

# Clearinghouse Rule 98-013

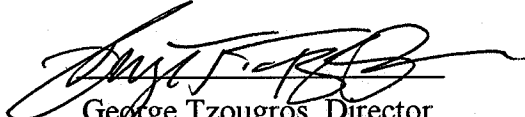
## CERTIFICATE

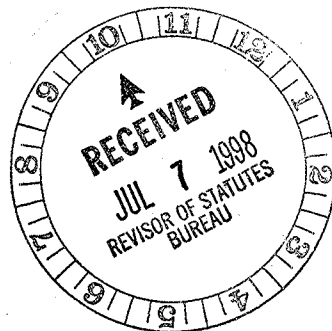
STATE OF WISCONSIN    )  
                                  ) SS  
ARTS BOARD                )

I, George Tzougros, Executive Director and Custodian of the official records of the Arts Board, do hereby certify that the annexed rules relating to the criteria and procedures under which the Wisconsin Arts board shall administer the funds available for grants to individual artists and arts organizations, and to administer the program of arts in public buildings, were duly approved and adopted by this Board on June 25, 1998.

I further certify that said copy has been compared by me with the original on file in this Board and that the same is a true copy thereof, and the whole of the original.

IN TESTIMONY WHEREOF, I  
have here unto set my hand as  
Executive Director at 101 East  
Wilson Street in the City of  
Madison, this 25<sup>th</sup> day of June,  
1998.

  
George Tzougros, Director



9-1-98

Text of Rule:

SECTION 1: Chapter AB 1 is created to read:

CHAPTER AB 1

STATE AND FEDERAL AIDS FOR THE ARTS

Subchapter I - Eligibility Requirements

AB 1.01 Scope and Purpose

AB 1.02 Definitions

AB 1.03 Limitations on Applications by an Individual

AB 1.04 Eligibility Requirements

Subchapter II - Grant Application Process

AB 1.05 Application Forms and Deadlines

AB 1.06 Work Samples

AB 1.07 Completed Applications by Organizations and Units of  
Government

AB 1.08 Completed Applications by Individuals

Subchapter III - Application Review Process

AB 1.09 Review of Completed Applications

AB 1.10 Conditions of Unacceptable Applications

AB 1.11 Establishment and Discontinuance of Peer Review Panels

AB 1.12 Appointment to Peer Review Panels

AB 1.13 Qualifications for Peer Review Panels

AB 1.14 Compensation of Peer Review Panel Members

AB 1.15 Conflict of Interest

AB 1.16 Standards for Review of Applications for Organizations and  
Units of Government

AB 1.17 Standards for Review of Applications by Individuals

AB 1.18 Board Action on Peer Review Panel Recommendations

AB 1.19 Contingent Payments

AB 1.20 Notification

AB 1.21 Appeal

AB 1.22 Final Action on an Appeal

Subchapter IV - Grant Awards

AB 1.23 Grant Agreement

AB 1.24 Grant Awarded to Fiscal Receiver

AB 1.25 Commencement of Project

AB 1.26 Compliance with Federal Regulations

AB 1.27 Public Service Requirement

AB 1.28 Acknowledgment of Assistance

AB 1.29 Notification of Revision in Funded Project or Program

AB 1.30 Termination of a Grant Agreement

AB 1.31 Audit and Evaluation of Project

AB 1.32 Final Reports

AB 1.33 Retention of Records

SUBCHAPTER I

## ELIGIBILITY REQUIREMENTS

AB 1.01 SCOPE AND PURPOSE. Chs. AB 1 to 3 set forth standards and procedures governing the administration of funds for grants-in-aid. Chs. AB 1 to 3 govern the board and staff, peer review panels, and all applicants for grants-in-aid. Any actions taken by the board, its staff, or peer review panels related to the review of applications and the distribution of grants shall be clearly based on the standards and procedures in chs. AB 1 to 3.

AB 1.02 DEFINITIONS. Except where the context clearly requires otherwise, in chs. AB 1 to 3:

- (1) "Arts" includes, but is not limited to, instrumental or vocal music, dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, media arts, motion pictures, television, radio, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of major art forms, and the study and application of the arts to the human environment.
- (2) "Base year" means the 12-month period preceding the current year.
- (3) "Board" means the Wisconsin Arts Board.
- (4) "Continuing applicant" means an applicant who has been admitted into a grant program and who participates in the program by submitting an application each year.
- (5) "Current year" means the organization's most recent fiscal year completed on or before June 30.
- (6) "Executive committee" means five officers of the board who hold certain powers of the board.

