

## **1900.1010 ELIGIBILITY REQUIREMENTS FOR APPLICANTS REQUESTING GRANTS OR OTHER FORMS OF ASSISTANCE.**

Subpart 1. **Eligibility requirements.** General eligibility requirements must be met by all applicants who request grants or other forms of assistance. Other requirements depend on whether the applicant is an organization or an individual artist. Further eligibility requirements specific to the program are described in parts 1900.2110 to 1900.2260.

Subp. 2. **All applicants.** An application shall not be eligible to be funded if any of items A to M are true:

A. artists are required to pay excessive entry or exhibition fees in order to exhibit or perform in the project or program for which funding is sought;

B. funds are requested for payment of debts incurred before the grant activities begin;

C. funds are requested to support activities that are essentially for the religious socialization of the participants or audience;

D. funds are requested to support activities in primary or secondary level parochial schools;

E. funds are requested for activities that attempt to influence any state or federal legislation or appropriation;

F. funds are requested to pay for capital costs, such as improvements, construction, property, equipment costing \$5,000 or more, or endowment funds;

G. the application form and all required materials are not received in the arts board office by 4:30 p.m. on the deadline specified in the program information;

H. the applicant has any overdue reporting requirements as specified in a previous contract with the board;

I. the applicant is not in compliance with any active contract with the board;

J. the applicant does not make all events open to the general public;

K. the applicant does not establish admission charges for the events, although it would be feasible to do so;

L. funds are requested to start, match, add to, or complete any type of capital campaign; or

M. funds are requested to support activities that will not take place within the geographic boundaries of Minnesota.

Subp. 3. **Organizations.**

- A. An eligible organization must be one of the following:
- (1) a section 501(c)(3) tax-exempt organization;
  - (2) a public entity such as a unit of state, local, or tribal government; or
  - (3) an unincorporated group that has a written agreement with a Minnesota section 501(c)(3) tax-exempt fiscal agent.
- B. In addition, an eligible organization must:
- (1) be located and operating within Minnesota; and
  - (2) employ at least one paid individual, at the time of application, in a contract or salaried position, to provide administrative or artistic oversight of the project, program, or organization.
- C. In addition, arts affiliates must:
- (1) be hosted by a Minnesota organization;
  - (2) have a public presence and identity that is distinct from the host organization;
  - (3) have professional staff with the expertise, training, or qualifications necessary for bringing arts programming or services to the public;
  - (4) provide ongoing arts programming or services throughout the year or season;
  - (5) demonstrate broad community support through ticket sales, memberships, or class attendance;
  - (6) have an advisory board or committee that is separate and distinct from that of the host organization;
  - (7) have a budget that is separate and distinct from that of the host organization;
  - (8) demonstrate charitable support from multiple sources other than the host organization; and
  - (9) provide programming or services that are intended for the public rather than the host organization or its constituents.

Subp. 4. **Fiscal agent duties.** If a fiscal agent is identified in accordance with subpart 3, the fiscal agent must enter into a written agreement with the applicant, before the application deadline, that includes a description of both parties' responsibilities. If a grant is received, the fiscal agent must be a party to the grant contract. The fiscal agent

shall be legally responsible for the completion of the granted activities and for the proper management of the grant funds.

Subp. 5. **Individual artist.**

A. An eligible individual applicant must:

- (1) be a professional artist applying as an individual;
- (2) be a United States citizen or have attained permanent resident status;
- (3) be at least 18 years old; and
- (4) have been a Minnesota resident for at least six months prior to the application date, and must continue to reside in Minnesota throughout the contract period. Residency shall be determined as described in Minnesota Statutes, section 200.031.

B. An eligible individual applicant must not use granted funds to:

- (1) cover the costs of activities involving any organization that is the applicant's employer;
- (2) pay for tuition, fees, or work toward any degree;
- (3) pay for the translation of another artist's literary work;
- (4) develop curriculum plans, teaching materials, or teaching programs that are intended to be used in the applicant's regular course of employment;
- (5) cover the costs of relocating the applicant's legal residence outside of Minnesota; or
- (6) pay for the establishment of any type of nonprofit or for-profit organization.

Subp. 6. **Additional requirements.** Additional requirements are identified in the specific program parts listed in items A to C.

A. Pilot or new programs, part 1900.1410.

B. Grant programs:

- (1) part 1900.2215, Artist Initiative;
- (2) part 1900.2220, Arts Access;
- (3) part 1900.2225, Arts Tour Minnesota;
- (4) part 1900.2230, Cultural Community Partnerships;
- (5) part 1900.2235, Minnesota Festival Support;
- (6) part 1900.2240, Folk and Traditional Arts;

- (7) part 1900.2245, Operating Support;
- (8) part 1900.2250, Partners in Arts Participation;
- (9) part 1900.2255, Community Arts Schools and Conservatories; and
- (10) part 1900.2260, Arts Learning.

C. Other forms of assistance:

(1) part 1900.2110, Juried Listings (Folk Arts Directory and Arts in Education Roster of Artists);

(2) part 1900.2210, Percent for Art in Public Places.

**Statutory Authority:** *MS s 129D.04*

**History:** *21 SR 5; 23 SR 1380; 25 SR 1653; 41 SR 87*

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