

Act 109 of the 1989 Regular Session.

Act 109

SB197

By: Senators Benham, C. Bell, Ingram, Bearden, Scott, Gibson, Nelson,  
Russ, Moore, and Bookout

"AN ACT TO ESTABLISH THE DELTA CULTURAL CENTER; TO DECLARE AN  
EMERGENCY; AND FOR OTHER PURPOSES."

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

SECTION 1. Intent. The development of the Delta was marked by the diversity of ethnic groups who were interdependent within the agricultural economy. Interpretation of the development of this area is important both to understanding the past and its effects on the future and to the economic development of the area through increased tourism. No facility now exists to interpret this vital portion of southern delta agricultural culture. The establishment of the Delta Cultural Center will fill this void.

The Delta Cultural Center will establish a resource to study, preserve, perpetuate, interpret, and present the rich cultural heritage representative of a rural Mississippi River Delta community whose economic dependence on agriculture fostered its development.

SECTIONS 2. Definitions. For the purposes of this act, the following definitions shall be applicable.

- (a) "Center" shall mean the Delta Cultural Center.
- (b) "Director" shall mean the Director of the Department of Arkansas Heritage.
- (c) "Department" shall mean the Department of Arkansas Heritage.
- (d) "Center Director" shall mean the Director of the Delta Cultural Center.
- (e) "Board" shall mean the Policy Advisory Board appointed by the Governor.
- (f) "National Board" shall mean the national advisory board appointed by the Governor to broaden the perspective of the center's activities and programming.

SECTION 3. Establishment. (a) There is hereby established the Delta Cultural Center which shall be a division of the Department of Arkansas Heritage. The Center shall be located in Helena, Arkansas. The Director of the Department of Arkansas Heritage, with the advice and consent of the Governor, shall appoint the Center Director. All other employees of the Center shall be employed by and serve at the pleasure of the Department Director.

(b) The Center shall operate a program of temporary and permanent exhibits, a library and resource center, live performances, and shall provide information on related activities in other parts of the Delta region. The attraction of visitors to the Delta shall be a major goal of the Center.

(c) All budgeting, purchasing, and related management functions of the Center shall be performed under the direction and supervision of the Director of the Department. The Director of the Department, after seeking the advice of the Board, shall promulgate any rules and regulations necessary for the implementation of this act.

SECTION 4. Policy Advisory Board. (a) There is hereby created the Delta Cultural Center Policy Advisory Board which shall advise the Center Director and staff on the development of permanent and temporary exhibits, a plan for acquisition of resource materials, and development of educational and other programming.

(b) (1) The Board shall consist of eleven (11) members. Nine (9) members shall be appointed by the Governor. The members appointed by the Governor shall be subject to confirmation by the Senate. The Governor shall make his appointments in such manner that each race or ethnic group having a significant presence in the Delta region shall be adequately represented on the Board. The State Historic Preservation Officer or designee and the Director of the Arkansas Arts Council or designee shall be members of the Board. The first Chairman of the Board will be appointed by the Governor for a one (1) year term. Thereafter, the chairman will be elected by members for a one (1) year term.

(2) The members of the Board appointed by the Governor shall serve for three (3) year terms except that in making the initial appointments to the Board, the Governor shall designate three (3) members to serve one (1) year terms; three (3) members to serve two (2) year terms and three (3) members to serve three (3) year terms. No member of the Board shall be eligible for appointment to more than two (2) consecutive full terms; however, initial appointees to the Board who are appointed for less than a three (3) year term may be eligible for appointment to two (2) full terms.

(3) The Board shall meet at least quarterly. Special meetings may be called by the chairman or a majority of the board.

(c) The Board members to be appointed by the Governor shall be:

(1) Two (2) residents of Phillips County who have exhibited an interest in the culture and heritage of the Delta;

(2) A Delta Blues musician;

(3) Two (2) members to serve as academic advisors who shall be training in the field of Delta folklore, history or a related field;

(4) A member of the Board of the Arkansas Endowment for the Humanities;

(5) Three (3) members at large.

(d) Any vacancy in the membership of the Board other than by the expiration of the term of office shall be filled by the Governor for the balance of the term of the membership which became vacant.

(e) The members of the Board shall receive no compensation for their services, but they shall be eligible for reimbursement for actual and necessary expenses incurred in the performance of their duties.

(f) There is hereby created the Delta Cultural Center National Advisory Board which shall advise the Board and the Center on placing the Center's activities within the broad context of the history and development of the Mississippi River Delta. The National Board will be composed of a minimum of fifteen (15) and a maximum of twenty-five (25) members appointed by the Governor for five (5) year terms. The members shall have backgrounds in the humanities, folklore, history, and other disciplines relevant to the work of the Center. The National Board shall meet at least annually.

SECTION 5. Powers. (a) The Center shall have the power to enter into contracts for the purchase, construction, lease, or other acquisition of real property to house the Center and to acquire or construct necessary support facilities including, but not limited to, overnight accommodations for visitors; to enter into contracts to purchase or lease personal property for use as exhibits or for use as research material related to the culture of the Delta; to enter into professional service contracts with appropriate professionals to assist in the establishment of the Center and the development

and operation of the Center's programs and activities.

(b) The Center shall have the authority to accept gifts of real or personal property and money.

(c) The Center shall have the authority to set fees related to the programs and services offered by the Center including, but not limited to, admission fees. Income generated by fees shall be cash funds of the Center to be used solely for the support of the Center. Fee income shall be deposited in a bank account but shall be subject to appropriation by the General Assembly.

(d) The Center may request the assistance of the Department of Parks and Tourism and any other appropriate state agency in establishing and operating the Center and its programs. The director of any state agency requested to assist in the establishment and operation of the Center shall, within the limits of available personnel and resources, provide such assistance.

SECTION 6. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. Emergency Clause. It is hereby found and determined by the Seventy-Seventh General Assembly that Arkansas is blessed with a diverse set of cultures, and that the Mississippi Delta is one of the most depressed areas in Arkansas. In order to preserve the heritage of the Delta as well as to capitalize on an abundant opportunity for tourism development in Eastern Arkansas, Arkansas should proceed with plans to develop a multi-state historic, cultural, and performing arts center at Helena. This Act should become effective immediately to provide for the proper administration of this program. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

APPROVED: February 20, 1989

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