

SENATE FILE NO. SF0006

Wyoming arts council-revisions.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

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

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

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10 **Section 1.** W.S. 9-2-901(a) and by creating a new
11 subsection (c), 9-2-902(a), 9-2-903(a)(intro) and (iii) and
12 by creating a new subsection (c), 9-2-904(a)(intro), (i),
13 by creating a new paragraph (iv), (c) and by creating new
14 subsections (d) and (e), 9-2-905(a)(intro) and (i) through
15 (iv), 9-2-906, 9-2-907(a) and by creating a new subsection
16 (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 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;

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

1 **9-2-902. Terms of members; vacancies; chairman and**
2 **vice-chairman; expenses; personnel.**

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

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13 **9-2-903. Duties of department; duties of board.**

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

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

22
23 (c) The board may:
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1 (i) Work with the department to encourage and
2 facilitate public interest in the cultural heritage of the
3 state and to expand the state's cultural resources;

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5 (ii) Advise the department on program planning,
6 policy formulation and fiscal responsibilities;

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

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13 (iv) Make recommendations to the governor for
14 appointments to fill board vacancies and for appointments
15 to the cultural trust fund board as provided in W.S.
16 9-2-2305(a)(ii)(B);

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18 (v) Make recommendations to the director of the
19 department and administrator of the division of cultural
20 resources within the department on the selection of the
21 manager of the Wyoming arts council program;

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

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

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

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

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

(xi) 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;

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

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(d) The department may:

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(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.

(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;

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

4
5 (iv) "Qualifying organization" means any Wyoming
6 nonprofit arts, cultural or historical organization that
7 qualifies under this ~~article~~subarticle to create an
8 endowment fund, receive state monies into the endowment
9 fund, match state monies deposited into the endowment fund
10 and expend interest earned on the endowment fund;

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12 **9-2-906. Wyoming arts endowment account.**

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

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9-2-907. Arts organization endowment fund.

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(c) The department shall:

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(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.

(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;

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

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

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

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12 (vi) In accordance with Wyoming Administrative
13 Procedure Act, establish criteria by rule not otherwise
14 prescribed in this article for determining the eligibility
15 of qualifying organizations to receive monies from the
16 state account.

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18 **9-2-908. Eligibility requirements of qualifying arts**
19 **organizations; allocation limitations; matching**
20 **requirements.**

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

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

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

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11 (iii) If it has met eligibility requirements
12 established by the ~~council~~department under W.S.
13 ~~9-2-903(b)(vi)~~9-2-907(c)(iv).

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

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19 (i) The maximum amount that may be allocated to
20 each qualifying organization from the state account shall
21 be determined by the ~~council~~department in consultation
22 with the board by calculating the average cash income of
23 the qualifying organization during the past three (3)
24 fiscal years as contained in the qualifying organization's

1 financial reports on file with the ~~council~~department. The
2 ~~council~~department shall notify each qualifying
3 organization of the maximum amount of monies from the state
4 account for which it qualifies;

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

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

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20 (i) Qualifying organizations shall raise a cash
21 amount equal to the approved request within three (3) years
22 after applying for monies from the state account by a date
23 determined by the ~~council~~department. For purposes of
24 partial distribution of an approved amount, the ~~council~~

1 department shall review the amount of matching funds
2 received by a qualifying organization on an annual basis;

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

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14 **9-2-910. Spending restrictions; return of endowment.**

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16 (b) If the ~~council~~department determines that a
17 qualifying organization has expended any amount of the
18 endowment monies received from the state account or any
19 amount of the required matching monies, the qualifying
20 organization shall return the amount it received from the
21 state account. The ~~council~~department in consultation with
22 the board shall reallocate any such returned monies to
23 qualifying organizations in the manner as provided in W.S.
24 9-2-909.

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

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

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

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

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

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

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20 (END)