Chapter 359

1969 REPLACEMENT PART

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Arts Commission

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359.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Arts" includes, but is not limited to, instrumental and vocal music; dance, drama, folk art, creative writing and poetry; architecture and landscaping design and the fields allied to them; painting, sculpture, photography; graphic and craft arts; industrial design; costume and fashion design; motion pictures, television, radio; tape and sound recording; the history, criticism, theory and practice of the arts; and the arts related to the presentation, performance, execution and exhibition of such art forms.

(2) "Association" means a nonprofit, private, incorporated or unincorporated institution, foundation, museum, organization, society or group, whether local, state, regional or national, that is operating, or doing business, in Oregon.

(3) "Chairman" means the chairman of the commission.

(4) "Commission" means the Oregon Arts Commission.

(5) "Local agencies" includes cities, counties and other public corporations and their officers, boards and commissions.

(6) "Public agencies" means state agencies and local agencies.

(7) "Private corporation" means a corporation organized for profit and authorized to do business in this state.

(8) "State agencies" includes state officers, departments, boards and commissions.
[1967 c.321 §1]

359.020 Oregon Arts Commission; members; vacancies; compensation and expenses. (1) There hereby is created the Oregon Arts Commission, consisting of seven members appointed by the Governor. A member shall be appointed to serve for a term of four years and until his successor is appointed and qualifies. Persons appointed members of the commission shall be citizens of Oregon well qualified by experience to make policy and recommendations in areas of concern to the commission and otherwise to perform the duties of the office.

(2) In case of a vacancy for any cause, the Governor shall appoint a successor to serve for the unexpired term. A member who serves a full term shall not be eligible for reappointment within one year following the expiration of his term.

(3) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.
[1967 c.321 §2; 1969 c.314 §28]

359.030 Objectives of commission. The objectives of the commission are:

(1) To complement, assist and strengthen existing or planned programs and activities of public and private associations in the arts to promote the broadest public benefit, while maintaining high artistic and scholarly standards.

(2) To encourage and give greater opportunities and recognition to individual Oregon artists whose work is, or gives promise of being, of high quality.

(3) To stimulate and encourage private and local initiative and financial support in connection with programs and activities in the arts.
[1967 c.321 §7]

359.040 Duties of commission. To carry out its objectives the commission shall:

(1) Develop programs and plans:

(a) To encourage broad public participation in, and understanding of, programs in the arts.

(b) To encourage public interest in conserving and understanding the cultural and artistic heritage of the state and of its people.

(c) To encourage increased recognition of the contributions of the arts to the richness of community life and to the development of the individual.

(d) To assist communities within the state in establishing or conserving local cultural, historical and artistic programs.

(e) To stimulate and encourage throughout the state the presentation, enjoyment and study of the arts among the youth and elderly people.

(f) To encourage and facilitate, where feasible, wider circulation throughout the state of noteworthy programs, productions, exhibitions and performances which demonstrate the artistic and cultural resources and accomplishments of the people of Oregon.

(g) To encourage and facilitate, where feasible, programs, productions, exhibitions and performances in Oregon of outstanding works of art and artistic talent in the fields of the arts, which may be brought from outside the state.

(2) Develop, maintain and make available to the public, information concerning:

(a) The cultural and artistic resources and activities within the state.

(b) The organizations and groups conducting, supporting or fostering programs and activities involving the employment, conservation and presentation of such resources.

(3) Advise and assist upon request and within the limits of the funds available:

(a) The Governor and other state officers, public agencies, the legislature, communities of the state and the public concerning the development, housing, presentation and conservation of the artistic and cultural resources within the state.

(b) State agencies concerning the acceptance and disposition of gifts of art to the state.

(4) Develop an honors program in the arts, which includes the means for recognizing distinguished artists and other Oregon citizens whose creative works or effort or whose services of philanthropy on behalf of the arts are such as to merit the official appreciation of the people of Oregon.
[1967 c.321 §8]

359.050 Powers of commission. (1) In performing its duties, the commission, within the limits of available funds, may:

(a) Conduct hearings and conferences to develop facts, to explain programs and activities, and to obtain advice.

(b) Enter into agreements with other public agencies and with associations and individuals for services which will assist the commission.

(c) Enter into agreements with other public agencies of Oregon or with agencies of other states or the Federal Government, and with private corporations, associations and individuals in Oregon or other states for cooperative endeavors which further the objectives and programs of the commission.

(d) Make grants to local agencies, to associations or to individuals for the development and conservation of programs in the arts, such grants to be made in accordance with rules adopted by the commission.

(2) In carrying out the purposes of this chapter, the commission, in addition to the other powers granted:

(a) Shall as needed appoint committees, consultants, artists and other persons expert in subjects of concern to the commission to advise and assist the commission.

