

ENROLLED ACT NO. 36, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2009 GENERAL SESSION

AN ACT relating to the Wyoming arts council; modifying the council's name; clarifying the relationship between the arts council board and the department of state parks and cultural resources; providing for duties of the board; providing for duties of the department; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 9-2-901(a) and by creating a new subsection (c), 9-2-902(a), 9-2-903(a)(intro) and (iii) and by creating a new subsection (c), 9-2-904(a)(intro), (i), by creating a new paragraph (iv), (c) and by creating new subsections (d) and (e), 9-2-905(a)(intro) and (i) through (iv), 9-2-906, 9-2-907(a) and by creating a new subsection (c), 9-2-908(a)(i) through (iii), (b)(intro), (i), (c), (e)(i) and (ii), 9-2-910(b) and 9-2-2305(a)(ii)(B) are amended to read:

9-2-901. Creation; membership; appointment; removal; qualifications; recommendations thereto; definitions.

(a) The Wyoming ~~council on the~~ arts council board is created as an advisory ~~council~~ board within the department of state parks and cultural resources, consisting of ten (10) members appointed by the governor and confirmed by the senate who are removable by the governor as provided in W.S. 9-1-202. The members shall be residents of Wyoming who are known for their competence and experience in ~~all fields of the performing and fine~~ arts.

(c) As used in this article:

(i) "Board" means the Wyoming arts council board created in subsection (a) of this section;

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(ii) "Department" means the department of state parks and cultural resources.

9-2-902. Terms of members; vacancies; chairman and vice-chairman; expenses; personnel.

(a) The term of office of each member of the ~~council board~~ is three (3) years. Vacancies shall be filled by the governor for the unexpired term. The ~~council board~~ shall select from its membership a chairman and vice-chairman. The members of the ~~council board~~ shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for travel and per diem expenses incurred in the performance of their duties.

9-2-903. Duties of department; duties of board.

(a) The department, ~~of state parks and cultural resources,~~ in consultation with the ~~council board~~, shall:

(iii) ~~Make recommendations concerning~~ Develop appropriate methods and programs to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(c) The board may:

(i) Work with the department to encourage and facilitate public interest in the cultural heritage of the state and to expand the state's cultural resources;

(ii) Advise the department on program planning and policy formulation including fiscal policies;

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(iii) Participate in the development and review of long and short range plans for the arts in Wyoming and advise the department in developing policies to implement those plans;

(iv) Make recommendations to the director of the department and administrator of the division of cultural resources within the department on the selection of the manager of the Wyoming arts council program;

(v) Appoint committees and task forces to carry out any duties deemed necessary by the board;

(vi) Chair grant review committees or panels and approve the membership of grant review panels, committees and artist rosters;

(vii) Consider recommendations of grant review committees and panels and approve grants to artists, arts organizations and other applicants;

(viii) Review and recommend to the department a budget for arts programs and advise the department on the allocation of state and federal funds;

(ix) Review and recommend arts programs, approve guidelines for programs and oversee the arts grant making functions of the department;

(x) Actively promote and advocate for the arts throughout the state and the region.

9-2-904. Powers; receipt of assistance and data; receipt of money and property.

(a) The ~~council~~board may:

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(i) Hold public ~~and private~~ hearings;

(iv) Appoint advisory committees as it deems necessary to carry out its duties.

(c) The department may receive any money or property of any kind or character, donated, granted or bequeathed to the ~~council board, the department~~ or to the state of Wyoming for the purposes of furthering the objectives of the department's ~~programs arts program~~. Money received and the proceeds of other property received under this subsection shall be deposited in a separate revenue account to be expended upon legislative appropriation for purposes of this article.

(d) The department may:

(i) Hold public hearings;

(ii) Enter into contracts for services and award grants furthering the objectives of the department's arts program; and

(iii) Enter into contracts with local and regional associations for cooperative endeavors furthering the objectives of the department's arts program.

(e) The department is designated as the official state agency for purposes of receiving and disbursing any federal funds made available for purposes of this article.

Subarticle A
Endowments

9-2-905. Definitions.

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(a) As used in this ~~article~~subarticle:

(i) "Approved request" means the amount approved by the ~~department in consultation with the~~ Wyoming arts council board from the state account for distribution to a qualifying organization;

(ii) "~~Council~~Board" means the Wyoming arts council board;

(iii) "Endowment fund" means any arts endowment fund created under this ~~article~~subarticle by a qualifying organization;

(iv) "Qualifying organization" means any Wyoming nonprofit arts, cultural or historical organization that qualifies under this ~~article~~subarticle to create an endowment fund, receive state monies into the endowment fund, match state monies deposited into the endowment fund and expend interest earned on the endowment fund;

9-2-906. Wyoming arts endowment account.

