

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9437 HOUSE STATE AFFAIRS

73

FAX TRANSMISSION

DATE: 3-20-97 TIME: 12:00 PAGES 1

TO: Jeannette James

PHONE:

FAX (907) 465-2381

FROM: D. LOWELL ZERCHER

PHONE 907-688-6818

FAX 907-688-6818

MESSAGE:

I AM VERY MUCH IN FAVOR OF THE STATE 10% FOR ARTS PROGRAM & WOULD LIKE THIS ENTERED INTO THE RECORD AS OPPOSING ~~IT~~ Bill 143!

Lowell

PO Box 333
Seward, AK 99664
March 20, 1997

To the Alaska State Legislature:

I am not an artist. I draw stick people. I do not make my living in any way connected with the arts. I am a mom of four children who enjoys the public art available in our beautiful state. I am a mom of four who enjoys sharing our state investment in public art with her children and the children of others through scout, school and family trips.

Art also gives us an historical perspective as we travel through the many state facilities. Our girl scout troop visited you in Juneau last year. The art in the capital building and throughout the city brought us closer to those who came before and continue working for our state. Please retain the percent for the art program and continue to enrich our state.

Sincerely,


Lynn Wohl
224-7300



Alaska State Legislature

Written Testimony Form

Please enter into the record my testimony to the H St. Affairs
(committee name)

committee on HB 143, dated 3/25/97
(bill/subject)

As long as there is crack,
marijuana and alcohol so
easily accessed, why is it
~~so~~ difficult to have in our
communities? &

Signed: Carolyn Roesberg
Testifier Name

Real Window Theater
Representing (Optional)

Bx 479 Cordova AK
Address

424-7355
Phone Number

To: REP. Jeannette James, STATE CAPITOL

FAX: 465-2381

from Henry Cole

Fairbanks

451-1116 Phone

456-1942 FAX

JEANNETTE,

Here is a letter
regarding HB143. I hope you
have a chance to read it
and distribute to your
committee,

Best,

Henry

**Henry Cole
P.O. Box #71490
Fairbanks, Alaska 99707
907-451-1116, 456-1942 (FAX)**

Rep. Jeannette James
State Capitol,
Juneau, AK 99801

March 21, 1997

Dear Jeannette,

How is it going in that wet city? I trust that it is much warmer, however, and that the great attractiveness of Juneau has burst free. Fairbanks is still cold but improving and by Easter I hope that we will have a kind of thaw. After work on the Pork Project years ago, and agriculture and other economic development projects, I retired from public life in the sense of being connected to our legislature regarding issues such as ARDORs, economic development, etc. Since then I have become involved with a small business venture of cleaning arsenic and heavy metals out of mine water. No contracts yet but it keeps me off the street. Nevertheless, something has recently come up which I want to contact you about since I think that it is quite important. That thing is Art.

In my personal life I am a musician, a singer actually, and I was a founder and board member in 1969 of the Fairbanks Light Opera Theatre, and am now a current board member. You and I never discussed this during the pork project but my interest in these things has spanned many decades.

I am concerned about, and wish to speak against HB143, which seeks to eliminate the one percent expenditure for art in public buildings in Alaska. Although I come at this from the perspective of Fairbanks Light Opera and music, I consider that all forms of art are highly important and relevant to our life in the country and in Alaska.

We all are vaguely aware of art and it tends to insinuate itself into the fabric of life: concerts, museums, public art are all just there; and if we choose, we don't have to acknowledge it. But for many years it has been known that if young children are exposed to art they show improved physical coordination and learning ability. (One of the first to show this was Zoltan Kodali, a Czech who composed and taught music around the turn of the century to young students.)

But art is tough to defend in the political arena. It is tough to defend because any costs associated with art are immediate and the benefits may be many years away through educational benefit, civic pride, community spirit. And the art community, since they deal in a medium which is either stone or painting or music, a medium which is not speech, is very inarticulate in verbally presenting arguments in the political realm. So they are at a disadvantage in making a case compared to, say, the Fairbanks Chamber of Commerce.

So a short term view of the legislature would be to cut the budgets without taking into account the fact, well known in business as well as in market and money management, that the long term strategy will yield the greatest value. As we know, the transaction costs of art are immediate - and unlike business, where something tangible is exchanged, you do

not really see what you may be getting for your money. But we take a long term view of many things: education, capital investment and business planning; why not do the same for public art as well?

American business represents a locus of many disciplines, all of which contribute to making business as innovative and dynamic as it is. Economics, mathematics, science, computers, business design and architecture, vision, imagination, visual arts and other disciplines all conspire to construct successful business strategies for dealing with the uncertainties of the world. Ask good CEOs of major corporations how broadly they consider the necessary elements for innovation - and whether their mix includes imagination and stimulation through art. I believe that they use every discipline they have access to - to innovate, to learn, to promote and to succeed.

As quoted in *Business Week*, Oct. 28, 1996, Richard Gurin, president and CEO of Binney and Smith, Inc., a member of the National Alliance of Business, expressed a growing concern among business leaders: "... More deeply rooted is the crisis of creativity. And it is the arts that build ideas and nurture a place in the mind for them to grow..."

Another passage later in that same article says: "The potential contribution of arts education extends across the board. It builds such thinking skills as analysis, synthesis, evaluation, and critical judgment."

Paul Chellgren, president and CEO of Ashland, Inc. was quoted in the same article: "The arts provide an unparalleled opportunity to teach these higher level basics (ie., work with others, analyze, operate complex systems) that are increasingly critical...to today's work force. A recent study indicates students who have four years of art and music education score 59 points higher on the verbal SAT and 44 points higher in math."

And finally, from a January 21, 1997 presentation by composer Marvin Hamlisch at the National Press Club in Washington, D.C., "Arts education is our real stealth weapon in the war against crime, illiteracy, and mediocrity. When I visit schools these days, I find too many auditoriums without a piano, too many auditoriums without Pinafores. I see young faces and I know that they need and deserve music and theatre and dance and poetry. Arts education would unlock their dreams."

Art in public buildings is an important piece of this education. Everything I have said about art in general pertains to public art.

Budget cutting is important but the cost of this program is very small, \$34,000. Preserving this program would have a tangible benefit in Alaska.

I will not continue further. But you see that there is much to say and much value to this issue.

Please seriously consider reversing the possible passage of this bill and please pass this letter to other members of your State Affairs Committee.

Best of luck for the rest of the session.

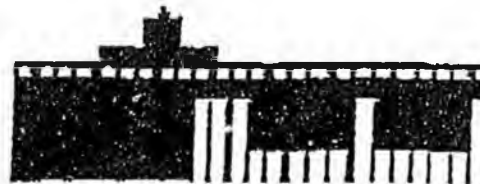
Warm Wishes,

Henry Cole

Fax Transmittal

Anchorage Museum of History and Art

121 W. 7th Avenue
Anchorage, AK 99501



Phone: (907) 343-4326
Fax: (907) 343-6149

Date: Mar. 20, 1997

Fax Number (907) 465-2381

To: Jeanette James

Total pages submitted: 5 Total

From: Patricia B. Wolf

Original kept in office
 will be mailed to you

Message: Please enter these letters into the
public record. Thank you

public art is public pride

March 20, 1997

House State Affairs Committee Hearing on HB 143

Testimony of Shannon Planchon, ASCA Grants Administrator (Percent for Art Coordinator)

Alaska State Council on the Arts

Representative James and Members of the House State Affairs Committee:

Thank you for the opportunity to testify. For your convenience and the record, I have provided a copy of my remarks to the staff. I have two handouts, a two-page program brief, and a summary of percent for art projects to which the Council provided technical assistance in the current fiscal year.

I am here to testify against the passage of HB 143. I'll open with a few general comments on the importance of public art, and then move on to specific comments on the Percent for Art program.

Public art has been commissioned since the antiquities. It is one of the important ways in which we can come to know and understand civilization. Try to picture Rome, London, or Washington, DC without public art. Public art is a legacy to the leaders and cultures that produced it.

Today, there are over a hundred public percent for art programs in the United States. The Federal government, twenty-nine states, and scores of cities operate percent for art programs. Anchorage is the only city in Alaska to operate a municipal program, and it is managed by a full-time position at the Anchorage Museum of History and Art.

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

The Council considers Percent for Art an ideal program, and a fiscally conservative program. When the State's budget is robust, a very small percentage of a capital project is reserved for public art. When times are tough (as they are now), projects are cut back. Responsibility for the amount Percent for Art activity is held by the Legislature and its passage of the capital budget.

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

Now, about the Art in Public Places Fund. This Fund has a balance of approximately \$34,044. As you know, under AS 35.27, a building or facility with an estimated construction cost of less than \$250,000, and/or a building or public facility without substantial public use, is exempt from the Percent for Art Program. For these buildings or facilities, AS 44.27.060 (Art in Public Places Fund) established a fund with which the ASCA can purchase art for permanent installation or loan. The balance of the fund is not a reflection of current spending, but the accrual of projects from 1987.

Will HB 143 save the State money? Yes, but its not what you think. The arts council is providing technical assistance and services to thirteen projects totaling approximately \$1,054,110. These projects are funded by capital appropriations dating back to FY94. I've distributed a handout that shows you a summary of this work.

HB 143 would negatively effect the two constituencies the Percent for Art program is designed to serve: the public and artists. Public Art is an aesthetic enrichment of the public environment that comments on who we are as Alaskans, and what it means to live, work, and study in this place. The biggest public impact of the repeal would be on Alaska's schools and children. The vast majority of current percent for art activity takes place in schools or university buildings. Artists would also be severely effected. The program is a vital means of supporting the development Alaskan artists' skills and careers. It means work for artists (about 875 Alaskan artists are on the Council's Percent for Art mailing list).

Again, the Alaska State Council on the Arts is opposed the passage of HB 143. I would be happy to answer any questions.

Thank-you.

G:\LEG\HSA143.WPD



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
committee name

committee on HB 143 dated 3/20/97
bill/subject

Repealing the "Act in Public Places" law is unthinkable. I never has a program made such a positive impact on the quality of our surroundings for so little money. It is a self regulating program. When there is little money for Capital Projects, there is likewise little money allocated to Public Art. I believe this program to be the most cost effective one the state has. I fervently oppose HB. 143. It is unfortunate that this law becomes a convenient target for those lawmakers wanting to appear frugal. Let us cut where there is true waste or inefficiency and not crucial positive ones such as the Act in Public

Signed: Celia R. Anderson Places
Testifier (law)

Representing (Optional)

P.O. Box 1331, Soldotna, AK 99669

Address

283-7962

Phone No.

March 20, 1997

Members of the Committee:

I oppose HB No. 143. Alaska was one of the first states to institute a percent for Arts Program. Now, when there is a national re-awakening to the importance of the arts and the creative spirit, this bill would be a huge step backwards for our state. I don't understand how this bill would reduce budget spending when the funds to put artwork in our public buildings comes out of the 5-10% contingency funds provided for contractors.

