

1 State of Arkansas *As Engrossed: S3/15/21 H4/8/21*

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 402

4

5 By: Senators J. Dismang, K. Ingram, *T. Garner, C. Tucker*

6 *By: Representative L. Johnson*

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## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE ARKANSAS CULTURAL  
10 INSTITUTIONS TRUST FUND ACT; AND FOR OTHER PURPOSES.

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13

## Subtitle

14

TO ESTABLISH THE ARKANSAS CULTURAL

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INSTITUTIONS TRUST FUND ACT.

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

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20 SECTION 1. Arkansas Code Title 13, Chapter 8, is amended to add an  
21 additional subchapter to read as follows:

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Subchapter 3 – Arkansas Cultural Institutions Trust Fund Act.

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13-8-301. Title.

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This subchapter shall be known and made be cited as the "Arkansas  
26 Cultural Institutions Trust Fund Act".

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13-8-302. Definitions.

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As used in this subchapter:

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(1) "Arkansas cultural institution" means a 501(c)(3) nonprofit  
organization located in the State of Arkansas that is open to the public and  
32 that acquires, conserves, researches, communicates, or exhibits works of art,  
33 artifacts or works of cultural or historic significance, or related items  
34 significant to the heritage of Arkansas for the purposes of education, study,  
35 and enjoyment; and

36

(2) "Major capital improvement project" means permanent



1 structural change or the restoration of some aspect of a building utilized by  
2 an Arkansas cultural institution.

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4 13-8-303. Rules.

5 The Division of Arkansas Heritage shall promulgate rules to implement  
6 this subchapter that shall include criteria for the distribution of grant  
7 funds, including without limitation the following factors:

- 8 (1) Estimated economic and tourism impact of the project;  
9 (2) Availability of other project funding sources; and  
10 (3) Overall project cost.

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12 13-8-304. Application process and period – Arkansas Cultural  
13 Institutions Trust Fund Review Committee.

14 (a) The Division of Arkansas Heritage shall accept applications for  
15 grant funds for the Arkansas Cultural Institutions Trust Fund beginning  
16 November 1, 2021.

17 (b) Applications for grants from the fund shall be reviewed by the  
18 Arkansas Cultural Institutions Trust Fund Review Committee in accordance with  
19 rules established under § 13-8-303.

20 (c) The committee shall:

21 (1) Be created by the Secretary of the Department of Parks,  
22 Heritage, and Tourism in accordance with rules established under § 13-8-303;  
23 and

24 (2) Include the:

25 (A) Director of the Division of Arkansas Heritage;  
26 (B) Director of the Tourism Division; and  
27 (C) Director of an accredited museum within the Division  
28 of Arkansas Heritage.

29 (d) In accordance with rules under § 13-8-303, in evaluating  
30 applications, the committee shall consider factors, including without  
31 limitation the following:

- 32 (1) The estimated economic and tourism impact of the project;  
33 (2) Availability of other project funding sources; and  
34 (3) Overall project cost.

35 (e) After individual review, the committee shall meet to discuss award  
36 recommendations based on the amount of funding available.

1 (f) The recommendations of the committee shall be submitted to the  
2 secretary for approval.

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4 13-8-305. Use of the Arkansas Cultural Institutions Trust Fund.

5 (a) The Arkansas Cultural Institutions Trust Fund shall be used for  
6 major capital improvement projects at Arkansas cultural institutions.

7 (b)(1) The Division of Arkansas Heritage shall submit an annual report  
8 to the Secretary of the Department of Parks, Heritage, and Tourism by June 30  
9 of each year, summarizing the grants of money from the Arkansas Cultural  
10 Institutions Trust Fund.

11 (2) The report required under subdivision (b)(1) of this section  
12 shall include recommendations directed toward furthering the purposes of the  
13 division, including without limitation preservation and promotion of  
14 Arkansas's natural and cultural heritage.

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16 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 11, is  
17 amended to add an additional section to read as follows:

18 19-5-1155. Arkansas Cultural Institutions Trust Fund.

19 (a) There is created on the books of the Treasurer of State, the  
20 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to  
21 be known as the "Arkansas Cultural Institutions Trust Fund".

22 (b) The fund shall consist of:

23 (1) Grants, donations, or transfers made by any person or  
24 government agency or office;

25 (2) Any remaining balances in the fund carried forward from year  
26 to year; and

27 (3) Any other funds authorized or provided by law.

28 (c) The fund shall be used for the purposes set out in § 13-8-305.

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30 SECTION 3. DO NOT CODIFY. Rules.

31 (a) When adopting the initial rules to implement this act, the  
32 Division of Arkansas Heritage shall file the final rule with the Secretary of  
33 State for adoption under § 25-15-204(f):

34 (1) On or before November 1, 2021; or

35 (2) If approval under § 10-3-309 has not occurred by November 1,  
36 2021, as soon as practicable after approval under § 10-3-309.

1           (b) The division shall file the proposed rules with the Legislative  
2 Council under § 10-3-309(c) sufficiently in advance of November 1, 2021, so  
3 that the Legislative Council may consider the rules for approval before  
4 November 1, 2021.

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7                           */s/J. Dismang*  
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10                           **APPROVED: 4/21/21**  
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