

B-Engrossed
House Bill 3139

Ordered by the Senate May 22
Including House Amendments dated April 11 and Senate Amendments
dated May 22

Sponsored by Representatives BUEHLER, WHISNANT, Senator KNOPP; Representative KENNEMER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires [*Director of Oregon Business Development Department to adopt rules*] **Oregon Arts Commission to establish policies and procedures** that ensure Arts Program considers regional differences in public access to, or opportunities for engagement in, arts and cultural development when determining eligibility for grant awards and that promote investment in communities where opportunities for engagement in arts and cultural development are limited.

[*Directs Oregon Arts Commission to establish policies and procedures for grant programs administered by Arts Program that are consistent with rules adopted by director.*]

Requires Oregon Arts Commission to suggest rules to Director of Oregon Business Development Department for grant programs administered by Arts Program.

A BILL FOR AN ACT

1
2 Relating to the Arts Program; creating new provisions; and amending ORS 359.010, 359.025, 359.030,
3 359.050 and 359.135.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 359.010 is amended to read:

6 359.010. As used in ORS 359.010 to 359.137, unless the context requires otherwise:

7 [(1) "*Administrator*" means the Administrator of the Arts Program of the Oregon Business Devel-
8 opment Department.]

9 [(2)] (1) "Arts" includes, but is not limited to[,]:

10 (a) Instrumental and vocal music;

11 (b) Dance, drama[,], and folk art[.];

12 (c) Creative writing and poetry;

13 (d) Architecture and landscaping design and the fields allied to them;

14 (e) **Museum-related activities including, but not limited to:**

15 (A) **Exhibitions;**

16 (B) **Curation and maintenance of art work collections; and**

17 (C) **Education relating to works of art, artists and art history;**

18 (f) Painting, sculpture[,], and photography;

19 (g) Graphic and craft arts;

20 (h) Industrial design;

21 (i) Costume and fashion design;

22 (j) Motion pictures, television[,], and radio;

23 (k) Tape and sound recording;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (L) The history, criticism, theory and practice of the arts; and

2 (m) The [arts related to the] presentation, performance, execution and exhibition of [such] art
3 forms **described in this subsection.**

4 [(3)] (2) "Association" means a nonprofit, private, incorporated or unincorporated institution,
5 foundation, museum, organization, society or group, whether local, state, regional or national, that
6 is operating, or doing business, in Oregon.

7 [(4) "Commission" means the Oregon Arts Commission.]

8 [(5) "Department" means the Oregon Business Development Department.]

9 [(6) "Director" means the Director of the Oregon Business Development Department.]

10 [(7) "Program" means the Arts Program of the Oregon Business Development Department.]

11 [(8)] (3) "Local agencies" includes cities, counties and other public corporations and their offi-
12 cers, boards and commissions.

13 [(9) "Public agencies" means state agencies and local agencies.]

14 [(10)] (4) "Private corporation" means a corporation organized for profit and authorized to do
15 business in this state.

16 (5) **"Public agencies" means state agencies and local agencies.**

17 [(11)] (6) "State agencies" includes state officers, departments, boards and commissions.

18 **SECTION 2.** ORS 359.025 is amended to read:

19 359.025. (1) The Oregon Arts Commission shall perform the following duties:

20 (a) Serve as a body to advise governmental bodies and agencies and private persons on the de-
21 velopment and implementation of state policies and programs relating to the arts, heritage, historic
22 preservation, humanities and culture, and to assist in the coordination of these activities.

23 (b) Advise the Governor, the Director of the Oregon Business Development Department and the
24 Oregon Business Development Commission on all matters relating to the arts that pertain to the
25 powers, duties and functions of the Arts Program of the Oregon Business Development Department.

26 (c) Develop a recommended biennial budget for the operation of the Arts Program that will be
27 submitted to the director and the Governor.