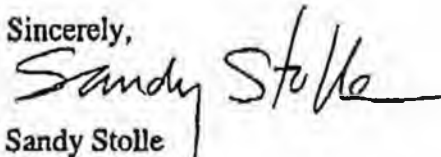
I support public funding of the arts. I would never have been able to see an Alexander Calder sculpture, a Henry Moore sculpture, or a Dolly Spenser Doll if public funds hadn't put such work in a space for all of us to enjoy. We would all feel the loss if these works were only tucked away in private collections or corporate offices.

It is important also for the visual artists to put work in public buildings. Just as a choir sings for an audience, the visual artist needs a "stage" to share their form of expression with others. I have had the opportunity to do several percent for Art Commissions. Because of these commissions I have been able to complete some large sculptures that had sometimes been in my sketch books for years. I was able to afford the materials and find a home for work which was on a scale too large for galleries or individual clients. I have worked for 25 years to perfect the skills of my craft. Don't take away the opportunity for me or other visual artists to make a contribution to the public spaces that we all share.

As Alaskans we can insure that the environments in our public spaces remain vibrant and alive by publicly funding forms of creative expression to enhance our buildings.

Thank you for your concern.

Sincerely,



Sandy Stolle
PO Box 2363
Seward, AK 99664



Alaska State Legislature

Written Testimony Form

Please enter into the record my testimony to the HOUSE STATE AFFAIRS
(committee name)

committee on HB 143, dated 3/20/97
(bill/subject)

I am against the repeal of HB 143. If the legislature wants to save money, stop funding the overpaid lobbyists at Arctic Power.

Signed: MARK STEEN
Testifier Name

Representing (Optional)

Box 1310 CORDOVA AK 99574
Address

424-5445
Phone Number



Alaska State Legislature

Please enter into the record my testimony to the State Affairs
committee name

committee on HB 143, dated March 20, 1997
bill/subject

As the mother of a 10yr old & 13yr old The President of the Kenai Arts & Humanities Council and a working artist, I strongly urge you NOT to pass this bill eliminating the 1% for Public Art works. Public art works are one of the few remaining ways to inspire the public and remind society that the ability to create art is what separates us from the rest of the animals. Many of the public art works are in our schools, enriching our children, many of whom would never be exposed to beauty, spirit & the appreciation of esthetics and hard work that comes with exposure to the arts. In the absence of private sponsorship, 1% is a mere pittance that we can well afford in our attempts to civilize our children and avoid the creation of mindless sociopaths. Public art is a necessary vehicle for passing on culture, heritage, values and esthetics to generations to come. Public art may be seen as frivolous to some, but to many of us, art is what makes life worth living. Also, there appears to be less vandalism in buildings that contain public works of art.

Signed: Sylvia B. Brown
Testifier

(Kenai Arts & Humanities Council)
Representing (Optional)

PO Box 3203, Kenai, AK 99611
Home Address

907-283-4413
Phone No.

To Jeannette James
Co.
Dept.
FAX No. 465-2381
FAX from LAURA LUCAS DESIGN (907) 586-3536 • FAX (907) 586-3536
No. of pages: 1

6615 North Douglas Hwy
Juneau, Alaska 99801

20 March 1997

I am writing to express support for the Percent for Art program and urge you to oppose the move to repeal it.

I believe that the presence of art in public facilities performs several important functions in the Alaskan community. In addition to aesthetic enrichment of our lives, Alaskan art in our public buildings reflects who we are as citizens of this state and inspires pride in our community. The program not only provides an important means of support for the Alaskan artists (jobs!), but it inspires and instructs future artists ensuring continuance of art as a facet of the Alaskan economy.

It especially concerns me that this program has a significant impact on Alaskan schools, where the vast majority of current projects are planned.

Please support the continuance of this important program for the State of Alaska.

Sincerely,



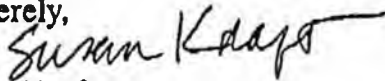
Laura Lucas

Susan Kraft
536 Park St. D
Juneau, AK 99801

I strongly oppose HB 143

As an Alaskan, I take pride in my state's support of the arts and of the work which I can see in the public buildings. The arts give back for generations—don't be short sighted. Vote no.

Sincerely,



Susan Kraft



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
 committee name
 committee on 143 /art in public Art, dated 3/20/97
 bill/subject

Don't support this bill!

I am opposed to this bill.

One percent is a tiny amount of construction costs especially when the return has and can create legacies, inspire young people & encourage communities to realize ~~and~~ and affirm the importance of arts.

Art is, as one person said in the hearing, is an industry. As a filmmaker and community artist I feel I contribute to the economy as well as the culture.

Signed: Flu Frankenstein
 Testifier

Representing (Optional)

PO Box 6224

Address

907/747-3399

Phone No.

ANCHORAGE PROSECUTOR'S OFFICE
420 L STREET, SUITE 100
ANCHORAGE, AK 99501

FAX TRANSMITTAL

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DATE: March 20, 1997

TO: Representative Jeanette James

SENDER: John Richards, Municipal Prosecutor

FAX NO.: 1-907-465-2301

No. of Pages being sent: 2 (includes cover sheet)

MESSAGE: _____

If you have trouble receiving this transmission, please call

John at 343-4250.



JULIE A. MATTHEWS

March 19, 1997

re: HB 143 HEARING IN TI. STATE AFF

Dear Mark Hodgins:

I am writing to urge you not to repeal the State Percent for Art Program. HB 143 would negatively effect the two constituencies the program is designed to serve: the public and the artists. As an artist I am currently involved with a commission for the new Mirror Lake Middle School in Chugiak. I have been lucky enough to have been awarded three other one percent projects in the state. The work has had an extremely positive effect on my career. They have lead to many jobs in my field.

The biggest public impact of the repeal would be on Alaska's schools and children. I recently completed an artists in schools program in a school where I have a one percent for art project. I was overwhelmed by the outstanding comments about the artwork from both the students and staff. The students asked all kinds of questions about the design, the process and the installation.

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

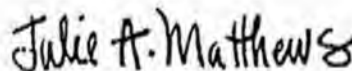
One percent is not added to the cost of capital projects, rather, once appropriated, it is dedicated to public art. If the program is repealed, this percent will be absorbed in other costs associated with the project.

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

Today, there are over one hundred public percent for art programs in the United States. The federal government, twenty-nine states, and scores of cities operate percent for art programs. The art produced becomes a testament to what we value as a state and as a people. Please don't take this away from Alaska. It is a legacy for future generations.

Sincerely,

Julie A. Matthews



cc: Jennette James
Fred Dyson

Ivan Ivan
Al Vezey

Ethan Berowitz
Kim Elton

111 W. Klatt Road
Anchorage, AK 99513
Phone/FAX: (907) 344-2529 (CLAY)



TELECOPY COVER SHEET
Ketchikan Legislative Information Office
Office - (907) 225-9675 Fax - (907) 225-8546

TO: HSTA COMMITTEE

ATTN: Jeanette James FAX: 465-2381 PHONE: _____

FROM: _____ PHONE: _____

INSTRUCTIONS: _____

SENT: Date 3/20/97 Time 11:37 AM

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 5 (NOT counting cover sheet)

TRANSMITTED BY: dn

Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS
committee on HB 143 (committee name) dated 3-20-97
bill/subject

In a time when tourism is an
economic focus for Alaska, it is
short-sighted to strip future Alaskan
buildings of art.

Art in buildings is a chance to show
pride and culture; it makes the difference
between a sterile environment and a
LIVING environment.

Lets not revert back to the literally
Dark ages illustrated by Ketchikan's
gloomy concrete state building - lets
continue to show we are alive thinking
people.

Signed:

Eron Zerbetz

Testifier

Phone: 225-8212

Representing (Optional)

Box 8943 Ketchikan AK 99901

Address

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

page 1 of 2

Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
(committee name)
committee on HB 143, dated _____,
bill/subject

Dear Representatives,

The Art in Public Requirement is an important and positive program for the Ketchikan community.

The most recent example of this program, is the placement of art in the Ketchikan High School.

The Ketchikan High School was recently rebuilt in part through the renovation of the previously used structure, but in a large part a totally new facility. The new high school is designed as a series of large boxes, white bright and airy, is a very sterile environment. The Public Requirement for Art program resulted in the introduction of art projects in the school that have made it a much more cheerful place for both the teachers and the students. The Art in Public * and a better educational environment.

cont!

page 2 of 2

Alaska State Legislature

Please enter into the record my testimony to the House State affairs
(committee name)
committee on HB 143, dated _____,
bill/subject

Places Requirement, is also a valuable
public private partnership that for
very little funding creates economic
benefits for local communities. ~~It~~
Public art in part funded by the Act in
Public Placement Requirements creates art
art in the community that directly
contributes to tourism. Public art
makes a community more attractive
to tourists who more and more
are becoming vital to the economy
of many of the communities in Alaska.

Signed: Carl Rosenberg Phone: 907-225-1227
Testifier

Representing (Optional)
1206 MILLAR ST. KETCHIKAN AK 99901
Address

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
(committee name)
committee on _____, dated _____
bill/subject

I am in favor of retaining
the 1% for the Arts as it now stands
The 1% projects within our
community have added to the quality
of life here and to communities all
across our state

I believe that our public art in
Ketchikan is one of the factors that
has contributed significantly toward
making Ketchikan a regional center
for the arts.

Please don't take this important
contribution to public art away from
our communities.

Signed:

Amy Carlson
Testifier
Concerned citizen
Representing (Optional)
30 782 Ketchikan
Address

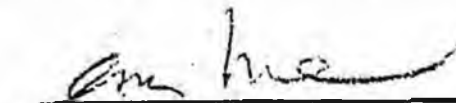
Phone: 225-9255

Alaska State Legislature

Please enter into the record my testimony to the House of Representatives Committee on
committee on HS 143 (committee name) dated _____
bill/subject

I am a senior at Ketchikan High School, and I think I speak for many students when I say that the 1% for arts funding is very important. My freshman year began in the brand new building which was nice but strongly resembled a sterile bathroom. With funds from the 1% for arts, this changed. I have watched my school become much more aesthetically stimulating. I have been on the Student Body Association choosing new art for our school and hearing fellow students comment on how excited they were to have the art. Art greatly enhances the educational environment for my school, and I strongly support continuing the 1% for art program.

Signed:


Testifier

Phone: 225-6558

Representing (Optional)

722 Park Ave Ketchikan, AK 99901
Address

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

STATEMENT

Date: March 20, 1997

Re: Public comment on House Bill 143

To: Chairwoman, House State Affairs Committee

From: Alan R. Munro, Juneau resident and artist



Art, as painting and sculpture, has made major contributions to public life and public buildings since the time of the Egyptians, Greeks and Romans. We continue in that historic tradition to this day.

