

CHAPTER 1900
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1900.0110 AUTHORITY.

This chapter is adopted pursuant to Minnesota Statutes, section 129D.04, subdivision 1, clauses (5) and (6).

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1900.0210 PURPOSE.

The purpose of parts 1900.0110 to 1900.2210 is to set forth procedures and criteria to be followed by the board, advisory panels, all individuals, organizations, departments and agencies of the state, and political subdivisions in receiving, considering, and reviewing requests for, and distribution of, grants and other forms of assistance. Any actions taken by the board, its staff, and advisory panels related to the review and distribution of grants and other forms of assistance must be based on parts 1900.0110 to 1900.2210.

The purpose of parts 1900.2310 to 1900.4110 is to set forth procedures and criteria to be followed by the board and designated regional arts councils to conduct a decentralized system of providing grants and other forms of assistance at the grass roots level. Terms, procedures, and criteria used in this chapter are specific to this chapter due to the statutory provisions which guide the relationship between the board and

the regional arts councils. Any actions undertaken by a regional arts council, its staff, or its advisory panels must be based on the criteria contained in parts 1900.2310 to 1900.4010.

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1900.0310 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms are defined as indicated unless otherwise specified.

Subp. 2. **Advisory panel or panel.** "Advisory panel" or "panel" means a group of citizens appointed by the board to review and make recommendations on grants and other forms of assistance offered by the board, or to make recommendations on public arts policy matters.

Subp. 3. **Applicant.** "Applicant" means any individual who submits an application for a grant, or any group, organization, department or agency of the state, or political subdivision on whose behalf an application for a grant is submitted.

Subp. 4. **Application.** "Application" means the official form or forms supplied by the board, and any required attachments and work samples as described in the program information for each program.

Subp. 4a. **Artist service organization.** "Artist service organization" means an arts organization or affiliate that plays a significant supporting role in service to professional artists by providing technical, management, marketing, or operational services. The following are not "artist service organizations" for the purposes of Arts Board grant programs:

- A. service or trade organizations whose mission is focused on supporting arts organizations;
- B. management and consulting services for nonprofit organizations; or
- C. service organizations whose mission is focused on building community or audiences for a specific art form, geographic community, or community of interest.

Subp. 4b. **Arts affiliate.** "Arts affiliate" means a distinct program or division within a public or nonprofit Minnesota nonarts organization that satisfies all of the following:

- A. has an arts-focused mission;
- B. demonstrates charitable support from multiple sources other than the host organization;
- C. provides programming or services that are intended for the public rather than the host organization or its constituents; and
- D. arts programming or services represents at least 90 percent of its annual operating expenses.

Subp. 4c. **Arts organization.** "Arts organization" means a nonprofit organization that has an arts-focused mission and for which arts programming or services represents at least 60 percent of the organization's annual operating expenses. For the purposes of this chapter, arts organization does not include:

- A. public or private primary or secondary schools;
- B. colleges or universities;
- C. radio or television stations;
- D. libraries;
- E. zoos;
- F. children's museums;
- G. historical societies or museums;
- H. other nonart museums;
- I. civic organizations;
- J. human service organizations; or
- K. other community service agencies.

Subp. 5. **Board.** "Board" means the governing body of the State Board of the Arts.

Subp. 6. **Certified audit.** "Certified audit" means an audit completed by an independent auditor who meets the independence standards specified in the General Accounting Office's "Standards for Audits of Government Organizations, Programs, Activities, and Functions." The reporting requirements for audit reports shall be in accordance with the American Institute of Certified Public Accountants' (AICPA) audit guide incorporated by reference as the Statement of Financial Accounting Standards (S.F.A.S. notes #116 and #117). This publication is available from the State Law Library. The publication is not subject to frequent change.

Subp. 6a. **Community arts schools and conservatories.** "Community arts schools and conservatories" means an arts organization or arts affiliate with open enrollment that provides arts instruction to individuals of varying ages or abilities.

Subp. 7. **Equipment.** "Equipment" means an article of nonexpendable, tangible property, or a combination of articles, having a useful life of more than one year.

Subp. 7a. **Event.** "Event" means:

- A. a performance, exhibition, or screening intended for an audience; or
- B. a workshop or class the primary purpose of which is teaching an arts skill or developing an appreciation for the arts.

Subp. 8. **Fiscal agent.** For the purposes of parts 1900.0110 to 1900.2210, "fiscal agent" means any Minnesota nonprofit organization that is responsible to the board on behalf of an organization, individual, or group not meeting the nonprofit tax-exempt requirements.

Subp. 9. **Grant.** "Grant" means the award of funds by the board to an applicant to be used for the purposes described in the application. The grant is not effective until a grant agreement has been fully executed.

Subp. 10. **Individual artist or artist.** "Individual artist" or "artist" means a single professional artist working alone or, for a limited time, with other artists.

Subp. 11. **Nonprofit organization.** "Nonprofit organization" means either:

A. institutions that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code; or

B. public institutions including schools, local or tribal governmental entities, and departments and agencies of the state.

Subp. 12. **Other forms of assistance.** "Other forms of assistance" means services and activities, other than grant programs, which foster the development of the arts in Minnesota. These may include workshops, conferences, directories, or programs jointly sponsored or administered with other entities including federal, state, or nonprofit organizations.

Subp. 13. **Person of color.** "Person of color" means an individual who identifies with or is recognized as belonging to one (or a combination) of the following racial groups: Black/African American; Asian; Native Hawaiian/Pacific Islander; Hispanic/Latino; or Native American/Alaskan Native.

