece was installed in September 1984.

Photo by Jimmie Fuschli for ASCA

Photo by Clark Mosher



Anchorage, a suspended painted aluminum sculpture by Florida artist John Henry, was installed in the Anchorage International Airport in June. Henry stated that its divergent shapes are a reference to Anchorage's position as an air crossroads of the world. Also commissioned for the terminal were major works by Alaskan artists, Alvin Amason of Kodiak and Leon Anderson of Anchorage. Both painters will install their pieces in 1986.

Abstraction, pastel Guitta Corey, Anchorage	Yukon Kuskokwim Correctional Facility, Bethel Untitled, tapestry 20,000 Charlotte Van Zant, Fairbanks	Student Housing, University of Alaska- Fairbanks Integrated stained glass windows by the following artists: Garth Edwards, Spokane, Washington 11,000 Lyn Hovey, Cambridge, Massachusetts 11,000 Peter Mollica, Oakland, California 11,000 Ray King, Philadelphia, Pennsylvania 11,000 Kenneth vonRoenn, Louisville, Kentucky 11,000
Untitled, watercolor Diana Hobson, Venice, California	Woven Pleats, tapestry 1,500 Gail Van Slyke, Anchorage	Forged iron exterior sculpture 24,000 Bernard Hosey, Redmond, Washington
Tumagain Arm Light, black and white photograph Sam Kimura, Anchorage	Untitled, oil painting 1,853 Leon Anderson, Anchorage,	Nelson Lagoon School, Aleutian Region Untitled carpet mural 9,800 Nancy Taylor Stonington, Anchorage/Idaho
First and Pine, Portland, Oregon, oil on canvas Bill Kicha, Depoe Bay, Oregon	Southeast Regional Correctional Institute, Juneau Untitled, wood relief 17,000 Nathan Jackson, Ketchikan	Walter Northway School, Northway Untitled mural 7,500 Robert Parrish, Juneau
Russian Mission, oil on canvas Marvin Mangus, Anchorage	Untitled, wood relief 17,000 James Schoppert, Carnation, Washington	Dillingham Middle School/High School Untitled, tapestry 10,180 Judy Branfman, Pomfret Center, Connecticut
Salt Marsh II, mixed fiber Alice Van Leunen, Lake Oswego, Oregon	Statewide Forensic Laboratory, Anchorage A Friend, cast bronze figure 27,000 Charles Parks, Wilmington, Delaware	Untitled, fused glass tile 5,000 Kathy and Doug Bayer, Spruce Creek Glass, Seward
Works of art for the following facilities have been commissioned and will be installed:	Juneau Airport Expansion Untitled, acrylic on canvas 17,000 Bill Ray, Juneau	
Anchorage International Airport, Domestic Terminal Welcome to My World, oil painting 40,000 Alvin Amason, Kodiak/California	Untitled, metal/wood/canvas construction 17,000 Paul Gardinier, Juneau	
Untitled, oil painting 19,265 Leon Anderson, Anchorage	Tanana Valley Community College, Fairbanks Metal Block, constructed steel sculpture 27,000 Frank McGuire, Warrensville, Ohio	
Shoeshine Shop, functional steel sculpture 27,000 Frank McGuire, Warrensville, Ohio	Untitled, prismatic sculpture 130,000 Charles Ross, New York, New York	

*Note on final bill*  
*Yes - 31*  
*No - 9*

*Reconsidered*  
*Yes - 31*  
*No - 9*

*Final*

BSN:1260

ALASKA HOUSE OF REPRESENTATIVES  
CSHB 606(FIN)RM

2ND SESSION 14TH LEG

5/ 5/89 11:14 AM

	31 YEAS	9 NAYS	0 EXC	0 ABS	
Y ADAMS	Y FULLER		Y	LARSON	<del>ENY</del> FOURCROT
Y BINKLEY	Y FURNACE		Y	HARROU	Y RIEGER
Y BOUCHER	<del>ENY</del> GOLI		Y	MARTIN	Y RINGSTAD
Y CATO	Y GRUENBERG		<del>ENY</del> MILLER, N.M.J	Y	Y SHULTZ
<del>ENY</del> CLOCKSTN	Y GROSSENDORF		Y	MILLER, H.W.	Y SUDU
Y COLLINS	Y HARLEY		Y	NAVARRE	Y SZ JANDSKI
Y COTTER	Y HERRMANN		Y	FEARCE	Y TAYLOR
<del>ENY</del> DAVIS	<del>ENY</del> HORLEY		Y	PETTY JOHN	Y THOMPSON
<del>ENY</del> DUNCAN	Y JENKINS		Y	PHILLIPS	<del>ENY</del> UEHLING
Y FRANK	<del>ENY</del> JORONEN		Y	PIGHALBERT	Y WALLIS

VOTED FOR  
 CHANGED VOTE

*Reconsidered Same Day - Yes - 29*  
*No - 11*

Final

BSN: 919

2ND SESSION 14TH LEG

ALASKA SENATE  
CSHB 606 FIN AM 3RD

11 YEAS

7 NAYS 0 EXC 2 ABS

5/11/36 4:37 P

3Y?  
Y  
Y  
Y  
N  
Y?

ABOOD  
BENNETT  
COHILL  
DEVRIES  
ELIASON  
FAHRENKAMP  
FAIKS

Y?  
Y?  
N  
Y?  
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Y?  
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FERGUSON  
FISCHER PAUL  
FISCHER VIC  
HALFORD  
JOSEPHSON  
KELLY  
KERTTULA

N RAY  
H BOBEY  
N SAKKA  
N STURGOLEWSKI  
Y ZHAROFF  
H ZIEGLER

+ VOTED FOR  
\* CHANGED VOTE

(A)

LETTER OF AGREEMENT  
BETWEEN  
THE STATE OF ALASKA DEPARTMENT OF  
TRANSPORTATION AND PUBLIC FACILITIES

AND

THE ALASKA STATE COUNCIL ON THE ARTS

This Agreement, shall become effective upon execution by the State of Alaska, Department of Transportation and Public Facilities (hereinafter called the Department) and the Alaska State Council on the Arts (hereinafter called the Council). The Agreement shall terminate upon completion of paragraph 9 on page two, of this Agreement.

The Department's coordinator for this Agreement is the Commissioner of the Department or his designee. The Council's coordinator for this Agreement is the Executive Director of the Council. Each party agrees to notify the other party in writing of any change in the coordinator.

Whereas a percentage of funds have been identified by the Legislature, under AS 35.27 for the project as described in Appendix A of this Agreement and whereas the Council has submitted a notice to the Department requesting that the Council be allowed to assume all responsibility for the planning and construction of the project described in Appendix A (hereinafter also referred to as "the project"), the parties mutually agree as follows:

1. The Council agrees to assume all responsibilities heretofore held by the Department relating to the planning and construction of the project, excepting those responsibilities retained by the Department and described in Appendix B, which is hereby incorporated and made a part of this Agreement.
2. The Council agrees to comply with all applicable codes, statutes, and regulations of the State of Alaska.
3. The Council shall coordinate, administer, and notify all applicable parties of meetings and reviews and obtain all necessary written approvals from all effected agencies.

4. Prior to final acceptance of the project, the Council has the duty of providing for and overseeing all safety orders, precautions, and programs necessary to ensure the reasonable safety for the planning and construction of the project. In this connection, the Council shall take reasonable precautions for the safety of all project employees and all other persons whom the project might affect, and shall inspect all work and materials incorporated into the project, and all property and associated improvements at the project site.

5. At the time of final acceptance, the responsibility for the maintenance and operation of the project shall be borne by the Client Agency which is in substantial control of the completed facility.

6. The Council shall forward copies of the Artwork procurement documents to the Department for approval. If anything in these documents conflicts with the project described in Appendix A or is found to be in violation of any statute, code, or regulation, the Council will be notified that existing payments of project funds allocated to that specific location are in jeopardy and will be rescinded by the Department unless those conflicting aspects are corrected within a reasonable period of time as noted in the written notification.

7. The Council shall submit a quarterly status and expenditure report to the Department. The report shall address the expenditures and progress status of each individual facility within the overall scope of the project.

8. The Council, upon completion of each individual facility listed within the scope of the project, shall provide the Department with a final expenditure report, certified by the Council's coordinator, of all costs incurred in the accomplishment of the project.

9. The Council, upon completion of the entire project, shall have performed an independent audit according to Appendix C. The audit shall be performed and delivered to the Department within 120 days of the end of the calendar year in which the project was completed. The Department retains the right to audit the project any time within three (3) years upon written notice to the Council. All project records shall be maintained by the Council for three (3) years after the date of the project audit.

10. If, through any cause, the Council shall fail to fulfill in a timely manner its obligations under this Agreement, or if the Council shall violate any of the covenants or stipulations of this Agreement and if, after notification by the Department of such failure or violation, the Council fails to take proper corrective action within a reasonable time, the Department shall thereupon have the right to terminate this Agreement by giving written notice to the Council of such termination and specifying the effective date thereof. Such written notice shall be given at least fifteen (15) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports, construction materials, and any work completed by the Council, or its contract artists, described under this Agreement shall, at the option of the Department become the Department's property and the Council shall be entitled to receive just and equitable compensation for any satisfactory work completed. Notwithstanding the above, the Council shall not be relieved of any liability to the Department for damages sustained by the Department by virtue of any breach of the Agreement by the Council, and the Department may withhold any payments to the Council for the purpose of setoff until such time as the exact amount of damages due the Department from the Council is determined.

11. The Council may appeal, to the Commissioner of the Department of Transportation and Public Facilities, the Department's determination that Council is in violation of this contract or that it has failed to fulfill its responsibilities in a timely and proper manner. Such an appeal must be made within ten (10) days of the date the Council is notified of the Department's decision to terminate the contract. Pending resolution of the appeal, no work will proceed on the project. The Commissioner's decision shall be final.

12. If, due to changed circumstances, the Department or the Council wishes to terminate this Agreement prior to its completion, the initiating party shall notify the other party in writing of its reasons for requesting the early termination. This request must be made at least fifteen (15) days prior to the proposed termination date. If both parties agree that it is in their mutual best interests to terminate this Agreement early, all finished or unfinished documents and other materials as described in Paragraph 12 above shall, at the option of the Department, become the Department's property. If the Agreement is terminated as provided herein, the Council shall only be reimbursed for actual expenses

which were incurred by the Council during the Agreement period and which are directly attributable to the Council's performance of this Agreement. The Department shall also reimburse the Council for any costs properly incurred by the Council in honoring convenience termination clauses in its Agreements with its contractors as long as these clauses conform to the standard convenience termination clause used by the Department for similar type contracts.

13. This Agreement shall be governed by the laws of the State of Alaska.

14. In the event the Council subcontracts any work covered by this Agreement, the Council shall require compliance by its subcontractors with AS 36.05.010, AS 36.05.040, and AS 36.10.010. In addition, the Council shall require compliance with all Federal, State, and local laws, regulations and ordinances relating to civil rights.

15. To the extent the Council itself performs any work covered by this Agreement, the Council agrees to comply with all laws, regulations, and ordinances referred to in Paragraph 14, above.

16. The Council shall ensure that none of the funds paid under this Agreement will be used for the purpose of lobbying activities before the Alaska State Legislature.

17. Unless changed by prior written notice, any notices required by this Agreement must be sent to the following addresses:

Department:       Commissioner  
                      Department of Transportation and  
                      Public Facilities  
                      Pouch Z (MS 2500)  
                      Juneau, Alaska 99811

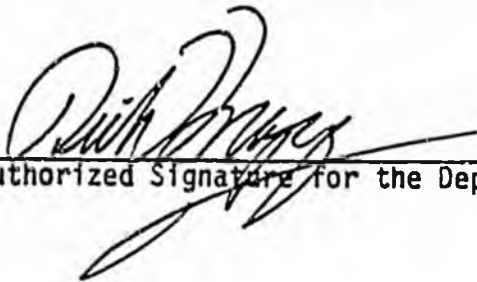
Council:            Executive Director  
                      Alaska State Council on the Arts  
                      619 Warehouse Ave, Suite 220  
                      Anchorage, Alaska 99501

18. This Agreement may not be assigned by the Council without written consent of the Department.

19. The failure of the Department to insist in any one or more instances upon strict performance by the Council of any provision or covenant in this Agreement may not be considered as a waiver or relinquishment of the provision or covenant for the future. The waiver by the Department of any provision or covenant of this Agreement cannot be enforced or relied upon by the Council unless the waiver is in writing and signed on behalf of the Department.

20. Modifications or written amendments to this agreement can only be made by written mutual consent by both the Department and the Council.

Whispering Darcy      Executive Director      1-21-86  
Authorized Signature for the Council      Title      Date

      COMMISSIONER      2/4/86  
Authorized Signature for the Department      Title      Date

LETTER OF AGREEMENT  
APPENDIX "A"

Project Description

For the purposes of this letter of Agreement it shall be mutually understood that the scope of the project shall consist of the procurement of Artwork, the design and construction of any required support facilities, and the administrative duties associated therewith, all as required to meet the legislative requirements of AS 35.27, Art Works in Public Buildings and Facilities.

