

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 608 of 2003
SENATE BILL 18

5 By: Senator Baker
6
7

For An Act To Be Entitled

8 AN ACT TO REVISE THE ARKANSAS STATE ARTS AND
9 HUMANITIES ACT TO RENAME THE AGENCY; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 AN ACT TO REVISE THE ARKANSAS STATE ARTS
13 AND HUMANITIES ACT TO RENAME THE AGENCY.
14
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. The Office of Arkansas State Arts and Humanities is renamed
21 the Arkansas Arts Council.
22

23 SECTION 2. Arkansas Code § 13-8-101 is amended to read as follows:
24 13-8-101. Title.

25 This subchapter shall be known as the "Arkansas State Arts ~~and~~
26 ~~Humanities~~ Act of 1971".
27

28 SECTION 3. Arkansas Code § 13-8-102 is amended to read as follows:
29 13-8-102. Definitions.

30 As used in this subchapter, unless the context otherwise requires:

31 (1) "Agency" means the Arkansas Arts Council established in this
32 subchapter. The agency shall include the advisory council and the position
33 of executive director as established in this subchapter.
34

35 ~~(1)~~(2) "Group" includes any state or other public agency and any
36 nonprofit society, institution, organization, association, museum, or



1 establishment in Arkansas, whether or not incorporated;

2 ~~(2) "Humanities" includes, but is not limited to, the study of~~
 3 ~~the following:~~

4 ~~(A) Language, both modern and classic;~~

5 ~~(B) Linguistics;~~

6 ~~(C) Literature;~~

7 ~~(D) History;~~

8 ~~(E) Jurisprudence;~~

9 ~~(F) Philosophy;~~

10 ~~(G) Archeology;~~

11 ~~(H) The history, criticism, theory, and practice of the~~
 12 ~~arts; and~~

13 ~~(I) Those aspects of the social sciences which have~~
 14 ~~humanistic content and employ humanistic methods;~~

15 (3) "Production" means:

16 (A) Plays, with or without music;

17 (B) Ballet;

18 (C) Dance and choral performances;

19 (D) Concerts;

20 (E) Recitals;

21 (F) Opera;

22 (G) Exhibitions;

23 (H) Readings;

24 (I) Motion pictures;

25 (J) Television;

26 (K) Radio;

27 (L) Tape and sound recordings; and

28 (M) Any other activities involving the execution or
 29 rendition of the arts and meeting any standards as may be approved by the
 30 office;

31 (4) "Project" means:

32 (A) Programs organized to carry out the purposes of this
 33 subchapter, including programs:

34 (i) To foster artistic creativity;

35 (ii) To commission works of art;

36 (iii) To create opportunities for individuals to

1 develop artistic talents when carried on as a part of a program otherwise
 2 included in this definition; and

3 (iv) To develop and enhance public knowledge and
 4 understanding of the arts ~~and humanities~~; and

5 (B) The term "project" also includes, where appropriate:

6 (i) Rental, purchase, renovation, or construction of
 7 facilities;

8 (ii) Purchase or rental of land; and

9 (iii) Acquisition of equipment, supplies, materials,
 10 and other personal property; and

11 (5) "The arts" includes, but is not limited to:

12 (A) Instrumental and vocal music;

13 (B) Dance;

14 (C) Drama;

15 (D) Painting;

16 (E) Sculpture;

17 (F) Creative writing;

18 (G) Architectural and allied fields;

19 (H) Graphics;

20 (I) Folk art;

21 (J) Porcelain art;

22 (K) China painting;

23 (L) Craft art;

24 (M) Industrial design;

25 (N) Costume and fashion design;

26 (O) Motion pictures;

27 (P) Television;

28 (Q) Radio;

29 (R) Tape and sound recordings; and

30 (S) The arts related to the presentation, performance,
 31 execution, and exhibition of such major art forms; ~~and.~~

32 ~~(6) "The office" means the Office of Arkansas State Arts and~~
 33 ~~Humanities established in this subchapter. The office shall include the~~
 34 ~~advisory council and the position of executive director as established in~~
 35 ~~this subchapter.~~

36

1 SECTION 4. Arkansas Code § 13-8-103 is amended to read as follows:
2 13-8-103. Establishment and composition.

3 (a) There is established the ~~Office of Arkansas State Arts and~~
4 ~~Humanities~~ Arkansas Arts Council as a separate and distinct ~~office~~ agency
5 under the laws of the State of Arkansas and under the jurisdiction and
6 supervision of the Department of Arkansas Heritage.

7 (b) The ~~office~~ agency shall consist of an advisory council and an
8 executive director. The advisory council shall be charged with the
9 responsibility of developing and implementing a comprehensive statewide
10 program for the support of the arts ~~and humanities~~ in Arkansas, pursuant to
11 this subchapter. The executive director shall be charged with the duty of
12 administering the provisions of this subchapter and the rules, regulations,
13 and orders established thereunder.

14
15 SECTION 5. Arkansas Code § 13-8-104 is amended to read as follows:
16 13-8-104. Advisory council - Members.

17 (a) The Advisory Council of the ~~Office of Arkansas State Arts and~~
18 ~~Humanities~~ Arkansas Arts Council shall consist of seventeen (17) members
19 appointed by the Governor and selected by reason of their widely recognized
20 knowledge and interest in the arts ~~and humanities~~; two (2) members shall be
21 selected from each of the eight (8) planning and development districts of the
22 State of Arkansas and one (1) member shall be selected at large.

