

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: S3/6/17*

# A Bill

SENATE BILL 419

5 By: Senator Irvin  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS CIVIL  
9 WAR SESQUICENTENNIAL COMMISSION; TO AMEND THE LAW  
10 CONCERNING THE ARKANSAS NATURAL HERITAGE COMMISSION;  
11 TO ABOLISH THE PUBLIC ART PROGRAM OF THE ARKANSAS  
12 ARTS COUNCIL; TO AMEND THE LAW CONCERNING THE DELTA  
13 CULTURAL CENTER AND THE MOSAIC TEMPLARS OF AMERICA  
14 CENTER FOR AFRICAN-AMERICAN CULTURE AND BUSINESS  
15 ENTERPRISE ADVISORY BOARD; AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

18 TO AMEND THE LAW CONCERNING THE CIVIL WAR  
19 SESQUICENTENNIAL COMMISSION, THE ARKANSAS  
20 NATURAL HERITAGE COMMISSION, THE PUBLIC  
21 ART PROGRAM OF THE ARKANSAS ARTS COUNCIL,  
22 THE DELTA CULTURAL CENTER AND THE MOSAIC  
23 TEMPLE CULTURAL CENTER.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. Arkansas Code § 13-5-704(b)(2)(B)(iv), concerning the Delta  
30 Cultural Center Policy Advisory Board, is repealed.

31 ~~(iv) A member of the Arkansas Humanities Council,~~  
32 ~~Inc.;~~  
33

34 SECTION 2. Arkansas Code § 13-5-705 is repealed.

35 ~~13-5-705, Delta Cultural Center National Advisory Board,~~

36 ~~(a) There is created the Delta Cultural Center National Advisory Board~~



1 ~~which shall advise the Delta Cultural Center Policy Advisory Board and the~~  
2 ~~Delta Cultural Center on placing the center's activities within the broad~~  
3 ~~context of the history and development of the Mississippi River Delta.~~

4 ~~(b)(1) The Delta Cultural Center National Advisory Board will be~~  
5 ~~composed of a minimum of fifteen (15) and a maximum of twenty five (25)~~  
6 ~~members appointed by the Governor for five year terms.~~

7 ~~(2) The members shall have backgrounds in the humanities,~~  
8 ~~folklore, history, and other disciplines relevant to the work of the center.~~

9 ~~(c) The Delta Cultural Center National Advisory Board shall meet at~~  
10 ~~least annually.~~

11  
12 SECTION 3. The introductory language of Arkansas Code § 13-5-  
13 903(b)(1), concerning the Mosaic Templars of America Center for African-  
14 American Culture and Business Enterprise Advisory Board, is amended to read  
15 as follows:

16 (b)(1) The board shall consist of nine (9) members, ~~with at least one~~  
17 ~~(1) from each congressional district,~~ appointed as follows:

18  
19 SECTION 4. Arkansas Code Title 13, Chapter 8, Subchapter 2, is  
20 repealed.

21 ~~Subchapter 2~~

22 ~~—Public Art Program~~

23  
24 ~~13-8-201. Definitions.~~

25 ~~As used in this subchapter:~~

26 ~~(1) "Advisory council" means the Advisory Council of the~~  
27 ~~Arkansas Arts Council;~~

28 ~~(2) "Arkansas artist" means an Arkansas native, a current~~  
29 ~~resident of Arkansas, or a person who lived or worked in Arkansas for at~~  
30 ~~least ten (10) years;~~

31 ~~(3) "Art" means original creations of visual arts, including,~~  
32 ~~but not limited to, paintings, sculptures, reliefs, prints, graphics,~~  
33 ~~tapestries, mosaics, murals, and leaded glass;~~

34 ~~(4)(A) "Artist" means a practitioner in the visual arts~~  
35 ~~generally recognized by critics and his or her peers as a professional who~~  
36 ~~produces art work.~~

1                   ~~(B) However, “artists” shall not include any person who is~~  
2 ~~the architect for a project for which art work is to be selected or any~~  
3 ~~member of the architect’s firm; and~~

4                   ~~(5) “Board” means the Arkansas Public Art Advisory Board.~~

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6                   ~~13-8-202. Applicability.~~

7                   ~~This subchapter shall not apply to those state buildings which the~~  
8 ~~Building Authority Division of the Department of Finance and Administration,~~  
9 ~~with the advice of the Arkansas Public Art Advisory Board, determines are not~~  
10 ~~normally accessible to the public.~~