- (7) "Fiscal receiver" means any Wisconsin organization holding nonprofit tax-exempt status under s. 501 (c) (3) of the internal revenue code as defined in ss. 71.01 (6) and 71.22 (4), Stats., and qualified under s. 170 (c) of the internal revenue code as defined in ss. 71.01 (6) and 71.22(4), Stats., or governmental unit which contracts with the board on behalf of an organization or group not meeting the nonprofit tax-exempt requirements.
- (8) "Local arts agency" means an organization that represents local arts organizations or encourages local arts by providing services or funding.
- (9) "Operational grant" has the meaning specified in s. 44.51(1m), Stats.
- (10) "Peer review panel" means a group of individuals appointed by the board to review applications, to advise the board on grant decisions, or to make recommendations on public policy in matters pertaining to art.
- (11) "Project" means an activity or series of closely related activities for which funds are requested from the board and which shall be completed within the fiscal year.
- (12) "Proration" means the process of evenly distributing the total amount of available grant funds among eligible applicants.
- (13) "Public service" means an arts activity open to the general public and conducted to increase public awareness of the arts in the state of Wisconsin.
- (14) "Raw award" means the award for which an applicant is eligible prior to proration.
- (15) "Regranting" means the process of allocating funds to local or regional arts organizations for the purpose of funding arts projects, programs or services selected by the local or regional arts organizations.

**AB 1.03 LIMITATIONS ON APPLICATIONS BY AN INDIVIDUAL.**

- (1) An individual who has received a grant or fellowship of at least \$5,000 is not eligible for another grant or fellowship until a 5-year period has elapsed since the individual applied for the prior grant or fellowship.
- (2) An individual who has received a National Endowment for the Arts fellowship is not eligible for a board grant or fellowship until a 10-year period has elapsed since the individual applied for the National Endowment for the Arts fellowship.
- (3) An individual may receive only one grant or fellowship, of any type, per year.

AB 1.04 ELIGIBILITY REQUIREMENTS.

(1) ORGANIZATIONS. An organization is an eligible applicant if it meets one of the following conditions:

- (a) It is incorporated in this state; is exempt from federal income tax under s. 501(c)(3) of the internal revenue code as defined in ss. 71.01(6) and 71.22(4), Stats.; donations are allowable to it as charitable contributions under s. 170(c) of the internal revenue code, as defined in ss. 71.01(6) and 71.22(4), Stats.; and it serves the arts in this state.
- (b) It is a regional organization holding nonprofit status under the laws of another state and holding tax exempt status under s. 501(c)(3) of the internal revenue code, as defined in ss. 71.01(6) and 71.22(4), Stats.; is qualified under s. 170(c) of the internal revenue code, as defined in ss. 71.01(6) and 71.22(4), Stats.; and serves the arts in this state.
- (c) It is an organization not holding tax exempt status under s. 501(c)(3) of the internal revenue code, as defined in ss. 71.01(6) and 71.22(4), Stats., but will use a fiscal receiver if a grant is awarded.

(2) UNITS OF GOVERNMENT. A unit of state or local government, including a public school or university located in this state which has access to state general purpose revenue funds is an eligible applicant if it satisfies each of the following criteria:

- (a) It is the most appropriate sponsor for the proposed activities.
- (b) The project, program or series proposed in the application will benefit a general cross section of the interested public.
- (c) The project proposed in the application is either less than 3 years old or an expanded activity that is distinct from regular, ongoing activities.

(3) INDIVIDUALS. An individual is an eligible applicant who is 18 years of age or older, who is a Wisconsin resident for at least 1 year prior to the time of application, and who is not enrolled full time in an educational program leading to a degree in fine arts.

## SUBCHAPTER II

### GRANT APPLICATION PROCESS

#### AB 1.05 APPLICATION FORMS AND DEADLINES.

- (1) All applications for grants shall be made on the official current application forms for the applicable grant program available at the offices of the board.
- (2) Application forms shall be available no later than 45 calendar days before the deadline date established by the board for submission of applications.
- (3) All applications shall be postmarked by the deadline date set forth in the application form.
- (4) The board is not responsible for any loss or damage to materials submitted with applications.

- (5) All applications, supporting materials and literary examples of works of art shall be typed in the English language. Manuscripts may be submitted in languages other than English if a summary or synopsis of the work is furnished in English.

**NOTE:** Application forms for all current granting programs are available at the Wisconsin Arts Board at 101 East Wilson Street, 1<sup>st</sup> Floor, Madison, Wisconsin, 53702.

**AB 1.06 WORK SAMPLES.**

- (1) Specific programs may require applications to include work samples by the applicant illustrating the highest quality work of the applicant to be reviewed by peer review panels.
- (2) The type of work sample required and the maximum number of work samples to be submitted shall be set forth in the application form.

**AB 1.07 COMPLETED APPLICATIONS BY ORGANIZATIONS AND UNITS OF**

**GOVERNMENT.** A completed application from an organization or unit of government shall include the following:

- (1) The appropriate application form, complete with responses to all requests for information.
- (2) Budget information as stated in the application form.
- (3) The name of the project director, if different from the contact person listed in the application.
- (4) The signature of an authorizing official on the organizational assurances page of the application form.
- (5) Where applicable, a completed application from an organization or unit of government shall include the following:



- (a) A federal letter of tax-exempt determination.
- (b) A copy of the contract between the applicant and a fiscal receiver specifying the responsibilities of each party.
- (c) Work samples and stamped mailing envelope for returning samples of work.
- (d) All resumes of people responsible for the administration of the grant.
- (e) Lists of board members.
- (f) Press clippings or reviews of prior programming.
- (g) Copies of past final report forms for prior board grants.
- (h) Where applicable, certified financial audits.
- (i) Where applicable, long-range or strategic financial plans.
- (j) Where applicable, an affirmative action plan or a request for exemption from the affirmative action plan requirement.