To accomplish this goal the Department delegates to the Council the authority to enter into contracts with "selected" artists. Said "selected" artists 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. In addition the Department shall provide a monetary funding in the amount as designated in the following section, to cover procurement costs, administrative fees (not directly accountable to the design of the Artwork) and the costs of associated support facilities. The legislative mandated 1% portion of the appropriation shall be spent solely on the acquisition of the actual Artwork or when required the design and construction of the support facilities necessary to accommodate the Artwork.

Project Funding

The Department shall provide to the Council funding equivalent to the following:

1.3% times the construction cost of the eligible building or facility.

Where: (a) "the construction cost" shall consist of an amount equal to the anticipated contract price with all additive alternates and available contingencies for change orders, (b) "eligible building and facilities" shall include all buildings and facilities meeting both the criteria of AS 35.27 and AS 44.27 and receiving legislative funding during fiscal year 1986.

Funding shall be made available to the Council within thirty days following the date on which the contract with the Architect/Engineer was executed. However, in no case shall such funding occur later than the first submittal of schematic drawings. When eligible funding for further construction (not anticipated in item (2) above) becomes available after the initial payment, such funds shall be provided to the Council within thirty days after receipt by the Department.

LETTER OF AGREEMENT  
APPENDIX "B"

Department Authority and Responsibilities

Under the terms of this agreement the Department shall retain the following rights and duties.

(1) The Department shall establish funding qualifications on each individual construction project separately.

(2) Shall consult with the Council and the Client Agency to determine their desires for the inclusion of works of Art.

(3) Shall make the final determination--and notify the affected parties--of the method by which the legislative mandated 1% funds will be used. Such methods including:

- a. incorporation of Artwork into the facility to the extent of the total eligible funds, or
- b. deposit of the funds to the "Art in Public Places Fund", or
- c. a suitable combination of the above.

(4) Shall have the opportunity to actively participate as a member (not facilitator) of the selection committee.

(5) Shall grant final approval of all contracts awarded to selected artist.

(6) Shall provide the ultimate decision with respect to all matters involving modifications to the facility's design which may arise from the incorporation of the Artwork.

(7) Shall administer the "Artwork related" services of the Professional Services Agreement as executed between the Department of Transportation and Public Facilities and the facility's Design Professional of Record.

Changes to this document must be made in accordance with item 20 page four of the Letter of Agreement.

Item 5

# STATE OF ALASKA THE LEGISLATURE

POLICY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 6, 1989

SUBJECT: Draft CS for HB 3  
TO: Representative Alyce Hanley  
FROM: Pamela Finley  
Assistant Revisor *Pam*

Enclosed is the blank CS for HB 3, based on CSHB 3(Trsp), that you requested.

The provision authorizing artists-in-residence is in bill section one. Because you wanted it to apply to colleges and universities, and AS 35.27.021(a) refers to "schools" in a way that suggests the term is limited to elementary and secondary schools, I specifically referred to "post-secondary educational facilities." If you want to ensure that a work of art is produced by the artist in residence, we could refer to "a program in which the work of art is produced in conjunction with students."

Please note that bill section two contains material that was to be added to AS 44.27.060. (See bill section 5 in CSHB 3(Trsp).) Because you wanted to repeal AS 44.27.060, I moved this material.

In bill section 3 I added a sentence to AS 35.27.021(a) allowing the committee for a public school to consult with the Alaska State Council on the Arts. The committee could undoubtedly do so without this authorization, but having the language in the statute may encourage the committee to consult with the Council. Committees for buildings other than public schools already have a designee of the council under AS 35.27.021(b). If you wanted the suggestion for consultation to apply only to an artist-in-residence program, please let me know and I will change the draft.

Bill section four exists only to amend a cross reference that would otherwise be inaccurate once AS 44.27.060 is repealed.

Representative Alyce Hanley  
Page 2  
March 6, 1989

Please note that I have made one change you did not request. Bill section six attempts to "save" existing contracts. Unfortunately, I suspect that existing contracts may have been made by some entity other than the Department of Transportation and Public Facilities or the Alaska State Council on the Arts, e.g., a school district. Therefore, I changed the language of this section. I apologize for my previous oversight, and would appreciate your bringing this problem to the attention of the next committee considering the bill.

If you want any changes in the draft, please give me a call.

PF:gc  
WKG7/092

Enclosure

6-0216H  
Finley  
3/6/89

Original sponsors: Hanley, Zawacki,  
and Leman

~~original language~~  
~~Bill~~  
~~moved At outset -~~

~~1/2 to go in~~  
~~schedules~~  
~~allow more flex~~  
~~bring in federal~~  
~~work together~~

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 3 ( )

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; repealing  
7 the art in public places fund; and providing for an  
8 effective date."

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

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

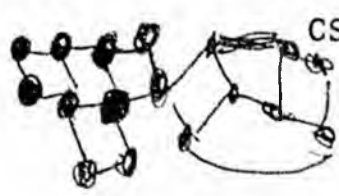
11 (c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL  
12 SCHOOL FACILITY, AT LEAST ONE-HALF] of <sup>At least</sup> one percent of the construction  
13 cost of a building or facility <sup>UP TO A TOTAL OF \$50,000 ON ANYONE PROJECT</sup> shall [APPROVED FOR CONSTRUCTION BY THE  
14 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-  
15 ing purposes: the design, construction, mounting and administration of  
16 works of art in a school, office building, court building, vessel of  
17 the marine highway system, or other building or facility that [WHICH]  
18 is subject to substantial public use. If the building is a school or  
19 post-secondary educational facility, the selection committee estab-  
20 lished under AS 35.27.021 may use part of the money reserved under  
21 this subsection for an artist-in-residence program. All administra-  
22 tive costs, including those of the department, associated with the art  
23 project shall be paid from the money reserved under this subsection.

Bureau  
handle

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

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

↑  
DC



CSHB 3( )

1 under AS 01.10.055. A work of art shall be identified by a permanent  
 2 plaque installed on or near the work of art. The plaque must contain  
 3 the name or title of the work of art, the name of the artist, the year  
 4 of completion, and the names of the members of the selection commit-  
 5 tee.

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

7 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes  
 8 a work of art for a public school shall be selected by a majority vote  
 9 of a committee, with the approval of the school board. The committee  
 10 shall be composed of the <sup>superintendent</sup> architect, the project manager <sup>OR principal</sup> administering  
 11 the facility construction <sup>ONE</sup> ~~two~~ representatives from the school dis-  
 12 trict staff, and three members of the public who reside in the commu-  
 13 nity where the school is located. The president of the school board  
 14 or a designee shall provide reasonable public notice that public  
 15 member seats on the committee are available. The school board shall  
 16 select the representatives from the school district and the members of  
 17 the public. The committee may consult with the Alaska State Council  
 18 on the Arts, <sup>the architect and the project manager</sup> ~~the architect and the project manager~~  
 19 <sup>administering the facility construction project</sup> ~~administering the facility construction project~~

20 (b) Except as provided in (a) of this section, an artist who  
 21 executes a work of art for buildings and facilities shall be selected  
 22 by a majority vote of a committee convened by the project manager  
 23 administering the facility construction. The committee shall be  
 24 composed of the architect, the project manager, a designee of the  
 25 Alaska State Council on the Arts, a designee of the principal user of  
 26 the public building or facility, and three members of the public who  
 27 reside in the community where the building is located. To select the  
 28 public members, the department shall advertise for applicants by  
 29 appropriate public notice and pick the members by lottery from among  
 the applicants.

5 MEMBERS ON COMMITTEE

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

4 \* Sec. 4. AS 44.27.052 is amended to read:

5 Sec. 44.27.052. POWERS OF COUNCIL. The council may (1) hold  
 6 public and private hearings; (2) enter into contracts, within the  
 7 limit of funds available, with individuals, organizations, and insti-  
 8 tutions for services furthering the educational objectives of the  
 9 council's programs; (3) enter into contracts, within the limit of  
 10 funds available, with local and regional associations for cooperative  
 11 endeavors furthering the educational objectives of the council's  
 12 programs; (4) accept gifts, contributions, and bequests of unrestrict-  
 13 ed funds from individuals, foundations, corporations, and other orga-  
 14 nizations or institutions for the purpose of furthering the education-  
 15 al objectives of the council's programs; and (5) make and sign agree-  
 16 ments and to do and perform any acts necessary to carry out the pur-  
 17 poses of AS 44.27.040 - 44.27.058 [AS 44.27.040 - 44.27.060]. The  
 18 council may request and is entitled to receive from any department,  
 19 division, board, bureau, commission, or agency of the state the assis-  
 20 tance and data that will enable it properly to carry out its powers  
 21 and duties. The council is authorized to receive state funds made  
 22 available for its purposes.

*management funds*

23 \* Sec. 5. AS 35.27.020(e), 35.27.020(f); AS 44.27.050(6), and 44.27.060  
 24 are repealed. *(Selection committee)*

25 \* Sec. 6. The amendments made by this Act do not apply to the construc-  
 26 tion of a building or facility if, before the effective date of this Act, a  
 27 contract has been entered into to meet the art requirements under this  
 28 chapter for the building or facility.

29 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

**HOUSE COMMITTEE ON STATE AFFAIRS**

**RECAP OF  
HB 3**

*Art in Public Places*

Received February 24, 1989  
by Rep. Hanley

Heard March 9, 1989  
Heard March 14, 1989  
Heard March 21, 1989

Committee Substitute adopted March 21, 1989

Passed Out of Committee March 21, 1989  
2 Do Pass  
5 No Recommendation

FROM B&B Leasing Sea. 03/13/89 09:16 P. 2

STATE OF ALASKA  
 PERCENT FOR ART PROGRAM  
 PROJECT INVENTORY  
 August 26, 1988

Location/Building	Artist	Title	Medium	Date*	Cost
<u>Alaska Marine Highway</u>					
M/V Matanuska (ferry)	various	collected works			\$ 10,000
M/V Taku	various	collected works			14,000
<u>Anchorage</u>					
Alaska State Troopers Anchorage HQ	Liza Halvorsen, Seattle, WA	<u>Testing the Waters</u>	ceramic relief	FY84	9,500
	Karen Michel McPherson, Fairbanks	<u>Point Hope Dogyard</u>	cibachrome print	FY84 (total for	all)
	Jay Kohn, Langley, WA	<u>Brower's Cafe</u>	cibachrome print	FY84	
	Gail Neibrugge, Glennallen	<u>Leaf Dancer</u>	oil on canvas	FY84	
		<u>Race Day</u>	ink/acrylic on on paper	FY84	
	James Schoppert, Carnation, WA	<u>Of Wolves That Travel</u>	alder mask, carved & painted	FY84	
	Jennifer Bellinger, Ketchum, Idaho, (formerly Ketchikan)	<u>Canada Geese</u>	batik	FY84	
	Nancy Taylor Stonington, Ketchum, Idaho	<u>Alaska Pinks</u>	stone lithograph	FY84	
	Pat Fridley, Anchorage	<u>Silent Passage</u>	stone lithograph	FY84	
		<u>Reflections at the Lake</u>	watercolor on paper	FY84	
Michael Schlicting, Neskowin, Oregon	<u>On The Docks</u>	watercolor on paper	FY84		

\*FY83a = awarded, FY83 = installed

Item 6

Location/Building	Artist	Title	Medium	Date*	Cost
Anchorage Community College					
Aviation Complex	O. B. Simonis, Portland	<u>Celestial Accord</u>	sculpture, stainless steel	FY83	30,000
	Jo Walters, Oakland, CA	Untitled	acrylic on canvas	FY82	10,000
	Bruce Johnson, Cazadero, CA	<u>Prop</u>	stainless steel mobile	FY82	10,000
Building C	Brigitte Cooper, Palmer	<u>Totem for an Unbuilt City</u>	fiber	FY81	4,000
	Al Tennant, Anchorage	Untitled	wall relief, ceramic and stainless steel	FY81	2,000
ACC Applied Health Science Building	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				38,000
Anchorage Courthouse	Selection committee appointed--project underway, 3/88.				
Anchorage Int'l Airport Domestic Terminal	John Henry, Miami, Florida	<u>Anchorage</u>	hanging sculpture	FY85	80,000
	Alvin Amason, Kodiak/Calif.	<u>Welcome to My World</u>	oil painting	FY86	40,000
	Leon Anderson, Anchorage	<u>Potters Marsh</u>	oil painting	FY86	19,265
	Frank McGuire, Warrensville, Ohio	<u>Shoeshine Shop</u>	sculpture, functional steel	FY86	27,000
	Charles Ross, New York City	Untitled	sculpture, prismatic	FY88	130,000

Location/Building	Artist	Title	Medium	Date*	Cost
Anchorage Int'l Airport Int'l Terminal	Gary Marx, Anchorage	<u>Descending Flight</u> <u>Plane</u>	sculpture	FY82	46,000
	Seth Seiderman, San Francisco, CA	Untitled	sculpture	FY82	46,000
	Dana Boussard, Montana	Untitled	fiber/applique wall pieces/series	FY82	46,000
North Terminal & Parking Garage	Selection process underway - Spring, 1987				200,000
Anchorage Oil & Gas Addition	Marvin Mangus, Anchorage		painting		3,950
Cook Inlet Pre-Trial Facility	Alex Duff Combs, Halibut Cove	Untitled	ceramic sculptures	FY83	55,000
	Clark Mishler, Anchorage/ Mark Hoffman, Seattle	Untitled	wall graphics	FY83	30,000
	Michelle Corder, Anchorage Michael Sheppard, Soldotna	<u>Chugach Theme</u>	ceramic relief	FY83	30,000
Fort Richardson Fish Hatchery	Keith Appel, Anchorage	<u>Quiet Home Reunion</u>	limestone relief	FY83	18,000
	Jim Schoppert, Carnation, WA	<u>Big Sky Salmon</u>	carved panels	FY85	20,000
Pioneer Home Nursing Wing	Jeanne Leffingwell, Anchorage	<u>Fireweed</u>	fiber	FY83	15,000
	Gail Parsons, Homer	<u>Wildflowers</u>	painting	FY83	15,000
	Charlotte Van Zant, Fairbanks	Untitled	tapestry	FY83	10,000
	Michael Kennedy, Seattle (né Fairbanks)	<u>The Hunt</u>	stained glass	FY83	10,000
	Victor Hiles, Homer	<u>Bore Tide</u>	wood panels	FY83	10,000

Location/Building	Artist	Title	Medium	Date*	Cost
	Tony Rubey, Anchorage	<u>Camera Obscura</u>	lithograph series	FY84	10,000
	Portable works collection:				(Total:**7,700)
	Susan Ogle, Anchorage	<u>Larsen Bay Wishing</u>	oil on canvas	FY83	700
	Marjorie Leavens, Anchorage	<u>Alaskans</u>	watercolor	FY83	395
		<u>Unilena's Springtime</u>	watercolor	FY83	395
	Nancy Taylor Stonington, Ketchum, Idaho	<u>Autumn Afternoon</u>	watercolor	FY83	550
	Arthur Higgins, Wasilla	<u>Palmer Fishhook</u>	watercolor	FY83	300
	Clark Mishler, Anchorage	<u>Kennecott Mines,</u> <u>Alaska</u>	photo	FY83	
	Ed Nolde, Anchorage	<u>Sail Series No. 1</u>	watercolor	FY83	450
	Janis Carty Neill, Eagle River	<u>Kennecott Copper Mine</u>	watercolor	FY83	575
		<u>Independence Mine</u>	watercolor	FY83	475
	Marvin Mangus, Anchorage	<u>Ship Creek, Anchorage</u>	acrylic on canvas	FY83	825
	Lynn Saupe, Kodiak	<u>Russian Christmas</u>	oil painting	FY83	400
	M A Mullins, Anchorage	<u>Malemute Leader</u>	pastel drawing	FY83	625
		<u>Majestic Summer</u>	oil	FY83	685
	Gary Lyon, Homer	<u>Willow Ptarmigan</u>	stone lithograph	FY83	275

\*\*When totalling figures use the \$7,700 figure, not the individual prices on the portable works collection.\*\*

Statewide Forensic Laboratory	Charles Parks Wilmington, Delaware	<u>A Friend</u>	cast bronze figure	FY86	27,000
University of Alaska Classroom/Office Building	Larry Kirkland, Portland, OR Joan Kimura, Anchorage	<u>SERAC</u> Untitled	hanging sculpture painting	FY82	30,000 8,000

Location/Building	Artist	Title	Medium	Date*	Cost
Health Occupations	Harold Balazs, Mead, WA	Untitled	enamel on steel	1980	6,500
Student Center	William Kimura, Anchorage	Untitled	fountain sculpture	1980	25,000
UAA Admin/Classroom Bldg	Portable works collection:	(Total \$28,550 listed below)			
	Celia Carl Anderson, Eagle River	<u>Spirit Wall</u>	batik	FY85	4,500
	Joseph Senungetuk, Anchorage	<u>Elder's Wisdom</u>		FY85	1,350
		<u>Joe's Undersee World</u>	wood block print	FY85	500
	Ann Belov, Seattle, WA	Untitled	pencil	FY85	700
	Daniel DeRoux, Juneau	<u>Molo Hunters</u>	acrylic	FY85	1,250
		<u>Bering's Nose is Baranoff</u>	acrylic	FY85	1,000
	Dot Bardarson, Seward	<u>Aleutian Windgrass</u>	watercolor	FY85	500
		<u>Alaska Flashback</u>	watercolor	FY85	600
		<u>Windrushes</u>	watercolor	FY85	500
	Carol Nordgren, Golden Bridge, New York	<u>Rockface</u>	oil	FY85	1,600
		<u>Slope Wash</u>	oil	FY85	1,200
		<u>Rock Fall</u>	oil	FY85	1,600
UAA Admin/Classroom Bldg (continued)	M. W. Lindenmeyer, Portland, Oregon	<u>Driven Sideways</u>	watercolor	FY85	750
	Linda Larsen, Sitka	<u>Opening</u>	oil	FY85	1,000
	Angie Dixon, Seattle, WA	<u>Puffins</u>	ink on rice paper	FY85	300
		<u>Spaghetti Penguins</u>	ink on rice paper	FY85	400
	Andy Kane	Untitled	pastel	FY85	820
	Peggy Conklin, Seattle, WA	<u>Earth Dream #10</u>	handcast fiber	FY85	2,150
	Ginnie Porter, Pelican	<u>Chicadees</u>	wood cut	FY85	65
		<u>Seals on Ice</u>	wood cut	FY85	95

FROM 3x3 Leasing Sea.  
03/13/89 09:19 P. 7

Location/Building	Artist	Title	Medium	Date*	Cost
	Gail Niebrugge, Glennallen	<u>Race Day</u>	acrylic	FY85	300
		<u>Backyards of McCarthy</u>	acrylic	FY85	1,500
	Nancy Taylor Stonington, Ketchum, Idaho	<u>Salmon River</u>	watercolor	FY85	3,500
		<u>Headwaters</u>			
		<u>Standing Water,</u>	watercolor	FY85	950
		<u>Garden Valley, Idaho</u>			
	Betty B. Atkinson, Anchorage	<u>Antiquities Treasure</u>	acrylic	FY85	600
	Tony Rubey, Anchorage	<u>Points to Consider</u>	color lithograph	FY85	500
	Sharon Scramstad Merrell, Anchorage	<u>Fish</u>	collagraph & etching	FY85	225
	Armond Kirschbaum, Anchorage	<u>Columbia Glacier</u>	lithograph	FY85	95
	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				50,761
UAA/ACC Bookstore	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				40,000
UAA/ACC Student Housing	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				107,915
UAA Arts Classroom/ Office/Lab Bldg	Percent for Art funds lapsed back to State's General Fund, Fall, 1986				210,000
<u>Bethel</u>					
Kuskokwim Community College	Lynn Wiley, Kenai	Untitled	enamel on plywood, exterior mural		10,000
Yukon Kuskokwim Correctional Facility	Kay Hendrickson, Bethel Myron Wright, Anchorage	Yupik dance stick panoramic photographs of 3 Kuskokwim River villages	wood, carved/painted	FY85 FY85	900 3,893

FROM B&B Leasing Sec. 03/13/89 09:19 P. 8

Location/Building	Artist	Title	Medium	Date*	Cost
	Charlotte Van Zant, Fairbanks	<u>The Girl Who Became a Swan</u>	tapestry	FY86	20,000
	Gail Van Slyke, Anchorage	<u>Woven Pleats</u>	tapestry	FY85	1,500
	Leon Anderson, Anchorage	<u>Cloud Break: Bethel</u>	oil painting	FY86	1,853
	Robert Pfitzenmeier, Anchorage & Joe Senungetuk, Anchorage	<u>Sedna Ascending</u>	sculpture	FY87	25,000
<u>Delta</u>					
Delta Rural Extension Center	Carolyn Strand, Anchorage	Untitled	fiber	1981	7,000
<u>Dillingham</u>					
Bristol Bay Rural Education Center	Michael Kennedy, Seattle (nee Fairbanks)	<u>Bountiful Harvest</u>	stained glass	FY84	4,200
<u>Eagle River</u>					
Alaska Women's Facility	Jeanne Leffingwell, Anchorage	<u>Parrotgrass</u>	fiber	FY83	8,000
	Karen Jenkins Olanna, Shishmaref	Untitled	bronze	FY83	10,000
	Arthur Higgins, Wasilla	<u>Mountain Pod</u>	sculpture welded aluminum	FY83	10,000
Hiland Mountain Correctional Center	Celia Carl Anderson, Eagle River	<u>An Eagle's View</u>	batik assemblage	FY84	17,500
	Lorraine Alba, Anchorage	Untitled	fiber assemblage	FY84	5,000

Location/Building	Artist	Title	Medium	Date*	Cost
	Ike Hay, Pennsylvania	<u>Sunrise Four</u>	wall relief, fabricated aluminum	FY84	12,400
	Keith Appel, Anchorage	<u>Artesian Flow and Strata-G</u>	porcelain enamel on steel panels	FY84	7,500
<u>Fairbanks</u>					
Fairbanks Int'l Airport					
Customs Addition	Polly Lee, Petersburg	<u>Sky with Cumulus</u>	ceramic tile	FY82	5,000
	Jane Brodrick, Fairbanks	<u>Nunivak</u>	acrylic on canvas		5,000
Airport Expansion	Ron Klein, Juneau	Untitled	photomural, panoramic circuit camera	FY84	27,000
Int'l Airport					
	Charlotte Van Zant, Fairbanks	<u>Tanana Flight</u>	mixed fibers	FY81	8,000
	Jeanne Leffingwell, Anchorage	<u>Crossing the Tanana and Tributaries</u>	fiber applique panels	FY81	4,000
	Tony Rubey, Hawaii (formerly Anchorage)	Various	photolithographs suite of 8	FY88	15,000
Airport	Robert Behrens, St. Louis, MO	<u>Solar Borealis</u>	sculpture, fabricated steel	FY85	107,000
Fairbanks Correctional Center Expansion					
	Melvin Olanna, Shishmaref	Untitled	sculpture, exterior cast bronze	FY84	30,000
	Carolyn Strand, Anchorage	<u>Guardians of the Far North</u>	tufted fiber	FY85	10,000
	Kay Slusarenko, Lake Oswego, Oregon	<u>Past, Present, Future</u>	wall panels, painted	FY84	15,000

Location/Building	Artist	Title	Medium	Date*	Cost
Fairbanks Mental Health Center	RFP deadline 5/31/88; finalists selected as follows.				
Denardo Center	Julie Matthews, Anchorage	(finalist)	sculpture, exterior		20,000
	Art Higgins, Wasilla/Oregon	(finalist)			
	Kenneth Spiering, Spokane, WA	(finalist)			
Fahrenkamp Center	Guillermo Granizo, California	(finalist)	wall piece		4,000
	Celia Carl Anderson, Eagle River	(finalist)	fibre, suspended		12,000
Dept of Natural Resources Land & Water Mgmt Bldg	Preliminary discussion phase 2/88				22,000
Fairbanks Public Safety Building	Gerald Conaway, Anchorage	Untitled	sculpture, aluminum	FY81	25,000
	Dot Bardarson, Seward	Untitled	watercolor series(4)	FY81	5,000
	William Kimura, Anchorage	Untitled	acrylic on canvas series (4)	FY81	5,000
	Fairbanks artists (no list on file)	portable works collection		FY81	5,000
Fairbanks Youth Facility	Charlotte Van Zant, Fairbanks	<u>Willow Sun</u>	tapestry	FY83	6,000
	Robert Harper, Bothell, WA	<u>Salmon Spawning</u>	wood/copper relief	FY82	6,000
	James Schoppert, Carnation, Wa	<u>Popsicles</u>	cedar relief	FY82	3,500
	Jennifer Bellinger, Ketchum, Idaho (formerly Ketchikan)	<u>Golden Plovers and Tranquil Geese</u>	batik panels	FY82	2,400
	Portable works collection by Fairbanks artists			FY82	2,500
	Bill FitzGibbons, Anchorage	<u>North Star Time Capsule</u>	site specific earthwork/marble	FY88	26,000

Item 7

LINDA LARSEN  
Box 1152  
Sitka, Alaska 99835

10 March 89

H. A. Boucher, Chair  
State Affairs Committee  
Box V  
Juneau, Alaska 99811

RECEIVED  
MAR 23 1989

Dear Mr Boucher

This letter is to express opposition to HB 3 which proposes changes in the percent for art legislation.

I am an artist, an art professor at Sheldon Jackson College and a twenty year resident of Alaska.

Section 1-c reducing the percent from 1% to 1/2%

1. In recent years prices for art have escalated both nationally and internationally
2. Most artists cannot make a living with their art and hold other jobs, even so, the majority of them are in the low income category nationally
3. The high cost of doing business in Alaska also applies to the artist, where travel, freight and insurance costs add significantly to expenses
4. A 50% reduction which also includes department administrative costs would severely limit the amount available for art, and therefore impact the quality of the work proposed for commissions

Section 2-g restricting the program to Alaska artists

I believe I understand the rationale for this action. As an artist who has competed in the percent of art process, I suspect my changes for selection would have increased had this limitation existed, even so, I oppose it.

