

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

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.

7

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

9

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 and by creating a new paragraph (iv), (c) and by creating

1 new subsections (d) and (e), 9-2-905(a)(i) through (iv), 9-
2 2-906, 9-2-907(a) and by creating a new subsection (c), 9-
3 2-908(a), (b), (c) and (e), 9-2-910(b) and 9-2-
4 2035(a)(ii)(B) are amended to read:

5

6 **9-2-901. Creation; membership; appointment; removal;**
7 **qualifications; recommendations thereto; definitions.**

8

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

17

18 (c) As used in this article:

19

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

22

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

3
4 **9-2-902. Terms of members; vacancies; chairman and**
5 **vice-chairman; expenses; personnel.**

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

15
16 **9-2-903. Duties of department; duties of board.**

17
18 (a) The department ~~,of state parks and cultural~~
19 resources, in consultation with the ~~council~~board, shall:

20
21 (iii) ~~Make recommendations concerning~~ Develop
22 appropriate methods and programs to encourage participation

1 in and appreciation of the arts to meet the legitimate
2 needs and aspirations of persons in all parts of the state;

3

4 (c) The board may:

5

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

9

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

12

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

17

18 (iv) Make recommendations to the governor for
19 appointments to fill board vacancies and for appointments
20 to the cultural trust fund board as provided in W.S. 9-2-
21 2305(A)(ii)(B);

22

1 (v) Make recommendations to the director of the
2 department and administrator of the division of cultural
3 resources within the department on the selection of the
4 manager of the Wyoming arts council program;

5
6 (vi) Appoint committees and task forces to carry
7 out any duties deemed necessary by the board;

8
9 (vii) Chair grant review committees or panels
10 and approve the membership of grant review panels,
11 committees and artist rosters;

12
13 (viii) Consider recommendations of grant review
14 committees and panels and approve grants to artists, arts
15 organizations and other applicants;

16
17 (ix) Review and recommend to the department a
18 budget for arts programs and advise the department on the
19 allocation of state and federal funds;

20
21 (x) Review and recommend arts programs, approve
22 guidelines for programs and oversee the arts grant making
23 functions of the department;

1

2

(xi) Actively promote and advocate for the arts

3

throughout the state and the region.

4

5

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

6

receipt of money and property.

7

8

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

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10

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

11

12

(iv) Appoint such advisory committees as it

13

deems necessary to carry out its duties.

14

15

(c) The department may receive any money or property

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of any kind or character, donated, granted or bequeathed to

17

the ~~council~~board, the department or to the state of

18

Wyoming for the purposes of furthering the objectives of

19

the department's ~~programs~~arts program. Money received and

20

the proceeds of other property received under this

21

subsection shall be deposited in a separate revenue account

22

to be expended upon legislative approval for purposes of

23

this article.

1

2 (d) The department may:

3

4 (i) Hold public hearings;

5

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

9

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

13

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

17

18 Subarticle A

19 Endowments

20

21 **9-2-905. Definitions.**

22

23 (a) As used in this article:

1

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

6

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

9

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

13

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

20

21 **9-2-906. Wyoming arts endowment account.**

22

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

12

13 **9-2-907. Arts organization endowment fund.**

14

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

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(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

1 (vi) In accordance with Wyoming Administrative
2 Procedure Act, establish criteria by rule not otherwise
3 prescribed in this article for determining the eligibility
4 of qualifying organizations to receive monies from the
5 state account.

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8 **9-2-908. Eligibility requirements of qualifying arts**
9 **organizations; allocation limitations; matching**
10 **requirements.**

11
12 (a) Any qualifying organization may apply to receive
13 monies from the state account to be deposited in the
14 qualifying organization's endowment fund:

15
16 (i) If it has received a grant from the ~~council~~
17 department during one (1) of the three (3) years
18 immediately before making application for state fund monies
19 under this subsection; or

20
21 (ii) Upon approval by the ~~council~~department if
22 it has not received a grant from the ~~council~~department
23 within the past three (3) years;

1

2 (iii) If it has met eligibility requirements
3 established by the ~~council~~department under W.S.
4 ~~9-2-903(b)(vi)~~9-2-907(c)(iv).

5

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

9

10 (i) The maximum amount that may be allocated to
11 each qualifying organization from the state account shall
12 be determined by the ~~council~~department in consultation
13 with the board by calculating the average cash income of
14 the qualifying organization during the past three (3)
15 fiscal years as contained in the qualifying organization's
16 financial reports on file with the ~~council~~department. The
17 ~~council~~department shall notify each qualifying
18 organization of the maximum amount of monies from the state
19 account for which it qualifies;

20

21 (c) After the ~~council~~department in consultation with
22 the board determines that a qualifying organization is
23 eligible to receive monies from the state account and

1 before any money is allocated to the qualifying
2 organization from the state account, the qualifying
3 organization shall match the amount qualified for by monies
4 raised and designated exclusively for that purpose. State
5 monies, in-kind contributions, and preexisting endowment
6 gifts may not be used to match monies from the state
7 account.

8

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

11

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

19

20 (ii) Monies from the state account shall be
21 released to the qualifying organization only upon
22 verification to the ~~council~~department that the matching
23 monies have been received on or before the date determined

1 under paragraph (i) of this subsection. Partial
2 distribution of an approved amount shall be made on an
3 annual basis in an amount equal to the matching monies
4 received by a qualifying organization upon verification to
5 the ~~council~~department;

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7 **9-2-910. Spending restrictions; return of endowment.**

8

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

18

19 **9-2-2305. Wyoming cultural trust fund board;**
20 **creation; members.**

21

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

4

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

7

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

10

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

13

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

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16

(END)