

Representative V. Lowry Snow proposes the following substitute bill:

ARTS AND CULTURE BUSINESS ALLIANCE

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Dabakis

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill enacts the Arts and Culture Business Alliance Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Arts and Culture Business Alliance;
- ▶ describes the duties of the alliance;
- ▶ provides for the appointment of alliance members;
- ▶ provides for staff support for the alliance;
- ▶ provides for rulemaking;
- ▶ creates the Arts and Culture Business Alliance Account and provides for funding

and uses of account funds; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **9-6-201**, as last amended by Laws of Utah 2010, Chapter 111

28 **9-6-202**, as last amended by Laws of Utah 2012, Chapter 212

29 ENACTS:

30 **9-6-801**, Utah Code Annotated 1953

31 **9-6-802**, Utah Code Annotated 1953

32 **9-6-803**, Utah Code Annotated 1953

33 **9-6-804**, Utah Code Annotated 1953

34 **9-6-805**, Utah Code Annotated 1953

35 **9-6-806**, Utah Code Annotated 1953

36

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

38 Section 1. Section **9-6-201** is amended to read:

39 **9-6-201. Division of Arts and Museums -- Creation -- Powers and duties.**

40 (1) There is created within the department the Division of Arts and Museums under the
41 administration and general supervision of the executive director or the designee of the
42 executive director.

43 (2) The division shall be under the policy direction of the board.

44 (3) The division shall advance the interests of the arts, in all their phases, within the
45 state, and to that end shall:

46 (a) cooperate with and locally sponsor federal agencies and projects directed to similar
47 undertakings;

48 (b) develop the influence of arts in education;

49 (c) involve the private sector, including businesses, charitable interests, educational
50 interests, manufacturers, agriculturalists, and industrialists in these endeavors;

51 (d) utilize broadcasting facilities and the power of the press in disseminating
52 information; and

53 (e) foster, promote, encourage, and facilitate, not only a more general and lively study
54 of the arts, but take all necessary and useful means to stimulate a more abundant production of
55 an indigenous art in this state.

56 (4) The board shall set policy to guide the division in accomplishing the purposes set

57 forth in Subsection (3).

58 (5) [~~The~~] Except for arts development projects under Section 9-6-804, the division may
59 not grant funds for the support of any arts project under this section unless the project has been
60 first approved by the board.

61 (6) (a) For a pass-through funding grant of at least \$25,000, the division shall make
62 quarterly disbursements to the pass-through funding grant recipient, contingent upon the
63 division receiving a quarterly progress report from the pass-through grant recipient.

64 (b) The division shall:

65 (i) provide the pass-through grant recipient with a progress report form for the
66 reporting purposes of Subsection (6)(a); and

67 (ii) include reporting requirement instructions with the form.

68 Section 2. Section **9-6-202** is amended to read:

69 **9-6-202. Division director.**

70 (1) The chief administrative officer of the division shall be a director appointed by the
71 executive director in consultation with the board and the advisory board.

72 (2) The director shall be a person experienced in administration and knowledgeable
73 about the arts and museums.

74 (3) In addition to the division, the director is the chief administrative officer for:

75 (a) the Board of Directors of the Utah Arts Council created in Section 9-6-204;

76 (b) the Utah Arts Council created in Section 9-6-301;

77 (c) the Office of Museum Services created in Section 9-6-602; [~~and~~]

78 (d) the Museum Services Advisory Board created in Section 9-6-604[~~;~~]; and

79 (e) the Arts and Culture Business Alliance created in Section 9-6-803.

80 Section 3. Section **9-6-801** is enacted to read:

81 **Part 8. Arts and Culture Business Alliance Act**

82 **9-6-801. Title.**

83 This part is known as the "Arts and Culture Business Alliance Act."

84 Section 4. Section **9-6-802** is enacted to read:

85 **9-6-802. Definitions.**

86 As used in this part:

87 (1) "Account" means the Arts and Culture Business Alliance Account created in

88 Section 9-6-806.

89 (2) "Alliance" means the Arts and Culture Business Alliance created in Section
90 9-6-803.