1. Other states and cities may retaliate by eliminating Alaska artists from their competitions. Out of state exposure is critical to serious artists
2. Many limitations already exist in the commission announcements. We are restricted to a specific site, medium, size, and frequently to subject or theme, since many agencies stipulate that the art express their purpose, or history of the state and so on. In terms of creative expression, most artists would say this is limitation enough
3. If the purpose of the change in this law is to provide more opportunity for resident artists, I would suggest that there are other ways to accomplish this, so that all artists, not just the group who are interested in public art, would receive support and encouragement from both public and private entities
4. If the purpose of the restriction is to limit public art to art which expresses an Alaskan theme, then I implore you to reconsider. Alaska does not need more incestuous, mediocre, "Moose in the Meadow" art, to grace (or disgrace) our public space

Indeed, we do need to reduce our state expenditures, but it is short sighted to focus on the arts, one of the few things that give meaning to life and express who we are. Expenditures for the arts in Alaska are miniscule compared to other areas - the arts are not where the "fat" is in our state budget.

Finally, the significance of the arts and the manner in which they speak to and for humankind, have historically, often been controversial. This is good. Both artists and viewers grow, learn and are changed by differences of opinion. Such is the very nature of art and why it is valued by society. Let us avoid limiting the creativity and quality of the art we select for our state so that our artists and residents are exposed to the best this nation has to offer.

Sincerely

A handwritten signature in cursive script, appearing to read "Linda Larsen".

Linda Larsen MFA

# ARTS AND THE STATES UPDATE 1984

Legislative Note Number 3

Prepared by the Arts, Tourism and Cultural Resources Committee  
of the National Conference of State Legislatures

CHART C: FEATURES OF PERCENT-FOR-ART LAWS

Alaska  
Colorado  
Connecticut  
Florida  
Guam  
Hawaii  
Illinois  
Iowa  
Maine  
Massachusetts  
Michigan  
Minnesota  
Montana  
Nebraska  
New Hampshire  
New Jersey  
Oregon  
Texas  
Washington  
Wisconsin

This chart reflects statutory provisions of percent-for art laws enacted through April 1, 1984. In many states, administrative agency regulations clarify and supplement the statute.

	Alaska	Colorado	Connecticut	Florida	Guam	Hawaii	Illinois	Iowa	Maine	Massachusetts	Michigan	Minnesota	Montana	Nebraska	New Hampshire	New Jersey	Oregon	Texas	Washington	Wisconsin			
PERCENTAGE	1	1	1	.5		1	.5	.5	1	1	1	1	1	1	.5	1.5	1	1	.5	.2	Percent of Construction/Remodeling Costs		
EXPENDITURE	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Mandatory		
				•							•	•				•		•			Optional		
	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	State Arts Agency	
	•		•	•		•				•	•						•	•			•	Public Works or General Services Dept.	
ADMINISTRATIVE AGENCY											•										•	Finance Department	
			•	•		•										•	•				•	Other State Agency	
	•	•	•	•		•										•	•				•	Specifies Administrative Agency Duties	
	•	•	•	•		•										•	•				•	New Buildings	
	•	•	•	•		•										•	•				•	Remodeling Projects	
BUILDINGS INCLUDED								•							•						•	Existing Buildings	
	•							•													•	More Specific Building Types Named	
	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Law Applies Only When Bldg. Costs Exceed Min.	
	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Excludes Specific Construction	
	•							•								•					•	Broad Unspecific Definition	
ELIGIBLE ART		•	•			•	•	•	•	•					•							•	Broad Specific Definition
				•																		•	No Definition of Art
	•	•				•									•							•	Excludes Landscaping, Ornaments
	•	•				•									•							•	Established by Statute
			•			•									•							•	Established by Agency Rules
						•									•							•	Established by Law and Agency
SELECTION PROCESS								•														•	Unspecified
		•	•			•									•	•						•	Selection Committee Members Named
		•	•			•									•	•						•	Selection Process has Two or More Tiers
	•	•	•			•									•	•						•	Requires Comment by Public or Bldg. Occupants
	•	•	•			•									•	•						•	Selection Committee Expenses Reimbursed
	•	•	•			•									•	•						•	Commissions and Purchases
TYPES OF ACQUISITIONS	•					•									•							•	Commissions Only
						•																•	Unspecified
		•				•																•	State Gets Title to Art
	•	•	•			•									•							•	Specifies Which Project Costs are Included
CALCULATION & USE OF FUNDS	•	•	•			•									•	•						•	Art Funds Allocated for a Specific Project
		•				•									•	•						•	Art Funds May be Used for Other Buildings
						•																•	Private and/or Federal Funds May be Used
ARTISTS	•	•				•									•							•	Priority to State's Artists
		•				•									•							•	Artists Retain Specific Rights
	•	•				•									•							•	Expresses Legislative Intent
	•					•																•	Public Display of Art Required
MISCELLANEOUS		•				•																•	Addresses Maintenance/Repair
						•																•	Art May be Displayed in Other Buildings
						•																•	Authorizes Administrative Agency Regulations

Note: New Jersey's law allows up to 1 1/2 %

# Mural at Family Resource Center provides

At first encounter, Pat Austin's public art mural "Time Ribbon: An Alaskan Year" looks like a long series of not-so-special illustrations of Alaska people and scenery. Beginning in the entryway of the Family Resource Center near East Northern Lights Boulevard and East High School, painted rectangular panels of wildflowers, geese, Dall sheep, foxes and folks march high along both walls.

The panels don't look like Austin's style. Compared with the sensitive, somewhat academic work — such as her paintings of end papers — for which she is better known, they seem crude. Like many children's books, the lines of the brush drawings, rather than elaborate shading schemes, create volume.

Then you become aware that Austin has inserted some things that are more sophisticated and perhaps a bit sly. These endless ribbons of illustrations are not just slapped on the wall in a dumb row. They are arranged with an eye that is sensitive to movement, to filmmaking and to narrative. Austin has made herself an artist/director who links stills to the passage of time.



**jan ingram**

critical eye

Her devices are simple but effective. Horizontal lines hold the view still while vertical stripes within the frames and between them create rhythmic movement. This intensifies as you walk down the long institutional hallway past tall closed office doors. Parts of frames and verticals overlap at some points with the effect of blurred motion or hazy memory.

The frames go upstairs. On the second floor their rhythm becomes staccato with a series of fall scenes from southeast Alaska. Seasons shift sharply. Totem poles are deco-

## plenty upon which to reflect

rated, colorful verticals in a stub-limbed forest. Loggers pull themselves up big inflamed spruce trees.

This changes with the blues and whites of fall and winter. There are white bears, white foxes and white moose. And always there's a sense of change and of yourself as an observer. Like a camera, you stop for a close-up of a boy drawing. You pull back for a long shot of a snowy village. What begins as a pleasant but mundane set of illustrations on the first floor becomes forceful and kinetic by the time you've worked your way to the end of the second.

The best way to study the mural is to sit in one of several hallway lounge areas. Austin says the mural is for "time killing in the hall under stress." For those, often victims of rape, beating and incest, who must sit and wait for their professional helpers to emerge from behind closed doors, these paintings provide plenty upon which to reflect.

Read into them what you will. There's a white fox lying with paws on another's back. Are they leering at you from under that slash of a rainbow? Do they represent

your parents ganged up against you? The world waiting to eat you for dinner? They become an artistically interesting thematic appreciation test.

The simple, illustrative style of the paintings still puzzles me. When I visited, people who poked their heads out of office doors to ask what I was doing seemed almost fanatically loyal to the mural, as well as to work by Susan Ogle, Katy Gilmore and several Alaska Native craftspersons that is on display in conference rooms.

But the style makes sense when you think about its purpose. In fact, this project, which Austin says involved funding from a complex of government agencies, is an exceptionally effective integration of percent-for-art projects and building functions.

□ Jan Ingram has a bachelor of fine arts and wrote her doctoral dissertation on Native art of Southwest Alaska. She is on the faculty of Alaska Pacific University and writes reviews for *Artweek*, a newspaper published in Oakland, Calif.

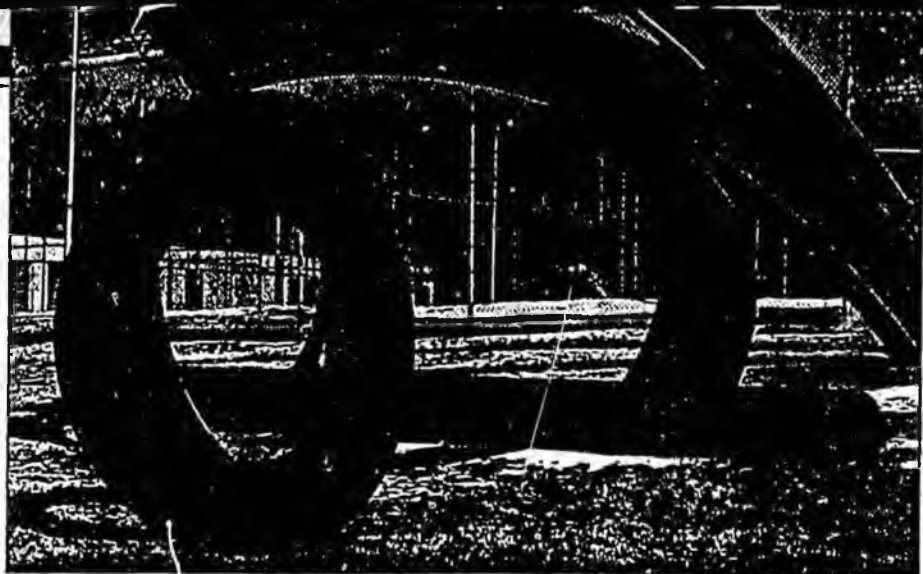
# Build a Jail, Buy Some Art

## Massachusetts follies

**W**orcester County Jail and House of Correction looks like any other prison—except that a few feet away from the gray fence and barbed wire is a huge, bright blue sculpture. Entitled "Turn for the Better," the metal arcs and column, installed in late 1987, were supposed to represent an improved life beyond prison's bars. But to most Massachusetts residents, the sculpture now symbolizes their state's fiscal turn for the worse—and for the sillier.

The state spent \$35,000 on the prison sculpture, courtesy of a 1981 law mandating that 1 percent of state construction costs (up to \$100,000 on any one project) must be spent on art. When the law was enacted, Massachusetts was flush. But with a state budget deficit of more than \$600 million—and funding for the state's Council on the Arts and Humanities imperiled—jail art seems hard to justify. "We can't ask taxpayers to pay 30 or 40 grand for something like that when we don't have enough for education, the elderly, veterans and, of course, for corrections," says Worcester County Sheriff John Flynn. "We've got to put our priorities in order."

So far the state has spent about



IRA WYMAN FOR NEWSWEEK

*A turn for the sillier? Outside the Worcester County prison*

\$135,000 for art—including painting, tapestries and furniture—under the 1981 bill. And with hundreds of millions of dollars of new prison construction planned well into the 1990s, the corrections system could wind up with a multimillion-dollar art collection. "It's obscene," says Joseph Hermann, a state representative who has filed legislation that would exclude prisons, sewer systems and other facilities from the original bill. "We need the money to hire prison guards."

The local art world sees such arguments as a pretext for attacking even the relatively meager state arts budget. "That 1 percent is a recognition on the part of the state that it has esthetic responsibilities to the community in which it builds," says arts-council spokesman Rick Schwartz. But virtually no one else in Massachusetts

is defending the program. Hermann, for one, argues that prison art like Worcester's serves no public purpose. "Are you going to say to your wife, 'Hey, honey, it's a nice day. Let's go to the jail and look at the art?'" he says.

"Turn for the Better" has produced one turn for the better. In poring over 5,700 slides of art works as the jail's representative on the selection committee, deputy superintendent Paul Westberg made some friends among local artists; they now lead art classes at the prison—at zero expense to the taxpayers. Even Sheriff Flynn admits to being impressed with the inmates' work. "At least I can understand what they paint," he says. "If I had a few bucks I might even buy one and put it in my home."

MARK STARR in Boston

# Crawfish as Big as Armadillos (Almost)

**I**n Texas, they like everything to be bigger—even little ole crawfish. For years Texans imported the edible crustaceans from Louisiana's swamps. But Texas scientists have perfected a process to grow larger, meatier crawfish in clean-water ponds. Last week state Agriculture Commissioner Jim Hightower announced a plan to sell the homegrown product in a Houston supermarket chain—and threw down the gauntlet. "[We] have been humiliated for generations by having to eat ... itty-bitty crawfish from across the Sabine River," Hightower said.

"We can declare our independence from the tyranny of the Louisiana critter."

Across the river, folks take their crustaceans seriously. "Hightower didn't know a crawfish from an armadillo until he started this thing," says Bob Odom, Louisiana's agriculture commissioner. Louisianans argue that Texas adds chemicals to the ponds—and grossly overcharges. Texas crawfish cost \$1.49 a pound; their Cajun cousins, at most, cost 89 cents a pound.

If a crawfish craze booms in Texas, Louisiana may have a lot to lose. The state crawfish industry grosses up to \$500

million a year. The Texas challengers hope to cut into Louisiana's 95 percent market share, adding \$120 million to the Lone Star State's economy. Louisiana officials claim they don't feel the pinch yet. Their state produces 100 million pounds a year, 10 times more than Texas. "We can't call this the great crawfish war because Texas can't compete," says Karl Turner, Louisiana's seafood-marketing board director. Down-home crawfish lovers also dismiss Texas's marketing campaign as *nouveau* fish. The Lone Star logo: a crawfish in a tux. Its motto: "Cultured with class."



