

1 SB214  
2 216035-1  
3 By Senator McClendon  
4 RFD: Governmental Affairs  
5 First Read: 15-FEB-22

8           SYNOPSIS:           Under existing law, the Alabama State  
9                           Council on the Arts is a council of members  
10                          appointed by the Governor whose duties include  
11                          stimulating and encouraging the study and  
12                          presentation of performing and participating in  
13                          fine arts throughout the state, surveying  
14                          institutions in artistic and cultural activities,  
15                          and encouraging public interest in cultural  
16                          heritage.

17                        This bill would provide that the council is  
18                        established to specifically honor the arts by  
19                        providing grants, programs, and services that  
20                        enhance the qualify of life and economic vitality  
21                        for all residents by supporting artistic resources.

22                        This bill would also provide that the  
23                        council may award honorariums and grants without  
24                        entering into contracts for services and without  
25                        competitive bidding.

1                   This bill would also make nonsubstantive,  
2                   technical revisions to update the existing code  
3                   language to current style.

4  
5                   A BILL  
6                   TO BE ENTITLED  
7                   AN ACT

8  
9                   Relating to the Alabama State Council on the Arts;  
10                  to amend Sections 41-9-41 and 41-9-44, Code of Alabama 1975,  
11                  to further provide for the purpose and authority of the  
12                  council; and to make nonsubstantive, technical revisions to  
13                  update the existing code language to current style.

14                 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15                         Section 1. Sections 41-9-41 and 41-9-44, Code of  
16                         Alabama 1975, is amended to read as follows:

17                         "§41-9-41.

18                         "There is ~~hereby~~ established a state commission to  
19                         be known as the Alabama State Council on the Arts, to honor  
20                         the arts by providing grants, programs, and services that  
21                         enhance the quality of life and economic vitality for all  
22                         Alabamians by providing support for the state's diverse and  
23                         rich artistic resources. The council shall consist of 15  
24                         members, broadly representative of all fields of the  
25                         performing and fine arts, to be appointed by the Governor from  
26                         among ~~citizens~~ residents of Alabama who are widely known for  
27                         their competence and experience in connection with the

1 performing and fine arts. When appointing members to the  
2 council, the Governor shall ensure that membership is  
3 reflective of the gender, race, and geographical makeup of the  
4 state. In making ~~such~~ appointments, due consideration shall be  
5 given to the recommendations made by representative civic,  
6 educational, and professional associations and groups  
7 concerned with or engaged in the production or presentation of  
8 the performing and fine arts generally.

9 "§41-9-44.

10 "(a) The council ~~is hereby authorized and empowered~~  
11 may do all of the following:

12 "(1) Issue or award honorariums whether as  
13 compensation for services or as gifts or donations, without  
14 entering into contracts and without regard to the competitive  
15 state bidding requirements in Chapters 4 and 16.

16 "~~(1)~~ (2) To hold Hold public and private hearings~~7.~~

17 "~~(2)~~ (3) To enter Enter into contracts, within the  
18 limits of funds available therefor, with individuals,  
19 organizations, and institutions, for services furthering the  
20 educational objectives of the council's program~~7.~~

21 "~~(3)~~ (4) To enter Enter into contracts, within the  
22 limit of funds available therefor, with local and regional  
23 associations, for cooperative endeavors furthering the  
24 educational objectives of the council's programs~~7.~~

25 "~~(4)~~ (5) To accept Accept public or private gifts,  
26 grants, donations, or bequests of unrestricted funds~~7.~~

1           "~~(5)~~(6) ~~To acquire~~ Acquire real property by lease or  
2 gift but not by purchase~~7~~.

3           "~~(6)~~(7) ~~To renovate~~ Renovate, furnish~~7~~, and maintain  
4 such real property and ~~to~~ lease or sublease the same~~7~~.

5           "~~(7)~~(8) ~~To allocate~~ Allocate and expend funds from  
6 all donations, income~~7~~, and revenue from any source whatsoever  
7 coming into the State Treasury, for the fulfillment and  
8 accomplishment of the objectives for which the council was  
9 created~~7~~.

10           "~~(8)~~(9) ~~To make~~ Make and sign any agreements and ~~to~~  
11 ~~do~~ and perform any acts that may be necessary to carry out the  
12 purposes of this article.

13           "(b) All debts or obligations incurred by the  
14 council shall be solely and exclusively obligations of the  
15 council and shall not create an obligation of the State of  
16 Alabama or of any county or municipality."

17           Section 2. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.