Subp. 14. **Presenting activities.** "Presenting activities" means tasks associated with the engaging of artists, touring companies, or exhibitions that are external to the institution. The tasks must demonstrate curatorial vision and programming that is connected to the institution's mission and community, and consist of significant activities beyond providing a venue for the outside art or artists.

Subp. 15. **Producing activities.** "Producing activities" means tasks associated with the conception or creation of an artistic work and the assembly of the artistic elements for its production, performance, or exhibition.

Subp. 15a. **Professional artist.** "Professional artist" means a person who considers the creation of art to be a primary endeavor.

Subp. 16. **Program information.** "Program information" means any document issued describing programs and services of the board which includes instructions, application forms, deadlines, and other aids for the applicant seeking assistance.

Subp. 17. **Regional arts council.** "Regional arts council" means one of the grassroots, autonomous organizations designated by the board to assess regional needs, plan and administer programs, and make final decisions on the utilization of its share of the legislative arts allocation granted to the regional arts councils by the legislature.

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1900.0410 AGENCY ADVISORY PANELS.

Subpart 1. **Creation and discontinuance.** The board may appoint advisory panels to review grant applications or applications for other forms of assistance. The board may discontinue any advisory panel, as it deems necessary.

Subp. 2. **Nomination and appointment to advisory panels.** Individuals may nominate themselves or someone else by contacting the board. All interested persons shall be provided information describing the process and procedures for pursuing a nomination.

Appointments to advisory panels must be made by majority vote of the board. Under emergency circumstances, when panel service is required prior to convening the next scheduled meeting of the board, the board's executive director in consultation with the board chair, or designated board member, may make such an appointment. A panelist serves on a panel within one grant program at the pleasure of the board and may serve no longer than three years consecutively in one specific grant program. Appointments to advisory panels must be made so that one-third of the members of each panel are new members in each year. Advisory panels shall be geographically balanced and include at least one person of color, insofar as is reasonably possible. A panel member may not serve on a panel for a program from which the panel member is seeking funds, either as an individual applicant, or as current employee or board member of the applicant.

Subp. 3. **Member qualifications.** Advisory panel members shall have expertise and experience in one or more of the following: an art form or discipline, arts funding or administration, in-depth knowledge of the Minnesota arts community, or public or nonprofit administration. In addition, members shall be chosen for their communications and decision-making skills, ability to adhere to review criteria, and ability to work well in a group.

Subp. 3a. **Member participation.** Participation as an advisory panel member requires:

- A. that the panel member reviews all materials as requested in advance of the scheduled meeting; and
- B. that the panel member be in attendance and fully participate in all required activities associated with the work of the panel.

Subp. 4. **Compensation.** Members of advisory panels shall be compensated for expenses incurred to attend advisory panel meetings or their assignments as provided in Minnesota Statutes, section 15.059, subdivision 6.

Subp. 5. **Conflict of interest of member.** A conflict of interest exists when a member of an advisory panel is affiliated as listed in items A to D with an applicant whose application is before the panel for review:

- A. receives direct financial benefit from the applicant organization or proposal being reviewed;
- B. has served within the last two years as an employee or governing board member of an applicant organization being reviewed;
- C. has served with or without payment as a consultant to an applicant being reviewed; or
- D. has a familial relationship with an applicant or with a staff or board member of an applicant organization.

Subp. 6. **Exclusion of member.** When a conflict of interest is identified, the advisory panel member shall inform the board of the affiliation prior to the review of applications. The board shall report annually on those advisory panel members who declared conflicts of interest. Declaring a conflict of interest means that the panel member may not be present for any discussion or vote on those applicants with which the conflict exists.

Subp. 7. **Artistic advisors.**

- A. The board may appoint artistic advisors to review artistic work or programming presented by applicants or grantees, either in person or through work samples.

B. Individuals who would like to serve as artistic advisors may nominate themselves or someone else by contacting the board. All interested persons shall be provided information describing the process and procedures for pursuing a nomination.

C. Appointments to serve as artistic advisors must be made by majority vote of the board. Individuals who serve as artistic advisors may also serve as advisory panel members, for the same program or in a different program, in the same fiscal year. An artistic adviser serves at the pleasure of the board and may serve no longer than three years consecutively in one specific grant program. An artistic adviser may not review the work of an applicant with which the advisor has a conflict of interest.

Subp. 8. **Artistic advisor qualifications.** Artistic advisors shall have expertise and experience in one or more art forms, artistic disciplines, or genres.

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1900.0510 CRITERIA FOR REVIEW OF GRANTS AND OTHER FORMS OF ASSISTANCE.

The board shall establish criteria for review that are consistent with conditions set by the funding source according to the intent of each program and described in program information. These sources include federal agencies, the Minnesota legislature, and private corporations or foundations.

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1900.0610 REVIEW CRITERIA USED BY ADVISORY PANELS.

A. The detailed program-specific criteria, and the weight given to each, are described in parts 1900.2110 to 1900.2260. Advisory panels shall review applications to make recommendations for grants and other forms of assistance according to the merit and artistic quality as demonstrated by the applicant's artistic work sample or equivalent, such as a site visit of the proposed activity, in order to make recommendations to the board. In the case of service programs and projects, the merit and quality of the service being provided to the arts shall be reviewed.

B. The advisory panel shall thoroughly review all submitted application materials, and score the applications based upon the degree to which the applicant has satisfied the program-specific review criteria. Partial funding may be awarded if the panel finds that an application includes activities or costs that are not allowed in the program from which funding is requested. The panel shall score based solely on the

contents of the application and any required supporting materials, including work samples or equivalent, and shall not consider outside information.

C. All panel meetings shall be held at the Arts Board office, unless otherwise announced in advance. All panel meetings shall be open to the public. Dates and locations shall be posted on the Arts Board's Web site. Applicants shall be encouraged to attend but may not make presentations to the panels, staff, or board.