(b) May obtain from any state agency necessary assistance and data.

(c) May perform other acts necessary to carry out its duties.

(3) In compliance with ORS 183.310 to 183.500, the commission may make rules necessary to carry out the purposes of this chapter.
[1967 c.321 §9]

359.060 Officers; meetings; quorum. (1) The commission shall select from its members, a chairman, a vice chairman and other officers as necessary. The chairman or vice chairman shall serve until the expiration of his term as a member of the commission, or until he resigns or is removed in accordance with subsection (2) of ORS 359.080.

(2) The commission shall meet annually at a time and place to be determined by the chairman. The chairman or three other members of the commission may call a special meeting upon not less than one week's notice to the other members.

(3) A majority of the members of the commission constitute a quorum for the transaction of business.
[1967 c.321 §4]

359.070 Duties of chairman and vice chairman; employes. (1) The chairman shall be the chief executive officer of the commission. He shall be responsible for the expenditure of all commission funds and shall sign all vouchers for obligations incurred or for expenditures authorized by the commission.

(2) The chairman, on behalf of the commission, shall execute all agreements, contracts or other documents entered into or approved by the commission.

(3) Subject to any applicable provisions of the State Merit System Law, and the approval of the commission, the chairman may employ or remove executive, technical and expert assistants and other employes as needed and fix their compensation. However, executive, technical and expert assistants shall be in the unclassified service for purposes of the State Merit System Law.

(4) The vice chairman shall perform the duties assigned to him by the chairman and, in accordance with the rules of the commission, shall perform the duties and have the powers of the chairman when the chairman is temporarily unable to perform his duties.
[1967 c.321 §5]

359.080 Vacancy in office of chairman or vice chairman. (1) If the chairman or

vice chairman resigns or is removed from office, a new chairman or vice chairman shall be elected by the commission. Until a new chairman is elected, the vice chairman shall act as chairman.

(2) The commission by a two-thirds vote of the members may declare the office of chairman or vice chairman vacant if the chairman or vice chairman is unavailable or otherwise unable to perform the duties of his office satisfactorily.
[1967 c.321 §6]

359.090 Report to Governor and legislature. (1) The commission shall report to the Governor and the Legislative Assembly at least 90 days prior to the convening of each regular session. The report shall include:

(a) A summary of its activities and programs, including recommendations made by the commission to public agencies.

(b) Significant findings made by the commission concerning the condition of the arts within the state.

(c) New proposals or recommendations.

(2) This section does not prohibit the commission from making recommendations or reports at other times to the Governor, the legislature or the public.
[1967 c.321 §13]

359.100 Grants and services from public and private sources. (1) The commission shall prepare and study plans for participation of public agencies and associations in Federal Government programs for the support and encouragement of the arts.

(2) The commission may apply for and accept grants or services from the Federal Government or any of its agencies, from associations, individuals and private corporations to carry out the purposes of this chapter.

(3) Grants or services from individuals, associations or private corporations shall not be accepted if restricted to a use which would be contrary to the laws of this state.
[1967 c.321 §10]

359.110 Gifts; commission as custodian. (1) The commission may solicit and accept gifts, bequests or devises of money, securities or other property of whatever character to carry out the purposes of this chapter. A restricted gift, bequest or devise shall not be accepted if such restriction would be contrary to the laws of this state.

(2) The commission shall be the custodian of any securities or other property accepted as a gift, bequest or devise. The commission shall hold such property as trustee for the state and shall conserve and administer such property to carry out the purposes of this chapter. Except as prohibited by law or restricted by the terms of the gift, bequest or devise, the commission may sell or exchange any property accepted as a gift, bequest or devise as it may from time to time determine. The income from such money, securities or other property shall be credited to the Arts Trust Account established by ORS 359.120.
[1967 c.321 §11]

359.120 Arts Trust Account. There hereby is established in the General Fund of the State Treasury an account to be known as the Arts Trust Account. All money received by the commission pursuant to ORS 359.100 and 359.110 shall be paid into the State Treasury and credited to the Arts Trust Account. All moneys in such account hereby are appropriated continuously for and shall be used by the commission in carrying out the purposes for which the funds were received.
[1967 c.321 §12]

359.130 Powers not granted or transferred. (1) The commission shall not direct, supervise or control the policy, programs, personnel, curriculum or administration of any public or private agency, school, association or entity having to do with the arts.

(2) Nothing in this chapter is intended to transfer from any other state agency to the commission any duty or power granted by statute to such other state agency prior to July 1, 1967.
[1967 c.321 §14]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1969.

Robert W. Lundy
Legislative Counsel

CHAPTERS 360 TO 365 [Reserved for expansion]