The Wyoming arts endowment account is created. The account shall be administered by the ~~council~~department in accordance with applicable law. The account shall contain all monies appropriated to it by the legislature. The purpose of the account is to provide for the cultural enrichment and benefit of citizens throughout the state of Wyoming by providing monies to qualifying arts or cultural organizations to enable them to create their own arts endowment funds and to provide for administrative expenses of the ~~council~~department in implementing W.S. 9-2-905 through 9-2-911.

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9-2-907. Arts organization endowment fund.

(a) Any Wyoming nonprofit arts, cultural or historical organization may create an endowment fund into which there may be deposited monies from the state account. The principal of each endowment fund may not be expended by the qualifying organization. ~~and shall be held in perpetuity solely by the qualifying organization or by the council on behalf of the qualifying organization.~~ Only interest income earned on the amount in each endowment fund may be expended by the qualifying organization.

(c) The department shall:

(i) Allocate monies from the state account to the endowment fund created by a qualifying organization under W.S. 9-2-907;

(ii) Determine the eligibility of each qualifying organization to receive monies from the state account into the endowment fund of the qualifying organization and be the final arbiter of eligibility;

(iii) Determine the matching amount each qualifying organization must raise in order to qualify to receive monies from the state account;

(iv) Establish a date by which each qualifying organization shall provide its matching fund;

(v) Verify that matching funds have been provided by each qualifying organization by the date determined in W.S. 9-2-908(e); and

(vi) In accordance with Wyoming Administrative Procedure Act, establish criteria by rule not otherwise

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prescribed in this article for determining the eligibility of qualifying organizations to receive monies from the state account.

9-2-908. Eligibility requirements of qualifying arts organizations; allocation limitations; matching requirements.

(a) Any qualifying organization may apply to receive monies from the state account to be deposited in the qualifying organization's endowment fund:

(i) If it has received a grant from the council department during one (1) of the three (3) years immediately before making application for state fund monies under this subsection; or

(ii) Upon approval by the council department if it has not received a grant from the council department within the past three (3) years;

(iii) If it has met eligibility requirements established by the council department under W.S. ~~9-2-903(b)(vi)~~ 9-2-907(c)(vi).

(b) The council department in consultation with the board may allocate monies from the state account subject to the following limitations:

(i) The maximum amount that may be allocated to each qualifying organization from the state account shall be determined by the council department in consultation with the board by calculating the average cash income of the qualifying organization during the past three (3) fiscal years as contained in the qualifying organization's financial reports on file with the council department. The

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~~council~~—department shall notify each qualifying organization of the maximum amount of monies from the state account for which it qualifies;

(c) After the ~~council~~—department in consultation with the board determines that a qualifying organization is eligible to receive monies from the state account and before any money is allocated to the qualifying organization from the state account, the qualifying organization shall match the amount qualified for by monies raised and designated exclusively for that purpose. State monies, in-kind contributions, and preexisting endowment gifts may not be used to match monies from the state account.

(e) Monies from the state account shall be distributed subject to the following requirements:

(i) Qualifying organizations shall raise a cash amount equal to the approved request within three (3) years after applying for monies from the state account by a date determined by the ~~council~~—department. For purposes of partial distribution of an approved amount, the ~~council~~—department shall review the amount of matching funds received by a qualifying organization on an annual basis;

(ii) Monies from the state account shall be released to the qualifying organization only upon verification to the ~~council~~—department that the matching monies have been received on or before the date determined under paragraph (i) of this subsection. Partial distribution of an approved amount shall be made on an annual basis in an amount equal to the matching monies received by a qualifying organization upon verification to the ~~council~~—department;

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9-2-910. Spending restrictions; return of endowment.

(b) If the ~~council~~department determines that a qualifying organization has expended any amount of the endowment monies received from the state account or any amount of the required matching monies, the qualifying organization shall return the amount it received from the state account. The ~~council~~department in consultation with the board shall reallocate any such returned monies to qualifying organizations in the manner as provided in W.S. 9-2-909.

9-2-2305. Wyoming cultural trust fund board; creation; members.

(a) There is created the Wyoming cultural trust fund board. The board shall consist of five (5) members, as follows:

(ii) Four (4) persons appointed by the governor and confirmed by the senate from the following nominees:

(B) Two (2) persons nominated by the Wyoming arts council board.

Section 2. W.S. 9-2-903(b) and 9-2-904(a)(ii) and (iii) are repealed.

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Section 3. This act is effective July 1, 2009.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk