

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 39.
LIBRARIES AND CULTURAL
INSTITUTIONS.

CHAPTER 2.
COMMISSION ON THE ARTS AND HUMANITIES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 2. COMMISSION ON THE ARTS AND
HUMANITIES.

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CHAPTER 2. COMMISSION ON THE ARTS AND HUMANITIES.

§ 39-201. AUTHORITY OF COUNCIL.

The enactment of this chapter by the Council is done pursuant to the authority vested in the Council under § 1-204.04(b).

(Oct. 21, 1975, D.C. Law 1-22, § 2, 22 DCR 2083.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2001.

1973 Ed., § 31-1901.

Legislative History of Laws

Law 1-22 was introduced in Council and assigned Bill No. 1-25, which was referred to the Committee on Human Resources and Aging. The Bill was adopted on first and second readings on May 13, 1975, and May 27, 1975, respectively. Enacted without signature by the Mayor on June 24, 1975, it was assigned Act No. 1-27 and transmitted to both Houses of Congress for its review.

§ 39-202. DEFINITIONS.

As used in this chapter:

- (1) The term "Mayor" means the Mayor of the District of Columbia established under § 1-204.21.
- (2) The term "Council" means the Council of the District of Columbia established under § 1-204.01.
- (3) The term "Commission" means the Commission on the Arts and Humanities established by § 39-203.
- (4) The term "arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, exhibition of those major art forms, and the study and application of the arts to the human environment.
- (5) The term "humanities" includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archeology; comparative religion; ethics; the history, criticism, theory, and practice of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life.
- (6) The term "public art" means sculptures, murals, mosaics, bas-reliefs, frescoes, tapestries, monuments, fountains, environmental designs, and other visual art forms that are intended to enhance the aesthetic quality of a public building, park, street, or sidewalk or other public place with which they are physically or spatially connected. The term "public art" shall not include landscape design or the incidental ornamentation of functional structural elements or accessories unless designed by a visual artist as part of an artwork design authorized by the Commission.
- (7) The term "Fund" means the Arts and Humanities Enterprise Fund established by § 39-205.01.

(Oct. 21, 1975, D.C. Law 1-22, § 3, 22 DCR 2083; June 25, 1986, D.C. Law 6-125, § 2(a), 33 DCR 2945; Jan. 31, 1998, D.C. Law 12-42, § 2(a), 44 DCR 5577.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2002.

1973 Ed., § 31-1902.

Legislative History of Laws

For legislative history of D.C. Law 1-22, see Historical and Statutory Notes following § 39-201.

Law 6-125 was introduced in Council and assigned Bill No. 6-143, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 25, 1986, and April 15, 1986, respectively. Signed by the Mayor on May 2, 1986, it was assigned Act No. 6-161 and transmitted to both Houses of Congress for its review.

Law 12-42, the "Arts and Humanities Enterprise Fund Establishment Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-13, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 3, 1997, and June 17, 1997, respectively. Signed by the Mayor on July 3, 1997, it was assigned Act No. 12-106 and transmitted to both Houses of Congress for its review. D.C. Law 12-42 became effective on January 31, 1998.

§ 39-203. ESTABLISHMENT; COMPOSITION; TERMS; VACANCIES; COMPENSATION.

(a) In order to evaluate and initiate action on matters relating to the arts, to encourage programs and the development of programs which promote progress in the arts, there is established, in the Office of the Mayor, in the District of Columbia, a commission to be known as the Commission on the Arts and Humanities. The Commission shall consist of 18 members appointed by the Mayor, with the advice and consent of the Council, in accordance with § 1-523.01. Each member appointed to the Commission shall be a person who has displayed an interest or an ability in 1 of the various fields of the arts or humanities and/or has been active in the furtherance of the arts or humanities in the District of Columbia. Members shall be appointed to ensure that they are representative of all the various geographic areas and neighborhoods within the District of Columbia.

(b) Members of the Commission shall serve terms not to exceed 3 years, which shall regularly commence on July 1st in the year of appointment and expire on June 30th 3 years later. All terms shall be staggered so that 6 terms expire each year on June 30th beginning in 1982. Members may be reappointed but may not serve more than 2 consecutive terms.

(c) Should a vacancy occur, a successor shall be appointed by the Mayor within 30 days, with the advice and consent of the Council to serve until the end of the term of the member whom that successor succeeds. Failing to receive the nomination within the 30 days, the Council shall appoint a person to fill the vacancy. Members of the Commission on the Arts and Humanities established under Organization Order No. 74-4 of January 7, 1974, issued by the Commissioner of the District of Columbia, shall continue to serve until the members of the Commission established under this chapter are appointed and qualify. The Mayor shall nominate members to the new Commission within 30 days of October 21, 1975.

(d) The Mayor shall nominate the Chairperson for the Commission.