C.C. LOCKWOOD—ANIMALS ANIMALS  
"Cultured with class? Crustacean"

#1

A M E N D M E N T

AS READ  
THIS IS A MINUTE  
W/OUT TO GO ON 9000  
REASON -

OFFERED IN THE HOUSE

BY SPOHNHOLZ

TO: CSHB 3 (Transportation)

Page 1, lines 10 - 11:

Delete "One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL SCHOOL FACILITY, AT LEAST ONE-HALF]"

Insert "At least one percent or, in the case of a rural school facility, at least one-half"

Page 2, line 24 through page 3, line 4:

Delete all material.

Renumber the following bill sections accordingly.

quadrupled                      0 - \$250,000  
170 to shall be projected up to 1 million  
1 1/2% over + above  
ceiling limit over certain amount  
put cap on it -  
170 up to

#2  
Deleted

A M E N D M E N T

OFFERED IN THE HOUSE

BY SPOHNHOLZ

TO: CSHB 3 (Transportation)

Page 1, line 24:

Delete "shall select [THE SELECTION OF ALASKA RESIDENT]"

Insert "the selection of Alaska resident"

Page 1, lines 25 - 26:

Delete "who are residents of the state under AS 01.10.055"

# 3  
FOULTS

A M E N D M E N T

OFFERED IN THE HOUSE

BY SPOHNHOLZ

TO: CSHB 3 (Transportation)

Page 3, line 8, following "artist,":

Insert "and"

Page 3, line 9:

Delete "and the names of the members of the selection committee"

[

ALASKA

STATE LEGISLATURE

# MEMORANDUM

Chris DARECY - 279-1558

Big  
L

KED

FRED KING -  
FAIRBANKS  
474-7591 FAX

BOB WENZSTEIN

S.F. FRIED

225-9658

KFC

MOLLY JONES

347-6473 FAX

Barb out on Spring break this week  
~~Bob~~ Short - FAIRBANKS

452-2000 FAX

KAREN EDZO

- UAR FAIRBANKS

not in today - out for 3 weeks

474-7581 FAX

b. EXAMPLE / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Tues, Mar 14

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00 AM

LEGISLATIVE REFERENCE: HB3

JUNEAU ROOM: C-102

SUBJECT: Art in Public

BRIDGE: \_\_\_\_\_

Places

# OF PORTS: 5

CONTACT: Ann PH: 4931

DATE TAKEN/BY: John M 3/10/89

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VIS'S

Anchorage

Homer  
Wrangell

See List on  
Reverse Side

Barrow \*

Bethel

Delta Junction \*

Dillingham \*

Fairbanks

Glennallen \*

ALL LIO'S

Juneau

Ketchikan

Kodiak

Kotzebue

Mat-Su

Nome

Petersburg \*

Sitka

Soldotna

Valdez \*

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

*Bucky 3/10* John Van Zyle  
OFFNETS: 688-5130 - Eagle River  
Ernest Robertson  
376-6276 Wasilla  
Carl Hemmiller  
766-2471

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

*fnw/chris 3/10/89. Will be going to SFO Bridge.* SPECIAL INSTRUCTIONS

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: Housest Affairs  
 ( Pub. Hear ) Work Ses. Inv. Hear  
 LEGISLATIVE REFERENCE: HB3  
 SUBJECT: Art in Public  
places  
 CONTACT: Ann PH: 4931

TC DATE/DAY: Thurs, Mar 9  
 TIME: 8:30-10:00  
 JUNEAU ROOM: C-102  
 BRIDGE: \_\_\_\_\_  
 # OF PORTS: 10 - no more  
 DATE TAKEN/BY: Roger 3/6/3/8/89

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan → *scheduled for House HESS*
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka ← *former council members*
- Soldotna
- Valdez \*

LTC'S

- Homer
- Wrangell

*Renee Patten*  
 (w) 543-4515

VTS'S

See List on Reverse Side  
 Seward *former Council members*  
 Dot Davidson  
 224-3131

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
 279-1558  
 Chris Darcy to be in Juneau

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Brucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
 SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
 DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

*Chris Darcy*  
 279-1558 / *Karen@AI-5@100*

THE FOLLOWING DOCUMENT MAY NOT FILM  
LEGIBLY BECAUSE OF THE POOR QUALITY OF THE  
ORIGINAL

# **CORRECTION**

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

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House of Affairs

TC DATE/DAY: Thurs, Mar 9

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: HB3

JUNEAU ROOM: C-102

SUBJECT: Art in Public

BRIDGE: \_\_\_\_\_

places

# OF PORTS: 10 - no more

CONTACT: Ann PH: 4931

DATE TAKEN/BY: Roger 3/6/3/8/89

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- ~~Anchorage~~
- ~~Barrow \*~~
- ~~Bethel~~
- Delta Junction \*
- Dillingham \*
- ~~Fairbanks~~
- Glennallen \*
- Juneau
- ~~Ketchikan~~ → *scheduled for House HB33*
- ~~Kodiak~~
- Kotzebue
- Mat-Su
- Nome
- ~~Petersburg \*~~
- ~~Sitka~~ *former council members*
- Soldotna
- Valdez \*

- Homer
- Wrangell

*Renee Patten  
(w) 543-4515*

See List on Reverse Side  
*Seward - former council members*

ALL LIO'S

*Dot Erderson  
224-3131*

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS

~~Chris Darcy~~  
~~279-1558~~  
*Chris Darcy to be in Juneau*

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

*Chris Darcy  
279-1558 / karon@AI-3 CEO*

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LEGIBLY BECAUSE OF THE POOR QUALITY OF THE  
ORIGINAL



# **CORRECTION**

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

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House of Affairs

TC DATE/DAY: Thurs, Mar 9

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: HB3

JUNEAU ROOM: C-102

SUBJECT: Art in Public

BRIDGE: \_\_\_\_\_

place

# OF PORTS: 10 - no more

CONTACT: Anni PH: 4931

DATE TAKEN/BY: Roger 3/6/3/8/89

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan → *Scheduled for House ESS*
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka → *former council members*
- Soldotna
- Valdez \*

- Homer
- Wrangell

Renee Patten  
(w) 543-4515

See List on Reverse Side  
Seward *former council members*

ALL LIO'S

Dot Eardley 517  
224-3131  
*(MSS)*

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~7-1558~~  
Chris Darcy to be in Juneau

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

Chris Darcy  
279-1558 / Karen@AI-5 @100

To Dennis  
 Date 3/8 Time 9:23

**WHILE YOU WERE OUT**  
 M Chris Darcy  
 of Arts Council  
 Phone 279-1558

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT

RETURNED YOUR CALL

Message As it teleconferenced?  
→ Anc / Pbx / Ketchikan ✓  
Petersberg  
Kodiak ✓  
possibly others / Bethel

Operator

To Dennis  
 Date 3/11 Time 1:45

**WHILE YOU WERE OUT**  
 M Chris Darcy  
 of Encl. on the Arts  
 Phone 279-1558

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT

RETURNED YOUR CALL

Message HB 3 - 90 for Arts  
FAX - 278-0685

Operator

Do teleconference

THE FOLLOWING DOCUMENT MAY NOT FILM  
LEGIBLY BECAUSE OF THE POOR QUALITY OF THE  
ORIGINAL











1950-1951

Location/Category	Item	Quantity	Unit Price	Total
Student Center	Books	100	1.50	150.00
	Supplies	50	3.00	150.00
Lab. Address	Books	200	1.50	300.00
	Supplies	100	2.00	200.00
	Equipment	50	4.00	200.00
	Materials	100	1.50	150.00
	Services	50	3.00	150.00
Faculty	Books	100	1.50	150.00
	Supplies	50	3.00	150.00
	Materials	50	3.00	150.00
Administration	Books	50	1.50	75.00
	Supplies	50	3.00	150.00



Location	Quantity	Unit	Price	Total
...	...	...	...	10,000
...	...	...	...	1,500
...	...	...	...	1,555
...	...	...	...	20,000

Location	Quantity	Unit	Price	Total
...	...	...	...	7,000

Location/Description

Location/Description	Quantity	Unit Price	Total
...	...	...	15,000
...	...	...	7,000

Notes

...	...	...	5,000
...	...	...	2,000
...	...	...	7,000
...	...	...	1,000

100

100

100

100

100

100

100

100



Representative

# Alyce HANLEY

## LEGISLATIVE REPORT

### DISTRICT NINE

TURNAGAIN, SAND LAKE, HUNTINGTON PARK,  
JEWEL LAKE, SPENARD, CAMPBELL

Dear Friends and Neighbors:

The opportunity to serve as your representative during the 14th Legislature was an honor and a privilege. I am grateful that in Alaska it is still possible for a concerned member of the community to have real input into the decisions that shape our lives and chart a course for this great state.

During my first campaign for State House, I concentrated on three issues: education, roads and crime. I would like to report what happened in each of those areas during the 14th Legislature.

**EDUCATION:** A new, more equitable formula was developed to fund education. I spoke in favor of this formula during floor speeches and in committee. A resolution I authored supporting the new formula was passed by the Anchorage delegation. Once it became obvious that many districts would receive less and funds would not be available to "cushion the blow", support for the formula deteriorated. I was disappointed but not surprised. The formula that was adopted provides no long term solutions nor does it treat many school districts fairly. How money is spent on education will continue to be an issue during the 15th Legislature.

**ROADS:** The Anchorage delegation (Representatives and Senators) pulled together, worked with the Municipality of Anchorage and made sure the Municipality's priority road projects were funded. (West Northern Lights received

\$18,500,000 in 1985 and \$14,000,000 in 1986).

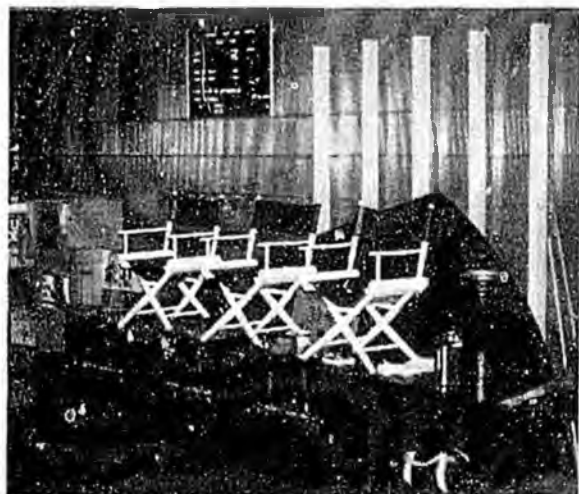
**CRIME:** I cosponsored a bill which created a law enforcement unit to focus on child exploitation. After a combined effort by many members of the House, passage was accomplished in the final hours of the session. I also sponsored two bills that the Chamber of Commerce included in their Crime Commission's priority legislation. Unfortunately, these crime bills were not priority issues with those in positions of control (the majority coalition). As a result, few of the Crime Commission's 16 priority bills were ever heard in committee. Hopefully, these bills will meet with more success during the next session of the legislature.

Tough decisions faced all of us since we lost 38% of our total projected revenue in eleven months! In spite of differences in how best to deal with plummeting oil prices, a spirit of cooperation usually prevailed through the second session of the 14th Legislature.

I appreciated hearing from those of you who participated in this process through your calls, letters and public opinion messages. Thank you for allowing me to represent you.

Sincerely,

*Alyce*



This shoeshine stand (located across from the snack bar) in Anchorage International Airport was purchased in 1985 from Ohio artist, Frank McGuire, by Alaska's Percent for Art Program. Cost - \$27,000

## ART IN PUBLIC PLACES -- Percent for Art

District 9 residents who responded to our November questionnaire encouraged the drafting of one of the bills that passed the Legislature this spring, House Bill 606. Question #7 in the newsletter asked if art purchased with state funds in the Percent for Art program should be created by Alaskan artists. Over 64% answered, "Yes" and 14% took the time to add comments saying "reduce the percentage" or "eliminate the program".

The Percent for Art bill would have reduced the current 1% of construction costs on state buildings to 1/2% and required the use of Alaska resident artists. It also would have increased the public's participation by requiring that three public members be included on all art selection committees and that an identifying plaque be placed on or near each piece of art work.

The art bill generated a considerable amount of press coverage. The office received letters of support and encouragement from students, a member of the University Board of Regents, and citizens from many parts of Alaska.

*Continued on Back Page*

## DISTRICT NINE ROAD PROJECTS

### WEST NORTHERN LIGHTS BOULEVARD -- PHASE I

- Right of way acquisition complete from Forest Park Drive to Seppala.
- Total Project consists of upgrading West Northern Lights to a major arterial between Forest Park Drive and Wisconsin. It includes a grade separated crossing at the Alaska Railroad, bike and pedestrian paths and landscaping. (The landscaping will be completed in 1987.)
- Project to be completed and open in October, 1986. The necessary funding has been assigned to this project.

### SPENARD ROAD -- McRAE INTERSECTION

- This project includes the area from the railroad crossing at McRae almost to Northwood. A traffic light, bike paths and sidewalks are included. The plan provides for utilities to be placed underground.
- Construction is scheduled to begin in July and be completed in October, 1986. The necessary funding has been assigned to this project.

### RASPBERRY ROAD

- Preliminary design concepts are completed and approved. Actual design of property will take one year (1987).
- Acquisition of property will take approximately 1-1 1/2 years.
- (Property on North side to be acquired with partial takes on South side).
- Construction to begin in 1989 and to be completed by 1990.