Statutory Authority: *MS s 129D.04*

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1900.0710 BOARD ACTION AND ADVISORY PANEL RECOMMENDATIONS.

The board shall give considerable weight to the recommendations of advisory panels. The board shall award funding based on the ranked recommendations of the panel and the funds available. In addition, the board may request comments and recommendations from the staff on all aspects of applications. The board may request a revised budget or application, or both, before taking final action on a grant recommendation. The board shall make all final decisions on grant applications or requests for other forms of assistance in accordance with this chapter.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

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1900.0810 PROCESS FOR OBTAINING GRANTS AND OTHER FORMS OF ASSISTANCE.

Subpart 1. **Application materials for a grant and other forms of assistance.** All applications must be made in accordance with this chapter. Applicants must use an official application form for the appropriate fiscal year and program to which they are applying.

The application materials shall include the specific information needed to determine the eligibility of the applicant, to review the application according to the review criteria, and to ensure compliance with any applicable federal, state, or board requirements.

Subp. 2. **Applications received by board.** All applications must be received at the board office by the deadline in the current program information. A late application shall not be considered by the board.

Subp. 3. **Application.** The applicant shall be responsible for the quality and the nature of the responses given in the application, the attachments, and the supporting materials in this chapter and further described in the program information provided by the board. The items are:

- A. the completed current official application form provided to the applicant by the board;
- B. a narrative proposal that responds to specific questions in the program information;
- C. supporting documentation as requested and listed in the program information; and
- D. if a fiscal agent is used, a copy of the written agreement between the fiscal agent and the applicant.

Subp. 4. **Applications screening.** Staff shall screen applications received by the deadline for eligibility and completeness, subject to the criteria and processes described in parts 1900.0610 and 1900.2110 to 1900.2260. Eligible applications shall be reviewed at a meeting, open to the public, by an advisory panel when deemed necessary and appointed by the board. The board shall make grant awards after considering the advisory panel's recommendations. If a grant is less than the original request, the applicant shall revise, where appropriate, the official budget and application to reflect the actual grant amount. Upon receipt of revisions, the board, or designated agency staff, shall review the revisions and, if approved, shall continue processing the grant contract.

Subp. 5. **Applicants notified of board decisions.** All applicants shall receive notification of an award and a grant contract, or of no award, within 45 days after decisions on advisory panel grant recommendations have been made by the board, except if a revised budget is necessary. If a revised budget or application is necessary, a grant contract shall be issued within 30 days after the revised budget or application is approved by the board or designated agency staff.

Subp. 6. **Process to seek other forms of assistance.** All parties interested in assistance from the board that is not described in agency program information, may contact the board during regular business hours.

Statutory Authority: *MS s 129D.04*

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1900.0910 DETERMINING DISTRIBUTION OF PROGRAM FUNDS.

The board shall establish a sequence of program deadlines annually based on the resources available and the quality and characteristics of the potential applicant pool. The board may give priority to one program category over others during a fiscal year.

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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.

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1900.1110 APPEAL PROCESS.

Subpart 1. **Basis for an appeal.** There is no right of appeal for disputes of decisions with respect to interpretation of review criteria. An appeal may be made only if it is asserted that the board, or its staff, or advisory panels, did not follow the policies and procedures as provided by this chapter.

Subp. 2. **Appeal procedure.** An applicant who disputes a decision of the board regarding the applicant's grant application on the grounds that the board, or its staff, or advisory panels, did not follow its policies and procedures may appeal the decision of the board. The appeal shall be conducted according to this subpart.

A. The board must receive an appeal in writing within 30 business days of the date of the letter notifying the applicant of the board's decision.

B. The appeal must specifically state how the board, its staff, or advisory panels failed to follow its policies and procedures and provide the board with all information or evidence the applicant has to support the appeal.

C. Board staff shall evaluate the appeal and submitted materials and make a recommendation to the board.

D. An appeal that is received by the board at least 14 days in advance of a regularly scheduled board meeting shall be considered by the board at its first regularly scheduled meeting following the receipt of the appeal. An appeal received by the board less than 14 days in advance of the regularly scheduled board meeting shall be considered at the board's next subsequent regularly scheduled meeting.

E. The board shall take one or more of the following actions in response to the appeal:

- (1) determine that the applicant does not show sufficient cause and deny the appeal;
- (2) determine that the applicant shows sufficient cause for the appeal and direct staff to propose a remedy at a subsequent meeting;
- (3) direct the staff to further investigate the applicant's appeal and report its results to the board at a subsequent meeting;
- (4) request that the applicant appear before the board to address the appeal; or
- (5) refer the appeal to the Office of Administrative Hearings for a contested case proceeding.

Subp. 3. **Disputed decision.** An applicant does not have the right to request that the board reconsider its decision. If the applicant continues to dispute the board's decision, the applicant shall notify the board in writing within 14 business days of the date of the letter notifying the applicant of the board's decision. Upon receipt of notification of dissatisfaction from the applicant, the board shall refer the matter to the Office of Administrative Hearings for a contested case proceeding. Once the board has referred the matter to the Office of Administrative Hearings, the board shall not consider the matter, pending receipt of the administrative law judge's report.

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1900.1210 LEGAL RELATIONSHIP BETWEEN APPLICANT AND BOARD.

A legal relationship is established between an applicant who has been awarded a grant and the board when a grantee enters into a contract. The grantee must sign and return to the board, within 45 days from the date of the written notice of the board's decision, the required number of copies of the grant contract and any necessary attachments. The grant contract shall include provisions defining the obligations and rights of the board and the grantee. Failure to satisfy a contract provision may jeopardize an applicant's current and future funding, as shall be specified by the contract.

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1900.1310 PUBLIC ACCESS TO RULES AND PROGRAM INFORMATION.

Copies of the current rules shall be available for public review on the Web site of the Office of the Revisor of Statutes at: <https://www.revisor.mn.gov/rules/?id=1900>. Information on all programs shall be found on the Minnesota State Arts Board Web site at: <http://www.arts.state.mn.us>. People with disabilities may make special arrangements with the board to access the documents. In addition, the board shall provide program information and a copy of this chapter upon request to all applicants and the public.

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1900.1410 ADDITIONAL REQUIREMENTS AND PROCESSES FOR A PILOT OR NEW PROGRAM.

The board may initiate new categories of assistance or pilot programs as needed to achieve its mission. For the purposes of this chapter, a "pilot program" means a program whose funding source may not be permanent, whose program information is under development, and for which adopted agency rules are not applicable.

No pilot program may continue for longer than four years without being established by the board on a permanent basis or discontinued. If the board changes the status of a pilot program to a permanent program, rules must be adopted.

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1900.2110 ADDITIONAL REQUIREMENTS AND PROCESSES FOR JURIED LISTINGS.**Subpart 1. Definitions.**

A. "Juried" means a process when an advisory panel recommends to the board artists of sufficient caliber to be included in a publication based on a set of written criteria.

B. "Paired artists" means two artists who want to be juried together and who are listed jointly as a single entry and whose activity is a collaboration for a single experience.

Subp. 2. **Purpose of juried listing.** The purpose of a juried listing is to provide a centralized source of written information about a specific group of artists. Based on a board review, artists who are included shall have been judged to be qualified to represent their art form or expertise to the public. The board is not an agent of any artist or group.

A. The Minnesota folk artists directory is intended to provide a list of high-quality folk artists and groups interested in public performance opportunities to be distributed to arts programmers and others throughout the Upper Midwest, and to be used as a reference by state and local organizations interested in presenting the folk arts.

B. The arts in education roster of artists shall provide a list of artists who specialize in school and community residency work, offering a balanced range of arts disciplines, teaching styles, and residency approaches to schools interested in offering artist residencies.

C. The Arts Across Minnesota touring directory is a list of nonprofit performing and visual arts organizations in Minnesota that offer public performances, exhibitions, and community residency programming. The directory is intended to serve as a reliable source of high-quality touring organizations and as a reference for Arts Across Minnesota host community applicants.

Subp. 3. **Criteria used for recommendations to board.** The program specific review criteria in items A, B, and C shall be used by the advisory panel to make juried listing recommendations to the board.

A. For the Minnesota folk artists directory, the two review criteria by which an applicant is evaluated shall be quality and traditionality of the artists' work and shall be equally important.

(1) Quality, as demonstrated by gauging the level of artistic achievement of individual works of art compared to the standards of a given art form.

(2) Traditionality, as demonstrated by the degree to which specific works share the established artistic conventions of other works in a given art form.

B. For the arts in education roster of artists, the two review criteria by which an applicant shall be evaluated are listed and described in subitems (1) and (2). Artistic quality of the artist's work and teaching and planning ability to carry out a residency model shall be equally important.

(1) Artistic quality shall be demonstrated by:

(a) artistic merit of the work sample;

(b) technically and conceptually accomplished work; and

(c) evidence of strong professional development, career commitment, and artistic recognition.

(2) Teaching and planning ability to carry out a successful school residency shall be demonstrated by:

- (a) the teaching ability to express ideas clearly, to relate one's art and ideas to students;
- (b) past teaching experience;
- (c) understanding different age levels and abilities, a diversity of cultures and communities in all geographic regions of Minnesota, and individuals with disabilities;
- (d) a residency plan that outlines a positive art experience for participants; and
- (e) the planning ability to effectively organize a residency approach and coordinate a residency with school personnel that is realistic and tied to educational concepts with a high probability for completion.

C. For the Arts Across Minnesota touring directory, the two criteria by which an applicant shall be evaluated are listed and described in subitems (1) and (2). The two criteria shall be equally important.

- (1) Artistic quality and merit of the touring program shall be demonstrated by:
 - (a) quality of the touring program;
 - (b) proven ability to tour;
 - (c) a commitment to and history of touring outside of the seven-county metropolitan area;
 - (d) how tours are booked and managed;
 - (e) evidence that the touring program contributes to the artistic growth and quality of life in the host community; and
 - (f) the role of the touring group as a catalyst for other arts activities in the host community.
- (2) Ability to execute performances or exhibitions and community residency activities shall be demonstrated by:
 - (a) merit and quality of community residency components;
 - (b) experience working with young people and K-12 populations;
 - (c) ability to work with adults in the community, including artists, both professional and avocational;
 - (d) programs that actively involve the local community;
 - (e) ability and willingness to work with experienced and inexperienced presenters; and
 - (f) previous experience with Arts Across Minnesota residencies, if applicable.

Subp. 4. **Additional juried listings eligibility requirements.** Juried listings applicants must meet the additional program specific eligibility requirements in items A, B, and C.

A. For the folk artists directory, a majority of the members of a folk arts group must be Minnesota residents under part 1900.1010, subpart 5, item D.

B. For the arts in education roster of artists:

- (1) two artists may apply to the arts in education roster of artists program as paired artists;

(2) the applicant must be available for and willing to conduct residencies throughout Minnesota;

(3) the applicant must agree to participate in activities that are consistent with the residency model; and

(4) the applicant must be at least 18 years old, be a United States citizen or have attained permanent resident alien status, and be a Minnesota resident under part 1900.1010, subpart 5, item D.

