

Name of Fund: Delaware Arts Stabilization Fund
State Arts Agency: Delaware Division of the Arts
Year Authorized: 1992

The following is a word-for-word transcription of the legislation that enabled this state's cultural endowment or trust. Legislation must be understood in its unique context. Please contact the state arts agency for more information on the development process and for information on the legislation particular to this state.

HOUSE OF REPRESENTATIVES

135TH GENERAL ASSEMBLY

HOUSE BILL NO. 331

AS AMENDED BY
SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 87, TITLE 29 OF THE DELAWARE CODE. RELATIVE TO THE DEPARTMENT OF STATE.

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

Section 1. Amend §8708, Title 29 of the Delaware Code by deleting in subsection (5) the "." after the word "Commissioner" and by inserting in lieu thereof the following words "; and (6) Director of Division of the Arts."

Section 2. Amend Chapter 87, Title 29 of the Delaware Code by adding thereto the following new sections.

§8726. Definitions.

- (a) "Director" means the Director of the Division of the Arts.
- (b) "Division" means the Division of the Arts.
- (c) "State" means the State of Delaware.
- (d) "Council" means the Delaware State Arts Council created by this chapter.

§8727. Division of the Arts.

The Division of the Arts is established and it shall function, as required, as an advisory, coordinating or implementing agency:

- (a) to promote and encourage public interest in the cultural heritage of our State and to expand the State's cultural resources, and to promote public education in all fields of artistic and cultural activities, including but not limited to, music, theater, dance, painting, sculpture, architecture, and allied arts and crafts;
- (b) to encourage and assist freedom of artistic expression;
- (c) to encourage, promote and provide technical and professional assistance to arts programs of individuals, organizations, and institutions in the State;
- (d) to make such surveys as may be deemed advisable of public and private institutions

engaged in artistic and cultural activities, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the needs and aspirations of persons in all parts of the State; and

(e) to cooperate with and assist public and private institutions and organizations with a view toward mutual promotion and improvement of the performing and fine arts.

§8728. The Delaware State Arts Council.

(a) The Delaware State Arts Council is hereby established for the purpose of promotion and encouragement of the arts and shall provide guidance to the Director on matters of arts policy and shall consider such other matters as may be referred to it by the Governor, by the Secretary or the Department, or by the Director. The Council may study, research, plan and advise the Director, the Secretary and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(b) The Delaware State Arts Council shall be composed of Delaware citizens broadly representative of all fields of the performing and fine arts known for their interest in these areas appointed by the Governor. Each such citizen shall serve as a member of the Delaware State Arts Council for thin period of his unexpired term unless he vacates his position by resignation, death or incapacity. The Council shall be composed of not more than 15 members. When the number of members has been reduced to less than 15 by reason of the expiration of terms, resignation, death or Incapacity, the Governor shall appoint new members. The terms of newly appointed members will be staggered so that no more than one—third will expire annually. All new appointees shall serve for a term of 3 years and no member shall serve more than 2 consecutive terms.

(c) Members of the Council and Chairman shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties related to the Council.

(d) A Chairman of the Council shall be designated in addition to the members of the Council by the Governor and shall serve in that capacity at the pleasure of the Governor.

(e) Any appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term.

§8729. Assistance for the Development of the Arts.

(a) The Director is hereby authorized and directed to establish a special fund of the State to encourage instrumentalities, agencies and political subdivisions of the state and private and public nonprofit associations in the development of the arts in the State and to enhance the appreciation of artistic expressions by citizens of the State.

(b) The Director may contract with any instrumentality, agency or political subdivision of the State, and with any private or public nonprofit association, to accomplish any work authorized by this chapter.

(c) The Director and the Council shall establish such rules and regulations as are necessary to determine the eligibility of any instrumentality, or agency or political subdivision, private or public nonprofit association for participation in contracts authorized by this section. A private or public nonprofit association shall submit a letter of exemption from the Internal Revenue Service as proof of nonprofit status -

(d) The Director shall be responsible for fiscal matters and auditing of funds appropriated under this section. Expenditures from this special fund shall be in accordance with State law and shall be limited to appropriations provided therefore. Moneys on deposit in this special fund which are unexpended or unencumbered shall not revert at the end of each fiscal year.

§8130. Exemption from Bid Law.

The Division shall be exempt from Chapter 69 of this title.

Section 3. This Act shall be effective immediately on the date of its enactment.