

**PROPOSED AMENDMENTS TO
HOUSE BILL 4027**

1 On page 1 of the printed bill, delete lines 6 through 31 and delete pages
2 2 through 6 and insert:

3 **“SECTION 1.** ORS 359.010 is amended to read:

4 “359.010. As used in ORS 359.010 to 359.137, unless the context requires
5 otherwise:

6 “(1) ‘Administrator’ means the Administrator of the Arts Program of the
7 [*Oregon Business Development Department*] **Office of the Secretary of**
8 **State.**

9 “(2) ‘Arts’ includes, but is not limited to, instrumental and vocal music;
10 dance, drama, folk art, creative writing and poetry; architecture and land-
11 scaping design and the fields allied to them; painting, sculpture, photogra-
12 phy; graphic and craft arts; industrial design; costume and fashion design;
13 motion pictures, television, radio; tape and sound recording; the history,
14 criticism, theory and practice of the arts; and the arts related to the pres-
15 entation, performance, execution and exhibition of such art forms.

16 “(3) ‘Association’ means a nonprofit, private, incorporated or unincor-
17 porated institution, foundation, museum, organization, society or group,
18 whether local, state, regional or national, that is operating, or doing busi-
19 ness, in Oregon.

20 “(4) ‘Commission’ means the Oregon Arts Commission.

21 “[*(5) ‘Department’ means the Oregon Business Development Department.*]

22 “[*(6) ‘Director’ means the Director of the Oregon Business Development*”

1 *Department.*]

2 “[~~(7)~~] (5) ‘Program’ means the Arts Program of the [*Oregon Business De-*
3 *velopment Department*] **Office of the Secretary of State.**

4 “[~~(8)~~] (6) ‘Local agencies’ includes cities, counties and other public cor-
5 porations and their officers, boards and commissions.

6 “[~~(9)~~] (7) ‘Public agencies’ means state agencies and local agencies.

7 “[~~(10)~~] (8) ‘Private corporation’ means a corporation organized for profit
8 and authorized to do business in this state.

9 “[~~(11)~~] (9) ‘State agencies’ includes state officers, departments, boards and
10 commissions.

11 **“SECTION 2.** ORS 359.020 is amended to read:

12 “359.020. (1) The Oregon Arts Commission is created as a policy-making
13 and advisory body within the [*Oregon Business Development Department*]
14 **Office of the Secretary of State.** The commission shall consist of nine
15 members appointed by the Governor. The term of a member is four years, and
16 the member shall serve until a successor is appointed and qualifies.

17 “(2) Persons appointed members of the commission shall be [*citizens*]
18 **residents** of Oregon well qualified by experience to make policy and recom-
19 mendations in areas of concern to the Arts Program of the [*Oregon Business*
20 *Development Department*] **Office of the Secretary of State** and otherwise
21 to perform the duties of the office.

22 “(3) In case of a vacancy on the commission for any cause, the Governor
23 shall appoint a successor to serve for the unexpired term.

24 “(4) A member of the commission may be appointed to serve two consec-
25 utive terms. A member who serves two consecutive terms shall not be eligible
26 for reappointment within one year following the expiration of the second
27 term.

28 “(5) A member of the commission is entitled to compensation and expenses
29 as provided in ORS 292.495.

30 “(6) The commission shall select one of its members to chair the com-

1 mission for such term and with duties and powers necessary to perform the
2 functions of the office as the commission determines.

3 “(7) A majority of the members of the commission constitutes a quorum
4 for the transaction of business.

5 **“SECTION 3.** ORS 359.025 is amended to read:

6 “359.025. (1) The Oregon Arts Commission shall perform the following
7 duties:

8 “(a) Serve as a body to advise governmental bodies and agencies and pri-
9 vate persons on the development and implementation of state policies and
10 programs relating to the arts, heritage, historic preservation, humanities and
11 culture, and to assist in the coordination of these activities.

12 “(b) Advise the Governor[, *the Director of the Oregon Business Develop-*
13 *ment Department and the Oregon Business Development Commission*] **and the**
14 **Secretary of State** on all matters relating to the arts that pertain to the
15 powers, duties and functions of the Arts Program of the [*Oregon Business*
16 *Development Department*] **Office of the Secretary of State.**

17 “(c) Develop a recommended biennial budget for the operation of the Arts
18 Program that will be submitted to the [*director*] **Secretary of State** and the
19 Governor.