**AB 1.08 COMPLETED APPLICATIONS BY INDIVIDUALS.** A completed application from

an individual shall include the following:

- (1) The appropriate application form, complete with responses to all requests for information and signed by the applicant.
- (2) A sample or samples of the applicant's finest artistic work.
- (3) A resume or curriculum vitae.
- (4) A personal statement that describes the applicants interests, abilities and experiences related to the subject matter of the application.
- (5) Where applicable, a proposal explaining what the grant funds will be used for and how the grant funds will be spent.

### SUBCHAPTER III

#### APPLICATION REVIEW PROCESS

AB 1.09 REVIEW OF COMPLETED APPLICATIONS. Staff of the board shall review each application to determine its completeness and eligibility. The applicant is responsible for the completeness of the application. The board shall not be responsible for errors or omissions of the applicant. An incomplete application is not eligible for review by the peer review panel or the board. If an application is determined to be ineligible, the staff shall notify the applicant in a timely manner and the applicant shall subsequently receive notification in writing by the board.

AB 1.10 CONDITIONS OF UNACCEPTABLE APPLICATIONS. Applications for all organizational and individual support shall not be accepted for review when funds are required for any of the following:

- (1) For capital improvement or construction, purchase of real property, or endowment.
- (2) To account for fund deficiencies in projects begun prior to the project start date specified by the board in program information.
- (3) To pay fees for touring costs, performances, or exhibitions not complying with the public service requirement under s. 1.27.
- (4) To pay for general operating expenses when not expressly permitted in the program information.
- (5) For projects that take place before or after the grant period.
- (6) For capital equipment which include items costing more than \$300 with a useful life of more than one year.
- (7) For prizes or awards.

- (8) To renovate existing facilities.
- (9) For individual tuition.
- (10) For child care.
- (11) For curriculum expansion.
- (12) For out-of-state travel.
- (13) For entertainment, refreshments or food.
- (14) For projects that are restricted to private or exclusive participation including classes held in any private studios.
- (15) For deficits incurred from past activities.

AB 1.11 ESTABLISHMENT AND DISCONTINUANCE OF PEER REVIEW PANELS. The board may appoint individuals to serve on peer review panels to review grant and other applications. The board may create or discontinue any peer review panels as it deems necessary.

AB 1.12 APPOINTMENT TO PEER REVIEW PANELS. Individuals selected to serve on peer review panels shall be nominated by the staff and approved by the member of the board acting as panel chair. Individuals shall serve at the pleasure of the board. To insure continuity on panels for grants to organizations and units of government, the staff may select up to 2 individuals to repeat their service in the following year. No individual shall serve on the same panel for more than 2 consecutive years. Peer review panels shall, insofar as reasonably possible, represent a geographic cross section of the state, and include minority representation from among those groups listed in s. 560.036 (1) (f), Stats..

AB 1.13 QUALIFICATIONS FOR PEER REVIEW PANELS. Members of all peer review panels shall have expertise or experience in a particular area of the arts, arts support or arts

administration. Peer review panel members may be selected from among practitioners, organizations, curators, architects, citizens involved in the arts, and other participants in the arts.

AB 1.14 COMPENSATION OF PEER REVIEW PANEL MEMBERS. Members of peer review panels shall be compensated for actual and necessary travel expenses. Out-of-state panel members may be paid honoraria.

AB 1.15 CONFLICT OF INTEREST.

(1) Any member of the board, peer review panels, or staff, who is affiliated with an applicant under review shall inform the board and the staff of this affiliation by completing the form under sub. (3) and by exempting himself or herself from deliberations concerning the applicant in question.

(2) In this section, affiliated with an applicant means one or more of the following conditions related to a person who is a board, staff or peer review panel member exists:

- (a) The person may be the recipient of direct financial benefit from the applicant organization or project being reviewed.
- (b) The person enjoys status as an employee or governing board member of an applicant organization being reviewed.
- (c) The person enjoys status as a consultant, with or without payment, to the applicant being reviewed.
- (d) The person has a familial relationship with any member of an applicant organization.

(e) The person has recently received free tickets or other benefits from an applicant organization.

(3) An "associations with cultural organizations" form shall be retained on file and reviewed annually for each board member, citizen who serves on peer review panels, and each staff.

**AB 1.16 STANDARDS FOR REVIEW OF APPLICATIONS BY ORGANIZATIONS AND UNITS OF GOVERNMENT.**

- (1) **ARTISTIC QUALITY.** Applications are reviewed according to artistic excellence and leadership. Factors to be considered may include the following:
- (a) Service to the organization's principal art form including the presentation of new works, the encouragement or development of new artists, or the preservation of artistic heritage.
  - (b) Serving as an example of excellence for others, setting standards, or recognition and impact in the community, region, state, and nation.
  - (c) Uniqueness of artistic service, in nature or method.
  - (d) Variety of programming.
  - (e) Qualifications and achievements of artistic personnel.
  - (f) Track record of producing work of artistic merit.
- (2) **REVIEW.** Each application from an organization or unit of government is reviewed according to the following standards:
- (a) The applicant's financial condition, including the following:
    - 1. The applicant's total fiscal condition showing operating income and expenses.

