

1 **STATE-OWNED ART COLLECTIONS**

2 **INVENTORY PROGRAM**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Beverly Ann Evans**

6 House Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies Title 9, Chapter 6, Arts Development, to enact Part 6, "State-Owned
11 Art Collections Inventory Program Act."

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides certain definitions;
- 15 ▶ establishes the State-Owned Art Collections Inventory Program to provide:
 - 16 • a comprehensive electronic inventory of all state owned or held works of art
17 including each work of art's title, artist, medium, location, history, owner,
18 condition, and electronic images of each work of art;
 - 19 • a publicly accessible and searchable Internet site of the electronic images of
20 each work of art and other information in the inventory; and
 - 21 • for the maintenance of the inventory;
- 22 ▶ requires the Division of Fine Arts to design and implement the program with the
23 advice and assistance of the State-Owned Art Collections Inventory Committee and
24 to contract with public and private entities as needed to implement the provisions of
25 the program;
- 26 ▶ makes certain provisions for funding the program;
- 27 ▶ creates the State-Owned Art Collections Inventory Committee to advise the division



28 on the design and implementation of the program; and
29 ▶ provides for committee membership and duties.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **9-6-601**, Utah Code Annotated 1953

37 **9-6-602**, Utah Code Annotated 1953

38 **9-6-603**, Utah Code Annotated 1953

39 **9-6-604**, Utah Code Annotated 1953



41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **9-6-601** is enacted to read:

43 **Part 6. State-Owned Art Collections Inventory Program Act**

44 **9-6-601. Title.**

45 This part is known as the "State-Owned Art Collections Inventory Program Act."

46 Section 2. Section **9-6-602** is enacted to read:

47 **9-6-602. Definitions.**

48 As used in this part:

49 (1) "Committee" means the State-Owned Art Collections Inventory Committee
50 established under Section 9-6-604.

51 (2) "Program" means the State-Owned Art Collections Inventory Program established
52 under Section 9-6-603.

53 (3) (a) "State" means the state of Utah, its executive, legislative, and judicial branches,
54 its departments, divisions, agencies, boards, commissions, councils, committees, and
55 institutions including state institutions of higher education as defined under Section 53B-3-102.

56 (b) "State" does not include the political subdivisions of the state.

57 (4) "Work of art" means visual art of any medium.

58 Section 3. Section **9-6-603** is enacted to read:

59 **9-6-603. State-Owned Art Collections Inventory Program -- Division duties --**
60 **Funding for the program.**

61 (1) There is established the State-Owned Art Collections Inventory Program to
62 provide:

63 (a) a comprehensive electronic inventory of all state owned or held works of art
64 including each work of art's title, artist, medium, location, history, owner, condition, and one or
65 more electronic images of each work of art;

66 (b) a publicly accessible and searchable Internet site of the electronic image of each
67 work of art and other selected information in the inventory; and

68 (c) for the maintenance and tracking of the inventory including the perpetual updating
69 and improving of the inventory and its public accessibility.

70 (2) The division shall design and implement the program in accordance with this part
71 with the advice and assistance of the committee.

72 (3) The division shall contract with public and private entities as needed to implement
73 the provisions of the program on a cost effective basis.

74 (4) The program shall be funded from monies:

75 (a) appropriated by the Legislature;

76 (b) private donations to the program; and

77 (c) other sources that may be made available to the program.

78 (5) The division, with the advice and assistance of the committee, shall establish
79 phases for the implementation of the program based on funds made available to the program.

80 Section 4. Section **9-6-604** is enacted to read:

81 **9-6-604. State-Owned Art Collections Inventory Program Committee --**
82 **Membership -- Chair -- Expenses -- Duties.**

83 (1) There is created within the division the State-Owned Art Collections Inventory
84 Committee.

85 (2) The committee consists of seven members who shall be experts in one or more
86 aspect of the program as follows:

87 (a) the director of the Utah Museum of Fine Arts, or a designee;

88 (b) the director of the Utah Arts Council, or a designee;

89 (c) the director of the Division of Risk Management, or a designee;

- 90 (d) the director of the Utah Academic Library Consortium, or a designee;
91 (e) the director of the Utah State Archives and Records Service, or a designee;
92 (f) the superintendent of public instruction, or a designee; and
93 (g) a member of the public with expertise in the area of web site or database design and
94 administration appointed by the other members of the committee to serve for a two-year term.
- 95 (3) (a) The committee shall annually elect a chairperson from its membership.
96 (b) (i) The committee shall hold meetings as needed to carry out its duties.
97 (ii) A meeting may be held on the call of the chair or a majority of the committee
98 members.
- 99 (c) Four committee members are necessary to constitute a quorum at any meeting and,
100 if a quorum exists, the action of a majority of members present shall be the action of the
101 committee.
- 102 (4) (a) Committee members who are not government employees may not receive
103 compensation or benefits for their services, but may receive per diem and expenses incurred in
104 the performance of their official duties at rates established by the Division of Finance under
105 Sections 63A-3-106 and 63A-3-107.
- 106 (b) A committee member may decline to receive per diem and expenses for service to
107 the committee.
- 108 (5) The division shall provide staff support to the committee.
- 109 (6) The funding of the committee shall be a separate line item to the division in the
110 annual appropriations act.
- 111 (7) The committee shall:
112 (a) advise the division on the design and implementation of the program;
113 (b) monitor, advise, and make recommendations to the division to promote and ensure
114 the efficient and effective implementation of the program;
115 (c) promote collaborative efforts to develop public awareness, public school
116 curriculum, and teacher training materials on the provisions of the program; and
117 (d) advise public and private agencies on the implementation of the program.

Legislative Review Note

as of 2-1-06 2:45 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel