

Requested by Representative BUEHLER

**PROPOSED AMENDMENTS TO
HOUSE BILL 3139**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 359.010,
3 359.025, 359.030, 359.050, 359.135 and 359.142.”.

4 Delete lines 4 through 31.

5 On page 2, delete lines 1 through 19 and insert:

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

7 “359.010. As used in ORS 359.010 to 359.137, unless the context requires
8 otherwise:

9 “[*(1) ‘Administrator’ means the Administrator of the Arts Program of the*
10 *Oregon Business Development Department.*]

11 “[*(2)*] **(1)** ‘Arts’ includes, but is not limited to[,]:

12 **“(a)** Instrumental and vocal music;

13 **“(b)** Dance, drama[,], **and** folk art[,];

14 **“(c)** Creative writing and poetry;

15 **“(d)** Architecture and landscaping design and the fields allied to them;

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

17 **“(A) Exhibitions;**

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

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

20 **“(f)** Painting, sculpture[,], **and** photography;

21 **“(g)** Graphic and craft arts;

1 “(h) Industrial design;
2 “(i) Costume and fashion design;
3 “(j) Motion pictures, television[,] **and** radio;
4 “(k) Tape and sound recording;
5 “(L) The history, criticism, theory and practice of the arts; and
6 “(m) The [*arts related to the*] presentation, performance, execution and
7 exhibition of [*such*] art forms **described in this subsection.**

8 “[(3)] (2) ‘Association’ means a nonprofit, private, incorporated or unin-
9 corporated institution, foundation, museum, organization, society or group,
10 whether local, state, regional or national, that is operating, or doing busi-
11 ness, in Oregon.

12 “[(4) ‘Commission’ means the Oregon Arts Commission.]

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

14 “[(6) ‘Director’ means the Director of the Oregon Business Development
15 Department.]

16 “[(7) ‘Program’ means the Arts Program of the Oregon Business Develop-
17 ment Department.]

18 “[(8)] (3) ‘Local agencies’ includes cities, counties and other public cor-
19 porations and their officers, boards and commissions.

20 “[(9) ‘Public agencies’ means state agencies and local agencies.]

21 “[(10)] (4) ‘Private corporation’ means a corporation organized for profit
22 and authorized to do business in this state.

23 “(5) **‘Public agencies’ means state agencies and local agencies.**

24 “[(11)] (6) ‘State agencies’ includes state officers, departments, boards and
25 commissions.

26 “**SECTION 2.** ORS 359.025 is amended to read:

27 “359.025. (1) The Oregon Arts Commission shall perform the following
28 duties:

29 “(a) Serve as a body to advise governmental bodies and agencies and pri-
30 vate persons on the development and implementation of state policies and

1 programs relating to the arts, heritage, historic preservation, humanities and
2 culture, and to assist in the coordination of these activities.

3 “(b) Advise the Governor, the Director of the Oregon Business Develop-
4 ment Department and the Oregon Business Development Commission on all
5 matters relating to the arts that pertain to the powers, duties and functions
6 of the Arts Program of the Oregon Business Development Department.

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

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

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

15 “(f) Establish [*policy*] **policies** and procedures for grant programs admin-
16 istered by the Arts Program **consistent with rules adopted under ORS**
17 **359.142.**

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

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

25 **“SECTION 3.** ORS 359.135 is amended to read:

26 “359.135. (1) The Director of the Oregon Business Development Depart-
27 ment, upon consultation with and the approval of the Oregon Arts Commis-
28 sion, shall appoint [*an*] **the** Administrator of the Arts Program who shall
29 serve at the pleasure of the director.

30 “(2) The administrator shall receive such salary as may be provided by

1 law or as fixed by the director.

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

3 “(4) The administrator may suggest rules to the director for the govern-
4 ment of the program, the conduct of its employees and the assignment and
5 performance of its business and the custody, use and preservation of its re-
6 cords, papers and property.

7 **“SECTION 4.** ORS 359.050 is amended to read:

8 “359.050. (1) In performing its duties, the Arts Program of the Oregon
9 Business Development Department, within the limits of available funds, may:

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

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

15 “(c) Enter into agreements with other public agencies of Oregon or with
16 agencies of other states or the federal government, and with private corpo-
17 rations, associations and individuals in Oregon or other states for cooper-
18 ative endeavors which further the objectives and programs of the
19 commission.

20 “(d) Make grants to local agencies, to associations or to individuals for
21 the development and conservation of programs in the arts, such grants to be
22 made in accordance with policies and procedures adopted by the commission
23 **under ORS 359.025.**

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

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

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

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

1 **“SECTION 5. ORS 359.142 is added to and made a part of ORS 359.010**
2 **to 359.137.**

3 **“SECTION 6. ORS 359.142 is amended to read:**

4 **“359.142. (1) The Director of the Oregon Business Development Depart-**
5 **ment, in accordance with ORS chapter 183, may adopt such rules for the**
6 **operation of the Arts Program as the director determines necessary or con-**
7 **venient for the program to perform its duties and functions.**

8 **“(2) The director shall adopt rules for grant programs administered**
9 **by the Arts Program, including rules that:**

10 **“(a) Ensure that the criteria used to determine eligibility for grant**
11 **awards are designed to take into consideration the regional differences**
12 **in public access to, or in opportunities for engagement in, arts and**
13 **cultural development in this state; and**

14 **“(b) Promote investment in communities where opportunities for**
15 **engagement in arts and cultural development is limited.”.**

16 In line 20, delete “3” and insert “7”.

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