91 (3) (a) "Arts" means the various branches of creative human activity.

92 (b) "Arts" includes visual arts, film, performing arts, sculpture, literature, music,
93 theater, dance, digital arts, video-game arts, and cultural vitality.

94 (4) "Arts development" or "development of the arts" means:

95 (a) constructing, expanding, or repairing facilities that house arts presentations;

96 (b) providing for public information, preservation, or access to the arts; or

97 (c) supporting the professional development of artists within the state.

98 Section 5. Section **9-6-803** is enacted to read:

99 **9-6-803. Arts and Culture Business Alliance -- Creation -- Members -- Vacancies.**

100 (1) There is created within the division the Arts and Culture Business Alliance.

101 (2) (a) The alliance shall consist of seven members.

102 (b) The six members described in Subsections (2)(d) and (e) shall be appointed by the
103 governor to four-year terms of office with the consent of the Senate.

104 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
105 time of appointment or reappointment, adjust the length of terms to ensure that the terms of the
106 members described in Subsections (2)(d) and (e) are staggered so that approximately half of the
107 members are appointed every two years.

108 (d) Five members shall be citizens with an interest in supporting and advancing the arts
109 and arts development in the state.

110 (e) One member shall have expertise in business or finance.

111 (f) One member is the executive director of the Department of Heritage and Arts, or the
112 executive director's designee.

113 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
114 appointed for the unexpired term in the same manner as the original member.

115 (4) Four members of the board constitute a quorum for the transaction of business.

116 (5) The governor shall annually select one of the board members as chair.

117 (6) Except for the executive director, a member may not receive compensation or
118 benefits for the member's service, but may receive per diem and travel expenses in accordance

119 with:

120 (a) Section 63A-3-106;

121 (b) Section 63A-3-107; and

122 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and

123 63A-3-107.

124 (7) A member may not receive a gift, prize, or award of money from the division or the

125 account.

126 Section 6. Section **9-6-804** is enacted to read:

127 **9-6-804. Alliance duties.**

128 The alliance shall:

129 (1) promote and encourage the development of the arts in the state;

130 (2) support the efforts of state and local government and nonprofit arts organizations to

131 encourage the development of the arts in the state;

132 (3) recommend policies, priorities, and objectives to the division regarding

133 development of the arts in the state; and

134 (4) approve the use of account funds for arts development.

135 Section 7. Section **9-6-805** is enacted to read:

136 **9-6-805. Staff support -- Rulemaking.**

137 The division shall:

138 (1) provide staff support for the alliance; and

139 (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

140 make rules, in consultation with the alliance, for a process for the alliance to accept and

141 consider applications for arts development projects, and to distribute account money, under this

142 part.

143 Section 8. Section **9-6-806** is enacted to read:

144 **9-6-806. Arts and Culture Business Alliance Account -- Funding -- Formula.**

145 (1) There is created within the General Fund a restricted account known as the Arts and

146 Culture Business Alliance Account.

147 (2) The account shall be administered by the division for the purposes listed in

148 Subsection (5).

149 (3) (a) The account shall earn interest.

- 150 (b) All interest earned on account money shall be deposited into the account.
- 151 (4) The account shall be funded by:
- 152 (a) appropriations made to the account by the Legislature; and
- 153 (b) private donations and grants.
- 154 (5) Subject to appropriation, the director shall use account funds to pay for:
- 155 (a) the statewide advancement and development of the arts in accordance with the
- 156 recommendation of the alliance; and
- 157 (b) actual administrative costs associated with administering this part.
- 158 (6) The division shall submit an annual written report to the department that gives a
- 159 complete accounting of the use of money from the account for inclusion in the annual report
- 160 described in Section [9-1-208](#).
- 161 Section 9. **Effective date.**
- 162 This bill takes effect on July 1, 2015.