### DIMOND BOULEVARD

- Phase I will be completed this Fall (New Seward Highway to Victor Road).
- Phase II will be advertised this Fall. This phase consists of providing six lanes from Victor to Arlene and four lanes from Arlene beyond Jewel Lake Road to Jewel Lake.
- Utility crossing at Campbell Creek will be completed this Fall.
- Construction on Phase II to begin next summer (1987) and is scheduled for completion in 1988.

## 14TH ALASKA LEGISLATURE SUMMARY OF LEGISLATION

- HOUSE BILLS INTRODUCED -- 710
- SENATE BILLS INTRODUCED -- 489
- HOUSE BILLS SIGNED INTO LAW -- 147
- SENATE BILLS SIGNED INTO LAW -- 110

### • BILLS VETOED BY THE GOVERNOR

- Senate Bill 029 - Cabins on State Lands
- House Bill 063 - Plumbing Code
- House Bill 407 - Use of Game Animals
- House Bill 006 - Art in Public Places
- House Bill 027 - Water Quality and Use

## NEW LAWS OF INTEREST

**SCSCSH-161 - Student Loan Program.** Reduces the yearly maximum amount of an undergraduate loan to \$5,500 and a graduate loan to \$6,500. Also the interest rate on loans was increased from 5% to 8%.

**SCSCSHB-454 - Legislative Pay Reduction.** Reduces the salary of legislators to 1983 levels. Creates a State Officers Compensation Commission and directs the Commission to review the salaries, benefits, and allowances of members of the legislature and submit a report of its findings.

**SCSCSHB-28 - Permanent Fund.** Transfers \$1.1 billion dollars from the undistributed income account into the body of the permanent fund. This money is constitutionally protected. A constitutional amendment must be placed on the ballot before any money can be spent.



*Continued on Next Page*

## 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	60.7%	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.

## ART IN PUBLIC PLACES -- Percent for Art

*Continued from Front Page*

While a few artists were publicly supportive, many objected. The requirement for using Alaskan artists became the most controversial aspect of the bill. Present law states that the program must "encourage" the use of Alaskan artists. But, in the last three years (fiscal years '83-'85) the majority of the funds have gone to non-resident artists. Many believed the time had come for more Alaskan dollars to be spent within the state (local hire for Alaskan artists).

The bill enjoyed broad support. In the House there were 14 cosponsors representing all three political parties. The final House vote was 31 to 9. The final Senate vote was 11 to 7.

Gov. Sheffield's office invited Representative Hanley to join him when he signed HB-006 into law. Unfortunately, in spite of the support shown for the bill, last minute lobbying efforts by some members of the art community prevailed and the bill became one of only five vetoed this year.



This red, aluminum sculpture, suspended from the ceiling in the "B" Concourse in Anchorage International Airport, was constructed by Miami, Florida artist, John Henry. This percent for art project was purchased with \$80,000 of state funds.



Staff members, Cassie Russell and Scott Sutherland take time out from packing the Juneau office in preparation for relocating to Anchorage.

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# *State Legislatures*

April 1986

The National Conference of State Legislatures 



**The Federal Budget  
and the States**

**Economic Sunset  
in the Sunbelt**

**State Lotteries**

# Whatever Happened to Generals on Horseback?

*When art goes public, controversy is hard to avoid. But many states have forged ahead with art programs anyway.*

By Andrea Paterson

**W**hen the now-famed "Chicago Picasso" was unveiled in 1967, people weren't sure what to expect.

Nobody expected what they got. "It was the first major piece of contemporary, public art," says James Futris,

coordinator of the Chicago public art program. "People were accustomed to generals on horseback. When the veils dropped, there was a stunned silence."

The silence that greeted the Chicago Picasso would greet many of the public art pieces to come. For the Picasso had ushered in a new era: an era of large and abstract outdoor sculptures that would sometimes bring immediate pleasure to few but the pigeons; an era of heated public debate over what constitutes "art" and who should guide its public practitioners.

In the 20 years since its unveiling, the Chicago Picasso has become an undisputed symbol of the city's civic pride. "In many ways, it's a very accessible piece of art," adds Futris. "It's a recognizable figure, although there's still some debate over exactly what the figure is."

Moreover, just as the Picasso piece laid the groundwork for public art of its kind, the relatively short-lived controversy surrounding the piece provided hope for the ultimate acceptance—and even celebration—of many controversial public art works that would follow.

While Chicago was gearing up for its landmark fight over the city's latest public art acquisition, Hawaii became the first state to adopt what would become the predominant state formula for purchasing or commissioning public art: percent for art.

Twenty states now have percent-for-art statutes. The laws require the states to set aside—or at least to consider setting aside—a small percentage of their capital construction funds for art. Percentages range from one-fifth of 1 percent in Wisconsin, to 1½ percent in New Jersey, with the majority of states setting aside 1 percent.

Most laws give administrative authority to the state's arts council and give preference to artists who live in the state. All 20 states allocate funds for art for new buildings, 14 for art for renovation projects and eight for art for existing buildings.

Viennese architect Alfred Piers, who came to Hawaii in 1939 and was director of Hawaii's State Foundation on Culture and the Arts from its inception in 1967 to 1980, is considered by many to be the father of the state's



*The statue of "Father Damien," who ministered to lepers in the late 1800s, became Hawaii's first source of controversy over public art.*

*Andrea Paterson is a research analyst in NCSL's Mental Health Project and a contributing editor for State Legislatures. Research assistance for this article was provided by Anthony Radich, senior project manager for NCSL's Arts, Tourism and Cultural Resources Project.*

percent-for-art program, signed into law in late 1966.

According to Piers, the idea behind percent for art was to create a program "fit for a democracy," in contrast to the European model, "where art support grew out of the aristocracy." The goal was to involve those "already involved with the arts, as well as those for whom art meant nothing," says Piers.

The fledgling percent-for-art program benefited, to a degree, from a major public art debate that ensued during 1967. Father Joseph Damien DeVeuster was a Catholic Belgian priest who came to Hawaii in the late 1800s to minister to the lepers. Early in 1967, a group of Catholic laymen had persuaded the Legislature to provide funds for a statue commemorating "Father Damien." Piers was invited to be a member of the Damien selection committee when a clash ensued between "the artists on the committee and those who wanted a pink-cheeked plaster cast of Father Damien," remembers Piers.

"The controversy had little to do with sculpture in public places," says Piers, "and had a great deal to do with religion. Father Damien was to be canonized." Yet the ultimate success of the democratic process that had chosen the Damien statue provided the percent-for-art program "with

an opportunity to establish certain standards about how, in a democracy, a selection could be made that was valid." Accordingly, the art-in-public-places program began using committees, made up of the people who would be using the building or the space slated for public art, on all subsequent projects.

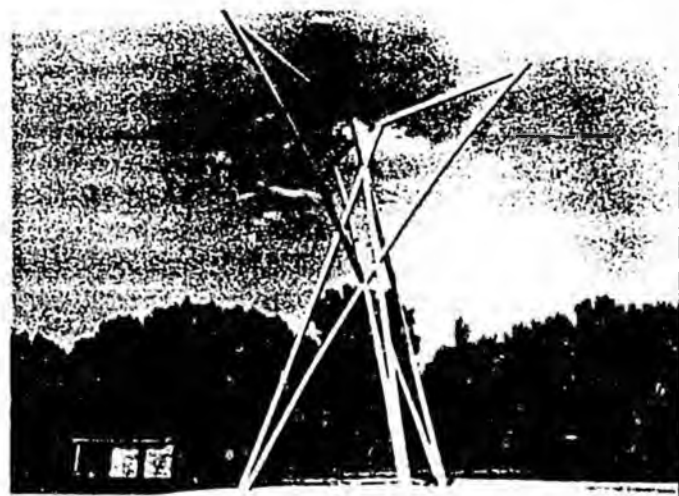
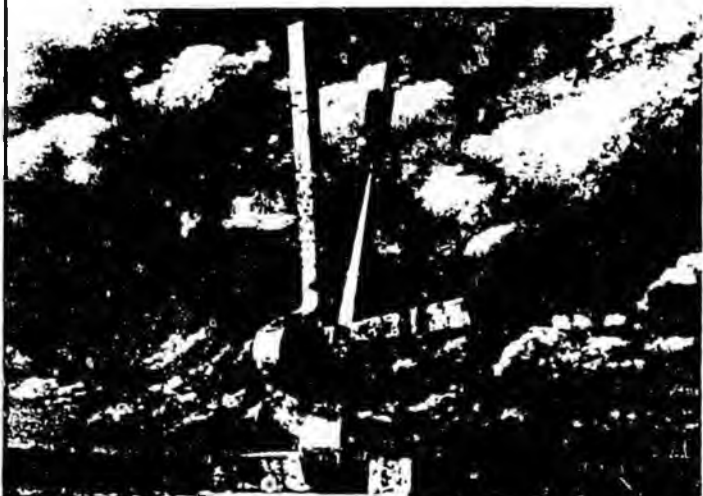
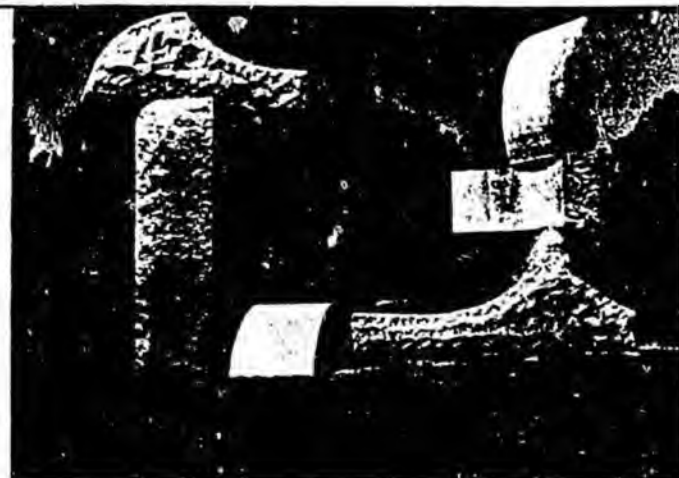
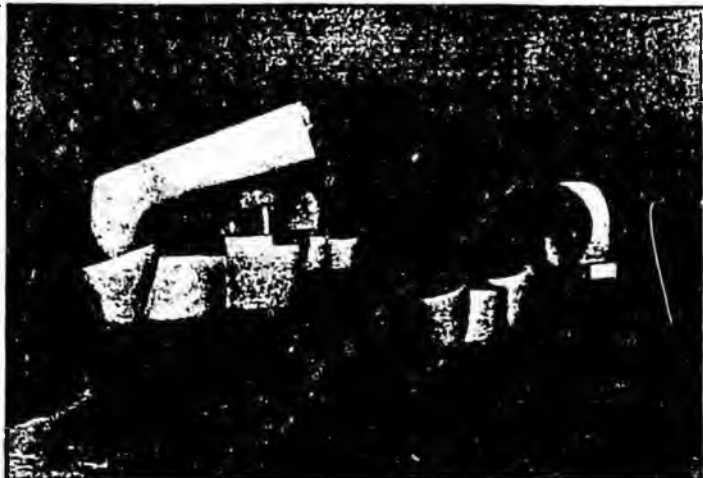
Last year, Utah became the most recent state to pass percent-for-art legislation. It took three years of hard work on the part of the public and the bill's proponents in the Legislature.

"The demand for public art is high," says Carol Biddle, a visual arts assistant for the Utah Arts Council, which will be responsible for administering the state's new public art program. "It's important for the morale and productivity of state employees, and it's important for posterity, too." But the feeling that "art is not essential, that artists are free-loaders," says Biddle, made Utah's road to percent for art a difficult one.

The result: Utah's law is optional. The Legislature can vote to delete it from the budgets of future construction projects.

Yet Utah state Senator Dona Wayment, the primary sponsor of the percent-for-art legislation, insists "that the measure had to be optional to pass. Utah is facing a poten-

Photos: Dan Ladely



Nebraska's "Sculpture Garden" along Interstate 80 (clockwise from upper left): "Crossing the Plains" by Bradford Graves, "Nebraskan Gateway" by Anthony Padovano, "Arrival" by Paul Von Ringelheim and "Roadway Confluence" by Hans Van de Bovenkamp.

tial budget deficit, and many capital construction projects are already being reconsidered. "The way the revenue picture is right now," says Wayment, "I'm just glad to have it on the books. If the program had been mandatory, someone would have gone in and tried to cut it out altogether. As it stands now, the law is there for the future."

States acquire public art through other funding mechanisms. Vermont, for example, acquires public art on a piece-by-piece basis. The Vermont Arts Council lobbies the General Assembly for public funds to commission or purchase artwork for appropriate sites. And Vermont state Senator Jane Gardner, an arts advocate, does not foresee any changes. "I'd much rather see the Vermont Arts Council get money to establish more places for Vermont artists to show their work," she says, "than see the state government get into the art business itself."

Other states appropriate art funds annually. In California, the governor is required to allocate money on a yearly basis for the state's art-in-public-buildings program. "It could be one dollar," says Paul Minicucci, consultant for the California Legislature's Joint Committee on the Arts and former administrator of the art-in-public-buildings program for the California Arts Council, "or it could be more."