20 “(d) Seek and receive the views of all levels of government and the private
21 sector with respect to state programs and policies for the promotion and as-
22 sistance of the arts.

23 “(e) Prepare and submit suggested administrative rules to the [*director*]
24 **Secretary of State** that the Oregon Arts Commission determines are nec-
25 essary for the operation of the programs of the Arts Program.

26 “(f) Establish policy and procedures for grant programs administered by
27 the Arts Program.

28 “(2)(a) In addition to the duties imposed by subsection (1) of this section,
29 the Oregon Arts Commission shall establish policies and provide manage-
30 ment and operational staff support for the Trust for Cultural Development

1 Board.

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

5 **“SECTION 4.** ORS 359.030 is amended to read:

6 “359.030. The objectives of the Arts Program of the [*Oregon Business De-*
7 *velopment Department*] **Office of the Secretary of State** are:

8 “(1) To complement, assist and strengthen existing or planned programs
9 and activities of public and private associations in the arts to promote the
10 broadest public benefit, while maintaining high artistic and scholarly stan-
11 dards.

12 “(2) To encourage and give greater opportunities and recognition to indi-
13 vidual Oregon artists whose work is, or gives promise of being, of high
14 quality.

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

17 **“SECTION 5.** ORS 359.040 is amended to read:

18 “359.040. To carry out its objectives the Arts Program of the [*Oregon*
19 *Business Development Department*] **Office of the Secretary of State** shall:

20 “(1) Develop programs and plans:

21 “(a) To encourage broad public participation in, and understanding of,
22 programs in the arts.

23 “(b) To encourage public interest in conserving and understanding the
24 cultural and artistic heritage of the state and of its people.

25 “(c) To encourage increased recognition of the contributions of the arts
26 to the richness of community life and to the development of the individual.

27 “(d) To assist communities within the state in establishing or conserving
28 local cultural, historical and artistic programs.

29 “(e) To stimulate and encourage throughout the state the presentation,
30 enjoyment and study of the arts among the youth and elderly people.

1 “(f) To encourage and facilitate, where feasible, wider circulation
2 throughout the state of noteworthy programs, productions, exhibitions and
3 performances which demonstrate the artistic and cultural resources and ac-
4 complishments of the people of Oregon.

5 “(g) To encourage and facilitate, where feasible, programs, productions,
6 exhibitions and performances in Oregon of outstanding works of art and ar-
7 tistic talent in the fields of the arts, which may be brought from outside the
8 state.

9 “(2) Develop, maintain and make available to the public, information
10 concerning:

11 “(a) The cultural and artistic resources and activities within the state.

12 “(b) The organizations and groups conducting, supporting or fostering
13 programs and activities involving the employment, conservation and presen-
14 tation of such resources.

15 “(3) Advise and assist upon request and within the limits of the funds
16 available:

17 “(a) The Governor and other state officers, public agencies, the legisla-
18 ture, communities of the state and the public concerning the development,
19 housing, presentation and conservation of the artistic and cultural resources
20 within the state.

21 “(b) State agencies concerning the acceptance and disposition of gifts of
22 art to the state.

23 “(4) Develop an honors program in the arts, which includes the means for
24 recognizing distinguished artists and other Oregon [*citizens*] **residents** whose
25 creative works or effort or whose services of philanthropy on behalf of the
26 arts are such as to merit the official appreciation of the people of Oregon.

27 “(5) Manage the Trust for Cultural Development Account established by
28 ORS 359.405.

29 “**SECTION 6.** ORS 359.050 is amended to read:

30 “359.050. (1) In performing its duties, the Arts Program of the [*Oregon*

1 *Business Development Department]* **Office of the Secretary of State**, within
2 the limits of available funds, may:

3 “(a) Conduct hearings and conferences to develop facts, to explain pro-
4 grams and activities, and to obtain advice.

5 “(b) Enter into agreements with other public agencies and with associ-
6 ations and individuals for services that will assist the Oregon Arts Com-
7 mission or the Trust for Cultural Development Board.

8 “(c) Enter into agreements with other public agencies of Oregon or with
9 agencies of other states or the federal government, and with private corpo-
10 rations, associations and individuals in Oregon or other states for cooper-
11 ative endeavors which further the objectives and programs of the
12 commission.

13 “(d) Make grants to local agencies, to associations or to individuals for
14 the development and conservation of programs in the arts, such grants to be
15 made in accordance with policies and procedures adopted by the commission.

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

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

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

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

23 **“SECTION 7.** ORS 359.065 is amended to read:

24 “359.065. (1) The Arts Program is established as an administrative section
25 within the [*Oregon Business Development Department*] **Office of the Secre-**
26 **tary of State.** The program is subject to the supervision of the Administra-
27 tor of the Arts Program. The program shall consist of the administrator and
28 all personnel employed in the program.

29 **“(2) The program shall employ, in accordance with the State Per-**
30 **sonnel Relations Law, the staff necessary to allow the program to**

1 **carry out the provisions of ORS 359.010 to 359.137.**

2 “[~~(2)~~] (3) The program shall provide the Oregon Arts Commission with
3 staff and other assistance as necessary for the commission to perform its
4 duties.

5 **“SECTION 8.** ORS 359.100 is amended to read:

6 “359.100. (1) The Arts Program of the [*Oregon Business Development De-*
7 *partment*] **Office of the Secretary of State** shall prepare and study plans
8 for participation of public agencies and associations in federal government
9 programs for the support and encouragement of the arts.

10 “(2) The program may apply for and accept grants or services from the
11 federal government or any of its agencies, from associations, individuals and
12 private corporations to carry out the purposes of ORS 359.010 to 359.137.

13 “(3) Grants or services from individuals, associations or private corpo-
14 rations shall not be accepted if restricted to a use which would be contrary
15 to the laws of this state.

16 **“SECTION 9.** ORS 359.110 is amended to read:

17 “359.110. (1) The Arts Program of the [*Oregon Business Development De-*
18 *partment*] **Office of the Secretary of State** may solicit and accept gifts,
19 bequests or devises of money, securities or other property of whatever char-
20 acter to carry out the purposes of ORS 359.010 to 359.137. A restricted gift,
21 bequest or devise shall not be accepted if such restriction would be contrary
22 to the laws of this state.

23 “(2) The program shall be the custodian of any securities or other prop-
24 erty accepted as a gift, bequest or devise. The program shall hold such
25 property as trustee for the state and shall conserve and administer such
26 property to carry out the purposes of ORS 359.010 to 359.137. Except as pro-
27 hibited by law or restricted by the terms of the gift, bequest or devise, the
28 program may sell or exchange any property accepted as a gift, bequest or
29 devise as it may from time to time determine. The income from such money,
30 securities or other property shall be credited to the Arts Trust Account es-

1 tablished by ORS 359.120.

2 **“SECTION 10.** ORS 359.120 is amended to read:

3 “359.120. There hereby is established an account separate and distinct
4 from the General Fund to be known as the Arts Trust Account. Except for
5 moneys received for the purposes of the Trust for Cultural Development Ac-
6 count, all moneys received by the Arts Program of the [*Oregon Business*
7 *Development Department*] **Office of the Secretary of State** pursuant to ORS
8 359.100 and 359.110 shall be paid into the State Treasury and credited to the
9 Arts Trust Account. All moneys in the Arts Trust Account are continuously
10 appropriated to the [*Oregon Business Development Department*] **Office of the**
11 **Secretary of State** and shall be used by the program in carrying out the
12 purposes for which the funds were received.

13 **“SECTION 11.** ORS 359.130 is amended to read:

14 “359.130. (1) The Arts Program of the [*Oregon Business Development De-*
15 *partment shall*] **Office of the Secretary of State may** not direct, supervise
16 or control the policy, programs, personnel, curriculum or administration of
17 any public or private agency, school, association or entity having to do with
18 the arts.

19 “(2) Nothing in ORS 359.010 to 359.137 is intended to transfer from any
20 other state agency to the program any duty or power granted by statute to
21 such other state agency prior to July 1, 1967.