(e) Members of the Commission shall serve without compensation, but shall be entitled to receive, in accordance with applicable District of Columbia regulations, reimbursement for expenses incurred while actually performing duties vested in the Commission.

(Oct. 21, 1975, D.C. Law 1-22, § 4, 22 DCR 2084; Mar. 10, 1982, D.C. Law 4-73, § 4(a), 28 DCR 5276; Oct. 19, 2002, D.C. Law 14-213, § 24, 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2003.

1973 Ed., § 31-1903.

Effect of Amendments

D.C. Law 14-213, in subsec. (a), substituted "Council, in accordance with § 1- 523.01." for "Council.

Legislative History of Laws

For legislative history of D.C. Law 1-22, see Historical and Statutory Notes following § 39-201.

Law 4-73 was introduced in Council and assigned Bill No. 4-318, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on October 27, 1981 and November 10, 1981, respectively. Signed by the Mayor on December 2, 1981, it was assigned Act No. 4-120 and transmitted to both Houses of Congress for its review.

Law 14-213, the "Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-671, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 4, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 26, 2002, it was assigned Act No. 14-459 and transmitted to both Houses of Congress for its review. D.C. Law 14-213 became effective on October 19, 2002.

Editor's Notes

Former § 31-2003.1 [1981 Ed.], D.C. Law 4-73, § 4(b), provided as follows:

"All official actions of the Commission on the Arts and Humanities taken by members appointed prior to March 10, 1982, are considered to be taken by a properly constituted Commission, regardless of the date of appointment and length of terms of its members."

§ 39-204. POWERS.

The Commission shall:

- (1) Take action concerning the needs of the residents of the District of Columbia for activities in the arts and humanities, and concerning the development and improvement of activities in the arts and humanities in the District of Columbia;
- (2) Prepare an annual plan of artistic projects and productions in the District of Columbia meeting the requirements of §§ 5(c) and 5(g) of the National Foundation on the Arts and Humanities Act of 1965, and act as the designated state agency for the District of Columbia, as referred to in § 5(g)(2)(A) of the National Foundation on Arts and Humanities Act of 1965, as amended;
- (3) Make grants to individuals and groups of individuals for projects and productions in the arts and humanities;
- (4) Cooperate and be empowered to contract with governmental departments and agencies, private organizations, consultants, and residents of the District of Columbia to develop and undertake programs which will encourage maximum participation in activities in the arts and humanities and promote greater appreciation and enjoyment of the arts and humanities;
- (5)(A) Accept donations, gifts by devise or bequest, grants, and any other type of asset from individuals, clubs, groups, corporations, partnerships, and other governmental entities;
 - (B) Manage any property or funds in accordance with the provisions or conditions of any donations, gifts, grants, or other transfers including the investment of the principal of such property and funds; and
 - (C) Deposit all funds raised pursuant to this subsection in the Fund.
- (5A) Sell promotional items and prints of works of art owned by the Commission, at prices established by the Commission;
- (5B) Loan works of art owned by the Commission to other entities, including museums, universities, and companies, either at no cost or at prices established by the Commission;
- (6) Be empowered to appoint advisory panels in the various fields of the arts and humanities, as the Commission may deem necessary, the members of which shall serve without compensation;
- (7) Adopt and modify bylaws and be empowered to adopt regulations as authorized by law; and
- (8)(A) Develop and annually update, after holding a public hearing, a public arts plan that establishes priorities for the selection and location of public art for the upcoming fiscal year; and
 - (B) Prepare an annual report at the end of each fiscal year on the implementation of that year's public arts plan.

(1973, Ed., § 31-1904; Oct. 21, 1975, D.C. Law 1-22, § 5, 22 DCR 2086; June 25, 1986, D.C. Law 6-125, § 2(b)-(d), 33 DCR 2945; Jan. 31, 1998, D.C. Law 12-42, § 2(b), 44 DCR 5577; Sept. 24, 2010, D.C. Law 18-223, § 2002(a), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2004.

Effect of Amendments

D.C. Law 18-223 added pars. (5A) and (5B).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2002(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 1-22, see Historical and Statutory Notes following § 39-201.

For legislative history of D.C. Law 6-125, see Historical and Statutory Notes following § 39-202.

For legislative history of D.C. Law 12-42, see Historical and Statutory Notes following § 39-202.

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

References in Text

"Sections 5(c) and 5(g) of the National Foundation on the Arts and Humanities Act of 1965," referred to in paragraph (2) of this section, is codified at 20 U.S.C. §§ 954(c) and (g).

"Section 5(g)(2)(A) of the National Foundation on Arts and Humanities Act of 1965, as amended," referred to in paragraph (2) of this section, is codified at 20 U.S.C. § 954(g)(2)(A).

Miscellaneous Notes

Short title: Section 2001 of D.C. Law 18-223 provided that subtitle A of title II of the act may be cited as the "Commission on the Arts and Humanities Artistic Sales Authorization Amendment Act of 2010".