The state arts council and the state architect advise the governor on the potential number of public art sites and the funds deemed necessary to commission or purchase art for those sites. "On the upside, the law is pretty flexible and responsive to last-minute problems," says Minicucci. On the downside, it does not provide a way to estimate the number of public art spaces or the money that will be appropriated, he adds.

And while percent-for-art legislation was introduced for the fifth time in the California Legislature this session, its future looks grim. According to Minicucci, the present law is more the child of political accident than policy: Former California Governor Jerry Brown "wanted to construct a program that he could control," he says. And California's present Governor Deukmejian seems comfortable with the tradition. He has vetoed percent-for-art legislation twice already.

State Senator John Garamendi, primary sponsor of this year's percent-for-art legislation and a longtime proponent of such a program, finds troubling the fact that the governor has not yet "made the connection between art and business. Every study we've seen indicates a correlation between art and a positive working environment and business climate," he says. "That's exactly what percent-for-art legislation is about. It's in all of our interests to continue the effort."

When one thinks of Interstate 80, the asphalt ribbon cutting through America's heartland, images come to mind of wheat fields and rolling plains dotted with red barns and farmhouses. Nebraska's stretch of I-80, however, offers more than the usual vistas of agricultural America: Nebraska's I-80 is home to a 500-mile "sculpture garden," reported second only to Watergate in generating

letters to the editor in the *Omaha World Herald*.

The original sculpture garden, dedicated on July 4, 1976, in honor of the American bicentennial, contained eight contemporary artworks, placed at various rest stops along a 455-mile stretch. A ninth sculpture, in Omaha, was added later. The dedication ceremonies capped off a year of heated public debate.

Art Thompson was executive director of the Nebraska Interstate 80 Bicentennial Sculpture Project from 1974 to 1977. The project's future seemed rosy from its announcement in 1973 through the solicitation and selection of possible sculptures. The trouble began with the renditions of the sculptures that had been chosen.

"They clashed with people's ideas of what would be there," explains Thompson. "Many people had thought that they would be historical sculptures." This clash stemmed, in part, from the fact that the garden was to commemorate the bicentennial. People forgot, according to Thompson, that the bicentennial had three aspects: historical, celebratory and visionary. "We wanted to mark a point in time, a departure point for the next 200 years. We were looking ahead." Moreover, of the over 100 artists who contributed models, "only one did representational work. Abstract art was the mainstream," remembers Thompson.

The fact that no Midwestern—much less Nebraskan—artists were among the 10 finalists did not help matters. Yet the state Legislature passed a resolution in support of the sculpture garden in 1976.

Nebraska state Senator Jerome Warner helped organize that legislative effort. "Most of the general public's appreciation for this kind of artwork does not develop for some time," explains Warner. "Public officials need to take the lead and acknowledge the benefit [of such projects] in terms of their cultural improvement."

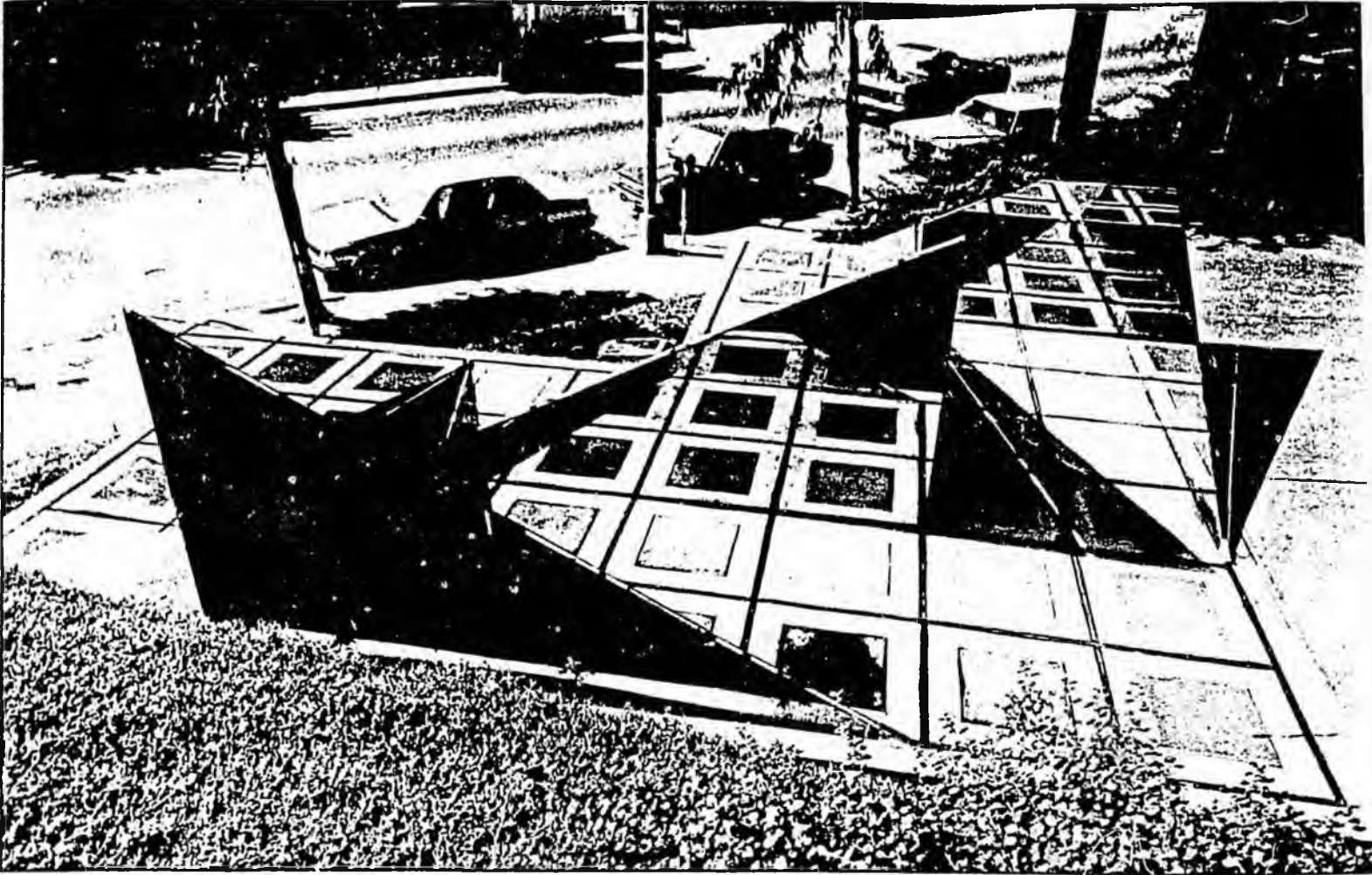
Warner also believes that the Legislature's ultimate support of the sculpture garden helped till the ground for percent-for-art legislation, passed in 1978. "It set a tone of appreciation and importance for public art in general," he says.

Today, the controversy seems far away. "There are still some who say, 'I don't get this modern art stuff'," says Nebraska state Senator David Landis. "But in retrospect, the sculpture garden seems like a good idea to most people."

Part of this acceptance stems from the sculpture garden's economic benefits. "It provides a reason for people to stop in Nebraska," says Landis, citing the garden's appreciation as a tourist attraction. "And its record tells us that publicly funded art is an investment with a return."

Controversies over public art arise from a good deal more than mere aesthetics. Many states, for example, have struggled with determining the most appropriate sites for public art. Of particular concern is art in prisons, especially in percent-for-art states where prison construction and renovation often top the list of state capital expenditure projects.

In Colorado, a mandatory percent-for-art state, two much-debated public art projects in the state's maximum security



*Larry Bell's outdoor sculpture in Long Beach, Calif., caused controversy not over its appearance, but over its composition. It consists of six triangular panels of one-half-inch clear plate glass, which some feared could pose a public hazard if it somehow shattered.*

prison in Canon City will be unveiled this year. One project is a sculpture that will adorn the outside of the prison. The other is an environmental sculpture and water garden, encompassing the prison's entire interior courtyard and inmate circulation space.

"People say prisoners are incarcerated for a reason, and they don't deserve anything that will bring a smile to their faces," says Gail Goldman, coordinator of Colorado's public art program. "But the art in the prisons really isn't just for the prisoners. It's a gift to the community that recognizes it must be unsettling to have a prison in your backyard."

Andrew Leicester, the Minneapolis-based artist commissioned to do the interior prison piece, agrees that it's unfair to single out the art in the renovation project. "If people take a financial viewpoint, the art is almost irrelevant in terms of total costs. The question really is, do we want to make our prisons more hospitable and humane? Clearly, Colorado thinks it should."

The materials and the maintenance of public art pieces have also garnered their fair share of controversy. In California, for example, a large outdoor sculpture, installed in 1984 at a state building adjacent to the Long Beach City Hall, was far from being the state's most controversial aesthetic contribution to public art. But it stirred up debate anyway, over materials.

The sculpture is composed of six triangular panels of one-

half-inch plate glass, set off at odd angles to one another. The glass has been specially treated to withstand the rigors of the outdoors. "The building manager was concerned," says California's Minicucci. "If the piece got vandalized, he would have to take the money out of his budget to fix it."

Moreover, "there was the question of safety," explains Minicucci. The piece would be accessible 24 hours a day and it could pose a real public hazard if it somehow was shattered into a thousand tiny replicas of itself. As yet, there hasn't been any trouble.

"It's a kind of 'Catch 22,'" Minicucci insists. "Public art has to be durable, but if you erect a sculpture from concrete land forms, people will say, 'That's not art!'" California has already pulled one public art work constructed of hanging fibers because the local fire chief dubbed it a fire hazard.

In Washington's King County, a maintenance problem greatly aggravated local aesthetic objections to a former gravel pit gone public art. Robert Morris' "Earthworks" was part of Washington's 1979 Earthworks Symposium, slated to explore sculpture as a means of land reclamation. The artist "sculpted" the gravel pit by cutting down the surrounding trees, painting the stumps black and terracing the land. The trouble began with the trees.

According to Mickey Gustin, visual arts coordinator of the King County Arts Commission, Morris wanted the sculpture to serve as a reminder of "what we do to the land." But



Artist Robert Morris "sculpted" a gravel pit to create his "Earthworks," which was part of Washington state's 1979 Earthworks Symposium. The artist raised public ire when he cut down the trees surrounding the pit and then painted the stumps black.

to people in the community, "the sculpture was a reminder that someone had cut down trees. And when you cut down trees in the Northwest," Gustin warns, "people hate it."

To top it off, heavy rains followed the dedication of the piece. The cutting down of the trees and the terracing of the surrounding land made the pit a prime candidate for a mudslide. When the upper lip of the pit washed out, it became the first artwork to close a public road.

Local ire toward the piece culminated in its use as a dump. "We once found a sofa on the upper lip," remembers Gustin. She sees a lack of community involvement, exacerbated by a lack of proper maintenance, as the primary causes for the community's hostility. But Gustin remains hopeful. A new campaign is underway to restore and maintain the Earthworks piece. "In the spring we plan to have a rededication picnic," says Gustin, "to see if we can mollify some of their hatred of us for cutting down the trees."

**S**andra Percival, manager of Washington's Art in Public Places Program, concedes that the accumulation of controversial projects "can create a negative sentiment around public art," but she disputes the claim that such controversy is always bad. To begin with, she says, public art advocates learn what kind of planning strategies to use "to establish a long-term rapport" with the recipient communities. "Controversy is dialogue, and it is important

to carry on a dialogue about the arts—especially when the arts have been separated from life in the mind of the public," she adds.

Others believe that controversy is essential. Dr. David Courtney, a contemporary art specialist, is an assistant professor of art history and director of the art gallery at Florida Atlantic University. The latest addition to the FAU library is graced by "Collective Memory," a state percent-for-art commission.

"'Collective Memory' is a solid piece of craftsmanship, but it's not terribly exciting," says Courtney. "There hasn't been much of a student or faculty response to it." He attributes the lackadaisical response to the fact that the piece basically does not "dare to look at deeper ideas or more profound emotions." In this, Courtney faults the selection process more than the artist. "That's probably why the piece was chosen: because it wouldn't upset anyone," he says.

Yet Courtney objects to selection based on such a criterion. "Contemporary art is supposed to play a part in a cultural dialectic," he insists. "It should offer a critique of contemporary culture." Courtney heralds controversial art pieces as offering us "a mirror in which to see ourselves and our society."

But many disagree. "Artwork doesn't have to be controversial," says Florida state Senator Gwen Margolis. "If it's



Photo: William Watkins

not controversial, then it has reached the level of the people, and that's perfectly OK." She attributes controversy to more than a "cultural dialectic"—in many cases, it can arise from a sheer lack of exposure.

As someone who found herself in the middle of several debates during her recent efforts to obtain artwork for the Florida state Senate building, Margolis adds: "In Florida, when you have beaches and horses and flowers, you're OK. But if you use modern art that's not immediately understandable, it can become controversial even when no one expects it to be."

Most states have at least some stories of artworks that have been well-received from the beginning. In Maine, one of the state's first percent-for-art commissions was a mural for the Poland Community School in Poland Springs. "Animal Parade" has been the source of much delight—and little controversy.

Maine state Representative Neil Rolde thinks that's the way it should be. "Art is not cerebral," says Rolde. "If a piece of abstract art cannot communicate anything without a lot of footnotes, it's not art." And while Rolde cannot decide if Maine's attitude toward its less controversial public art is "very conservative or very progressive," he does believe that "abstract art is so old hat that it's a bore." He hopes the increase in more representational art indicates "a new direction in art."