22 **“SECTION 12.** ORS 359.135 is amended to read:

23 “359.135. (1) The [*Director of the Oregon Business Development*
24 *Department*] **Secretary of State**, upon consultation with and the approval
25 of the Oregon Arts Commission, shall appoint an administrator of the Arts
26 Program who shall serve at the pleasure of the [*director*] **Secretary of**
27 **State.**

28 “(2) The administrator shall receive such salary as may be provided by
29 law or as fixed by the [*director*] **Secretary of State.**

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

1 “(4) The administrator may suggest rules to the [*director*] **Secretary of**
2 **State** for the government of the program, the conduct of its employees and
3 the assignment and performance of its business and the custody, use and
4 preservation of its records, papers and property.

5 “**SECTION 13.** ORS 359.142 is amended to read:

6 “359.142. The [*Director of the Oregon Business Development Department*]
7 **Secretary of State**, in accordance with ORS chapter 183, may adopt such
8 rules for the operation of the Arts Program as the [*director*] **Secretary of**
9 **State** determines necessary or convenient for the program to perform its
10 duties and functions.

11 “**SECTION 14.** ORS 359.405 is amended to read:

12 “359.405. (1) The Trust for Cultural Development Account is established
13 in the State Treasury, separate and distinct from the General Fund. Interest
14 earned by the Trust for Cultural Development Account shall be credited to
15 the account. The primary purpose of the account is to serve as a repository
16 for both public and private moneys designated to fund specific arts, heritage
17 and humanities programs.

18 “(2) All moneys in the Trust for Cultural Development Account are ap-
19 propriated continuously to the [*Oregon Business Development Department*]
20 **Office of the Secretary of State** for the Arts Program for the purposes of
21 ORS 359.400 to 359.444.

22 “**SECTION 15.** ORS 276.090 is amended to read:

23 “276.090. (1) The Arts Program of the [*Oregon Business Development De-*
24 *partment*] **Office of the Secretary of State** and the Oregon Department of
25 Administrative Services, if the construction project is located within the
26 area described in ORS 276.054, and the Arts Program of the [*Oregon Business*
27 *Development Department*] **Office of the Secretary of State**, the Oregon
28 Department of Administrative Services and the contracting agency if the
29 project is located outside the area described in ORS 276.054, in consultation
30 with the architect for the particular building shall determine the amount

1 available for each state building and shall commission by contract or shall
2 purchase suitable works of art for each building. The agencies designated
3 by this section are solely responsible for selection, review of design, exe-
4 cution, placement and acceptance of works of art acquired pursuant to ORS
5 276.073 to 276.090. The designated agencies, to the extent reasonable, shall
6 consult with appropriate local citizens groups and the occupants of the af-
7 fected state building in determining the selection of the works of art.

8 “(2) Of the amount determined to be available for a state building under
9 subsection (1) of this section, a portion may be assessed by the Arts Program
10 of the [*Oregon Business Development Department*] **Office of the Secretary**
11 **of State** and used to reimburse the program for costs incurred under ORS
12 276.073 to 276.090 as administrative expenses or as expenses for maintaining
13 the works of art acquired. No more than 10 percent of the amount available
14 for a state building may be assessed under this subsection.

15 “(3) Title to works of art acquired pursuant to ORS 276.073 to 276.090
16 vests with the contracting agency in the name of the state. The agencies
17 designated by this section may lend works of art between public buildings
18 whenever in their judgment the loan will be to the benefit of the [*citizens*]
19 **residents** of this state. However, the works of art shall be returned to the
20 contracting agency at its request.

21 **“SECTION 16.** ORS 276.096 is amended to read:

22 “276.096. (1) In carrying out the duties of the Director of the Oregon De-
23 partment of Administrative Services under ORS 276.095, the director shall
24 consult with the Capitol Planning Commission, the designated State Historic
25 Preservation Officer, the State Parks and Recreation Department, the Oregon
26 Historical Society, the Arts Program of the [*Oregon Business Development*
27 *Department*] **Office of the Secretary of State**, local landmark commissions
28 and historic societies and the chief executive officers of those units of local
29 government in each area served by existing or proposed state offices and
30 shall solicit the comments of other community leaders and members of the

1 general public that the director considers appropriate.

2 “(2) Whenever the director undertakes a review of state building needs
3 within a geographical area, the director shall request the cooperation of the
4 state historic preservation officer to identify an existing building within the
5 geographical areas that is of historical, architectural or cultural significance
6 and that is suitable, whether or not in need of repair, alteration or addition,
7 for acquisition or purchase to meet the building needs of state government.

8 **“SECTION 17. ORS 359.137 is repealed.”**

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