C. For the Arts Across Minnesota touring directory, applicants must be a nonprofit Minnesota performing or visual arts organization that:

(1) is able to demonstrate a history of touring activity;

(2) is able to travel to every region of Minnesota; and

(3) is proposing to provide services which include the following residency components:

(a) public performances or exhibitions for the community;

(b) community classes or training workshops for adults, including, where possible, local professional or avocational artists; and

(c) workshop activities involving young people or K-12 students in schools or community organizations.

Subp. 5. **Additional processes for reviewing juried listings applications.** The additional program specific processes for reviewing juried listing applicants are described in items A, B, and C.

A. Folk artists directory.

(1) Applicants listed in a current folk artists directory may be listed in up to three future editions of the directory without additional review.

(2) Each artist listed in the folk artists directory shall reapply at least once every four years following the processes and procedures described in part 1900.0510.

B. Arts in education roster of artists.

(1) Applicants may be rated and ranked by the advisory panel to determine the final listing of artists.

(2) Applicants listed in a current roster may submit an application by the regular deadline or an abbreviated application which has an earlier deadline when the conditions in units (a) and (b) are met:

(a) the applicant has completed at least one residency that follows the Arts Board model as determined by the board, in the two school years prior to the deadline; and

(b) school residency reports document the applicant's success in previous board-funded residencies:

i. the applicant can demonstrate continued career activity or professional development; and

ii. the applicant agrees to maintain the qualities reviewed by the criteria in subpart 3, item B.

C. Arts Across Minnesota touring directory.

(1) Applicants in a current touring directory may be listed in up to one future edition of the directory without additional review.

(2) Each applicant listed in the touring directory shall reapply at least once every other year following the processes and procedures described in part 1900.0510.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 23 SR 1380; 24 SR 663*

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1900.2210 ADDITIONAL REQUIREMENTS AND PROCESSES FOR MINNESOTA PERCENT FOR ART IN PUBLIC PLACES PROGRAM.

Subpart 1. **Definitions.**

A. "Artist" means an individual, or a collaborating group of individuals, practicing in the visual arts.

B. "Commission" or "commission award" means the creation of a new work specific to a site.

C. "Custodial agency" means the agency that controls the building or site where the artwork will be installed and is responsible for stewardship of the artwork.

D. "Purchase award" means the direct purchase of an existing work of art.

E. "Registry" or "artist registry" means a nonjuried collection of images and information on visual artists interested in having their work purchased or commissioned for newly constructed or renovated state building sites across Minnesota.

F. "Site" or "project" means a state building, the construction of which is paid for wholly, or in part, by the state of Minnesota, and does not include construction funds primarily appropriated for the repair, replacement, or enhancement of the infrastructures (electrical, plumbing, heating and cooling, or structural) which are not regularly seen by the public.

G. "Site selection committee" means at least five, and no more than seven, individuals who will recommend artwork for a designated site. The board and the custodial agency shall determine whether a five- or seven-member committee is needed, based on the size of the budget and the scope of the project to be completed. The committee is chaired by a designee of the board who is a nonvoting member of the committee.

H. "Work of art" or "artwork" means original and unique creations in visual media:

(1) produced by or under the control of artists generally recognized by their peers and critics as professional artists; and

(2) chosen by site selection committees.

Subp. 2. **Purpose of program.** The purpose of the Minnesota percent for art in public places program is to make possible the acquisition of works of art to be exhibited in areas of a state building, as defined by Minnesota Statutes, section 16B.35, or its grounds, accessible on a regular basis to members of the public.

Subp. 3. **Activities the program supports.** The program may purchase or commission original works of art with up to one percent of the total construction budget of a state building with a construction or renovation budget of at least \$500,000. This program shall enable artists to participate with client agencies and design professionals in the process of designing public spaces within and around state buildings; shall commission artists to create artworks to be integrated into the buildings and sites; or shall purchase existing artworks to be displayed throughout the buildings. In addition, the program shall manage and maintain an artist registry as a resource for selecting visual artists and artwork when new sites are identified for the program. The registry shall also be used by other nonstate organizations or individuals interested in locating artwork for commission or purchase. With authorization from the Department of Administration, the board may use up to ten percent of each site's percent for art in public places' appropriation for administrative costs.

Subp. 4. **Processes used to select artwork for site.** The board shall use a site selection committee process described in subpart 9 to select artwork for a site. In circumstances where the amount of available funds do not merit commissioning new work, the board may determine that a purchase award is appropriate.

Subp. 5. **Criteria for recommendations.** The four criteria used when reviewing artwork for purchase, or artists to commission, shall be in the two perspectives as described in items A and B.

A. Artistic quality, design, and permanence are the three primary criteria and equally important. Site selection committee members will examine slides of artists' previous work, and a professional resume when considering and assessing the artwork or artists.

- (1) Artistic quality shall be demonstrated by:
 - (a) work samples;
 - (b) adequate experience in production of public art; and
 - (c) evidence of ability to work within budget.
- (2) Design shall be demonstrated by:
 - (a) aesthetic compatibility with the architecture; and
 - (b) appropriate medium, given the function and use of the site.
- (3) Permanence shall be demonstrated by:
 - (a) use of durable materials; and
 - (b) good construction techniques.

B. The secondary criterion in order of importance shall be the acquisition of a variety of artwork appropriate to a public collection, which is demonstrated by:

- (1) artwork in different mediums and styles, and with a breadth of themes or subjects;
- (2) artwork which recognizes and fosters diverse social, cultural, and historical values;

and

- (3) artwork which is memorable, thought-provoking, and enduring.