2. The applicant's proposed budget for the fiscal year of grant, including projections of all increases or decreases in income and explanations for all significant changes in income or expenses from the applicant's previous fiscal year.
  3. The applicant's ownership of physical plant.
  4. The remunerative value of the applicant's artistic programming and services.
  5. Potential growth areas in the applicant's income sources.
  6. Special short-range conditions or considerations including, but not limited to, special fundraising, changes of artistic or administrative leadership, changes of location, and building programs.
  7. The applicant's ability to sustain a short-term financial short fall.
  8. Potential sources of long-term financial stability or growth potential, including endowments and capital funds.
- (b) The applicant's capability to plan and implement artistic and fundraising activities, including the following:
1. The qualifications and responsibilities of artistic staff.
  2. The qualifications and responsibilities of administrative staff.
  3. The applicant's employment practices, including levels of compensation, methods of recruitment, and standards for recruitment.
  4. The applicant's organizational structure, including the division of responsibilities and established procedures for review and decision-making.
  5. The applicant's board of directors and their organizational and community roles.

6. The applicant's track record of responsible and productive use of board grant funds.
7. The applicant's long-range or strategic planning.

(c) The applicant's involvement in and support by the community, including:

1. The composition of the applicant's board of directors, including their affiliations with community interest groups and access to community resources.
2. The organizational roles of board members.
3. The applicant's artistic accessibility to the general public as demonstrated by touring, publications, recordings, films, broadcasting, promotional materials, special and nontraditional programming, efforts to serve special constituencies, and discounts on tickets.
4. The applicant's physical accessibility to persons with disabilities.
5. The applicant's awareness of the size and distribution of its audience, including demographic profiles of the audience by age, income, occupation, and other data; audience feedback regarding artistic programs and services; statistics for subscribers or regular members or both; analyses of the audience composition and profitability of programming according to the type and location of programming.
6. The role of educational activities within the overall operations of the applicant.
7. The applicant's collaboration with schools and colleges; services in schools; services to students at the organization's headquarters; and services to educators.

**AB 1.17 STANDARDS FOR REVIEW OF APPLICATIONS BY INDIVIDUALS.**

Applications by individuals shall be reviewed on the basis of artistic merit as demonstrated by the work samples submitted with the application. In addition to artistic merit, the following standards shall be applied:

- (1) The applicant's professional achievements as demonstrated in a resume or curriculum vitae.
- (2) The financial feasibility of the proposed activities for which the grant funds shall be used.

**AB 1.18 BOARD ACTION ON PEER REVIEW PANEL RECOMMENDATIONS.**

- (1) The board shall make all final decisions regarding the approval or rejection of a grant application.
- (2) The board shall give considerable weight to the recommendations of peer review panels.
- (3) The board may request additional information from an applicant following panel review and prior to final board action.
- (4) The board may request a revised budget and project description or both before taking final action on a grant application.

**AB 1.19 CONTINGENT PAYMENTS.** The board may make grant payments contingent upon the fulfillment of certain requirements including, but not limited to, the receipt of final reports, the receipt of certified financial audits, and the board's direct evaluation of the grantee.

**AB 1.20 NOTIFICATION.** All applicants shall receive a letter of acceptance or rejection within 30 days after final review of the application by the board. If the board awards a grant smaller



than the amount requested, the applicant may be required to submit a revised budget or project description or both before the grant is awarded.

AB 1.21 APPEAL.

(1) An applicant may appeal the rejection of its application to the board, within 30 days of receipt of a letter of rejection received pursuant to s. AB 1.20 for any of the following conditions:

- (a) The board or staff has made a procedural error in handling the application.
- (b) A member of the staff, peer review panel, or the board violated the board's conflict of interest policy provided in s. AB 1.15.

(2) Appeals shall be made exclusively on the basis of materials submitted at the time of application.

(3) Evaluations of artistic quality or merit, artistic excellence and leadership, the quality of the artistic activity or artistic work of an individual, the amount of the grant and interpretations or judgments of relevant peer review panels are not subject to appeal.

(4) The appeal shall be in writing and shall be submitted in accordance with instructions which the board shall include in the application form. Each appeal shall be reviewed to determine whether grounds for an appeal exist. If grounds for an appeal are determined to exist, the executive committee shall review the appeal and shall make a recommendation to the board. The applicant may appear before the executive committee to address the appeal. Statements by an applicant are limited solely to the grounds for appeal.

AB 1.22 FINAL ACTION ON AN APPEAL.

(1) The executive committee may take one of the following actions in response to an

appeal:

- (a) Determine that there are no grounds for an appeal and recommend that the board dismiss the appeal.
  - (b) Determine that the applicant has grounds for an appeal and recommend the appeal to the board for discussion of its merits.
  - (c) Determine that the applicant has grounds for an appeal and recommend a grant amount for final approval by the board.
- (2) The board shall make the final decision on the appeal. A written decision of the final board action shall be mailed to the applicant within 60 calendar days after an appeal is submitted pursuant to s. AB 1.21.

#### SUBCHAPTER IV

#### GRANT AWARDS

AB 1.23 GRANT AGREEMENT. The grantee or authorizing official of the grantee shall sign and return to the board two copies of the grant agreement and the necessary attachments as specified in the notification letter received under s. AB 1.20.

AB 1.24 GRANT AWARDED TO FISCAL RECEIVER. In the event a grant is awarded to a fiscal receiver, the fiscal receiver shall sign both copies of the grant agreement. AB 1.25

AB 1.25 COMMENCEMENT OF PROJECT. A grantee shall start grant activities in the same fiscal year in which the grant is received.

AB 1.26 COMPLIANCE WITH FEDERAL REGULATIONS. Grantees shall comply with all federal regulations specified in the grant notification letter received under s. AB 1.20.

AB 1.27 PUBLIC SERVICE REQUIREMENT.

- (1) Each grantee shall perform a public service to increase public awareness of Wisconsin artists and artistic resources.
- (2) The following public service requirements shall apply to funded projects:
  - (a) The grantee shall make a public announcement of the public service.
  - (b) The grantee shall conduct the public service in Wisconsin in a facility accessible to persons with disabilities.
  - (c) The public service shall relate clearly to the purpose of the grant.
- (3) The grantee may charge a fee for admission or for publications.

AB 1.28 ACKNOWLEDGMENT OF ASSISTANCE. The grantee shall acknowledge assistance by the board on all written and non-written materials relating to the sponsored art including, but not limited to, news releases, programs, brochures, publications and other printed materials. The grantee shall acknowledge assistance by the board on all media arts projects, including films, recordings, video and audio tapes, and computer programs and presentations. The grantee shall use the acknowledgment statement and official logo as stipulated in the grant agreement.

AB 1.29 NOTIFICATION OF REVISION IN FUNDED PROJECT OR PROGRAM. The grantee shall notify the board in writing whenever the program or project is changed from its description in the grant application. The staff shall review this notification letter to ensure that the change does not render a project or program ineligible for support. The grantee shall be notified in writing of the board's approval or disapproval of the program or project change. If a proposed program or project revision is not approved, the grantee may appeal the decision following the board's established appeal process under ss. AB 1.21 and 1.22.

AB 1.30 TERMINATION OF A GRANT AGREEMENT.

- (1) A grant agreement may be terminated by the board upon 30 days' written notice to the grantee if the grantee fails to comply with one or more of the conditions of the grant agreement.
- (2) A grant agreement may be terminated at any time by mutual written agreement of the board and grantee.
- (3) Upon the termination of any grant agreement, the board shall determine how the allocated grant funds shall be used.

AB 1.31 AUDIT AND EVALUATION OF PROJECT. An organization or unit of government may be required to submit a certified audit of the organization or a project funded by the board. For purposes of evaluation, the organization shall permit the board reasonable access to all activities supported by board funds.

AB 1.32 FINAL REPORTS. The grantee shall submit a final report to the board by the deadline date stated in the application. The board shall not accept grant applications by organizations or units of government that have failed to file timely final reports for past grant awards.

AB 1.33 RETENTION OF RECORDS. All recipients of awards under this chapter shall maintain records of projects supported by the awards for a period of 7 years.

SECTION 2: Chapter AB 2 is created to read:

CHAPTER AB 2

ARTS CHALLENGE INITIATIVE GRANTS

AB 2.01 Purpose

AB 2.02	Categories of Applicants
AB 2.03	Eligibility Requirements
AB 2.04	Application
AB 2.05	Review of New Applicants
AB 2.06	Review of Continuing Applicants
AB 2.07	Eligible and Ineligible Income
AB 2.08	Allocation of Funds
AB 2.09	Calculation of Awards
AB 2.10	Disbursement of Awards
AB 2.11	Allowable Uses of Grant Funds
AB 2.12	Items Not Fundable
AB 2.13	Final Reports

AB 2.01 PURPOSE. The purpose of the arts challenge initiative is to provide incentives to arts organizations for increasing or sustaining their private sector income.

AB 2.02 CATEGORIES OF APPLICANTS. Grants may be awarded in each of the following 3 categories:

- (1) The incentive program for arts organizations with total incomes of \$100,000 and over.
- (2) The sustaining program for arts organizations with total incomes under \$100,000.
- (3) The minority program for minority arts organizations.

AB 2.03 ELIGIBILITY REQUIREMENTS. (1) Applicants shall:

- (a) Conform to all of the eligibility requirements set forth in AB 1.04 (1).