28 (d) Seek and receive the views of all levels of government and the private sector with respect
29 to state programs and policies for the promotion and assistance of the arts.

30 (e) Prepare and submit suggested administrative rules to the director that the Oregon Arts
31 Commission determines are necessary for the operation of the programs of the Arts Program.

32 [(f) Establish policy and procedures for grant programs administered by the Arts Program.]

33 (f) **Establish policies and procedures for grant programs administered by the Arts Pro-
34 gram, including polices and procedures that:**

35 (A) **Ensure that the criteria used to determine eligibility for grant awards are designed
36 to take into consideration the regional differences in public access to, or in opportunities for
37 engagement in, arts and cultural development in this state; and**

38 (B) **Promote investment in communities where opportunities for engagement in arts and
39 cultural development are limited.**

40 (g) **Suggest rules to the director for grant programs administered by the Arts Program,
41 including rules that are consistent with the policies and procedures established by the com-
42 mission under this section.**

43 (2)(a) In addition to the duties imposed by subsection (1) of this section, the Oregon Arts Com-
44 mission shall establish policies and provide management and operational staff support for the Trust
45 for Cultural Development Board.

1 (b) Notwithstanding paragraph (a) of this subsection, the Trust for Cultural Development Board
2 shall make any decisions relating to the investment and disbursement of moneys in the Trust for
3 Cultural Development Account.

4 **SECTION 3.** ORS 359.135 is amended to read:

5 359.135. (1) The Director of the Oregon Business Development Department, upon consultation
6 with and the approval of the Oregon Arts Commission, shall appoint [*an*] **the** Administrator of the
7 Arts Program who shall serve at the pleasure of the director.

8 (2) The administrator shall receive such salary as may be provided by law or as fixed by the
9 director.

10 (3) The administrator shall be the administrative head of the program.

11 (4) The administrator may suggest rules to the director for the government of the program, the
12 conduct of its employees and the assignment and performance of its business and the custody, use
13 and preservation of its records, papers and property.

14 **SECTION 4.** ORS 359.050 is amended to read:

15 359.050. (1) In performing its duties, the Arts Program of the Oregon Business Development
16 Department, within the limits of available funds, may:

17 (a) Conduct hearings and conferences to develop facts, to explain programs and activities, and
18 to obtain advice.

19 (b) Enter into agreements with other public agencies and with associations and individuals for
20 services that will assist the Oregon Arts Commission or the Trust for Cultural Development Board.

21 (c) Enter into agreements with other public agencies of Oregon or with agencies of other states
22 or the federal government, and with private corporations, associations and individuals in Oregon or
23 other states for cooperative endeavors which further the objectives and programs of the commission.

24 (d) Make grants to local agencies, to associations or to individuals for the development and
25 conservation of programs in the arts, such grants to be made in accordance with policies and pro-
26 cedures adopted by the commission **under ORS 359.025.**

27 (2) In carrying out the purposes of ORS 359.010 to 359.137, the Arts Program, in addition to the
28 other powers granted:

29 (a) Shall as needed appoint committees, consultants, artists and other persons expert in subjects
30 of concern to the program to advise and assist the commission.

31 (b) May obtain from any state agency necessary assistance and data.

32 (c) May perform other acts necessary to carry out its duties.

33 **SECTION 5.** ORS 359.030 is amended to read:

34 359.030. The objectives of the Arts Program of the Oregon Business Development Department
35 are:

36 (1) To complement, assist and strengthen existing or planned programs and activities of public
37 and private associations in the arts to promote the broadest **statewide** public benefit, while main-
38 taining high artistic and scholarly standards.

39 (2) To encourage and give greater opportunities and recognition to individual Oregon artists
40 whose work is, or gives promise of being, of high quality.

41 (3) To stimulate and encourage private and local initiative and financial support in connection
42 with programs and activities in the arts.

43 **SECTION 6.** **ORS 359.142 is added to and made a part of ORS 359.010 to 359.137.**