Subp. 6. **Site selection committees.** Site selection committees shall be organized in the same manner as advisory panels under part 1900.0410, subparts 2 to 6. Additional criteria to select the individuals who serve on a site selection committee are:

A. members must have familiarity with public art issues and acquisition procedures or experience with community-based visual arts projects;

B. two members (or three, if it is a seven person committee) shall represent the residents and users of the building, appointed by the custodial agency that has authority over the appropriation that includes funds for the project;

C. one member shall represent the architect for the building;

D. two members (or three, if it is a seven person committee) who have expertise as an artist, curator, critic, writer, museum director, arts educator or administrator, member of the Arts Board, architect, landscape architect, or other design professional shall be appointed by the board; and

E. each site selection committee must include a majority of Minnesota residents as voting members.

Subp. 7. **Residence exemption for artist registry.** An artist may submit materials for the artist registry. The artist need not be a Minnesota resident.

Subp. 8. **Waiting periods for subsequent awards.** An artist who has received purchase awards through the program totaling a minimum amount as determined by the board based upon available resources and published in the current program information in one fiscal year must wait one year from the contract execution date before being considered for other percent for art projects by the board.

An artist who has received commission awards totaling a minimum amount as determined by the board based upon available resources and published in the current program information in one fiscal year must wait three years from the contract execution date before the artist shall be considered for other projects.

During the waiting period, an artist may remain on file in the registry, but the artist's work will not be considered for projects by the board.

Subp. 9. **Processes to identify applicants for consideration.**

A. One of the two methods in subitems (1) and (2) is used by the site selection committee to acquire works of art:

- (1) purchase of existing work; or
- (2) commission of new work especially for the site.

When new work is commissioned, the artist first presents a design proposal, including a budget and timeline, that must be reviewed and approved by the site selection committee.

B. The site selection committee may use a combination of competition types to assemble a pool of applicants for awards.

(1) Open competitions shall be announced by the distribution of a request for qualifications or a request for proposals describing the project. Work samples from all eligible responsive applicants shall be shown to the site selection committee. This type of competition is most suitable for projects with large budgets and extended timelines.

(2) Registry competitions shall use the artist registry to prescreen applicants who meet the specific criteria identified for the site by the site selection committee. The registry shall be used for all projects, often in combination with other types of competitions, but is particularly suitable for projects with limited budgets, short timelines, and if work is sought for a purchase award.

(3) Invitational competitions shall use a list of artists developed by the board for the purpose of sending an invitation to apply for a specific site award. This type of competition is most suitable

when artists are sought who have particular skills or abilities, or who work in specific mediums appropriate to the project, or for projects with an extended timeline.

(4) For direct competitions, the site selection committee shall directly invite a limited list of artists developed by the board to apply, or the committee shall visit galleries, museums, or studios to select artwork. This type of competition is most suitable for projects with limited budgets, short timelines, or where work is sought for direct purchase.

The site selection committee's recommendations shall be given to the board, the Department of Administration, and other necessary state agencies for final approval. Upon approval, the board shall enter into a contract with the artist. The contract shall provide for the direct purchase of existing work or one or both of the following: the production of schematic design proposals for a commissioned work or the actual production of commissioned work.

Subp. 10. **Projects not eligible.** A proposal is not eligible for consideration for the percent for art program unless it meets the definition of a site or project in subpart 1.

In addition, a proposal is not eligible for funds if:

- A. the funds are to be used solely for the design or construction of elements of incidental or ornamental detail;
- B. the funds are to be used for payment of any architect's fees for participating on the site selection committee; or
- C. the Department of Administration has determined it to be inappropriate.

Subp. 11. **Responsibilities of Arts Board and custodial agency after acceptance of artwork.**

A. The Arts Board staff shall monitor the condition of the artwork and shall provide oversight to ensure that routine and special routine maintenance of the artwork is being performed by the custodial agency.

B. If the board reasonably determines that the artwork presents imminent harm or hazard to the public, the board may authorize modifications of, including material changes, or removal of the artwork without prior approval of the artist.

C. Neither the board nor the custodial agency shall be required to contact the artist prior to routine or special routine maintenance, such as artist maintenance instructions.

D. Upon successful installation of the artwork, the custodial agency shall be responsible for:

- (1) protecting the artwork against loss, theft, vandalism, or other damage;
- (2) routine maintenance of the artwork; and
- (3) any conservation or restoration deemed necessary by the board.

Subp. 12. **Rights of artist after acceptance of artwork.**

A. Neither the board nor the custodial agency shall make changes that could reasonably be expected to affect the intended character or appearance of the artwork without written authorization from the artist.

B. In the event the board determines conservation and restoration of an artwork should be undertaken, the board shall notify the artist in writing of:

- (1) the nature of the material change;

(2) the board's recommendations for the proposed means and methods for conservation and restoration; and

(3) a timeline establishing the date by which the artist must respond in writing with any concerns regarding the proposed plan for conservation and restoration.

C. If a modification of the artwork occurs without the artist's permission and the artist gives written notice to the board requesting that the artist's name and the artwork be disassociated, the artwork will no longer be designated as the artwork of the artist.

D. In the event the board decides to no longer keep the artwork, the artist shall have the right of first refusal to purchase the artwork in its current condition at the greater of salvage cost or the cost to retrieve the artwork, provided it is not integrated in a larger piece or a structure, or it can be removed without destruction of the artwork.

E. If the artwork is created and physically constructed as part of a building, facility, or public site, the installation may subject the artwork to destruction, distortion, or other modification by reason of its removal from or significant changes to the location.

Statutory Authority: *MS s 129D.04*

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

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1900.2215 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTIST INITIATIVE PROGRAM.

Subpart 1. **Purpose of program.** The purpose of the artist initiative program is to support professional Minnesota artists at various stages in their careers by encouraging artistic development, nurturing artistic creativity, and recognizing the contributions of individual artists to the creative environment of the state.