- (b) Be a Wisconsin arts organization providing programs and services that benefit Wisconsin's general public.
  - (c) Be the most appropriate sponsor for the proposed activities.
  - (d) Demonstrate that its programming serves the broader community of which it is part.
  - (e) Be a distinct entity which administers its own operational budget.
  - (f) Have 3 or more consecutive years of arts programming or service at the time of application.
  - (g) Be professional arts organizations with paid administrative staff or equivalent volunteer administration.
  - (h) For an application to the minority program evidence policy, management and artistic control by minority group members identified in s. 560.036 (1) (f), Stats .
1. (2) (1) Individual artists, organizations that exist primarily for fund raising, and organizations that serve an exclusive membership not open to the general public shall be ineligible for the arts challenge initiative.

#### AB 2.04 APPLICATION.

- (1) Organizations may participate in only one of the 3 categories listed in s. AB 2.02.
- (2) Continuing applicants remain eligible to participate by submitting the final report required under s. AB 2.13 which serves as an application for the following year.

#### AB 2.05 REVIEW OF NEW APPLICANTS.

- (1) A committee selected by the board shall review new applications and advise the board regarding each new applicant's eligibility for the program.

- (2) The board shall notify each new applicant of its acceptance or rejection within 30 calendar days of the board determination related to the application.
- (3) A new applicant shall not be eligible for an award until it has been admitted into the program and has filed a continuing application to establish a current year.

#### AB 2.06 REVIEW OF CONTINUING APPLICANTS.

- (1) The staff shall review continuing applications to determine the applicant's eligibility for an award.
- (2) Continuing applicants shall be notified of their eligibility for an award within 45 calendar days of the application deadline based on materials submitted.
- (3) The board shall make all final decisions regarding the approval or rejection of each grant application.

#### AB 2.07 ELIGIBLE AND INELIGIBLE INCOME

- (1) Income eligible for match includes income contributed by individuals, corporations, foundations, or other private agencies and income earned from the sale of tickets, subscriptions, memberships, contracted services, merchandise, advertising, concessions, parking, or rent.
- (2) Income that is not eligible for match includes income derived from interest on investments or endowment funds; city, regional, state, or federal grants or contracts; and income specifically designated for endowments or capital funds.

#### AB 2.08 ALLOCATION OF FUNDS.

- (1) The board shall encourage arts organizations and local arts agencies to sustain or increase their income from private sources by annually allocating funds to match contributions and earned income as specified in s. 44.565(2), Stats.

- (2) The board shall allocate at least 10% of arts challenge initiative funds for distribution under the minority program as specified in s. 44.565(2)(c), Stats.
- (3) The board shall allocate at least 20% of arts challenge initiative funds for distribution under the sustaining program as specified in s. 44.565(2)(d), Stats.

#### AB 2.09 CALCULATION OF AWARDS

- (1) Applicants who have been admitted to the arts challenge initiative program shall be eligible for granting funds whenever they demonstrate an increase in their eligible income between the base and the current years.
- (2) In the incentive program, raw awards shall be based on a formula of one dollar to match every 4 dollars of growth in the applicant's eligible income during the previous fiscal year.
- (3) In the sustaining program, raw awards shall be based on a formula of one dollar to match every dollar of growth in the applicant's eligible income during the previous fiscal year. However, raw awards in the sustaining program shall be at least \$3,000 and not more than \$10,000.
- (4) In the minority program, raw awards shall be based on one dollar to match every dollar of growth in the applicant's eligible income during the previous fiscal year.
- (5) When the total amount of raw awards exceeds the total amount of available board funds, final awards shall be determined by proration as specified in s. 44.565(3), Stats.
- (6) As specified in 44.565(2)(e), Stats., grants awarded under the sustaining and minority programs shall not exceed 100% of the grantee's base year eligible income, except that raw awards for sustaining program applicants shall be not less than \$3,000.



AB 2.10 DISBURSEMENT OF AWARDS. Awards shall not be disbursed until all the relevant requirements for the award have been fulfilled by the applicant. In the incentive program, distribution of grant awards shall also be contingent upon the board's receipt of a certified financial or equivalent audit of both the base and current years.

AB 2.11 ALLOWABLE USE OF GRANT FUNDS. Awards shall be used for costs necessary to maintain and support the artistic program activities that are regularly operated by the applicant, and overall administration of the applicant organization.

AB 2.12 ITEMS NOT FUNDABLE. Grants may not be awarded to:

- (1) Fund endowments.
- (2) Fund capital expenditures in an amount exceeding 6% of the organization's operating budget or \$10,000, whichever is the lesser amount.

AB 2.13 FINAL REPORTS. All challenge initiative grant recipients shall file a final report with the board. The final report shall also function as a continuing application for participants in the program. The final report shall explain how granting funds were used.

SECTION 3: Chapter AB 3 is created to read:

### CHAPTER AB 3

#### REGRANTING PROGRAM

- |         |                            |
|---------|----------------------------|
| AB 3.01 | Purpose                    |
| AB 3.02 | Eligibility Requirements   |
| AB 3.03 | Application                |
| AB 3.04 | Matching Requirements      |
| AB 3.05 | Public Service Requirement |
| AB 3.06 | Regranting Requirements    |

AB 3.07 Final Reports

AB 3.01 PURPOSE. The purpose of the regranting program is to encourage local involvement in the support, promotion, and administration of the arts in the state of Wisconsin. The regranting program addresses this goal by allocating funds to local arts agencies for their reallocation to local or regional artists or arts organizations.

