Stricken language would be deleted from and underlined language would be added to present law. Act 720 of the Regular Session

1	State of Arkansas	As Engrossed:	S3/6/17 H3/16/17		
2	91st General Assembly		A Bill		
3	Regular Session, 2017			SENATE BILL 419	
4					
5	By: Senator Irvin				
6					
7		For An Act	To Be Entitled		
8	AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS				
9	NATURAL HERITAGE COMMISSION; TO ABOLISH THE ARKANSAS				
10	PUBLIC ART PROGRAM OF THE ARKANSAS ARTS COUNCIL; TO				
11	AMEND THE LAW CONCERNING THE DELTA CULTURAL CENTER				
12	AND THE MOSAIC TEMPLARS CULTURAL CENTER; AND FOR				
13	OTHER PURPOSES.				
14					
15					
16		Su	ıbtitle		
17	TO	AMEND THE LAW CON	ICERNING THE ARKANSA	S	
18	NAI	TURAL HERITAGE COM	MISSION, THE ARKANS	4S	
19	PUE	BLIC ART PROGRAM C	OF THE ARKANSAS ARTS		
20	COUNCIL, THE DELTA CULTURAL CENTER AND				
21	THE	E MOSAIC TEMPLARS	CULTURAL CENTER.		
22					
23					
24	BE IT ENACTED BY THE	GENERAL ASSEMBLY	OF THE STATE OF ARK	ANSAS:	
25					
26	SECTION 1. Ar	kansas Code § 13-	5-704(b)(2)(B)(iv),	concerning the Delta	
27	Cultural Center Poli	cy Advisory Board	, is repealed.		
28		(iv) A membe	r of the Arkansas Hu	manities Council,	
29	Inc.;				
30					
31	SECTION 2. Ar	kansas Code § 13-	5-705 is repealed.		
32	13-5-705. Delta Gultural Center National Advisory Board.				
33	(a) There is	created the Delta	Cultural Center Nat	ional Advisory Board	
34	which shall advise the Delta Cultural Center Policy Advisory Board and the				
35	Delta Cultural Cente	r on placing the	center's activities	within the broad	
36	context of the histo	ry and developmen	t of the Mississippi	River Delta.	

1	(b)(1) The Delta Cultural Center National Advisory Board will be	
2	composed of a minimum of fifteen (15) and a maximum of twenty-five (25)	
3	members appointed by the Governor for five-year terms.	
4	(2) The members shall have backgrounds in the humanities,	
5	folklore, history, and other disciplines relevant to the work of the center.	
6	(c) The Delta Cultural Center National Advisory Board shall meet at	
7	least annually.	
8		
9	SECTION 3. The introductory language of Arkansas Code § 13-5-	
10	903(b)(1), concerning the Mosaic Templars of America Center for African-	
11	American Culture and Business Enterprise Advisory Board, is amended to read	
12	as follows:	
13	(b)(1) The board shall consist of nine (9) members, with at least one	
14	(1) from each congressional district, appointed as follows:	
15		
16	SECTION 4. Arkansas Code Title 13, Chapter 8, Subchapter 2, is	
17	repealed.	
18	Subchapter 2	
19	— Public Art Program	
20		
21	13-8-201. Definitions.	
22	As used in this subchapter:	
23	(1) "Advisory council" means the Advisory Council of the	
24	Arkansas Arts Council;	
25	(2) "Arkansas artist" means an Arkansas native, a current	
26	resident of Arkansas, or a person who lived or worked in Arkansas for at	
27	least ten (10) years;	
28	(3) "Art" means original creations of visual arts, including,	
29	but not limited to, paintings, sculptures, reliefs, prints, graphics,	
30	tapestries, mosaics, murals, and leaded glass;	
31	(4)(A) "Artist" means a practitioner in the visual arts	
32	generally recognized by critics and his or her peers as a professional who	
33	produces art work.	
34	(B) However, "artists" shall not include any person who is	
35	the architect for a project for which art work is to be selected or any	
36	member of the architect's firm; and	