Subp. 2. **Uses of grants.** Artist initiative program funds may be used for the following:

- A. to fund the creation and presentation of works by Minnesota artists; or
- B. for the artistic or professional development of Minnesota artists.

Subp. 3. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel that shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the following criteria:

- A. artistic quality of work, as demonstrated by the artist resume and work samples submitted with the application;
- B. merit and feasibility of the proposal and its impact on the artist's creative development and professional growth; and
- C. ways in which the proposal will strengthen the creative community or the state.

Subp. 4. **Additional requirements.** To be eligible for a grant under this part, the applicant must:

- A. not have received an artist initiative grant for the previous fiscal year;
- B. not have received a cultural community partnership grant, as applicant or collaborator, in either the previous or current fiscal year; and

C. be applying on behalf of the applicant and not on behalf of a duo, group, or organization.

Subp. 5. **Dollar amount of grants.** The minimum and maximum amounts and any matching funds requirements for an arts initiative grant shall be determined by the board based upon available resources and printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

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1900.2220 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS ACCESS PROGRAM.

Subpart 1. **Definition.** "Community" means a group of people located in a limited geographic area or a group of people possessing a common interest or identity.

Subp. 2. **Purpose of program.** The arts access program is designed to broaden opportunities for Minnesotans to participate in high quality arts experiences. Applicants must work with underserved groups or communities to identify barriers to participation and work collaboratively with the group or community to develop and implement strategies to reduce or remove those barriers.

Subp. 3. **Uses of grants.** Arts access funds may be used for the following purposes:

- A. to provide opportunities for artistic experiences in underserved groups or communities; or
- B. to remove barriers to participation in the arts for all Minnesotans.

Subp. 4. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel that shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to D.

A. The quality of the arts experience that must, at a minimum, be demonstrated by the following:

- (1) the artistic, creative, and cultural value of the proposed project; and
- (2) the relationship between the artistic programming, the applicant's mission, and the audience's needs.

B. Commitment to and from the community that must, at a minimum, be demonstrated by the following:

- (1) the community is involved in the planning or execution of the project;
- (2) the project brings value, artistic or otherwise, to the community; and
- (3) efforts to make the programming accessible for persons with disabilities.

C. Capacity for effective project administration that must, at a minimum, be demonstrated by the following:

- (1) the qualifications of the staff, artists, and other collaborators to design and execute the proposed programming;
- (2) a promotion plan that will attract broad public participation, or successfully target some other group;

- (3) a realistic budget that aligns with project and applicant goals; and
- (4) evidence of an ability to achieve consistent and measurable results.

D. Effective evaluation and assessment that must, at a minimum, be demonstrated by the following:

- (1) an evaluation plan for the project that will measure the Arts Board's program and applicant's project outcomes;
- (2) an evaluation plan with processes, tools, and methods that are realistic and appropriate for the project; and
- (3) evidence of how evaluation plan results will be used to guide future planning and programming.

Subp. 5. **Additional eligibility requirements.** An applicant must be:

- A. a Minnesota organization that primarily serves Minnesotans;
- B. an organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, an unincorporated group that has an agreement with a Minnesota fiscal agent, or a Minnesota public entity or division of a public entity that has an arts affiliate as defined in part 1900.0310; and
- C. an arts organization or an arts affiliate as defined in part 1900.0310 that is engaged in producing or presenting activities or is an artist service organization.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grants, or any matching funds requirements, for the arts access program shall be determined by the board based upon available resources and shall be printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

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1900.2225 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS TOUR MINNESOTA PROGRAM.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given.

- A. "Geographic community" means a population center and its adjoining communities.
- B. "Touring" means an arts activity that takes place in a geographic community other than the artist's home community that draws or serves a significantly different audience than the audience the touring artist normally draws or serves.
- C. "Touring artist" means an eligible professional individual artist or an unincorporated organization that will provide the artistic content for the proposed project.

Subp. 2. **Purpose of program.** The arts tour Minnesota program is designed to provide Minnesotans greater access to high quality arts activities regardless of geographic location. Program grants support touring performances, exhibitions, and other arts activities throughout the state.

Subp. 3. **Uses of grants.** Arts tour Minnesota funds may be used for the following purposes:

A. to increase the quality and quantity of artistic experiences available to all Minnesotans by supporting touring artists; and

B. to increase the capacity for touring artists or presenters to provide the proposed artistic programming.

Subp. 4. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to D.

A. The quality of the arts experience, which must at a minimum, be demonstrated by the following:

- (1) the artistic, creative, and cultural value of the proposed project; and
- (2) the relationship between the artistic programming, the applicant's mission, and the audience's needs.

B. Commitment to and from the community, which must at a minimum, be demonstrated by the following:

- (1) the community is involved in the planning or execution of the project;
- (2) the project brings value, artistic or otherwise, to the community; and
- (3) efforts to make the programming accessible for persons with disabilities.

C. Capacity for effective project administration, which must at a minimum, be demonstrated by the following:

- (1) the qualifications of the staff, artists, and other collaborators to design and execute the proposed project;
- (2) a promotion plan that will attract broad public participation, or successfully target some other group;
- (3) a realistic budget that aligns with the project and applicant's goals; and
- (4) evidence of an ability to achieve consistent and measurable results.

D. Effective evaluation and assessment, which must at a minimum, be demonstrated by the following:

- (1) an evaluation plan for the project that will measure the Arts Board's program and applicant's project outcomes;
- (2) an evaluation plan with processes, tools, and methods that are realistic and appropriate for the project; and
- (3) evidence of how evaluation results will be used to guide future planning and programming.