AB 3.02 ELIGIBILITY REQUIREMENTS. Applicants to the regranting program shall meet all of the following criteria:

- (1) The applicant shall conform to all of the eligibility requirements set forth in s. AB 1.04 (1).
- (2) The applicant shall demonstrate an ongoing administrative competency through a full-time, part-time, or volunteer staff and shall have the following organizational attributes:
  - (a) A permanent mailing address.
  - (b) A telephone number.
  - (c) A plan to inform the public that applications and regranting funds are available.
  - (d) A place that members of the public may pick up applications during regular business hours.
  - (e) A person who shall administer the regranting program.
  - (f) A person who shall provide technical assistance to the sub-grantees.
  - (g) A person who shall evaluate the regranting program and submit a final report to the board.

AB 3.03 APPLICATION. Applications to the regranting program shall take the form of a letter of no more than 8 typewritten pages using a font size of no less than 10 point or 12

characters per inch. Applications shall be submitted by the deadline established annually by the board. The letter shall contain the following information:

- (1) A description of the constituency that the applicant agency shall serve with the regranting funds.
- (2) A description of the applicant agency's administrative structure and programs.
- (3) A description of the proposed regranting process specifying eligibility requirements, application requirements, the procedure for reviewing applications, the procedure for selecting grantees, the administration of regranted funds, conflict of interest policies, appeals procedures, the provision of technical assistance, and evaluation processes.
- (4) A regranting project budget.

AB 3.04 MATCHING REQUIREMENTS. Recipients of regranting funds shall match every dollar received from the board with one dollar raised from city or county government or from private sources. At the discretion of the board, in-kind contributions of goods or services may count for up to 25% of the matching requirement.

AB 3.05 PUBLIC SERVICE REQUIREMENT. Recipients of regranting funds shall perform a public service in accordance with the requirements set forth in s. AB 1.27.

AB 3.06 REGANTING REQUIREMENTS. Recipients of regranting funds shall conform to the following requirements:

- (1) The regranting agency shall conduct the process of selecting grant recipients in meetings open to the public.
- (2) The regranting agency may not make grants to itself.

AB 3.07 FINAL REPORTS. Recipients of regranting funds shall submit a final report to the board detailing how the regranted funds were used. At the discretion of the board, the

final report form may serve as an application for continuing participation in the regranting program.

SECTION 4: Chapter AB 4 is created to read:

CHAPTER AB 4

PERCENT FOR ART PROGRAM

- AB 4.01 Purpose
- AB 4.02 Funds Available
- AB 4.03 Eligible Artwork
- AB 4.04 Allowable Use of Funds
- AB 4.05 Application
- AB 4.06 Acquisition Procedure
- AB 4.07 Selection Procedures
- AB 4.08 Review of Applications
- AB 4.09 Board Review and Contract

AB 4.01 PURPOSE. The purpose of the program is to purchase or commission original works of visual art for buildings constructed by the state.

AB 4.02 FUNDS AVAILABLE. Under s. 44.57, Stats., at least two-tenths of one percent of the appropriation for the construction, reconstruction, renovation or remodeling of or addition to a state building project costing more than \$250,000 shall be used to acquire artwork to be incorporated into the structure or displayed inside or on the grounds of the building which is open for entry to the general public in the normal use of the

building. For purposes of this subchapter, the following are considered not to be open for entry to the public during their normal use:

- (1) Each of the facilities listed in ss. 44.57 (1) (b) and (c), Stats.
- (2) Projects funded under s. 20.866 (2) (z), Stats., including but not limited to repair and renovation, health, safety and environment, energy conservation, handicapped access, and advanced property acquisition.
- (3) Prisons, secure treatment facilities, secure military facilities, state operated farms, sign shops, parking ramps and lots, toilet and shower facilities, heating plants and electrical substations.
- (4) A reconstruction, remodeling, renovation, or addition project which affects only the those spaces in an existing building that are not generally open to the public including, but not limited to, storerooms, mechanical equipment rooms, kitchens and secure areas.
- (5) Any other building or space the board determines not to be open for entry by the general public in the normal use of the building or space.

AB 4.03 ELIGIBLE ARTWORK. All media of visual artwork including painting, drawing, graphics, sculpture, photography, fiber and textile work, crafts, ceramics, murals and works in wood, metal or glass shall be considered by the Board for purchases or commissions of visual art for buildings constructed by the state. Abstract, representational or figurative styles of art may all be considered. For a project that renovates or restores a historic building, conservation of artwork appropriate to the building may also be considered.

