

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
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As Engrossed: S3/15/21 H4/8/21

A Bill

SENATE BILL 402

By: Senators J. Dismang, K. Ingram, T. Garner, C. Tucker

By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS CULTURAL
INSTITUTIONS TRUST FUND ACT; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ARKANSAS CULTURAL
INSTITUTIONS TRUST FUND ACT.

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

SECTION 1. Arkansas Code Title 13, Chapter 8, is amended to add an additional subchapter to read as follows:

Subchapter 3 – Arkansas Cultural Institutions Trust Fund Act.

13-8-301. Title.

This subchapter shall be known and made be cited as the "Arkansas Cultural Institutions Trust Fund Act".

13-8-302. Definitions.

As used in this subchapter:

(1) "Arkansas cultural institution" means a 501(c)(3) nonprofit organization located in the State of Arkansas that is open to the public and that acquires, conserves, researches, communicates, or exhibits works of art, artifacts or works of cultural or historic significance, or related items significant to the heritage of Arkansas for the purposes of education, study, and enjoyment; and

(2) "Major capital improvement project" means permanent



structural change or the restoration of some aspect of a building utilized by an Arkansas cultural institution.

13-8-303. Rules.

The Division of Arkansas Heritage shall promulgate rules to implement this subchapter that shall include criteria for the distribution of grant funds, including without limitation the following factors:

- (1) Estimated economic and tourism impact of the project;
- (2) Availability of other project funding sources; and
- (3) Overall project cost.

13-8-304. Application process and period – Arkansas Cultural Institutions Trust Fund Review Committee.

(a) The Division of Arkansas Heritage shall accept applications for grant funds for the Arkansas Cultural Institutions Trust Fund beginning November 1, 2021.

(b) Applications for grants from the fund shall be reviewed by the Arkansas Cultural Institutions Trust Fund Review Committee in accordance with rules established under § 13-8-303.

(c) The committee shall:

(1) Be created by the Secretary of the Department of Parks, Heritage, and Tourism in accordance with rules established under § 13-8-303; and

(2) Include the:

(A) Director of the Division of Arkansas Heritage;
(B) Director of the Tourism Division; and
(C) Director of an accredited museum within the Division of Arkansas Heritage.

(d) In accordance with rules under § 13-8-303, in evaluating applications, the committee shall consider factors, including without limitation the following:

- (1) The estimated economic and tourism impact of the project;
- (2) Availability of other project funding sources; and
- (3) Overall project cost.

(e) After individual review, the committee shall meet to discuss award recommendations based on the amount of funding available.

(f) The recommendations of the committee shall be submitted to the secretary for approval.

13-8-305. Use of the Arkansas Cultural Institutions Trust Fund.

(a) The Arkansas Cultural Institutions Trust Fund shall be used for major capital improvement projects at Arkansas cultural institutions.

(b)(1) The Division of Arkansas Heritage shall submit an annual report to the Secretary of the Department of Parks, Heritage, and Tourism by June 30 of each year, summarizing the grants of money from the Arkansas Cultural Institutions Trust Fund.

(2) The report required under subdivision (b)(1) of this section shall include recommendations directed toward furthering the purposes of the division, including without limitation preservation and promotion of Arkansas's natural and cultural heritage.

SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 11, is amended to add an additional section to read as follows:

19-5-1155. Arkansas Cultural Institutions Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Arkansas Cultural Institutions Trust Fund".

(b) The fund shall consist of:

(1) Grants, donations, or transfers made by any person or government agency or office;

(2) Any remaining balances in the fund carried forward from year to year; and

(3) Any other funds authorized or provided by law.

(c) The fund shall be used for the purposes set out in § 13-8-305.

SECTION 3. DO NOT CODIFY. Rules.

(a) When adopting the initial rules to implement this act, the Division of Arkansas Heritage shall file the final rule with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before November 1, 2021; or

(2) If approval under § 10-3-309 has not occurred by November 1, 2021, as soon as practicable after approval under § 10-3-309.

(b) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of November 1, 2021, so that the Legislative Council may consider the rules for approval before November 1, 2021.

/s/J. Dismang