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12                   ~~13-8-203. Establishment — Purpose.~~

13                   ~~(a) There is established an Arkansas Public Art Program to be~~  
14 ~~administered by the Arkansas Arts Council.~~

15                   ~~(b) The purpose of the program shall be to set aside funds for the~~  
16 ~~purchase or commission of art work for state buildings and to select~~  
17 ~~appropriate art works.~~

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19                   ~~13-8-204. Program coordinator.~~

20                   ~~The Advisory Council of the Arkansas Arts Council through its executive~~  
21 ~~director may employ a program coordinator and fix the coordinator’s~~  
22 ~~compensation, duties, authorities, and responsibilities.~~

23  
24                   ~~13-8-205. Arkansas Public Art Advisory Board.~~

25                   ~~(a) There is established the Arkansas Public Art Advisory Board to be~~  
26 ~~composed of seven (7) members.~~

27                   ~~(b)(1)(A) The Advisory Council of the Arkansas Arts Council shall~~  
28 ~~appoint three (3) members as follows:~~

29                                   ~~(i) One (1) member shall be a member of the advisory~~  
30 ~~council;~~

31                                   ~~(ii) One (1) member shall be representative of the~~  
32 ~~art history and criticism discipline; and~~

33                                   ~~(iii) One (1) member shall be a professional artist.~~

34                   ~~(B) The members appointed by the advisory council shall~~  
35 ~~serve for three-year terms and be appointed by virtue of their knowledge,~~  
36 ~~dedication, and experience.~~

1 ~~(2) The remaining members of the board shall be as follows:~~

2 ~~(A) The Executive Director of the Arkansas Arts Council;~~

3 ~~(B) Two (2) architects, registered and licensed within the~~  
4 ~~state, who shall be appointed by the Governor; and~~

5 ~~(C) The program coordinator of the Arkansas Public Art~~  
6 ~~Program.~~

7 ~~(3) Members of the board may receive expense reimbursement in~~  
8 ~~accordance with § 25-16-901 et seq.~~

9 ~~(c) The board shall meet at least one (1) time every three (3) months~~  
10 ~~or according to the release of capital expenditure information.~~

11 ~~(d) The board shall annually select from its membership a chair.~~

12 ~~(e) The duties of the board shall be as follows:~~

13 ~~(1) To examine capital projects funded by the State of Arkansas~~  
14 ~~and assure the inclusion of funding for art through the program;~~

15 ~~(2) To establish policies and procedures for the selection and~~  
16 ~~procurement of art;~~

17 ~~(3) To appoint an art selection committee for each building site~~  
18 ~~for which art is to be procured through the program;~~

19 ~~(4) To provide advice and other assistance to the committees;~~  
20 ~~and~~

21 ~~(5) To inform the public concerning the program.~~

22  
23 ~~13-8-206. Selection committees.~~

24 ~~(a)(1) Each selection committee shall be composed of nine (9) members.~~  
25 ~~The membership shall be as follows:~~

26 ~~(A) The chair of the Arkansas Public Art Advisory Board;~~

27 ~~(B) The member of the Advisory Council of the Arkansas~~  
28 ~~Arts Council who is appointed to the board;~~

29 ~~(C) The architect of the construction or renovation~~  
30 ~~project;~~

31 ~~(D) The director of the agency that owns the building to~~  
32 ~~be constructed or renovated;~~

33 ~~(E) Two (2) representatives of the community in which the~~  
34 ~~building is located who shall be appointed by the board based on the~~  
35 ~~appointee's demonstrated love, appreciation, and experience with the arts and~~  
36 ~~knowledge of the community;~~

1                   ~~(F) A professional representative of the art history or~~  
2 ~~criticism field to be appointed by the board;~~

3                   ~~(G) A practicing artist who shall be appointed by the~~  
4 ~~board; and~~

5                   ~~(H) The program coordinator of the Arkansas Public Art~~  
6 ~~Program who shall serve as a nonvoting member.~~

7                   ~~(2) No artist who has work under consideration for selection by~~  
8 ~~a committee shall be eligible to serve on the committee.~~

9                   ~~(b) Committee members may receive expense reimbursement in accordance~~  
10 ~~with § 25-16-901 et seq.~~

11                   ~~(c)(1) It shall be the duty of the committee to select works of art~~  
12 ~~for purchase or commission for the building site.~~

