

DEPARTMENT OF COMMUNITY AND CULTURE

- STATE-OWNED ART INVENTORY

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: James A. Dunnigan

Cosponsors:

Patricia W. Jones

Karen W. Morgan

Allen M. Christensen

LONG TITLE

Committee Note:

The Workforce Services and Community and Economic Development Interim Committee recommended this bill.

General Description:

This bill modifies provisions of the State-Owned Art Collections Inventory Study Program Act by requiring comprehensive and consistent inventories of state-owned art.

Highlighted Provisions:

This bill:

- ▶ changes the name of the State-Owned Art Collections Inventory Study Act to the State-Owned Art Inventory Program Act;
- ▶ defines "entity" for purposes of the act;
- ▶ requires an entity in possession of state-owned art to:
 - create a comprehensive and consistent inventory of that art; and
 - certify the inventory with the Division of Arts and Museums;
- ▶ requires the Division of Arts and Museums to provide an annual report to the Workforce Services and Community and Economic Development Interim Committee on inventoried state-owned art; and



28 ▶ provides for educational outreach and technical training by the Division of Arts and
29 Museums to entities in possession of state-owned art to assist in the creation of a
30 required art inventory and compliance with certification requirements.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **9-6-701**, as enacted by Laws of Utah 2006, Chapter 229

38 **9-6-702**, as enacted by Laws of Utah 2006, Chapter 229

39 **9-6-703**, as enacted by Laws of Utah 2006, Chapter 229

40 **9-6-704**, as enacted by Laws of Utah 2006, Chapter 229

41 ENACTS:

42 **9-6-705**, Utah Code Annotated 1953

43 **9-6-706**, Utah Code Annotated 1953

44 **9-6-707**, Utah Code Annotated 1953



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

47 Section 1. Section **9-6-701** is amended to read:

48 **Part 7. State-Owned Art Inventory Program Act**

49 **9-6-701. Title.**

50 This part is known as the "State-Owned Art [~~Collections~~] Inventory [~~Study~~] Program
51 Act."

52 Section 2. Section **9-6-702** is amended to read:

53 **9-6-702. Definitions.**

54 As used in this part:

55 (1) "Committee" means the State-Owned Art [~~Collections~~] Inventory Committee
56 established under Section 9-6-704.

57 (2) "Entity" means an individual, institution, agency, or organization, including a
58 public education or higher education institution, which possesses state-owned art.

59 ~~[(2)]~~ (3) "Program" means the State-Owned Art ~~[Collections]~~ Inventory ~~[Study]~~
60 Program established under Section 9-6-703.

61 ~~[(3)]~~ (4) (a) "State" means the state of Utah, its executive, legislative, and judicial
62 branches, its departments, divisions, agencies, boards, commissions, councils, committees, and
63 institutions, including state institutions of higher education as defined under Section 53B-3-102
64 and public education institutions.

65 (b) "State" does not include~~[-(i)]~~ the political subdivisions of the state~~[-or]~~.
66 ~~[(ii) school districts.]~~

67 ~~[(4)]~~ (5) "Work of art" means visual art of any medium.
68 Section 3. Section **9-6-703** is amended to read:

69 **9-6-703. State-Owned Art Inventory Program -- Division duties -- Funding for**
70 **the program.**

71 (1) There is established the State-Owned Art ~~[Collections]~~ Inventory ~~[Study]~~ Program
72 to ~~[study]~~:

73 (a) ~~[providing]~~ provide a comprehensive electronic inventory of all state-owned or held
74 works of art, including each work of art's title, artist, medium, location, history, ~~[owner,]~~
75 description, possessor, condition, and one or more electronic images of each work of art; and

76 ~~[(b) providing a publicly accessible and searchable Internet site of the electronic image~~
77 ~~of each work of art and other selected information in the inventory; and]~~

78 ~~[(c) providing]~~ (b) provide for the maintenance and tracking of the inventory,
79 including the perpetual updating and improving of the inventory and its public accessibility.

80 (2) The division shall ~~[study,]~~ design~~[-]~~ and plan a state-owned art inventory program
81 ~~[in accordance with this part], to include scope and certification schedule components,~~ with the
82 advice and assistance of the committee.

83 (3) The division shall ~~[study contracting]~~ contract with public and private entities as
84 needed to implement the provisions of the program on a cost effective basis.

85 (4) The ~~[study]~~ program shall be funded from monies~~[-(a)]~~ appropriated by the
86 Legislature~~[-]~~.

87 ~~[(b) private donations to the program; and]~~

88 ~~[(c) other sources that may be made available to the program.]~~

89 ~~[(5) The division, with the advice and assistance of the committee, shall establish a~~

90 plan including the inventory scope, phases, and a budget for the implementation.]