Now, there are certain politicians who would say: "No more!"

What is the reason? What good purpose could possibly be served by eliminating art from our daily lives? Is this an anti-art, anti-intellectual movement or is it simply naivete', due to too little opportunity to experience meaningful art. Perhaps it is purely a financial issue, fueled by contractors who would stand to profit by a little extra money designated for "nice but not necessary" art.

Supporters of the repeal say: "It is a government give away which merely supports individual artists who can not make it on their own" This is a ridiculous argument, since any money left over after materials, hard earned wages and taxes would have to last a very long time between awards. There is no give away here, just an honest wage in return for talent, professional ability and public enrichment. We will never know how far Michelangelo would have been able to go without the financial support of the Vatican. He also had trouble with individuals in control of that funding source, over 400 years ago.

Be that as it may, there does exist a long established art selection process that very carefully selects the percent for art recipients. This ensures that, serious artists, producing quality works of art, are awarded these percent moneys.

We, of European descent, tend to isolate art from our daily lives whether we profess to appreciate it or not. Older and wiser cultures accept art as a given in their daily lives. Art provides them a dimension of societal well being they would otherwise not have. Obviously, we have a long way to go before we are as accepting or as wise. It is one of the reasons why we are gathered here today.

Madam chairwoman, I recomend we become more accepting of art. Let us continue on the centuries long journey others have made before us. Let us continue this critically important percent for art program. Let this sadly uninformed and regressive bill die in Committee.



Mi'chelle A. Barnes-Ness
P.O. Box 1311 • Kodiak, Alaska 99615
Phone / Fax: (907) 487-2345
Phone / Fax: (907) 487-2347
Web Site: teddy@ptialaska.com

3/22/97

Speaker Gail Phillips
Rep. Jeannette James,
Chairman of the State Affairs Committee
& Rep. Al Vezey

SUBMIT TO PUBLIC RECORD

HB 143

Dear Speaker Phillips, Chairman James, Rep. Vezey and committee members,

I would like to comment on HB143, to the repeal the percent for Art program and for art in public places fund. First, let me say at the outset that to date, I have never received a percent for Art bid. Having said that, I would like to state my reasons why I do support the Percent for Art Program in Public Places.

We are only talking about, one percent of the building's budget! Percent for Art projects are highly competitive bids which provide the only avenue which artists have throughout the community to make additional income and most importantly, personalize their community and State.





Mi'chelle A. Barnes-Ness
 P.O. Box 1311 • Kodiak, Alaska 99615
 Phone / Fax: (907) 487-2345
 Phone / Fax: (907) 487-2347
 Web Site: teddy@ptialaska.com

A recent example of this is the Manilaq Health Center in Kotzebue, Alaska. The new Manilaq Health Center was just a building when it first opened. It had the normal expected things like carpeting, windows, restrooms etc. But the percent for art program personalized the main lobby seating area, the main entry, the registration desk, meditation room, and the corridor near the cafeteria. The Percent for Art Program artists who won bids, gave the people residing in Kotzebue a sense of home at the Manilaq Health Center. Works of Native Art were chosen for the Manilaq Health Center which had color, embraced their Inupiaq lifestyle, took note of the region, animals, and plants. They took a building and made it part of their home and culture through the works of art awarded to artists for the building to provide geographically and regionally appropriate motifs and sculptures. This was not only important to the people of Kotzebue running the Health Center but also it exposed and re-enforced and introduced Inupiaq culture to the children.

Last, by providing for art through this program it ensures *that all children* regardless of their social economic backgrounds have the opportunity to see and gain an appreciation not only for their art but for their culture. And art transforms an otherwise ordinary building and personalizes it. If hospitals recognize the importance of this, shouldn't we?

It is examples such as the Manilaq Health Center and others all over this great state of Alaska that I ask you not to support HB 143 and leave the Percent for Art Program in public places in tact for once and for all!

Cordially yours,

Mi'chelle Barnes-Ness

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 Alaska Stock Images • Limited Edition Prints • Wildlife Posters • Calendars • Notepads
 & Alaska Stock Classics



FAIRBANKS ARTS ASSOCIATION

PO BOX 72786 FAIRBANKS, ALASKA 99707 ALASKA AND CIVIC CENTER (907) 456-6485 FAX 456-4112

March 26, 1997

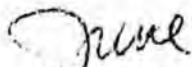
Jeannette James
The Alaska Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative James,

Thank you for the opportunity to address the House Affairs Committee at the public hearing held by teleconference yesterday morning.

I am faxing a copy of the statements that I made regarding my concerns about and my view of the 1% for ART in Public Buildings program.

Sincerely,



June Rogers
Executive Director

JR/bjs June would perfect - (b)(1)(6)(d)(1)

"PROMOTING CONTEMPORARY AND TRADITIONAL ARTS IN ALASKA'S INTERIOR."



Last week I sent several messages to legislators regarding the issue of HB 143. I am here today to speak further on the subject and to again request support of public art. In my previous comments I referred to an RFP for the Crawford School at Eielson AFB and how the request was for the art to reflect and commemorate the person for whom the building is being dedicated. This type of commemoration is a positive communication to our students about respect; respect for our schools, respect for achievers, respect for our community and its leaders. Art in Public Buildings is a subtle and powerful tool.

Time and time again studies have shown that young people who have the opportunity to be schooled in the arts are capable of more concentrated thought, are more creative in problem solving and have a better understanding of other studies. Exposure to fine arts, in an everyday fashion is a part of that schooling.

Much concern and debate has been given to the subject of economics, resource development and tourism. Art in Public Buildings is an investment that utilizes our resources; our raw materials and the talents of our people; and then the resulting product becomes part of the infrastructure that helps to attract those who travel to far and distant lands in order that they might know and understand more about the culture of a region's people.

The intrinsic and lasting value of 1% for Art becomes more evident with each passing year. Alaskans and Fairbanksans, in particular, are a proud people who are eager to show the world through the vehicle of tourism who we were, who we are and what we stand for. Art projects in public buildings are part of our local history; a continuing visual story of our community.

As a collection, 1% for ART projects constitute an open museum, in that they are accessible to all persons of the community. This approach is actually much less costly to administer than a full scale facility which is necessary to house an actual museum or gallery. The lobby, walls, lighting, heating, staff, etc. are already part of the overhead for an existing facility.

At one time in our history libraries were not thought to be necessary for the populace. Now its hard to find a community without a public library. Visual art is as necessary and as valuable to our culture as the literary arts and should be just as available as the books in a library.

I can think of no better way to realize a greater value from our dollar than to invest it in a project that touches all walks of life, chronicles the flavor of an era, promotes understanding of our culture, advances education, enhances the beauty of our cities and helps to attract tourism. 1% for ART is a premium investment with a high rate of return.

Cutting the funds for 1% for ART would deprive our current community, but the long term loss would be even greater.

I stand squarely against HB143.

June Rogert

To: House State Affairs Committee
Jeannette James 907-465-2381
Fred Dyson x4587
Mark Hodgins x2833
Ivan Ivan x4589
Al Vezey x3719
Ethan Berkowitz x 2137
Kim Elton x4947

From: Alaska Residents

Subject: Alaska Percent for Arts Program

We are writing in response to the proposed repeal of the Alaska's Percent for Art Program. We support this extremely important program. Our reasons are as stated below:

1. Tradition: Art in Federal buildings has been an American tradition since the United States Congress commissioned artists to do painting for the House of Representatives in 1855. Recognizing the importance of art in buildings, the Roosevelt Administration set up the New Deal art programs during the depression era to embellish newly constructed federal buildings. In 1963 the General Services Administration established the Art-in-Architecture Program under the Kennedy administration. Here is where the guiding principle was established to "incorporate fine art in the designs of Federal buildings with emphasis on the work of living American artists". The federal government, under much research, has concluded that artwork in our facilities is vital to the spaces in these facilities - *why should Alaskan citizens be deprived of the same considerations?*

2. Public/Community Involvement: "As a matter of public policy the Federal Government recognizes its responsibility to citizens who live and work in the communities where the commissioning of art is proposed and seeks their support and involvement. In order to achieve the fundamental objectives of community participation throughout the project and the integration of artwork into the design, emphasis is placed on local citizen involvement and artist/architect collaboration".


3). Reflection of Regional Cultural Values: Works of art within the public context reflect the social currents and consciousness of the community from which they are conceived. Public programs such as the Alaska Percent for Art Program are vital to ensure that we are responsive to these currents. Alaska is rich with creative and visionary forces fully capable of documenting our American, Alaskan and local cultural values.

4). Critical to the Built Environment: Artwork is as critical to the built environment as carpet, paint, wall coverings, furniture and other interior design considerations. It equally provides the same affect on patrons as does the finishes and furnishings. It is no more subjective in context as is the color of the building and its furnishings, therefore, is an equally integral feature of the space. If one is going to target artwork as "fluff", then they must target the aesthetics of everything else in the building!

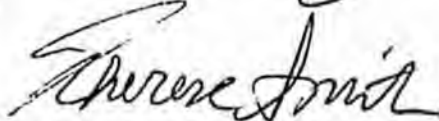
Alaska should be proud to continue the Alaska Percent for Art program in order to uphold tradition, involve the community, reflect our cultural values and the importance of the aesthetics of our built environments. We should continue to defend its right to exist for the sake of *the public*.



Cheryl Alder



Conroya Combet





Ed [unclear]

FYI - Please enter into the public record.

From: Keith Appel
4705 Malibu Drive
Anchorage, Alaska 99517

March 20, 1997

Re: House Bill No. 143
Sponsor: Representative Vezey

Dear Legislator,

My wife and I came to Anchorage in the Fall of 1960. Since that time I have served as an art teacher in junior high school, high school and also as director of the borough's art program in Anchorage. I have taught at the Anchorage Community College and the University of Alaska Anchorage where I was Art Department Chairman. I am now retired.

During my teaching tenure I also served on the boards of the Anchorage museum, the Visual Arts Center of Alaska and was appointed to serve on the State Arts Council by two of our governors. It was during this time that I witnessed the incredible growth in the interest in the arts in our state. I have also been the owner of an art gallery as well as a producing artist.

The reason for the preceding two paragraphs is simply to point out...in short, my life has been dedicated to the arts. This same dedication by others also serving on the Alaska State Council on the Arts board led us to formulate the 1% for Art for Public Places program. This program was widely supported and applauded throughout the state. The positive effects of this program will outlive all of us. Many Alaskan children will grow up remembering public art as an important part of their lives. How do I know this?

Because: Representative Con Bunde and I grew up in the same small town in southern Minnesota. We lived on the same street, two blocks apart. His family was on my paper route. In this community of 16,000 people our school had "Public Art". Amazing! It was installed in the late 1930's. It was a WPA federal grant that put it in place.

Con lived right across the street from Franklin School, it was a combine of elementary and junior high classes.

In the auditorium of this school were two large hand-painted murals depicting the life of Benjamin Franklin, the school's namesake. As children growing up in that school we were in awe of these works. There were no other schools in our entire county that had such "Public Art" works. It was special. It made us feel special and privileged just to view it. There was nothing else like it in the world.... According to today's standards our families were poor, but the artwork enriched our lives.

From: Keith Appel

March 20, 1997

2

I visited the same school in our hometown last year, the mural is still there. It is in excellent condition. It is so precious to the community that they have permanently blocked off the windows in the auditorium so that the sunlight will not damage it with ultra-violet rays. They obviously appreciate its value.

While in the school I talked to the principal and several of the teachers, they said that the students are still most appreciative of this artwork. It has an intrinsic worth that has not diminished over all these years. The school itself is almost sixty years old and is still in good shape. So is the artwork, but, the value of the artwork increases while the value of the building decreases! What an incredible and farsighted investment.

When Representative Bunde and I were in Boy Scouts together we used to hold our meetings in the gymnasium of the school. The auditorium where the artwork was installed was right across the hallway. I remember sneaking into the auditorium and turning on the lights so that we might view this large, inspirational work of art before our scout meetings. Little did I know of the impact and future implications that it might have for so many of us.

This past year I visited a limestone quarry in that same southern Minnesota town. Con and I used to play in it. I selected stone from that same quarry where my greatgrandfather worked as the head stone carver in the late 1800's. That same quarry stone is part of a mural that I installed in Kasuun Elementary School in Anchorage. It is "Public Art". The students, faculty, parents and people holding community meetings there seem to really appreciate having it. It should easily outlast the building.

My greatgrandfather carved the eagles on the Minnesota State's Capitol rotunda in St. Paul. It was "Public Art". It still is. The best man at my wedding also went to Franklin school. He went on to become a legislator with an appreciation for art. He liked to say that he had my artwork hanging in his office and my great-grandfather's artwork hanging upstairs. He was impressed by the murals in our school too.

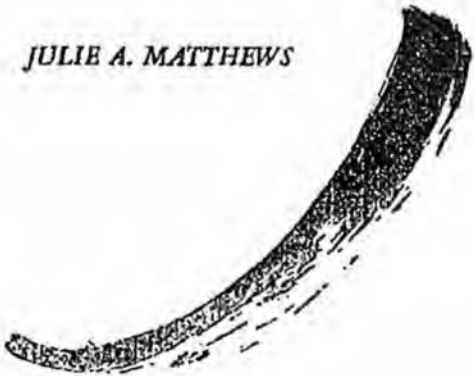
The whole point of this personal treatise is to remind us that all art is personal to the viewer depending on what they bring with them as individuals. In our arts and our politics it is just such personal threads that are used to weave the fabric of the history of our State and our culture. If we choose to remove either one of these we will have weakened the final product immeasurably since they are closely intertwined.

And what do Con and I remember about our early years at Franklin School? Our family, our friends, our teachers and our murals. We don't remember anything much about the politics of that era. But hey, we were just kids....

KEITH APPEL

Attn: Patrick

JULIE A. MATTHEWS



March 19, 1997

re:HB143 HEARING IN H. STATE AFF

Dear Jeannette James:

I am writing to urge you not to repeal the State Percent for Art Program. HB143 would negatively effect the two constituencies the program is designed to serve: the public and the artists. As an artist I am currently involved with a commission for the new Mirror Lake Middle School in Chugiak. I have been lucky enough to have been awarded three other one percent projects in the state. The work has had an extremely positive effect on my career. They have lead to many jobs in my field.

The biggest public impact of the repeal would be on Alaska's schools and children. I recently completed an artists in schools program in a school where I have a one percent for art project. I was overwhelmed by the outstanding comments about the artwork from both the students and staff. The students asked all kinds of questions about the design, the process and the installation.

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

One percent is not added to the cost of capital projects, rather, once appropriated, it is dedicated to public art. If the program is repealed, this percent will be absorbed in other costs associated with the projects.

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

Today, there are over one hundred public percent for art programs in the United States. The federal government, twenty-nine states, and scores of cities operate percent for art programs. The art produced becomes a testament to what we value as a state and as a people. Please don't take this away from Alaska. It is a legacy for future generations.

Sincerely,

Julie A. Matthews

Julie A. Matthews

cc:Fred Dyson
Mark Hodgins

Ivan Ivan
Al Vezey

Ethan Berowitz
Kim Elton

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

March 17, 1997



Jeannette James
House of Representatives
State Capitol, Juneau 99801-1182
Fax: 907.465.2381

Dear Ms. James:

Recently House Bill 143, to Repeal Percent for Art, came to my attention. I am writing you today to urge you to vote against HB 143 and to leave the state One Percent for Art program as it currently stands.

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

I urge you to support and uphold the One Percent for Art program—it's a modest investment in the quality of life in Alaska.

Sincerely,

LIVINGSTON SLONE, INC.

Tom Livingston, FAIA
Principal

TOM LIVINGSTON, AIA
DONALD E. SLONE, PE

LIVINGSTON SLONE, INC.
3900 ARCTIC BOULEVARD
SUITE 301
ANCHORAGE, ALASKA 99503 5790
907-562-2058 FAX 907-561-4628

TOTAL P.01

Ellen Frankenstein
PO Box 6224
Sitka, Alaska 99835
907/747-3399 • EFclicks@aol.com

March 17, 1997

Dear Representatives of Alaskans
(Kim Elton & Jeanette James)

This is a letter urging you not to support HB 143, repealing Alaska's percent for Art Program.

This program supports the creation of arts, the work of state artists and provides modeling for the students in the schools where much of the public art is made and seen daily. Young people should be exposed to a variety of careers and this is one way they can see artists at work, process and product.

Art represents expression. It adds, it raises questions and stimulates thoughts about our culture and our values.

This program does not add to the budget.

I do not understand why art, one of the signs of a society that reflects and critiques itself, is constantly used as a budget scapegoat.

Please support the arts and that includes the state arts council.

I thank you. I have been an artist in the schools and recipient of funds from the National and State arts and humanities agencies. I am a filmmaker and community artist and whenever I complete something, many people ask me enthusiastically what my next project will be. These comments seem to reflect a public that supports the arts be it a film, a sculpture, a piece of public art or a poem. Please note I have also received funds from businesses and foundations from the National Bank to the Rockefeller Foundation and believe both public and private support of the arts is needed.

Also many supposed businesses are heavily subsidized in this country. Not everything, as you know, of value must make a profit to be useful to society.

Thank you for your time.
Sincerely,

Ellen Frankenstein

March 17, 1997



Jeannette James
House of Representatives
State Capitol, Juneau 99801-1182
Fax: 907.465.2381

Dear Ms. James:

Recently House Bill 143, to Repeal Percent for Art, came to my attention. I am writing you today to urge you to vote against HB 143 and to leave the state One Percent for Art program as it currently stands.

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I urge you to support and uphold the One Percent for Art program—it's a modest investment in the quality of life in Alaska.

Sincerely,

LIVINGSTON SLONE, INC.

A handwritten signature in black ink, appearing to read 'Tom Livingston', written in a cursive style.

Tom Livingston, FAIA
Principal

LIVINGSTON SLONE, INC.
CONALVE SLONE, INC.
LIVINGSTON SLONE, INC.
3000 ADELPHI ROAD, SUITE 100
ANCHORAGE, ALASKA 99503
907.563.2381 FAX 907.563.1420



March 21, 1997

The Honorable Jeannette James
Chair
State Affairs Committee
House of Representatives
State of Alaska
State Capitol, Room 102
Juneau, Alaska 99801-1182

Dear Representative James:

Please accept the following testimony in opposition to House Bill 143:

My company is a Ketchikan real estate developer and one of this community's larger property taxpayers, with assessed valuation of \$4.2 million. Our main project, the Spruce Mill Development, currently has \$6 million in construction in progress for completion this spring; we plan another \$20 million by 2000. Our development projects employ approximately 50 people, and when completed the buildings we construct enable Ketchikan to effectively market goods and services to visitors and others, adding to overall employment and income.

We support the percent for art program; we have voluntarily planned some conspicuous public art into our development. Our reasoning is that art in public places broadens both residents' and visitors' understanding of the community and enhances their appreciation of its traditional and contemporary cultures. Public art provides welcome aesthetic relief from the workaday business of buying and selling, giving all who see it a glimpse of beauty, humor and other important values during their daily routine.

Public art also provides an example and stimulus to potentially creative people. Where the percent for art is used effectively--as at Ketchikan High School--it encourages impressionable students to express their own artistic urges and develop their talents. Certainly this should be a fundamental community goal.

SPRUCE MILL DEVELOPMENT COMPANY
An Alaska Limited Partnership, Salmon Capital Corp., General Partner
320 Dock Street, Suite 219 ♦ P.O. Box 6276 ♦ Ketchikan, Alaska 99901
Tel: (907) 225-3992 ♦ Fax: (907) 225-3994

The Honorable Jeannette James
March 21, 1997
Page 2

Last but not least, money invested in public art provides income for local artists. Indeed the percentage of these funds spent on local services in Ketchikan seems quite high.

For this real estate developer, Ketchikan's public art and the artists who create it helps make town a good place to live and work. Without it Ketchikan would be less interesting, witty and intelligent--a far less appealing place to be.

Please maintain percent for art.

Thanks.

Sincerely yours,

SPRUCE MILL DEVELOPMENT CO.

A handwritten signature in cursive script, appearing to read "K. Miller".

Kent Miller, President
Salmon Capital Corp., General Partner

KM:ja

cc:Mail for: Barbara Cotting

Subject: fiscal notes

From: Barbara Cotting 03/13/1997 03:46 PM

To: SHARI_KOCHMAN@GOV.STATE.AK.US at CC2MHS1

I have scheduled the following and need fiscal note(s):

Thursday, March 20: HB 143, repeal art in public places requirement

Alaska State Legislature

March 6, 1997

While in Session:
State Capitol Building
Juneau, Alaska 99801-1182
907-465-3719
Fax 907-465-3258

Interim:
119 N. Cushman, Suite 211
Fairbanks, Alaska 99701-2879
907-456-5081
Fax 907-456-8245

Representative Al Vezey

March 6, 1997

From: Representative Al Vezey ✓
State Capitol, Rm. 13
Juneau, Alaska 99801-1182
(907) 465-3179

Letter

To: Representative Jeanette James
Chairman, House State Affairs Committee
State Capitol Bldg. Room 102

Subject: Request for hearing on HB 143

“An act relating to the art in public places requirements for state-owned and state-leased buildings and facilities”.

I respectfully request a hearing on **HB 143** in the House State Affairs Committee at the earliest possible opportunity and convenience of it's chairman. I would appreciate your favorable consideration to this request.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 143

Revision Date: 19-Mar-97 Dept. Affected: Education
 Title: Repeal Art in Public Places Requirement BRU: School Finance
 Component: Education Facilities Support
 Sponsor: Vezey
 Requester: Vezey COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY97) cost: \$

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Michael Morgan
 Division: Education Support Services
 Approved by Commissioner: Shirley J. Holloway, Ph.D.
 Agency: Department of Education

Phone: 465-1858
 Date: 3/19/97
 Date: 3/19/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB143

Revision Date: _____ Dept. Affected: DOT&PF
 Title: An act relating to the art in public places BRU: Office of the Commissioner
requirements for state-owned and state-leased buildings and facilities Component: Commissioners Office
 Sponsor: Rep. Vezey
 Requester: State Affairs COMPONENT SERIAL NO. 530

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Mike Downing, P.E., Director Phone: 465-2960
 Division: Engineering and Operations Date: 3/19/97
 Approved by: *Joseph L. Perkins* Date: 3/19/97
 Joseph L. Perkins, Commissioner
 Agency: Department of Transportation and Public Facilities

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HB

153

ANALYSIS-HOUSE BILL 153

This bill establishes that Medicaid, family assistance and adult public assistance to qualified aliens and that for those aliens who entered into the U.S. after August 22, 1996, these benefits will not be available for the first five years after establishing qualified alien status in the U.S.

Questions:

1. What happens if this legislation is not passed? Does the state lose federal funds without passage of this bill?
2. What is the estimated number of aliens that will be affected by this legislation?

Various fiscal notes from the various components affected by welfare reform within the Department of Health and Social Services. Overall, a savings is realized.

Legal Aliens

On August 22, 1996 President Clinton signed into law P.L. 104-193, The Personal Responsibility and Work Opportunity Act of 1996. This law has a substantial impact on immigrant eligibility for public assistance and medical assistance benefits. The table below compares the benefits to be received by legal aliens under current law and proposed legislation

Program	Current Law	Proposed Change
Food Stamps	Most legal aliens no longer eligible	No change; Fed only program
Supplemental Security Income	Most legal aliens no longer eligible	No change; Fed only program
Medicaid	Most legal aliens barred from Medicaid coverage regardless of entry date into country.	Legal aliens receiving Medicaid as of 8/22/96 grandfathered; legal aliens arriving after 8/22/96 barred for 5 years.
Alaska Temporary Assistance Program (ATAP)	Legal aliens eligible for benefits regardless of date of entry; legal alien benefits all general funds.	Legal aliens receiving benefits as of 8/22/96 grandfathered; legal aliens arriving after 8/22/96 barred for 5 years. Continue federal/state funding.
Adult Public Assistance	All legal aliens continue program eligibility.	Grandfathered eligibility to only those legal aliens in country as of 8/22/96 - legal aliens arriving after 8/22/96 barred for 5 years

TONY KNOWLES
GOVERNOR

P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3300
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Federal welfare reform enacted in August 1996 limited the eligibility of certain legal immigrants for public and medical assistance benefits and left it up to the states whether to continue that coverage. With this bill, I am asking Alaska to assure those qualified immigrants in need, who were here before the change in federal law, can continue to receive benefits. Those arriving after the change in law would be subject to the new restrictions.

The state welfare reform bill enacted in Alaska in 1996 did not address the eligibility of immigrants. This bill establishes that Medicaid, family assistance, and adult public assistance benefits will be available to "qualified aliens" and that for aliens who entered the United States on or after August 22, 1996, these benefits will not be available for the first five years after establishing qualified alien status in the United States.

This legislation strikes an appropriate balance in services for legal immigrants. By continuing to provide services to those who were in the country before the new federal welfare law was enacted, the state is acknowledging its responsibility to provide safety net programs for those Alaskans who need basic services and who originally entered this country under conditions that would grant them these services. However, those immigrants coming into the country after August 1996 will be aware they are subject to new rules and their access to services will be restricted.

Sincerely,



Tony Knowles
Governor

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

February 25, 1997

Honorable Jeannette James
Chair
House State Affairs Committee
Alaska State House
State Capitol Room 102
Juneau, AK 99801-1182

Dear Representative James,

The Department of Health and Social Services respectfully requests a hearing in the House State Affairs Committee on HB 153, "An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date."

The state welfare reform legislation enacted last session was silent on the issue of eligibility of legal immigrants for public assistance and Medicaid. This legislation is necessary to clarify the state's policies in this regard in light of the new federal legislation.

The bill provides for continued eligibility for legal immigrants who were in the country prior to the August, 1996 effective date of the federal legislation.

Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom
Special Assistant to the Commissioner



2/26/97: Called
Drew Mark

KIP
Want this
involved?

Differences Between Legal Immigrants and the Definition of Qualified Aliens Under Public Law 104-193

Regarding a definition for "legal immigrant", there are two issues to consider. The definition of a legal immigrant before the passage of P.L. 104-193, and the definition of a "qualified alien" under P.L. 104-193.

Prior to the passage of P.L. 104-193, an immigrant was considered eligible for state and federal welfare benefits if he met the definition of a legal immigrant. For this purpose, a "legal immigrant" included all immigrants lawfully admitted for permanent residence, and immigrants permanently residing under color of law (PRUCOL). Prucol aliens are considered legal permanent residents of the U.S even though they did not go through the process of applying for and being admitted for permanent residence. Prucol aliens are aliens living in the in the country with the knowledge and permission of the Immigration and Naturalization Service (INS) whose departure the INS does not contemplate enforcing.

For public assistance purposes, P.L. 104-193 created a new category of immigrants called "qualified aliens." Most "qualified aliens" are ineligible for public assistance, or are only eligible if the state opts to cover them. Immigrants who are not "qualified aliens" are generally not eligible for benefits. Under P.L. 104-193, "qualified aliens" are: immigrants lawfully admitted for permanent residence; refugees; asylees; individuals paroled into the U.S. for at least one year; immigrants whose deportation is being withheld; certain immigrants granted conditional entry; and certain battered spouses and children.

However, under P.L. 104-193, certain categories of "qualified aliens" remain eligible for public assistance regardless of their immigrant status. These exception categories are: refugees, asylees, and certain persons whose deportation is being withheld for their first five years in the U.S.; individuals who have 40 quarters of coverage under the Social Security system; and veterans and members of the armed forces and their spouses and dependent children.

Immigrants who become U.S. citizens are not subject to immigrant restrictions on public assistance eligibility.

Public Assistance Data on Statewide Immigrant Population
 (for Immigrants on Public Assistance Only)
 as of January 1, 1997

Programs

Program Type	ATAP Only	ATAP/ FS	APA Only	APA/ FS	FS Only	FS/ MED	GRA/ GRM	MED Only	Total
# of Persons	167	651	639	162	154	69	7	256	2105

Heritage

Heritage	Asian	Black	Hispanic	Pacific Islander	White	Other/ Unknown	Total
# of Persons	1069	44	429	119	360	84	2105

Time on Assistance

Less than 5 Years	1461
More than 5 years	<u>644</u>
Total	2105

SSI Status:

SSI Recipient	669
Non-SSI Recipient	<u>1436</u>
Total	2105

Alien status:

Currently Sponsored :	81
Non-sponsored:	<u>2024</u>
Total	2105

Sex:

Male:	784
Female:	<u>1321</u>
Total	2105

Age:

Under Age 18:	439
18 - 64:	1025
Over Age 64:	<u>641</u>
Total	2105

Type of Recipient:

Children & Families	1304
Aged & Disabled	<u>801</u>
Total	2105

Community of Residence:

Anchorage	1414
Kodiak	160
Mat-Su	134
Fairbanks	106
Southeast	99
Other	<u>192</u>
Total	2105

**FY 97 Budgeted Expenditures
(Legal Immigrants)**

	General Fund	Total
Food Stamps	\$0.0	\$812.3
Medicaid		
AFDC/ATAP	\$2,699.4	\$1,349.7
APA	\$3,123.9	\$3,123.9

Individual Impacts on Legal Immigrants

Benefits for Blind/Disabled/Elderly

	Before Federal Legislation	After Federal Legislation (current state law)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
SSI	\$484	\$0	\$0	\$0
APA	\$362	\$362	\$362	\$0
Medicaid	Yes	No	Yes	No

Benefits for Children & Families

	Before Federal Legislation	After Federal Legislation (current state law*)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
AFDC/ATAP	\$275	\$275	\$275	\$0
Medicaid	Yes	No	Yes	No

* Under current state law, benefits paid to aliens under the ATAP program are all general funds.



Welfare Reform Briefing Paper

Division of Public Assistance

State of Alaska
Tony Knowles, Governor



Immigrants

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* significantly impacts immigrant eligibility for public assistance. Recent federal changes reduce or deny benefits to many legal aliens already in the country as well as new arrivals. Alaska has the option of continuing federal-state assistance programs for aliens who were in the United States before August 22, 1996. The following summary explains immigration changes and some policy options for Alaska.

Changes in Federal Law

Qualified Aliens

The federal welfare reform law created a new category of legal immigrants called *qualified aliens*. Qualified aliens include:

- immigrants admitted for permanent residence;
- refugees;
- asylees;
- certain immigrants granted conditional entry;
- individuals paroled into the United States for at least one year;
- immigrants whose deportation is being withheld; and
- certain battered spouses and children.

Some qualified aliens remain eligible for public assistance. Refugees, asylees and immigrants whose deportation is being withheld for their first five years in the United States; veterans and their spouses and dependents; and those who have worked a total of 10 years in the United States stay eligible. However, these exceptions are limited. Most qualified aliens are ineligible for public assistance, or are only eligible if the state chooses to cover them. Other immigrants are generally ineligible for federal, state and local public assistance benefits. These eligibility restrictions do not apply to immigrants once they become citizens.

Program Changes

The federal welfare reform law targets two types of qualified aliens: those in the United States before August 22, 1996, and those arriving on or after August 22, 1996.

The new law reduces federal benefits for both groups of qualified aliens. For those arriving on or after August 22, 1996, eligibility for programs is eliminated for five years. After this period, new immigrants with sponsors must include the sponsors' income when applying for public assistance. For those arriving before August 22, 1996, benefits will be phased out over the first year. These changes apply to the following federal programs.

Food Stamp Program: Immigrants arriving on or after August 22, 1996 are ineligible for food stamps. Immigrants receiving food stamps before August 22, 1996, are exempt from the new eligibility restrictions until April 1, 1997. This group of qualified aliens may receive food stamps through August 1997 provided they apply for certification by March 31, 1997.

Supplemental Security Income (SSI): Qualified aliens in the country before August 22, 1996 will lose this assistance by September 1997. Qualified aliens arriving on or after August 22, 1996 are ineligible.

The welfare reform law also gives states options for deciding immigrant eligibility for other state-administered programs supported with federal and state funds.

Temporary Assistance for Needy Families (TANF): States have the option to determine eligibility of qualified aliens for federal cash assistance under the TANF Program. Qualified aliens currently receiving AFDC benefits from Alaska will remain eligible for benefits until July 1, 1997, when the new TANF Program is in place. As states develop their TANF-funded program, they will decide whether to provide or deny services to qualified aliens who arrived in the country before August 22, 1996. Qualified aliens in the United States on or after August 22, 1996 are banned from receiving TANF-funded assistance for five years. The name for Alaska's new TANF-supported program is Alaska Temporary Assistance Program (ATAP).

Medicaid: Qualified aliens arriving in the United States before August 22, 1996 may be covered as a state option. Except for Medicaid emergency coverage, qualified aliens in the country on or after August 22, 1996 are banned from receiving Medicaid benefits for five years. Only Medicaid emergency coverage is available to all aliens.

The welfare reform law also gives states options for deciding immigrant eligibility for state-funded public assistance programs. Alaska's Adult Public Assistance, General Relief Assistance, and General Relief Medical programs fall into this category.

Alaska Status

Policy Choices

The Knowles Administration has made the following policy choices for immigrants for state-administered public assistance programs. Three of these choices require legislative action to revise current statutes. This legislation supports the federal direction to limit public assistance benefits to qualified aliens arriving on or after August 22, 1996.

Alaska Temporary Assistance Program: Continue cash benefits for qualified aliens arriving in the United States before August 22, 1996. Implementing this policy requires a statute change as the current state law provides eligibility for all legal aliens meeting the financial requirements, regardless of their date of arrival in the United States.

Medicaid: Continue Medicaid coverage for qualified aliens arriving in the United States before August 22, 1996, including those who may not have been on Medicaid on August 22, 1996. This policy requires a statute change. Those qualified aliens entering the United States on or after August 22, 1996 are banned from receiving Medicaid benefits for five years.

Adult Public Assistance: Continue cash assistance for qualified aliens in the country before August 22, 1996. Immigrants arriving on or after August 22, 1996 are subject to a five-year bar. This policy requires a statute change to reduce program eligibility.

General Relief Assistance (GRA) / General Relief Medical (GRM): Continue to provide assistance to legal immigrants, regardless of the date they entered the country. The GRA and GRM are last resort programs that provide limited assistance to needy people with no other support for emergency medical and basic needs.

Impacts to Alaskans

Food Stamps: It is estimated that 1,100 legal aliens will lose Food Stamp benefits by September 1997.

Supplemental Security Income: An anticipated 800 legal immigrants will lose SSI cash benefits by September 1997.

Alaska Temporary Assistance Program: The five-year ban for services to legal aliens applies to the use of federal block grant (TANF) funds only. Current state law provides assistance to all immigrants with state funding only. There are about 820 legal aliens eligible for AFDC/ATAP benefits now. Under proposed state legislation, immigrants arriving in the United States before August 22, 1996 will remain eligible for AFDC/ATAP, while those arriving on or after August 22, 1996 will be ineligible for five years. With this statute change, about 145 of the 820 eligible for AFDC/ATAP will no longer be eligible.

Medicaid: Current state law does not provide Medicaid eligibility for most qualified aliens regardless of arrival date in the United States. About 1,575 immigrants aliens are ineligible for Medicaid. Alaska's Medicaid program does not currently have statutory authority to cover these immigrants. Some individuals that are ineligible for Medicaid are eligible for General Relief Medical. Under the proposed state legislation, immigrants arriving in the United States on or after August 22, 1996 are not eligible for five years. Most immigrants in the United States before August 22, 1996 will remain eligible. Medicaid will have about 1,680 eligibles and 265 ineligibles in Alaska if this statute change occurs.

Adult Public Assistance: Current state law provides assistance to most immigrants, regardless of their arrival date in the United States. New immigrants are not subject to the five-year federal ban. About 800 legal aliens would continue to be eligible for benefits. Under the proposed state

Welfare Reform Briefing Paper -- Immigrants

legislation, immigrants arriving before August 22, 1996 will remain eligible, and immigrants arriving on or after August 22, 1996 will be ineligible for five years. About 45 of the 800 eligible legal aliens will be ineligible with this statute change.

General Relief Assistance (GRA) / General Relief Medical (GRM): Current state law provides that most immigrants will be ineligible for Medicaid, regardless of their date of arrival in the United States. Under proposed state legislation, about 265 immigrants who arrived in the United States after or on August 22, 1996, will be ineligible for Medicaid and may need to receive benefits through the GRM program.

Key Issues

- The proposed state legislation allows Alaska to follow federal law and deny public assistance benefits to most qualified aliens who arrived in the United States after or on August 22, 1996, for a five-year period or until they gain citizenship.
- Public assistance benefits provided to qualified aliens who are ineligible for federal funds must be paid from state funds.

Key Dates

- Restrictions for new legal immigrants became effective August 22, 1996.
- New restrictions for current legal immigrants receiving food stamps become effective April 1, 1997. Those certified by March 31, 1997 can receive benefits through August 1997.
- The Alaska Temporary Assistance Program goes into effective on July 1, 1997.
- Supplemental Security Income benefits for most legal immigrants stop by September 1997.

Additional Information

For additional information on immigration and the impacts of welfare reform, contact Jim Steele at the Division of Public Assistance at 465-3014.



Alaska Commission on Aging

RESOLUTION 97-6

In support of providing medical and public assistance to legal immigrants

WHEREAS, Alaska's public and medical assistance programs have historically been available to all Alaska residents, including legal immigrants who are permanent residents; and

WHEREAS, federal welfare reform limited the eligibility of certain legal immigrants for public and medical assistance and left it up to the states whether to continue coverage; and

WHEREAS, approximately 2,000 legal immigrant Alaskans, including over 600 seniors, currently depend on Medicaid, Adult Public Assistance, or the Alaska Temporary Assistance Program; and

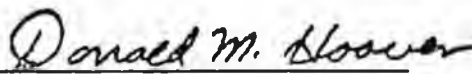
WHEREAS, legal immigrants who arrived in this country before the enactment of welfare reform could lose their eligibility for Medicaid without legislation; and

WHEREAS, failure to provide safety net programs for Alaskans who need basic services will result in them experiencing expensive medical crises; and

WHEREAS, responding to these medical crises will further tax limited community resources.

THEREFORE, BE IT RESOLVED by the Alaska Commission on Aging to support Senate Bill 102 and House Bill 153, which provide continued eligibility for Medicaid, Adult Public Assistance, and Alaska Temporary Assistance Program for legal immigrants.

Adopted this 4th day of March, 1997.


Don Hoover, Chair

FISCAL NOTE

NO. 1
 Bill Version HB 153
 (H) Publish Date: 2/24/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare ...
 Sponsor: Rules Committee
 Requestor: Governor

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Facilities
 COMPONENT SERIAL NO. 230
 See also (SN#): 229

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Historically, Medicaid covered legal resident aliens who met all other Medicaid eligibility criteria. As a result of federal welfare reform, Alaska Medicaid cannot continue to cover most aliens without this legislation. Even with legislation, most aliens who arrive in the country after August 22, 1996 are ineligible for Medicaid for their first five years in the U.S. This bill provides the Alaska program with the authority to continue Medicaid coverage for qualified legal aliens who are not subject to the five-year bar. Funding for the coverage of these aliens is already included in the Medicaid budget. Therefore, there is no new cost to continuing this coverage.

Failure to extend Medicaid coverage for aliens would result in a loss of Medicaid eligibility for some aliens. However, aliens who do not qualify for full Medicaid coverage are eligible for Medicaid coverage of emergency medical treatment. In addition, aliens needing non-emergency hospitalization, nursing home services, or prescription drugs for certain chronic conditions may be eligible for the General Relief Medical program. See the following page for additional information about the impacts of not passing this legislation.

Prepared by: Jon Sherwood *JS*
 Division: Division of Medical Assistance
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3355
 Date: 02/03/97
 Date: 2/5/97

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FISCAL NOTE

NO. 4
 Bill Version: HB 153
 (H) Publish Date: 2/24/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare ...
 Sponsor: Rules Committee
 Requestor: Governor

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Non-Facility
 COMPONENT SERIAL NO. 229
 See also (SN#): 230

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Historically, Medicaid covered legal resident aliens who met all other Medicaid eligibility criteria. As a result of federal welfare reform, Alaska Medicaid cannot continue to cover most aliens without this legislation. Even with legislation, most aliens who arrive in the country after August 22, 1986 are ineligible for Medicaid for their first five years in the U.S. This bill provides the Alaska program with the authority to continue Medicaid coverage for qualified legal aliens who are not subject to the five-year bar. Funding for the coverage of these aliens is already included in the Medicaid budget. Therefore, there is no new cost to continuing this coverage.

Failure to extend Medicaid coverage for aliens would result in a loss of Medicaid eligibility for some aliens. However, aliens who do not qualify for full Medicaid coverage are eligible for Medicaid coverage of emergency medical treatment. In addition, aliens needing non-emergency hospitalization, nursing home services, or prescription drugs for certain chronic conditions may be eligible for the General Relief Medical program. See the following pages for additional information about the impacts of not passing this legislation.

Prepared by: Jon Sherwood
 Division: Division of Medical Assistance
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3355
 Date: 02/03/97
 Date: 2/5/97

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FISCAL NOTE

No. 4
 Bill Version: HB 153
 (H) Publish Date: 2/24/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs
 Sponsor: Rules Committee
 Requestor: Governor

Dept. Affected: Health and Social Services
 BRU: Public Assistance
 Component: Adult Public Assistance
 COMPONENT SERIAL NO. 222
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(156.0)	(304.2)	(444.8)	(577.2)	(705.9)	(705.9)
MISCELLANEOUS						
TOTAL OPERATING	(156.0)	(304.2)	(444.8)	(577.2)	(705.9)	(705.9)

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(156.0)	(304.2)	(444.8)	(577.2)	(705.9)	(705.9)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1007 I/A Receipts						
TOTAL	(156.0)	(304.2)	(444.8)	(577.2)	(705.9)	(705.9)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This legislation provides that most legal immigrants who arrived in the U.S. before August 22, 1996 will remain eligible for Adult Public Assistance (APA) benefits. This legislation prohibits APA benefits to most legal immigrants who arrive on or after August 22, 1996 for five years from their date of arrival into the U.S. The program savings generated by this legislation represent caseload decreases due to attrition. These caseload decreases are not offset by newly eligible immigrants because most new immigrants are barred from program participation for five years after their date of entry.

2/3/97

Prepared by: Jim Nordlund, Director
 Division: Public Assistance

Phone: 465-2680
 Date: 02/03/97

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 2/5/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 5
Bill Version: HB 153
(H) Publish Date: 2/24/97

Revision Date: _____ Dept. Affected: Health and Social Services
Title: An Act relating to the eligibility of aliens for state
public assistance and medical assistance programs BRU: Public Assistance
Sponsor: Rules Committee Component: PFD Hold Harmless
Requestor: Governor COMPONENT SERIAL NO. 225
See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
MISCELLANEOUS						
TOTAL OPERATING	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
--------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1050 PFD Funds	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
TOTAL	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)

POSITIONS:

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

PFD Hold Harmless payments replace ATAP benefits when receiving the dividend causes individuals to lose eligibility or have benefits reduced. The savings to the ATAP program provided for in this bill reduce costs in the ATAP component of the Public Assistance BRU. PFD Hold Harmless costs for ATAP benefits will decrease in direct proportion to the decreases produced by reductions in ATAP expenditures for each fiscal year.

Prepared by: Jim Nordlund, Director Phone: 465-2680
Division: Public Assistance Date: 02/03/97
Approved by Commissioner: Karen Perdue, Commissioner Date: 2/5/97
Agency: Department of Health & Social Services

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HB

155

CS FOR HOUSE BILL NO. 155(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to hearings before and authorizing fees for the State
2 Commission for Human Rights; and providing for an effective date."

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

4 * Section 1. AS 18.80.060(b) is amended to read:

5 (b) In addition to other powers and duties prescribed by this chapter, the
6 commission may

7 (1) delegate to the executive director all powers and duties given it by
8 this chapter except the duties and powers given it by AS 18.80.120 and 18.80.130;

9 (2) call upon the departments and agencies of the state, with the
10 approval of the governor, for cooperation and assistance in carrying out this chapter;

11 (3) hold hearings under AS 18.80.120;

12 (4) establish the amount and manner of payment of fees for
13 educational services, information, and materials that the commission provides to
14 public and private organizations and other persons.

1 * Sec. 2. AS 18.80.120 is amended to read:

2 **Sec. 18.80.120. Hearing.** If the informal efforts to eliminate the alleged
3 discrimination are unsuccessful, the executive director shall inform the commission of
4 the failure, and the commission shall provide the respondent and the complainant with
5 notice of the failure and shall serve written notice, together with a copy of the
6 complaint, requiring the person, employer, labor organization, or employment agency
7 charged in the complaint to answer the allegations of the complaint at a hearing before
8 the commission. The hearing shall be held by the commission at the commission's
9 office unless a party [PLACE WHERE THE UNLAWFUL CONDUCT IS ALLEGED
10 TO HAVE OCCURRED UNLESS THE PERSON, EMPLOYER, LABOR
11 ORGANIZATION, OR EMPLOYMENT AGENCY] requests a change of venue for
12 good cause shown, and the commission grants the request. The case in support of
13 the complaint shall be presented before the commission by the executive director or
14 a designee who shall be a bona fide resident of the state. The person charged in the
15 complaint may file a written answer to the complaint and may appear at the hearing
16 in person or otherwise, with or without counsel, and submit testimony. The executive
17 director has the power reasonably and fairly to amend the complaint, and the person
18 charged has the power reasonably and fairly to amend the answer. The commission
19 is not bound by the strict rules of evidence prevailing in courts of law or equity. The
20 testimony taken at the hearing shall be under oath and shall be recorded
21 [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING].

22 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 24, 1997

FURTHER REFERRALS:

HESS
Finance

Date of Committee Action: 3/25/97

The STATE AFFAIRS Committee considered:

HB 155

HOUSE BILL NO. 155

HUMAN RIGHTS COMMISSION FEES & HEARINGS

"An Act relating to hearings before and authorizing fees for the State Commission for Human Rights; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 155 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) Gov.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Sharonette James</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *Sharonette James*

*old order 5
Sent 3/22*

HOUSE BILL NO. 155

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/24/97

Referred: State Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to hearings before and authorizing fees for the State
2 Commission for Human Rights; and providing for an effective date."

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

4 * Section 1. AS 18.80.060(b) is amended to read:

5 (b) In addition to other powers and duties prescribed by this chapter, the
6 commission may

7 (1) delegate to the executive director all powers and duties given it by
8 this chapter except the duties and powers given it by AS 18.80.120 and 18.80.130;

9 (2) call upon the departments and agencies of the state, with the
10 approval of the governor, for cooperation and assistance in carrying out this chapter;

11 (3) hold hearings under AS 18.80.120;

12 (4) establish the amount and manner of payment of fees for services,
13 information, and materials that the commission provides to public and private
14 organizations and other persons.

educational

1 * Sec. 2. AS 18.80.120 is amended to read:

2 **Sec. 18.80.120: Hearing.** If the informal efforts to eliminate the alleged
3 discrimination are unsuccessful, the executive director shall inform the commission of
4 the failure, and the commission shall provide the respondent and the complainant with
5 notice of the failure and shall serve written notice together with a copy of the
6 complaint, requiring the person, employer, labor organization, or employment agency
7 charged in the complaint to answer the allegations of the complaint at a hearing before
8 the commission. The hearing shall be held by the commission at the commission
9 office unless a party [PLACE WHERE THE UNLAWFUL CONDUCT IS ALLEGED
10 TO HAVE OCCURRED UNLESS THE PERSON, EMPLOYER, LABOR
11 ORGANIZATION, OR EMPLOYMENT AGENCY] requests a change of venue for
12 good cause shown and the commission grants the request. The case in support of
13 the complaint shall be presented before the commission by the executive director or
14 a designee who shall be a bona fide resident of the state. The person charged in the
15 complaint may file a written answer to the complaint and may appear at the hearing
16 in person or otherwise, with or without counsel, and submit testimony. The executive
17 director has the power reasonably and fairly to amend the complaint, and the person
18 charged has the power reasonably and fairly to amend the answer. The commission
19 is not bound by the strict rules of evidence prevailing in courts of law or equity. The
20 testimony taken at the hearing shall be under oath and shall be recorded
21 [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING].

22 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

ANALYSIS-HOUSE BILL 155

This bill allows the Human Rights Commission to hold hearings at its office in Anchorage rather than where the alleged discrimination occurred, as required under current law. The bill would also allow the Commission to charge fees to cover the costs of services, information and materials and to provide tapes rather than transcriptions of the hearings, as currently required.

Zero fiscal note from the Human Rights Commission. Estimated savings will result however, the savings resulting from the passage of this bill will be utilized in responding to increased demand for services.

TONY KNOWLES
GOVERNOR

P.O. Box 115001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

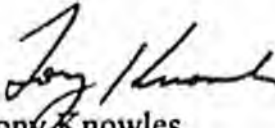
In our efforts to reduce budgets, some actions that save money also create efficiencies which better meet public service goals. That is the case with this bill regarding the Human Rights Commission. This proposal provides the Commission more flexibility in its operations and helps the body perform its essential work for the state.

The bill would allow the Human Rights Commission to hold hearings at its office in Anchorage rather than where the alleged discrimination occurred, as is required under current law. This will save time and money in travel costs. The Commission would continue to ensure that complainants may participate in the hearings.

This bill would also allow the Commission to charge fees to cover the costs of services, information and materials and to provide tapes rather than transcriptions of the hearings, as currently required.

These changes would reduce the cost and time involved in resolving cases, helping the Commission to work through its tremendous backlog of cases, and better respond to the public's increased requests for its services. The result will be better human rights protection for Alaskans.

Sincerely,


Tony Knowles
Governor

HB 155

FAX TRANSMISSION SHEET

Alaska State Commission For Human Rights

800 A Street, Suite 204
Anchorage, Alaska 99501-3669

PHONE: (907) 274-4692 or (907) 276-7474

FAX: (907) 278-8588

DATE: 3/24/97 TIME: 4:05^P
 TO: Representative James FROM: Paula M. Haley
House State Affairs Committee Executive Director
 FAX #: 907 465 2381 ext 241

THIS FAX IS:

- CONFIDENTIAL
- URGENT
- For action/processing
- For your information
- As requested
- ~~X/N~~ Hard copy will follow *by U.S. Mail*

ADDITIONAL INFORMATION:

PLEASE CALL IMMEDIATELY IF YOU DO NOT RECEIVE ALL PAGES. THANK YOU.

of Pages: 5 Operator: MT
 (Including cover sheet) Extension No.: 237

**HUMAN RIGHTS COMMISSION****TONY KNOWLES, GOVERNOR**

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-0869
PHONE: (907) 274-4692 / 276-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

March 24, 1997

SENT VIA FAX 907/465-2963

Representative Jeanette James, Chair
House State Affairs Committee
State of Alaska
State Capitol
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative James:

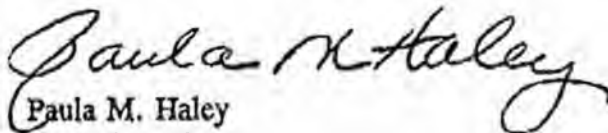
Thank you for the opportunity to testify and answer questions concerning the referenced legislation this past Saturday. I am sorry that my telephone connection made it so difficult for me to hear the questions posed by Committee members. I appreciate your assistance in transmitting their queries back to me.

I am enclosing copies of my letters of response to queries from Representatives Ivan and Vezey during my testimony on House Bill 155 this Saturday.

I hope that these letters address the Committee Members' questions and concerns. I will be at the Legislative Information Office teleconference of the House State Affairs Committee Meeting tomorrow morning if there are other questions.

You are welcome to call me anytime at 907/276-7474, extension 241.

Sincerely,



Paula M. Haley
Executive Director

PMH/mt
Enc: 2

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

HUMAN RIGHTS COMMISSION

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 278-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

March 24, 1997

SENT VIA FAX 907/465-3258

Representative Al Vezcy
State of Alaska
State Capitol
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative Vezcy:

I am writing in follow-up to a question and concern which you raised during my testimony this past Saturday before the House State Affairs Committee on House Bill 155 (HB155). I will try to address each below.

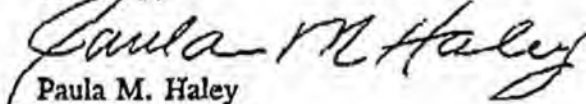
You asked whether the last sentence of Section 18.80.120 which reads "The testimony taken at hearing shall be under oath and shall be recorded. [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING]" is necessary given the Open Meetings Act. While the Commission's meetings are covered by the Open Meetings Act, it is not clear that the agency's hearings are, in light of the exceptions listed under AS 44.62.310 (d)(i). Therefore, it might be best for clarity to leave this sentence in the bill.

You also expressed concern that the broad language of Section 1. AS 18.80.060 (b)(4) would allow for fees for other enforcement services, including filing fees. Representative Dyson and I both indicated that the Commission originally sought authorization to charge fees only for educational services and materials. The legislation, as originally discussed, read as follows: *(4) establish the amount and manner of payment of fees for education and training services and information and materials that the commission provides to public and private organizations and other persons.*

The Commission is fine with returning to this more limited language, if it will resolve the your concerns and those of other Committee members.

