

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 23.1-3223, 23.1-3224, and 23.1-3227 of the Code of Virginia, relating to*
 3 *public institutions of higher education; museums and other cultural institutions; Virginia Commission for*
 4 *the Arts; revisions.*

5 [H 1108]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 23.1-3223, 23.1-3224, and 23.1-3227 of the Code of Virginia are amended and reenacted as**
 9 **follows:**

10 **§ 23.1-3223. Duties of the Commission.**

11 A. The Commission shall:

12 1. Stimulate, *fund*, and encourage throughout the Commonwealth growth in artistic quality and
 13 excellence, public interest and participation in the arts, and access to high-quality and affordable literary,
 14 visual, and performing arts for all Virginians;

15 2. Make recommendations ~~concerning appropriate methods to encourage improve the economic viability,~~
 16 ~~an intellectually stimulating environment intellectual, and participatory environments for artists, and~~
 17 ~~participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts~~
 18 ~~of the Commonwealth;~~

19 3. ~~Promote the development and implementation of a planned, sequential, and comprehensive program of~~
 20 ~~Support supplemental arts education programs, taught by licensed teachers endorsed in arts education~~
 21 ~~including performances and workshops, in the public elementary and secondary schools of the~~
 22 ~~Commonwealth;~~

23 4. ~~Provide supplemental learning opportunities to the public school arts education curriculum;~~

24 5. ~~Encourage the development of~~ *Develop* a network of professional arts *professionals*, including
 25 *presenters, arts organizations, and the media, and arts promoters for the production of classical and new*
 26 *works of art and diversity in artistic expressions in media including the literary, visual, and performing arts*
 27 *that reflects a variety of artistic disciplines and backgrounds;*

28 6. 5. Provide funding for and ~~technical~~ assistance to artists, recognized nonprofit arts organizations,
 29 *localities*, and arts organizations and activities that celebrate and preserve the various cultures ~~represented~~
 30 ~~among the citizens of in~~ the Commonwealth;

31 7. 6. Encourage and support *arts organizations* in the creation of new works of art; ~~arts organizations~~
 32 ~~whose primary objective is to increase public access to the arts, particularly in underserved areas, and~~
 33 ~~performing arts tours to increase the availability of this form of artistic expression and the expansion of~~
 34 ~~access to these works throughout the Commonwealth;~~

35 8. 7. Establish a program of ~~financial assistance~~ to provide scholarships, grants, and other awards to artists
 36 who demonstrate exceptional ability and talent;

37 9. 8. Establish an advisory panel composed of artists, arts administrators, and citizens to advise the
 38 Commission ~~concerning fiscal matters as needed;~~

39 10. 9. Encourage arts organizations to ~~dedicate to their endowments at least \$1 of the price of each adult~~
 40 ~~admission to performances or exhibitions or at least one percent of moneys collected in fund campaigns;~~

41 11. ~~Encourage arts organizations to develop and implement plans for long-term fiscal sustainability,~~
 42 ~~including financial management and control capabilities, endowment enlargement plans that yield enough~~
 43 ~~income to underwrite one-third of the organizations' annual operating costs, and fundraising from~~
 44 ~~nongovernmental sources;~~

45 12. 10. Apply to and enter into contracts and agreements with the United States or any appropriate agency
 46 or officer of the United States for participation in or receipt of funding from any federal program respecting
 47 the arts;

48 13. 11. Provide incentives to local governing bodies to encourage public support and funding of the arts;

49 14. 12. Accept, hold, and administer gifts, contributions, and bequests of money or any other thing to be
 50 used for carrying out the purposes of this article;

51 15. 13. Develop specific procedures for the administration and implementation of a grantmaking program,
 52 so long as any such program is for the benefit of a nonprofit organization qualifying as a § 501(c)(3)
 53 organization under the Internal Revenue Code and prepare written guidelines to govern such program;

54 16. 14. Administer any funds available to the Commission and disburse such funds in accordance with the
 55 purposes of this article;

56 17. 15. Make expenditures from the Fund's interest and income to promote the arts in the Commonwealth

57 in accordance with § 23.1-3228 and assist nonprofit arts and cultural institutions and organizations in the
58 Commonwealth to assess, enhance, and plan for enhancement of their fiscal stability, financial management
59 and control capabilities, and capacity to raise funds for the furtherance of their respective missions from
60 nongovernmental sources;

61 ~~18.~~ 16. Enter into contracts and execute all instruments necessary and appropriate to carry out the
62 Commission's purposes;

63 ~~19.~~ 17. Explore and make recommendations concerning other possible dedicated revenue sources for the
64 Fund; and

65 ~~20.~~ 18. Perform any lawful acts necessary or appropriate to carry out the purposes of the Commission.

66 B. Nothing in this article shall be construed to affect the statutory purposes of the Virginia Museum of
67 Fine Arts.

68 **§ 23.1-3224. Executive Director of the Commission.**

69 The Governor ~~may~~ shall appoint ~~a~~ an executive director of the Commission, who shall serve at the
70 pleasure of the Governor. The executive director may employ the personnel required to assist the Commission
71 in the exercise and performance of its powers and duties. The executive director shall supervise and manage
72 such personnel and shall prepare, approve, and submit all requests for appropriations and be responsible for
73 all expenditures pursuant to appropriations, including all appropriations made to the Virginia Commission
74 for the Arts Fund established pursuant to § 23.1-3227.

75 **§ 23.1-3227. Virginia Commission for the Arts Fund.**

76 A. There is created in the state treasury a special nonreverting fund to be known as the Virginia
77 Commission for the Arts Fund, referred to in this article as "the Fund." The Fund shall be established on the
78 books of the Comptroller.

79 B. The Fund shall include such funds as may be appropriated by the General Assembly; revenues
80 transferred to the Fund from the special license plates for Virginians for the Arts program pursuant to
81 § 46.2-749.2:2; voluntary contributions collected through the income tax checkoff for the arts pursuant to
82 subdivision B 8 of § 58.1-344.3; and designated gifts, contributions, and bequests of money, securities, or
83 property of any other character.

84 C. All money, securities, or other property designated for the Fund shall be paid into the state treasury and
85 credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it.
86 Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert
87 to the general fund but shall remain in the Fund. *Moneys in the Fund shall be used solely for the purposes of*
88 *supporting initiatives relating to the duties of the Commission set forth in § 23.1-3223.* Expenditures and
89 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller
90 upon written request signed by persons authorized by the ~~Commission~~ executive director of the Commission.
91 The Fund's principal is not subject to expenditure by the Commission.