91 Section 4. Section **9-6-704** is amended to read:

92 **9-6-704. State-Owned Art Inventory Committee -- Membership -- Chair --**

93 **Expenses -- Duties.**

94 (1) There is created within the division the State-Owned Art [~~Collections~~] Inventory
95 Committee.

96 (2) The committee consists of seven members [~~who shall be experts in one or more~~
97 ~~aspect of the program~~] as follows:

98 (a) the director of the Utah Museum of Fine Arts[;] or [a] the director's designee;

99 (b) the director of the Utah Arts Council[;] or [a] the director's designee;

100 (c) the director of the Division of Risk Management[;] or [a] the director's designee;

101 (d) the director of the Utah Academic Library Consortium[;] or [a] the director's
102 designee;

103 (e) the director of the Utah State Archives and Records Service[;] or [a] the director's
104 designee;

105 (f) the director of the Division of Facilities Construction and Management or the
106 director's designee; and

107 (g) a member of the public with expertise in the area of web site or database design and
108 administration appointed by the other members of the committee to serve at the pleasure of the
109 committee.

110 (3) (a) The committee shall annually elect a [~~chairperson~~] chair from its membership.

111 (b) (i) The committee shall hold meetings as needed to carry out its duties.

112 (ii) A meeting may be held [~~on~~] at the call of the chair or a majority of the committee
113 members.

114 (c) (i) Four committee members are necessary to constitute a quorum at [~~any~~] a
115 meeting [~~and, if~~].

116 (ii) If a quorum exists, the action of a majority of members present [~~shall be~~]
117 constitutes the action of the committee.

118 (4) (a) Committee members who are not government employees may not receive
119 compensation or benefits for their services, but may receive per diem and expenses incurred in
120 the performance of their official duties at rates established by the Division of Finance under

121 Sections 63A-3-106 and 63A-3-107.

122 (b) A committee member may decline to receive per diem and expenses for service to
123 the committee.

124 (5) The division shall provide staff support to the committee.

125 (6) The funding of the committee shall be a separate line item to the division in the
126 annual appropriations act.

127 (7) The committee shall:

128 (a) advise the division on the design and implementation of the inventory [~~study~~]
129 program;

130 (b) monitor, advise, and make recommendations to the division to promote and ensure
131 the efficient and effective plan for the inventory [~~study~~] program; [~~and~~]

132 [~~(c) study promoting~~]

133 (c) promote:

134 (i) collaborative efforts to develop public awareness[~~public school curriculum, and~~
135 ~~teacher training materials on the provisions of the program.]; and~~

136 (ii) accountability; and

137 (d) establish standards for certification of inventories of state-owned art possessed by
138 state entities.

139 Section 5. Section **9-6-705** is enacted to read:

140 **9-6-705. State-owned art inventories.**

141 An entity having possession of state-owned art shall:

142 (1) create a comprehensive inventory of that art based on standards established by the
143 committee; and

144 (2) appoint a staff member or position within the entity's organization to:

145 (a) maintain its state-owned art inventory; and

146 (b) submit records related to the state-owned art in its possession to the Division of
147 Arts and Museums.

148 Section 6. Section **9-6-706** is enacted to read:

149 **9-6-706. Certification of state-owned art inventories.**

150 (1) The Division of Arts and Museums shall certify an inventory created by an entity
151 under Subsection 9-6-705(1) as meeting the standards established by the committee.

152 (2) (a) An entity having possession of state-owned art shall submit an initial inventory
153 for certification by the Division of Arts and Museums by June 1, 2009.

154 (b) The entity shall submit subsequent inventories every three years in accordance with
155 a staggered schedule determined by the Division of Arts and Museums in consultation with the
156 committee.

157 (3) (a) The director of the Division of Arts and Museums shall provide an annual
158 state-owned art report to the Workforce Services and Community and Economic Development
159 Interim Committee by October 1.

160 (b) The report shall include:

161 (i) an inventory of state-owned art; and

162 (ii) a list of each entity having possession of state-owned art that is not in compliance
163 with the certification requirements established under this part.

164 Section 7. Section **9-6-707** is enacted to read:

165 **9-6-707. Technical assistance and outreach.**

166 The Division of Arts and Museums shall provide educational outreach and technical
167 assistance to an entity in possession of state-owned art for the purposes of:

168 (1) creating the entity's state-owned art inventory; and

169 (2) meeting the certification requirements established under this part.

Legislative Review Note
as of **11-19-08 11:32 AM**

Office of Legislative Research and General Counsel

Fiscal Note**S.B. 10 - Department of Community and Culture -- State-Owned Art
Inventory**

2009 General Session

State of Utah

State Impact

Enactment of this bill would require costs in the first year of \$33,000 and annual funding beginning in FY 2010 of \$24,600

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$24,600	\$24,600	\$0	\$0	\$0
General Fund, One-Time	\$0	\$8,400	\$0	\$0	\$0	\$0
Total	\$0	\$33,000	\$24,600	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.