

Enrolled
House Bill 2740

Sponsored by Representative BRUUN, Senator DINGFELDER

CHAPTER

AN ACT

Relating to Trust for Cultural Development; creating new provisions; amending ORS 359.410 and section 13, chapter 954, Oregon Laws 2001; and declaring an emergency.

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

SECTION 1. ORS 359.410 is amended to read:

359.410. (1) There is established a Trust for Cultural Development Board consisting of [seven] **11** members appointed by the Governor. The membership of the board [shall] **must** reflect the geographical and cultural diversity of this state. Each member [shall] **must** have a background that demonstrates a commitment to Oregon’s culture.

(2) The Speaker of the House of Representatives and the President of the Senate shall each appoint a member of the Legislative Assembly [who shall] **to** be a nonvoting advisory member of the board.

(3) The term of office of each appointed member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on November 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(4) The appointment of board members by the Governor is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) The board shall elect one of its voting members as chairperson and another as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the board determines.

SECTION 2. (1) **Before November 1, 2009, the Governor shall appoint four additional members to the Trust for Cultural Development Board, as provided by the amendments to ORS 359.410 by section 1 of this 2009 Act.**

(2) Notwithstanding the term of office specified by ORS 359.410, of the members appointed by the Governor under this section:

(a) One shall serve for a term ending October 31, 2011.

(b) One shall serve for a term ending October 31, 2012.

(c) Two shall serve for terms ending October 31, 2013.

SECTION 3. (1) **Notwithstanding ORS 359.405, moneys transferred to the Trust for Cultural Development Account pursuant to ORS 805.261 may be used for marketing and promotional costs to increase the amount of moneys in the Trust for Cultural Development Account.**

(2) Amounts used for marketing and promotional costs as described in subsection (1) of this section are not considered part of the Trust for Cultural Development Account for the purpose of making disbursements under ORS 359.426.

SECTION 4. Section 3 of this 2009 Act applies to transfers made on or after July 1, 2009.

SECTION 5. Section 3 of this 2009 Act is repealed on June 30, 2019.

SECTION 6. Section 13, chapter 954, Oregon Laws 2001, as amended by section 14, chapter 713, Oregon Laws 2003, is amended to read:

Sec. 13. (1) For the fiscal years beginning July 1, 2003, through July 1, [2011] **2021**, the Arts Program, under the direction of the Trust for Cultural Development Board, shall make Community Cultural Participation Grants under ORS 359.436 to counties and federally recognized Indian tribes to support cultural activities identified in the local cultural plans. Grant funds received by a county or tribe shall be distributed locally as specified in the local cultural plan.

(2) A portion of the grant funds received each fiscal year by a county or tribe may be used for costs associated with grant management, community technical assistance and accounting.

(3) For the fiscal year beginning July 1, [2007] **2012**, a portion of each grant awarded to a county or tribe may be used:

- (a) For revising local cultural plans;
- (b) To articulate updated priorities in the local cultural plan; and
- (c) For strategies to continue deepening and expanding participation in all facets of culture.

(4) The Trust for Cultural Development Board shall allocate grant amounts for counties and tribes using a base amount, plus a per capita amount for each county or tribe **that has adopted a local cultural plan approved by the Trust for Cultural Development Board.**

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by House April 30, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 24, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State