1	(5) "Board" means the Arkansas Public Art Advisory Board.	
2		
3	13-8-202. Applicability.	
4	This subchapter shall not apply to those state buildings which the	
5	Building Authority Division of the Department of Finance and Administration,	
6	with the advice of the Arkansas Public Art Advisory Board, determines are not	
7	normally accessible to the public.	
8		
9	13-8-203. Establishment Purpose.	
10	(a) There is established an Arkansas Public Art Program to be	
11	administered by the Arkansas Arts Council.	
12	(b) The purpose of the program shall be to set aside funds for the	
13	purchase or commission of art work for state buildings and to select	
14	appropriate art works.	
15		
16	13-8-204. Program coordinator.	
17	The Advisory Council of the Arkansas Arts Council through its executive	
18	director may employ a program coordinator and fix the coordinator's	
19	compensation, duties, authorities, and responsibilities.	
20		
21	13-8-205. Arkansas Public Art Advisory Board.	
22	(a) There is established the Arkansas Public Art Advisory Board to be	
23	composed of seven (7) members.	
24	(b)(1)(Λ) The Advisory Council of the Arkansas Arts Council shall	
25	appoint three (3) members as follows:	
26	(i) One (1) member shall be a member of the advisory	
27	council;	
28	(ii) One (1) member shall be representative of the	
29	art history and criticism discipline; and	
30	(iii) One (1) member shall be a professional artist.	
31	(B) The members appointed by the advisory council shall	
32	serve for three year terms and be appointed by virtue of their knowledge,	
33	dedication, and experience.	
34	(2) The remaining members of the board shall be as follows:	
35	(A) The Executive Director of the Arkansas Arts Council;	
36	(B) Two (2) architects, registered and licensed within the	

1	state, who shall be appointed by the Governor; and	
2	(C) The program coordinator of the Arkansas Public Art	
3	Program.	
4	(3) Members of the board may receive expense reimbursement in	
5	accordance with § 25-16-901 et seq.	
6	(c) The board shall meet at least one (1) time every three (3) months	
7	or according to the release of capital expenditure information.	
8	(d) The board shall annually select from its membership a chair.	
9	(e) The duties of the board shall be as follows:	
10	(1) To examine capital projects funded by the State of Arkansas	
11	and assure the inclusion of funding for art through the program;	
12	(2) To establish policies and procedures for the selection and	
13	procurement of art;	
14	(3) To appoint an art selection committee for each building site	
15	for which art is to be procured through the program;	
16	(4) To provide advice and other assistance to the committees;	
17	and	
18	(5) To inform the public concerning the program.	
19		
20	13-8-206. Selection committees.	
21	(a)(1) Each selection committee shall be composed of nine (9) members.	
22	The membership shall be as follows:	
23	(A) The chair of the Arkansas Public Art Advisory Board;	
24	(B) The member of the Advisory Council of the Arkansas	
25	Arts Council who is appointed to the board;	
26	(C) The architect of the construction or renovation	
27	project;	
28	(D) The director of the agency that owns the building to	
29	be constructed or renovated;	
30	(E) Two (2) representatives of the community in which the	
31	building is located who shall be appointed by the board based on the	
32	appointee's demonstrated love, appreciation, and experience with the arts and	
33	knowledge of the community;	
34	(F) A professional representative of the art history or	
35	criticism field to be appointed by the board;	
36	(G) A practicing artist who shall be appointed by the	

1	board; and
2	(H) The program coordinator of the Arkansas Public Art
3	Program who shall serve as a nonvoting member.
4	(2) No artist who has work under consideration for selection by
5	a committee shall be eligible to serve on the committee.
6	(b) Committee members may receive expense reimbursement in accordance
7	with § 25-16-901 et seq.
8	(c)(1) It shall be the duty of the committee to select works of art
9	for purchase or commission for the building site.
10	(2) If all factors are equivalent, preference shall be given to
11	the selection of works of art by Arkansas artists.
12	(3) The committee shall fulfill communication needs between the
13	communities, the building occupants, the public, the architects, and the
14	artists.
15	(d) The committee shall dissolve upon the procurement of the art work
16	for the building site.
17	
18	13-8-207. Funds set aside.
19	(a) For each new state building for which total projected cost to
20	construct and equip the building is greater than five million dollars
21	(\$5,000,000), one half percent (1/2%) or less of the total projected cost shall
22	be set aside and designated within the method of finance for the purchase or
23	commission of art through the Arkansas Public Art Program.
24	(b) One-half percent (1/2%) or less of the total projected cost of any
25	major capital improvement on a state building shall be set aside and
26	designated within the method of finance for the purchase or commission of art
27	through the program, if the total projected cost of the capital improvement
28	is greater than five million dollars (\$5,000,000).
29	
30	13-8-208. Distribution of funds.
31	Funds set aside for the purchase or commission of art through the
32	Arkansas Public Art Program shall be divided as follows:
33	(1)(A) Eight percent (8%) of the funds drawn from the method of
34	finance shall be deposited in the State Treasury as special revenues, and the
35	Treasurer of State shall credit them to a fund to be known as the Arkansas
0.6	Public Aut Ducoum Fund

1	(B) The fund shall be administered by the Arkansas Arts	
2	Council and shall be used for the administration of the Arkansas Public Art	
3	Program;	
4	(2) Not more than eighty percent (80%) of the funds shall be	
5	used to purchase or commission art for the building to be constructed or	
6	renovated;	
7	(3) Not less than twelve percent (12%) of the funds shall be	
8	used for the purchase or commission of art for other state buildings; and	
9	(4) The exact percentages provided for in subdivisions (2) and	
10	(3) of this section to be used shall be determined by the Arkansas Public Art	
11	Advisory Board.	
12		
13	13-8-209. Award of contracts.	
14	Pursuant to the instruction of the selection committee for the project,	
15	the Building Authority Division of the Department of Finance and	
16	Administration shall award contracts for the purchase or commission of art	
17	work for the Arkansas Public Art Program, and the owner agency shall	
18	administer payments.	
19		
20	SECTION 5. Arkansas Code $$15-20-308(9)-(11)$, concerning the rights,	
21	powers, and duties of the Arkansas Natural Heritage Commission, is amended to	
22	read as follows:	
23	(9) To investigate, promote, advise, and assist in the	
24	preservation, protection, and management of natural areas; and	
25	(10) To advise the United States Department of Agriculture and	
26	the United States Department of the Interior and other agencies of the United	
27	States Government concerning areas or streams eligible for treatment under	
28	federal criteria as wildlife refuges, wilderness areas, or wild, scenic, or	
29	recreational rivers ; and .	
30	(11) To submit to the Governor and the General Assembly and to	
31	publish on or before December 1 of each year a report which shall describe	
32	and account for the status and condition of each portion of the system and of	
33	each natural area listed in the registry.	
34		
35	SECTION 6 . Arkansas Code § 19-6-301(123), concerning special revnue	
36	funds, is repealed.	

1	(123) Arkansas Public Art Program funds set aside within methods
2	of finance for each new state building or major capital improvement on a
3	state building, §§ 13-8-207 and 13-8-208;
4	
5	SECTION 7. Arkansas Code § 19-6-461 is repealed.
6	19-6-461. Arkansas Public Art Program Fund.
7	The Arkansas Public Art Program Fund shall consist of those special
8	revenues as specified in § 19-6-301(123), there to be used for the
9	administration of the Arkansas Public Art Program by the Arkansas Arts
10	Council as set out in § 13-8-201 et seq.
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12	/s/Irvin
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15	APPROVED: 03/28/2017
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