

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

SENATE BILL 182

5 By: Senator K. Smith
6 By: Representative Willis
7

For An Act To Be Entitled

8
9
10 AN ACT CREATING THE KING BISCUIT DELTA BLUES FESTIVAL
11 TRUST; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT CREATING THE KING BISCUIT DELTA
15 BLUES FESTIVAL TRUST.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

SECTION 1. Creation and Administration.

20
21 (a) The Department of Arkansas Heritage shall create a non-profit
22 incorporated trust for the purpose of funding the King Biscuit Delta Blues
23 Festival and maintaining its tradition of cost free admission for all
24 Arkansans and visitors.

25 (b) The trust shall be known as "The King Biscuit Delta Blues Festival
26 Trust".

27 (c) The trust shall be administered by a board of trustees appointed
28 under the terms of this act.

29 (d) The trust shall be subject to state audit on an annual basis.
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SECTION 2. Board of trustees.

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32 (a) There is created a board of trustees of the King Biscuit Delta
33 Blues Festival Trust.

34 (b) The board of trustees shall consist of nine (9) members to be
35 appointed as follows:

36 (1) Three (3) members of the board of trustees shall be appointed

1 by the Governor;

2 (2)(A) Three (3) members of the board of trustees shall be
 3 appointed by the President Pro Tempore of the Senate.

4 (B) A list of candidates for these positions shall be
 5 submitted by the Mainstreet Helena program's board of directors to the
 6 President Pro Tempore of the Senate; and

7 (3)(A) Three (3) members of the board of trustees shall be
 8 appointed by the Speaker of the House of Representatives.

9 (B) A list of candidates for these positions shall be
 10 submitted by the Mainstreet Helena program's board of directors to the Speaker
 11 of the House of Representatives.

12 (c)(1) The chairman of the board of trustees shall be nominated by the
 13 chairman of the Mainstreet Helena program and confirmed by the King Biscuit
 14 Delta Blues Trust board of trustees.

15 (2) If no nomination is submitted by the chairman of the
 16 Main Street Helena program the board of trustees shall accept nominations from
 17 among the board members.

18 (d)(1) Any vacancies arising in the membership of the board of trustees
 19 shall be filled by the official or the official's successor who originally
 20 appointed that member.

21 (2) The persons selected to fill any House or Senate appointment
 22 vacancies on the board of trustees shall be selected from a list of candidates
 23 recommended by the Mainstreet Helena program's board of directors.

24 (e)(1) Before entering upon the trustee's respective duties, each board
 25 of trustees member shall take and subscribe, and file in the office of the
 26 Secretary of State, an oath to support the United States Constitution and
 27 Arkansas Constitution, and to faithfully perform the duties of the office upon
 28 which he is about to enter, and that he will not be or become interested,
 29 directly or indirectly, in any contract made by the board of trustees.

30 (2)(A) Any violation of the oath shall be a misdemeanor and shall
 31 be punished by a fine of not less than five hundred dollars (\$500) or by
 32 imprisonment of not less than six (6) months, or by both fine and
 33 imprisonment.

34 (B) Any contract entered into in violation of the oath
 35 shall be null and void.

36 (f) The board of trustees shall meet at least quarterly and shall fix a

1 regular date for the quarterly meeting.

2 (g) Each member of the board of trustees may receive expense
3 reimbursement in accordance with the Arkansas Code beginning at 25-16-901.

4 (h)(1) The appointing official or the official's successor shall have
5 the power to remove any member of the board of trustees before the expiration
6 of the trustee's term for cause only, after notice and hearing.

7 (2) The removal shall become effective only when approved in
8 writing by a majority of the total number of the board of trustees, but the
9 member removed or the member's successor shall have no right to vote on the
10 question of removal.

11 (3) The removal action shall be filed with the Secretary of State
12 together with a complete record of the proceedings at the hearing.

13 (4)(A) An appeal may be taken to the Pulaski County Circuit Court
14 by the Governor or the member ordered removed, and the appeal shall be tried
15 de novo on the record of the hearing before the Governor.

16 (B) An appeal may be taken from the circuit court to the
17 Supreme Court, which shall likewise be tried de novo.

18 (i) The board of trustees is authorized to enter into contracts or
19 agreements necessary to accomplish the purposes of this act.

20 (j) The board of trustees is authorized to establish and maintain an
21 identifiable trust bank account independent of the State Treasury.

22 (k) The board of trustees of the King Biscuit Delta Blues Festival is
23 authorized to contract with the Delta Cultural Center for administrative,
24 program, and related support for the trust and the festival.

25 (l) The Delta Cultural Center is authorized to contract with the King
26 Biscuit Delta Blues Festival and other entities for administrative, program,
27 and related support for the trust and the festival.

28
29 SECTION 3. Funding.

30 (a) Each fiscal year, the Department of Arkansas Heritage shall
31 transfer by warrant the sum of two-hundred thousand dollars (\$200,000) from
32 the Arkansas Department of Heritage fund account, from proceeds derived from
33 the conservative tax as set out in Amendment 75 of the Arkansas Constitution,
34 to the King Biscuit Blues Festival Trust Fund. The funds shall be used as
35 determined by the board of trustees of the King Biscuit Delta Blues Festival
36 Trust.

1 (b) The trust may be funded by tax deductible charitable donations and
 2 contributions, state and federal grants, state appropriations, federal funds,
 3 sale of promotional items, taxes on income earned in Arkansas by out of state
 4 workers, entertainers, and athletes, the collection of funds from the sale of
 5 specialized license plates, and other fund raising events and promotions.

6
 7 SECTION 4. Surplus funds - Matching funds.

8 (a) The board of trustees is authorized to use any surplus funds
 9 available in the trust account for matching federal or other funds available
 10 for financing necessary expansions or improvements of the festival.

11 (b) Before using any of the funds for the purposes of this section, the
 12 board of trustees shall adopt a resolution setting forth the amount of the
 13 funds to be used, the purposes for which the funds are to be used, the amount
 14 of matching funds to be derived by the use of the funds, and the nature of the
 15 expansions or improvements to be made.

16 (c) The resolution shall include a declaration that the use of the
 17 funds will not jeopardize the festival and that the funds are not needed for
 18 any existing or anticipated maintenance or operating purpose of the festival.

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 20 SECTION 5. Donations.

21 (a) The board of trustees, trust personnel, the Delta Cultural Center
 22 and the Mainstreet Helena program may solicit and accept donations,
 23 contributions, grants, donations and gifts of money and real or personal
 24 property from the federal government or from any person, firm, or corporation
 25 to be used for the purposes of the expansion, support or improvement of the
 26 festival.

27 (b) With respect to the purposes of this act, the trust, board of
 28 trustees, Delta Cultural Center and the Mainstreet Helena program are
 29 authorized to accept gifts, grants, or donations of real or personal property
 30 on behalf of the trust.

31 (c) All property, money, income, and resources of the trust received
 32 for support of the festival shall be exempt from taxation.

33 (d) All donations, contributions, and gifts made to the trust shall be
 34 tax exempt and tax deductible.

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 36 SECTION 6. Management.

1 (a) The board of trustees shall authorize the creation of a management
2 personnel position for the trust.

3 (b) The Director of the Delta Cultural Center is authorized to select,
4 hire, supervise, and terminate if necessary, the trust manager on behalf of
5 the trust and its board of trustees.

6 (c) The trust manager may only be removed by a majority of at least
7 seven (7) members of the board of trustees.

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