§ 39-205. ADMINISTRATION.

(a) There shall be an Executive Director for the Commission who shall be appointed by the Commission. The Executive Director shall be the chief administrative officer of the Commission and shall be responsible for supervising the remainder of the staff of the Commission. He shall report regularly to the Commission on his activities. The Executive Director shall receive annual compensation fixed in accordance with the provisions of subchapter XI of Chapter 6 of Title 1.

(b) The Commission shall meet monthly, except when a meeting is cancelled by the Chairperson and a majority of the Commission. Special meetings of the Commission may be called by the Mayor, Council, Chairperson of the Commission, or upon the request of 5 members of the Commission.

(c) The Commission shall prepare and submit to the Mayor an annual budget to be included in the regular budget process of the District of Columbia developed in accordance with subchapter I of Chapter 3 of Title 47. In addition, each annual capital budget request submitted by the Mayor to the Council shall include as a discrete capital project a public arts fund in the amount of 1% of the total authority requested for the construction, renovation, and repair of public facilities and institutions, exclusive of land acquisition and infrastructure. Public arts fund financing shall be used by the Commission to fund the creation, installation, and maintenance of public art. The commissioning of artists and the selection, approval, placement, and maintenance of public art shall be the responsibility of the Commission in consultation with both the Department of Public Works and, if applicable, the public official or employee with chief administrative responsibility for the actual use of the public place affected.

(d) The Chairperson shall submit to the Mayor and the Council the annual reports of the Commission's activities, the public arts plan required by § 39-204(8), and any other plans, recommendations, and projections for the following year. These reports, plans, recommendations, and projections shall accompany the budget request referred to in subsection (c) of this section.

(Oct. 21, 1975, D.C. Law 1-22, § 6, 22 DCR 2087; Mar. 3, 1979, D.C. Law 2-139, § 3205(s), 25 DCR 5740; June 25, 1986, D.C. Law 6-125, § 2(e)-(f), 33 DCR 2945.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2005.

1973 Ed., § 31-1905.

Legislative History of Laws

For legislative history of D.C. Law 1-22, see Historical and Statutory Notes following § 39-201.

Law 2-139 was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-125, see Historical and Statutory Notes following § 39-202.

§ 39-205.01. ARTS AND HUMANITIES ENTERPRISE FUND; ESTABLISHMENT; ACCOUNTING; INVESTMENT.

- (a) There is established the Arts and Humanities Enterprise Fund ("Fund") to be operated by the Commission.
- (a-1) There shall be deposited into the Fund:
- (1) Private donations, gifts, and grants; and
 - (2) Proceeds of the sale or loan of works of arts, prints, and promotional items.
- (b) The monies in the Fund shall not be a part of, nor lapse into, the General Fund of the District or any other fund of the District.
- (c) By October 1st of each year, the Commission shall publish in the District of Columbia Register and in a report submitted to the Council, a specific accounting of how monies in the Fund were expended and any remaining balance. The accounting shall include the following:
- (1) The name of any donors or anonymous contributions;
 - (2) The amounts of each contribution;
 - (3) A description of any donated property; and
 - (4) Identification of the programs or recreation centers where the funds have been expended.
- (d) Proceeds in the Fund may be expended for the administration, improvement, and maintenance of property and programs managed by the Commission.
- (e) Proceeds in the Fund may be invested in a prudent and reasonable manner consistent with applicable District government policies and procedures.

(Oct. 21, 1975, D.C. Law 1-22, § 6a, as added Jan. 31, 1998, D.C. Law 12-42, § 2(c), 44 DCR 5577; Apr. 20, 1999, D.C. Law 12-264, § 29, 46 DCR 2118; Sept. 24, 2010, D.C. Law 18-223, § 2002(b), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2005.1.

1981 Ed., § 31-2005.1.

Effect of Amendments

D.C. Law 18-223 added subsec. (a-1).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2002(b) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 12-42, see Historical and Statutory Notes following § 39-202.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

For Law 18-223, see notes following § 39-204.

§ 39-206. MISCELLANEOUS PROVISIONS.

- (a) The Mayor shall instruct the Office of Management and Budget Systems to coordinate with the Commission the establishment of a bookkeeping and accounting system to allow for swift transference of grant monies from the District government to a recipient, and shall instruct that Office, in concert with the Commission, to establish a voucher system which would also allow for the swift transference of funds from the District government to grant recipients.
- (b) Nominees for the Commission shall be residents of the District of Columbia.
- (c) The Commission shall establish procedures in its bylaws to handle conflicts of interest in the awarding of grants, when any commissioner has either a structural or fiduciary relationship with a grantee.

(Oct. 21, 1975, D.C. Law 1-22, § 7, 22 DCR 2088.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2006.

1973 Ed., § 31-1906.

Legislative History of Laws

For legislative history of D.C. Law 1-22, see Historical and Statutory Notes following § 39-201.