In Portland, Ore., craftsmen were commissioned to design light fixtures and other functional elements for the new Justice Center Building. A 19th-century wooden eagle was purchased for the building as well. All have been well received, making integration rather than confrontation an increasingly popular approach among art administrators.

Whatever the approach, artist Andrew Leicester, who has accepted both state and corporate commissions, maintains that public art programs are crucial. "Many argue that the private sector should fund artwork," he says. "That's dangerous."

Leicester insists that corporations are very protective of their image and keep the artists they commission under a very tight rein. Conversely, he says, "states respect the democratic rights of the artists."

*Public art, it should be noted, is not always controversial. "Collective Memory" (above), a state-commissioned sculpture at Florida Atlantic University, hardly raised an eyebrow. And "Animal Parade" (right), a mural commissioned by the state for the Poland Community School in Poland Springs, Maine, has been the source of much delight.*

Photo: Elizabeth Busch



Original sponsors: Hanley, Zawacki,  
and Leman

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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:

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

(c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL  
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction  
12 cost of a building or facility 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  
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.

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

(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.

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

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

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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 <sup>committee</sup> school board shall  
8 select the representatives from the school district and the members of  
9 the public.

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AREA

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.

who responsible  
FOR lottery

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 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.

L7 who is responsible for plaque?

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).

Question regarding 1 percent in HB 3:

Was it your understanding from the discussion that the one percent would apply across the board, or do we revert back to the original language in statute which would read "At least one percent or, in the case of a rural school facility, at least one-half of one percent....."

1% —————

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

3  
POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

February 26, 1987

SUBJECT: Sectional analysis of Work Order  
No. 5-0445A

TO: Representative Mike Davis

FROM: Theresa Bannister *tb*  
Legislative Counsel

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 states the purpose of AS 35.27.

Section 2. Sec. 35.27.020(a) requires that a certain percentage of state funds appropriated for construction or renovation funds of certain buildings or facilities be reserved and used as directed in the section.

Sec. 35.27.020(b) requires that funds reserved from subsection (a) from an appropriation under \$250,000 be deposited in the art in public places fund.

Sec. 35.27.020(c) requires that a percentage of the funds reserved from subsection (a) (from an appropriation of \$250,000 or more) be deposited in the art in public places fund. Establishes how the balance of the funds is to be used.

Sec. 35.27.020(d) requires that if funds are appropriated as a grant under AS 37.05.315 - 37.05.317 for construction or renovation of certain buildings or facilities, the grant recipient must comply with this section, except that if the grant is less than \$250,000 the department that administers

the grant must make the deposit to the art in public places fund before distributing the balance to the recipient.

Sec. 35.27.020(e) requires the Department of Transportation and Public Facilities to consult with the Alaska State Council on the Arts about the desirability of including works of art before preparing plans and specifications for the buildings or facilities covered by the chapter.

Sec. 35.27.020(f) defines "administrative percentage" for (c) of the section.

Section 3. Sec. 35.27.022 establishes certain criteria for the selection of art and artists for certain buildings or facilities under Sec. 35.27.020.

Sec. 35.27.025 authorizes the Alaska State Council on the Arts to administer and enforce AS 35.27 and to adopt regulations for the chapter.

Section 4 defines certain terms for the chapter.

Section 5. Sec. 37.05.322(a) requires the administering department for a grant of \$250,000 or more under AS 37.05.315 - 37.05.317 (for construction or renovation of certain buildings or facilities) to require contractually that the grant recipient comply with AS 35.27.

Sec. 37.05.322(b) requires a grant recipient under (a) of this section to comply with the regulations adopted by the Alaska State Council on the Arts under AS 35.27.025.

Sec. 37.05.322(c) requires the department that administers a grant under AS 37.05.315 - 37.05.317 of less than \$250,000 for construction or renovation of certain buildings or facilities to comply with AS 35.27.020(d).

Sec. 37.05.322(d) gives "building or facility" the same meaning the term has in AS 35.27.030.

Section 6 authorizes the Alaska State Council on the Arts to administer AS 35.27.

Section 7 indicates how money deposited in the art in public places fund is to be used.

Representative Davis  
February 26, 1987  
Page 3

Section 8 defines "building or facility" for the section establishing the art in public places fund, giving it the same meaning that the term has in AS 35.27.030.

Section 9 repeals AS 44.27.060(b).

Section 10 indicates which state appropriations the bill applies to.

If I can be of further assistance, please advise.

TB:csh  
c7/72

1 IN THE HOUSE

BY DAVIS, KOPONEN, ELLIS  
AND GRUENBERG

2

HOUSE BILL NO. 171

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

8 \* Section 1. AS 35.27.010 is amended to read:

9           Sec. 35.27.010. PURPOSE. The state recognizes its responsibil-  
10           ity to foster culture and the arts and the necessity for the viable  
11           development of its artists and artisans [CRAFTSMEN]. The legislature  
12           declares it to be a state policy that a portion of appropriations for  
13           the construction and renovation of buildings or facilities [CAPITAL  
14           EXPENDITURES] be used [SET ASIDE] for the acquisition, maintenance,  
15           and display of works of art to be used for state buildings and other  
16           public facilities.

17 \* Sec. 2. AS 35.27.020 is repealed and reenacted to read:

18           Sec. 35.27.020. ART IN PUBLIC PLACES. (a) At least one percent  
19           or, in the case of a rural school facility, at least one-half of one  
20           percent of the state funds appropriated for construction or renovation  
21           of a building or facility shall be reserved and used as required in  
22           this section.

23           (b) Funds reserved under (a) of this section shall be deposited  
24           in the art in public places fund established under AS 44.27.060 if the  
25           amount of state funds appropriated for the building or facility is  
26           less than \$250,000.

27           (c) If the amount of state funds appropriated for the building  
28           or facility is \$250,000 or more, an administrative percentage of the  
29           funds that are reserved under (a) of this section shall be deposited

1 in the art in public places fund established under AS 44.27.060, and  
2 the balance shall be used by the recipient of the appropriation for  
3 the

4 (1) purchase, design, construction, mounting, and mainte-  
5 nance of works of art, including sculptures, paintings, murals, or  
6 objects relating to Native art;

7 (2) purchase, display, and maintenance of works of art for  
8 portable exhibits or collections;

9 (3) temporary art exhibits in buildings and facilities; or

10 (4) placement of works of art on public land.

11 (d) In the case of a grant made under AS 37.05.315 - 37.05.317  
12 for the construction or renovation of a building or facility, the  
13 grant recipient shall comply with this section, except that if the  
14 grant is for less than \$250,000, the department that administers the  
15 grant shall make the deposit required under (b) of this section before  
16 distributing the balance of the funds to the grant recipient.

17 (e) Before preparing plans and specifications for buildings or  
18 facilities, the Department of Transportation and Public Facilities  
19 shall consult with the Alaska State Council on the Arts regarding the  
20 desirability of inclusion of works of art.

21 (f) In (c) of this section, "administrative percentage" means  
22 the percentage determined by regulation of the council to be necessary  
23 to cover the administrative costs of the council under AS 35.27.025  
24 for the building or facility.

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

26 Sec. 35.27.022. SELECTION OF ART AND ARTISTS. (a) The artist  
27 who executes a work of art for a building or facility under AS 35.27.-  
28 020 shall be selected by the council after consultation with the  
29 architect for the Department of Transportation and Public Facilities

1 and the principal user of the building or facility. If the building  
2 or facility is a public school, the council shall also consult with  
3 the superintendent and school board of the school district.

4 (b) The council shall consider the use of state cultural re-  
5 sources and artists who are state residents when selecting art works  
6 under this section.

7 Sec. 35.27.025. ADMINISTRATION OF PROGRAM. The council shall  
8 administer and enforce compliance with this chapter and shall adopt  
9 regulations to implement this chapter, including regulations governing  
10 the use of money reserved under AS 35.27.020.

11 \* Sec. 4. AS 35.27.030 is repealed and reenacted to read:

12 Sec. 35.27.030. DEFINITIONS. In this chapter

13 (1) "building or facility" means a permanent improvement  
14 that is subject to substantial public use and is constructed or ren-  
15 ovated either partially or entirely with state funds; the term in-  
16 cludes schools, office buildings, court buildings, and boats and  
17 vessels of the marine highway system; the term excludes memorials to  
18 state veterans under AS 44.35.030;

19 (2) "council" means the Alaska State Council on the Arts;

20 (3) "funds appropriated for construction" means the funds  
21 appropriated for the actual construction of the building or facility,  
22 exclusive of the costs of land acquisition, site investigation, design  
23 services, administrative costs, equipment purchases and other costs  
24 not specifically incurred within the construction contract or con-  
25 tracts awarded for the construction of the building or facility.

26 \* Sec. 5. AS 37.05 is amended by adding a new section to read:

27 Sec. 37.05.322. ART IN PUBLIC PLACES. (a) If a grant of  
28 \$100,000 or more is made under AS 37.05.315 - 37.05.317 for construc-  
29 tion or renovation of a building or facility, the department that

1 administers the grant shall require as part of the grant contract that  
2 the recipient comply with AS 35.27.

3 (b) Notwithstanding AS 37.05.318, a recipient whose grant is  
4 governed by (a) of this section shall comply with applicable regu-  
5 lations adopted by the Alaska State Council on the Arts under AS 35.-  
6 27.025.

7 (c) The department that administers a grant of less than  
8 \$250,000 under AS 37.05.315 - 37.05.317 for construction or renovation  
9 of a building or facility shall comply with AS 35.27.020(d).

10 (d) In this section "building or facility" has the meaning given  
11 in AS 35.27.030.

12 \* Sec. 6. AS 44.27.050 is amended to read:

13 Sec. 44.27.050. DUTIES OF COUNCIL. The [DUTIES OF THE] council  
14 shall [ARE]

15 (1) [TO] stimulate and encourage throughout the state the  
16 study and presentation of the performing, visual, and fine arts and  
17 public interest and participation;

18 (2) [TO] make surveys, which are considered advisable, of  
19 public and private institutions engaged in the state in artistic and  
20 cultural activities, including but not limited to music, theatre,  
21 dance, painting, sculpture, architecture, and allied arts and crafts,  
22 and to make recommendations concerning appropriate methods to encour-  
23 age participation in and appreciation of the arts to meet the legiti-  
24 mate needs and aspirations of persons in all parts of the state;

25 (3) [TO] take steps necessary and appropriate to encourage  
26 public interest in the cultural heritage of the state and to expend  
27 the state's cultural resources;

28 (4) [TO] encourage and assist freedom of artistic expres-  
29 sion essential for the well being of the arts;

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(5) [REPEALED

(6) TO] manage the art in public places fund;

(6) administer AS 35.27.

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

(c) The council shall [MAY] use the money in the art in public places fund to

(1) [TO] commission or purchase a work of art that [WHICH] is to be made a permanent part of, or placed on loan in, a building or facility that [OWNED OR LEASED BY THE STATE WHICH] has substantial public use; and

(2) pay the administrative costs of the council under AS 35.27.025 [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)].

\* Sec. 8. AS 44.27.060(d) is repealed and reenacted to read:

(d) In this section, "building or facility" has the meaning given in AS 35.27.030.

\* Sec. 9. AS 44.27.060(b) is repealed.

\* Sec. 10. This Act applies to state funds that are appropriated on or after the effective date of this Act for the construction or renovation of a building or facility, as defined in AS 35.27.030, as amended by sec. 4 of this Act.

ALASKA INDIAN ARTS, Inc.

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Office 766 3160

The Hon. Iris Hanley  
State Legislature  
Box V  
Juneau, Alaska 99811

RECEIVED

MAR 14 1989

Dear Representaive Hanley

Thank you for the opportunity to testify on HB 3. I would have like to have debated Chris d'Orsey and Molly Jones but I note that they were carefull not to mention me in their offerrings.

An example of what we feel, is outstanding art work, which can be both totemic but of great artistic value. This is a red cedar panel, 7x7 feet, six inché thick. It was designed by John Hagen and was carved by John, Charles Jimmie Sr. Cliff Thomas and myself. The panel was fabricated by George Lewis. All of the above are Alaska natives except for me, an adopted Tlinget (Chilkat)

In an effort to fully explore a use in the 1% art field, we funded two outstanding California artists to come to Haines to prepare a mold from we we have cast off two fiber glass panels; one of which is called cold cast bronze. This mold can be used for a plaster form, concæret, hydrostone, as well as bronze. These artist were Tony Sheets (his father is world famous in water colors Millard Sheets) The other man's name slips by me.

Two of our advisors and members of our board of directors are James Houston, founder of the Canadian Eskimo art program and John Svenson Sr. a sculptor from Upton Calif.

If there are further hearings I would be glad to come to Juneau to testify. The bear by the court house was done by Skip Wallen a local artist in Juneau who HAD TRIED for the commission of "Nimbus," as did we. WE, and Skip didn;t have a "National reputation"

Keep us informed:

ALASKA INDIAN ARTS, INC.

Carl W. Heinmiller

CFO

*Red:*  
*Look at the picture Iris has*  
*Can*

CC: Red Buecher  
Peter Goll  
file