I hope that this letter answers your question as my telephone connection made it difficult to hear you and other Committee members. If this letter does not fully address your concerns, or if you need additional information, please feel free to contact me at 907/276-7474, extension 241.

Sincerely,



Paula M. Haley
Executive Director

PMH/mt

cc: House State Affairs Committee Members

Toll Free
In Alaska (800) 478-4692
TTY / TDD Only (800) 478-3177

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

HUMAN RIGHTS COMMISSION

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 278-7474
TTY/TDD: (907) 276-5177
FAX: (907) 278-8588

March 24, 1997

Representative Ivan
State Capitol Building
Juneau, AK 99801-1182

Re: **House Bill 155**

Dear Representative Ivan:

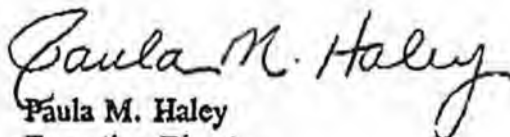
I am writing to answer a question which you raised during my testimony on HB 155 before the House State Affairs Committee on Saturday. You requested information regarding the location of cases filed with the Alaska State Commission for Human Rights (Commission) and location of public hearings.

I believe that Representative Dyson had a copy of the Commission's *1996 Annual Report* with him at the meeting and was able to show you the chart at page 10. This chart breaks out the origin of complaints filed with the agency (copy attached). Complaints from the Bethel area are listed under "Southcentral". More specifically, the Commission received seven complaints of discrimination from the Bethel area in 1996.

In addition, you wished to know where the Commission has been holding its hearings. Of the last ten hearings, six were held in Anchorage, three in Fairbanks and one in Kenai. One of the Anchorage hearings might have been held in Dutch Harbor, but for convenience the parties agreed to hold it in Anchorage. I wish to underscore that if a party does not wish to come to the Commission's office for a hearing, the agency's regulations allow them to attend by telephone.

I hope that this answers your question. My telephone connection made it difficult to hear the Committee members. If this does not fully address your question, or if you need additional information, please feel free to contact me at (907)276-7474 extension 241.

Sincerely,



Paula M. Haley
Executive Director

enc: *1996 Annual Report*

cc: House State Affairs Committee Members w/out enc

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1996 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

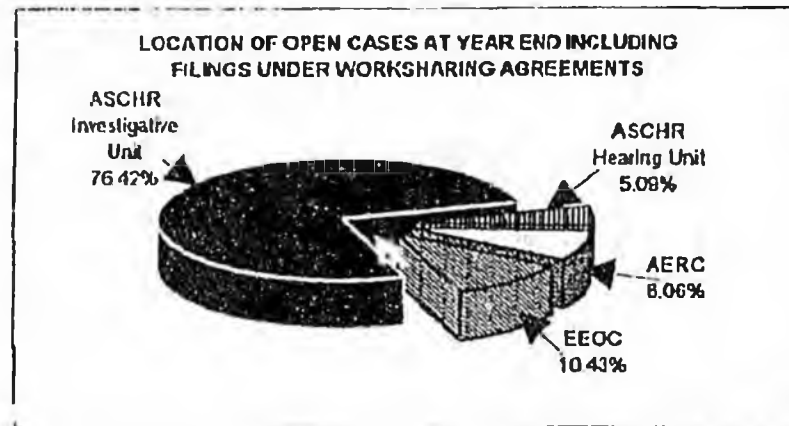
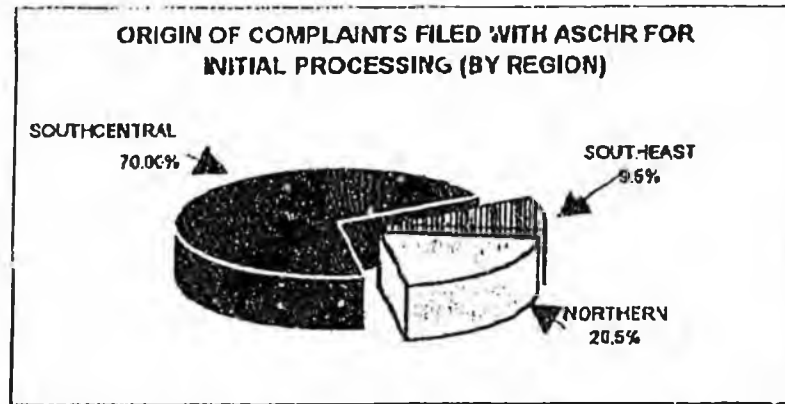
Female	299
Male	241
Total Filings	540

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	287
Black	96
Alaska Native	49
Hispanic	34
Asian	28
Unknown	24
American Indian	14
Other	8
Total Filings	540

ANALYSIS OF FILINGS BY TYPE

Employment	447
Government Practices	33
Public Accommodation	31
Housing	27
Coercion	0
Finance	0
Multiple	2
Total Filings	540



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	103	79
Physical Disability	73	37
Sex	54	96
Age	34	46
National Origin	22	26
Retaliation for Filing	19	18
Religion	15	12
Mental Disability	8	15
Marital Status	7	19
Pregnancy	7	10
Retaliation	5	69
Parenthood	1	10
Multiple Bases	192	0
Total Filings	540	437

ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	86	154
Failure to Hire	76	21
Terms & Conditions	68	171
Denied Service	26	5
Failure to Promote	9	20
Other	8	16
Harassment	7	75
Sexual Harassment	5	46
Failure to Rent	5	3
Pay Equity	3	14
Deportation	3	13
Eviction	1	7
Failure to Dispatch	0	3
Multiple Issue	243	0
Total Filings	540	548

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

TONY KNOWLES, GOVERNOR

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 276-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

March 24, 1997

SENT VIA FAX 907/465-2963

Representative Jeanette James, Chair
House State Affairs Committee
State of Alaska
State Capitol
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative James:

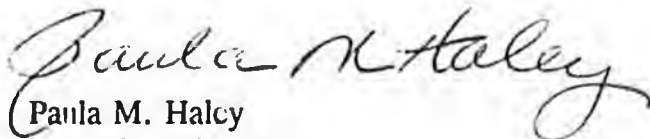
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Executive Director

PMH/mt
Enc: 2

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March 24, 1997

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Representative Al Vezey
State of Alaska
State Capitol
Juneau, AK 99801-1182

Re: House Bill 155

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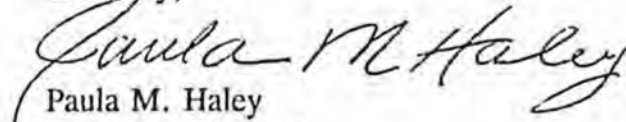
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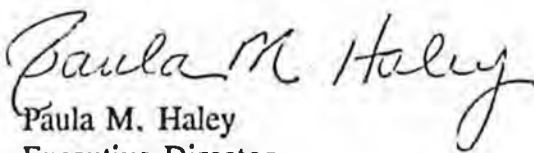
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Executive Director

enc: *1996 Annual Report*

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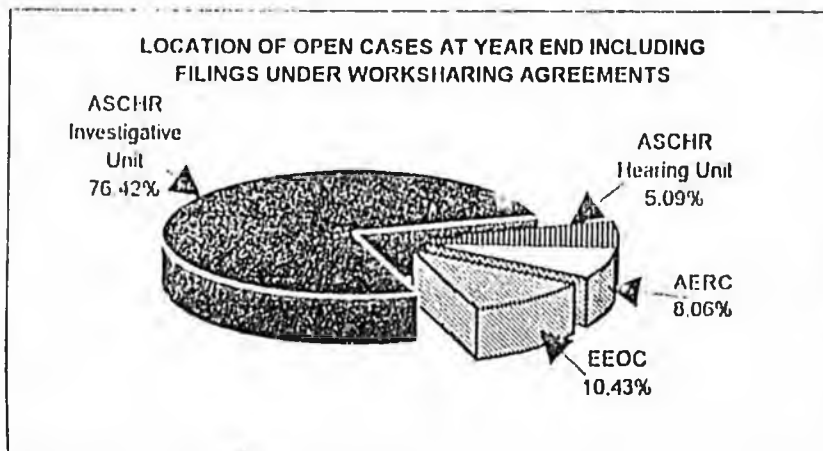
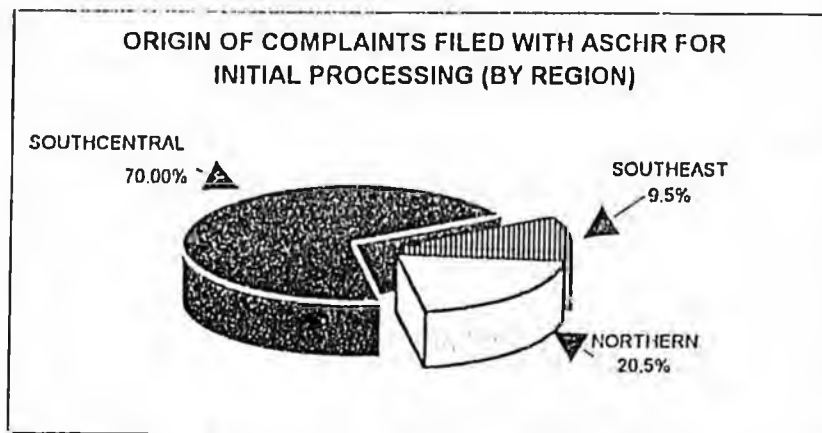
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FISCAL NOTE

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: "An Act relating to hearings before and authorizing BRU: Commissions and Special Offices
fees for the State Commission for Human Rights:" Component: Human Rights Commission
 Sponsor: Rules Committee
 Requester: Governor COMPONENT SERIAL NO. 1

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Commission has seen a dramatic increase in the number of Alaskans requesting services at a time when the Commission is operating with fewer staff. As a result, the Commission now has more cases in its inventory than ever before in its 33-year history and Alaskans must wait upwards of eight (8) months prior to cases reaching an investigator's desk. Passage of this bill will assist the Commission by reducing costs and allowing it to reallocate these resources to investigations.

This legislation will provide the Commission with authorization to conduct hearings at its office, rather than incur the expense of travel for the Hearing Advocate, and Hearing Examiner to the place where the unlawful conduct is alleged to have occurred. Any savings resulting from passage of this bill will be utilized in responding to the public's increased demand for services.

This bill also provides authorization for the Commission to charge fees for certain services. After legislative authorization is provided and required regulations are promulgated, the Commission will estimate the level of fees to be collected and seek the appropriate level of authority for receipts in the budget process.

Prepared by: Paula M. Haley, Executive Director *Paula M. Haley* Phone: 278-7474
 Division: Human Rights Commission Date: 11-19-96
 Approved by Commissioner: Jim Ayers, Chief of Staff *J. Ayers* Date: 11-20-96
 Agency: Office of the Governor

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