AB 4.04 ALLOWABLE USE OF FUNDS. The funds available under s. AB 4.02 may cover the following costs:

- (1) All administrative expenses associated with a specific project, including staff salaries; costs associated with convening committees; printing and distribution costs for all printed materials.
- (2) The applicants' fees for professional design which may include honoraria for design proposals or consultation.
- (3) The materials necessary for the proper fabrication and presentation of the artwork.
- (4) The labor of the grantee's assistants and all materials required for the production of the artwork.
- (5) The grantee's studio and operating costs including rent, utilities, insurance and communications.
- (6) Any necessary travel costs for the grantee to visit and research the site.
- (7) The costs of transporting and installing the artwork.

AB 4.05 APPLICATION.

- (1) WHO MAY APPLY. An applicant to the percent for art program shall be an individual. State, regional and national artists shall be eligible, but preference shall be given to Wisconsin artists when no other basis exists for differentiating finalists.
- (2) SOLICITATION. The board shall solicit applications by preparing a prospectus describing the project in detail. The prospectus may include the following:
  - (a) A description of the building site.
  - (b) Architectural renderings of the site.
  - (c) An explanation of the building's use and function.
  - (d) The media of artwork preferred by the advisory committee convened under s. 44.57 (3), Stats.

- (e) The type of work sample required and the maximum number of work samples required and any other materials requested by a project's advisory committee convened under s. 44.57 (3), Stats.
- (f) The method of acquisition.
- (g) The type of competition.
- (h) The relevant information relating to application dates, decision dates, appeal procedures and other facts of general interest.

AB 4.06 ACQUISITION PROCEDURE. One of the following two acquisition procedures shall be used for acquiring art for percent for art projects:

- (1) The commission method hires an artist to create a work of art appropriate to the building site. The commission method of acquisition may only be used for projects with budgets in excess of \$8,000.
- (2) The direct purchase method acquires finished artwork directly from the artist. Projects with budgets of \$8,000 or less shall use the direct purchase method of acquisition. The direct purchase method may be used for projects with budgets in excess of \$8,000.

AB 4.07 SELECTION PROCEDURES. The advisory committee shall use one of the following types of competition to assemble a pool of applicants for percent for art projects:

- (1) **OPEN COMPETITION**. In an open competition, the advisory committee shall not pre-determine the pool of applicants. The advisory committee shall review all applications submitted in an open competition. The open competition may be used for direct purchase or commission methods of acquisition.

(2) CLOSED COMPETITION.

- (a) Invitational. In an invitational competition, the advisory committee shall convene a panel of experts to recommend professional artists whose work may be suited to the project in question. The advisory committee shall only review applications submitted by artists invited to apply. The invitational competition may be used for the direct purchase or commission of major projects.
- (b) Pre-screened pool. In a pre-screened pool competition, the advisory committee shall draw applications from a pre-screened pool of artists proposed to the advisory committee by a panel of arts and building construction professionals assembled by the board . The advisory committee shall only consider as applicants those artists who have been screened and accepted into the pool. The pre-screened pool competition may be used for the direct purchase or commission of major projects.

AB 4.08 REVIEW OF APPLICATIONS. The advisory committee shall review the slides and applications submitted to the program. The advisory committee shall rank its first, second, and third choices from among the applicants. Before making a recommendation, the advisory committee may interview the finalists, visit studios, or request a portfolio presentation or design proposal. The advisory committee recommendation shall be made according to one or more of the following criteria:

- (1) Artwork designs shall be compatible with the site both in scale and in materials. In the case of commissioned art, the advisory committee shall judge the applicant's capability and potential for designing a work appropriate to the site.



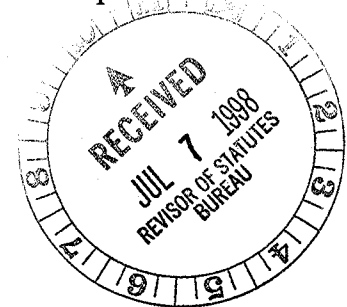
- (2) The durability of the proposed materials are suitable to maintenance and display for 25 years, as set forth in s. 44.57(5) (d), Stats.
- (3) Sculptural works shall be technically competent.
- (4) Two-dimensional work shall be framed and prepared for display in accordance with archival specifications.

AB 4.09 BOARD REVIEW AND CONTRACT.

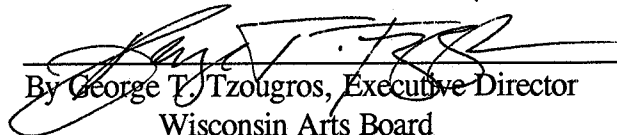
- (1) The board may select either the first, second, or third applicant recommended by the advisory committee, but is not required to select any applicant. In the event that the board is not satisfied with the quality of the applicants in consideration for a project, the board may solicit additional applications according to the selection procedures previously employed for the project as specified in s. AB 4.07.
- (2) Following the selection of an applicant, the board, and the state agency that occupies the building where the art will be located, shall enter into one or more contracts to procure the art or artist selected for the project as specified in s. 44.57(4), Stats.

EFFECTIVE DATE. The regulations set forth in this order shall be effective on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22(2) (intro.), Stats.

STATE OF WISCONSIN  
WISCONSIN ARTS BOARD



Dated this 26 day of June, 1998.

  
By George T. Tzoungros, Executive Director  
Wisconsin Arts Board