13                   ~~(2) If all factors are equivalent, preference shall be given to~~  
14 ~~the selection of works of art by Arkansas artists.~~

15                   ~~(3) The committee shall fulfill communication needs between the~~  
16 ~~communities, the building occupants, the public, the architects, and the~~  
17 ~~artists.~~

18                   ~~(d) The committee shall dissolve upon the procurement of the art work~~  
19 ~~for the building site.~~

20  
21                   ~~13-8-207. Funds set aside.~~

22                   ~~(a) For each new state building for which total projected cost to~~  
23 ~~construct and equip the building is greater than five million dollars~~  
24 ~~(\$5,000,000), one half percent (½%) or less of the total projected cost shall~~  
25 ~~be set aside and designated within the method of finance for the purchase or~~  
26 ~~commission of art through the Arkansas Public Art Program.~~

27                   ~~(b) One half percent (½%) or less of the total projected cost of any~~  
28 ~~major capital improvement on a state building shall be set aside and~~  
29 ~~designated within the method of finance for the purchase or commission of art~~  
30 ~~through the program, if the total projected cost of the capital improvement~~  
31 ~~is greater than five million dollars (\$5,000,000).~~

32  
33                   ~~13-8-208. Distribution of funds.~~

34                   ~~Funds set aside for the purchase or commission of art through the~~  
35 ~~Arkansas Public Art Program shall be divided as follows:~~

36                   ~~(1)(A) Eight percent (8%) of the funds drawn from the method of~~

1 ~~finance shall be deposited in the State Treasury as special revenues, and the~~  
2 ~~Treasurer of State shall credit them to a fund to be known as the Arkansas~~  
3 ~~Public Art Program Fund.~~

4 ~~(B) The fund shall be administered by the Arkansas Arts~~  
5 ~~Council and shall be used for the administration of the Arkansas Public Art~~  
6 ~~Program;~~

7 ~~(2) Not more than eighty percent (80%) of the funds shall be~~  
8 ~~used to purchase or commission art for the building to be constructed or~~  
9 ~~renovated;~~

10 ~~(3) Not less than twelve percent (12%) of the funds shall be~~  
11 ~~used for the purchase or commission of art for other state buildings; and~~

12 ~~(4) The exact percentages provided for in subdivisions (2) and~~  
13 ~~(3) of this section to be used shall be determined by the Arkansas Public Art~~  
14 ~~Advisory Board.~~

15  
16 ~~13-8-209. Award of contracts.~~

17 ~~Pursuant to the instruction of the selection committee for the project,~~  
18 ~~the Building Authority Division of the Department of Finance and~~  
19 ~~Administration shall award contracts for the purchase or commission of art~~  
20 ~~work for the Arkansas Public Art Program, and the owner agency shall~~  
21 ~~administer payments.~~

22  
23 SECTION 5. Arkansas Code § 15-20-308(9)-(11), concerning the rights,  
24 powers, and duties of the Arkansas Natural Heritage Commission, is amended to  
25 read as follows:

26 (9) To investigate, promote, advise, and assist in the  
27 preservation, protection, and management of natural areas; and

28 (10) To advise the United States Department of Agriculture and  
29 the United States Department of the Interior and other agencies of the United  
30 States Government concerning areas or streams eligible for treatment under  
31 federal criteria as wildlife refuges, wilderness areas, or wild, scenic, or  
32 recreational rivers; and.

33 ~~(11) To submit to the Governor and the General Assembly and to~~  
34 ~~publish on or before December 1 of each year a report which shall describe~~  
35 ~~and account for the status and condition of each portion of the system and of~~  
36 ~~each natural area listed in the registry.~~

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SECTION 6. Arkansas Code § 19-6-301(123), concerning special revenue funds, is repealed.

~~(123) Arkansas Public Art Program funds set aside within methods of finance for each new state building or major capital improvement on a state building, §§ 13-8-207 and 13-8-208;~~

SECTION 7. Arkansas Code § 19-6-461 is repealed.

~~19-6-461. Arkansas Public Art Program Fund.~~

~~The Arkansas Public Art Program Fund shall consist of those special revenues as specified in § 19-6-301(123), there to be used for the administration of the Arkansas Public Art Program by the Arkansas Arts Council as set out in § 13-8-201 et seq.~~

*/s/ Irvin*