23 (b) The term of office for each member shall be four (4) years
24 beginning July 1 of the year of appointment, until a successor has been
25 appointed and qualified for the office.

26 (c) A vacancy shall be filled for the remainder of the term only.

27 (d) Members may be reappointed to consecutive terms of office.

28 (e) The advisory council shall from time to time select from its
29 membership a ~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson.

30 (f) No member of the advisory council shall receive pay for his or her
31 services, but members may receive expense reimbursement in accordance with §
32 ~~25-16-901 et seq~~ § 25-16-902.

33
34 SECTION 6. Arkansas Code § 13-8-105 is amended to read as follows:
35 13-8-105. Executive director.

36 (a) The Executive Director of the ~~Office of Arkansas State Arts and~~

1 ~~Humanities~~ Arkansas Arts Council shall be appointed by the Governor. He
 2 shall be the ex officio secretary of the Advisory Council of the ~~Office of~~
 3 ~~Arkansas State Arts and Humanities~~ Arkansas Arts Council, but shall have no
 4 vote on matters coming before the advisory council.

5 (b) The executive director's salary and expenses of his or her office
 6 shall be fixed by the General Assembly within amounts available therefor by
 7 appropriation.

8 (c) The advisory council may, by resolution duly adopted, delegate to
 9 the executive director any of the powers and duties vested in or imposed upon
 10 it by this subchapter, and the delegated powers and duties may be exercised
 11 by the executive director in the name of the ~~office~~ agency.

12
 13 SECTION 7. Arkansas Code § 13-8-106 is amended to read as follows:

14 13-8-106. Powers and duties.

15 (a) The ~~Office of Arkansas State Arts and Humanities~~ Arkansas Arts
 16 Council shall be the official agency of the State of Arkansas for the
 17 development and coordination of a comprehensive statewide program for the
 18 arts ~~and humanities~~. In general, but not by way of limitation, the Advisory
 19 Council of the ~~Office of Arkansas State Arts and Humanities~~ Arkansas Arts
 20 Council shall have and exercise the following powers and duties:

21 (1) To advise the Governor and General Assembly of the State of
 22 Arkansas on matters relating to the arts ~~and humanities~~;

23 (2) To hold both public and private hearings for the purpose of
 24 furthering the objectives of this subchapter and to promulgate and adopt
 25 rules and regulations for the performance of its duties hereunder;

26 (3) To enter into agreements with other states or with the
 27 United States or any agency or instrumentality thereof having duties or
 28 functions similar to the ~~office~~ agency, with private associations or
 29 corporations, with private or public colleges or universities, with any
 30 public or private school, or with individual persons for any purpose
 31 consistent with the objectives and purposes of this subchapter; and

32 (4) To do any and all other acts or things as may be deemed
 33 necessary and convenient by the advisory council to foster and promote the
 34 development of the arts ~~and humanities~~ in this state.

35 (b) The ~~office~~ agency, through the advisory council, shall establish
 36 and carry out a program of grants-in-aid to groups or, in appropriate cases,

1 to individuals engaged in or concerned with the arts for the purpose of
2 enabling them to provide or support in Arkansas:

3 (1) Productions which have substantial artistic and cultural
4 significance, giving emphasis to creativity and the maintenance and
5 encouragement of professional excellence;

6 (2) Projects that will encourage and assist artists and enable
7 them to achieve standards of professional excellence; and

8 (3) Other relevant projects, including surveys, research,
9 education, and planning in the arts.

10 (c)(1) The ~~office~~ agency shall be the sole and official agency of this
11 state to receive any funds allocated and disbursed to the State of Arkansas
12 by the United States or any agency or instrumentality thereof pursuant to
13 Public Law 89-209 entitled the National Foundation on the Arts and Humanities
14 Act of 1965 as well as funds received for any program related to the arts ~~and~~
15 ~~humanities~~ and not expressly designated for some other state agency and to
16 disburse the funds in accordance with the terms and conditions, if any,
17 relating to the grants.

18 (2) The Executive Director of the ~~Office of Arkansas State Arts~~
19 ~~and Humanities~~ Arkansas Arts Council shall be the Governor's liaison officer
20 to implement Public Law 89-209, entitled the National Foundation on the Arts
21 and Humanities Act of 1965.

22 (3) All programs of grants-in-aid as described in this section
23 shall be administered by the executive director.

24 (d) The ~~office~~ agency shall be the sole and official agency of this
25 state authorized to accept and receive, in addition to federal grants, any
26 money and real and personal property donated, bequeathed, or devised for any
27 purpose relating to the development and expansion of the arts ~~and humanities~~
28 and not expressly designated for some other state agency and to disburse and
29 utilize those gifts for the purposes of this subchapter.

30 (e) The ~~office~~ agency is authorized to establish and collect
31 reasonable fees for, but not limited to, advertising in newsletters and
32 requested mailing list labels. The fees collected shall be deposited in a
33 financial institution in this state and shall be used to support services
34 that conform to the purposes of this subchapter.

35 (f) The ~~office~~ agency shall submit an annual report to the Governor as
36 of June 30 of each year, summarizing the ~~office's~~ agency's activities,

1 expenditures, and grants of money or property from all sources for the
2 preceding year. This report shall include recommendations directed toward
3 furthering the purposes of this subchapter as the ~~office~~ agency deems
4 appropriate.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

APPROVED: 3/24/2003