Subp. 5. **Additional eligibility requirements.**

A. Organization applicants must also:

- (1) be an arts producing organization that is located and operates within Minnesota, proposes to tour its own artistic production, and has previous experience producing similar work; or

(2) be a nonprofit Minnesota organization, an unincorporated group using a fiscal agent, or a public entity such as a unit of state or local government that proposes to present the work of touring artists.

B. Individual artist applicants must also:

- (1) have previous experience producing artistic work for audiences; and
- (2) propose to tour their own work.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts and any matching funds requirements for arts tour Minnesota shall be determined by the board based upon available resources and printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

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1900.2230 ADDITIONAL REQUIREMENTS AND PROCESSES FOR CULTURAL COMMUNITY PARTNERSHIP PROGRAM.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given.

A. "Applicant" means a Minnesota individual artist of color, or a Minnesota nonprofit organization that is collaborating with a Minnesota artist of color.

B. "Artist of color" means an individual who meets the definition of person of color in part 1900.0310, subpart 13, as well as individuals who are of North African or Middle Eastern descent.

C. "Collaboration" means the process that occurs when more than one artist or an artist and an organization work together to create and present artwork.

D. "Collaborator" means an individual artist of color or a Minnesota nonprofit organization working with an artist of color.

Subp. 2. **Purpose of program.** The purpose of the cultural community partnership program is to enhance the artistic and career development of artists of color, and to expose Minnesota communities to the works of artists of color.

Subp. 3. **Uses of grants.** Cultural community partnership program funds may be used for the following:

- A. for activities directly related to enhancing an artist of color's artwork or career; or
- B. to increase access to and appreciation of the work of artists of color.

Subp. 4. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the following criteria:

A. artistic quality of work, as demonstrated by the artist resume and work samples submitted with the application;

B. merit and feasibility of the proposed collaboration and the degree to which the project fosters artistic growth and visibility for the artist; and

C. the degree to which the project will expand available arts programming inside and outside Minnesota communities of color.

Subp. 5. **Additional requirements.** Cultural community partnership applicants and their collaborators must meet the following additional program specific eligibility requirements:

- A. the artist applicant or artist collaborator must be an artist of color;
- B. all artists, applicant or collaborator, must be Minnesota residents; and
- C. eligibility shall be limited for previous Arts Board grant recipients, based on available funds as shall be detailed in current program materials.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts and any matching funds requirements for the cultural community partnership program shall be determined by the board based upon available resources and printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

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1900.2235 ADDITIONAL REQUIREMENTS AND PROCESSES FOR MINNESOTA FESTIVAL SUPPORT PROGRAM.

Subpart 1. **Definitions.** For the purposes of the festival support program:

A. "Arts component" means a distinct arts portion of a broader, community festival that features the work of at least three Minnesota artists and lasts for at least four hours on a single day.

B. "Arts festival" means a celebration of art and culture that features the work of at least five Minnesota artists or arts groups and lasts for at least six hours on a single day.

Subp. 2. **Purpose of program.** The Minnesota festival support program is designed to build community and expose citizens in every region of the state to festivals that celebrate the arts, including diverse art forms such as folk and traditional art as defined under part 1900.2240.

Subp. 3. **Uses of grants.** Festival support funds may only be used for:

- A. costs related to planning, preparing, and presenting a festival; or
- B. professional development of staff that increases an organization's capacity to plan, prepare, and present the proposed festival.

Subp. 4. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to D.

A. The quality of the arts experience that must, at a minimum, be demonstrated by the following:

- (1) the artistic, creative, and cultural value of the proposed project; and
- (2) the relationship between the artistic programming, the applicant's mission, and the audience's needs.

B. Commitment to and from the community that must, at a minimum, be demonstrated by the following:

- (1) the community is involved in the planning or execution of the project;
- (2) the project brings value, artistic or otherwise, to the community; and
- (3) efforts to make the programming accessible for persons with disabilities.

C. Capacity for effective project administration that must, at a minimum, be demonstrated by the following:

- (1) the qualifications of the staff, artists, and other collaborators to design and execute the proposed programming;
- (2) a promotion plan that will attract broad public participation or successfully target some other group;
- (3) a realistic budget that aligns with project and applicant goals; and
- (4) evidence of an ability to achieve consistent and measurable results.

D. Effective evaluation and assessment that must, at a minimum, be demonstrated by the following:

- (1) an evaluation plan for the project that will measure the Arts Board's program and applicant's project outcomes;
- (2) an evaluation plan with processes, tools, and methods that are realistic and appropriate for the project; and
- (3) evidence of how evaluation results will be used to guide future planning and programming.

Subp. 5. **Additional eligibility requirements.** To be eligible for a grant under this part, the applicant must:

A. not have received funds in the same fiscal year from the Arts Board's operating support or community arts schools and conservatories grant programs; and

B. have presented the proposed festival at least once prior to the date the application is submitted.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grant awards and any matching funds requirements for the Minnesota festival support program shall be determined by the board based upon available resources and shall be published in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

Published Electronically: *August 15, 2016*

1900.2240 ADDITIONAL REQUIREMENTS AND PROCESSES FOR FOLK AND TRADITIONAL ARTS PROGRAMS.**Subpart 1. Definitions.**

A. "Apprentice" means a person who shows promise in the art form of the master and who will benefit from teaching sessions with a master.

B. "Community" means a group of people who share the same ethnic or tribal heritage, occupation, language, religion, geographic area, or traditional art form.

C. "Folk and traditional arts" means skills, customs, and beliefs that are passed on primarily by word of mouth, example, or observation and imitation from one generation to the next, rather than through academic or formal means.

D. "Interpretation" means helping members of the public understand the connections between specific types of folk or traditional art and the cultures from which they come.

E. "Master" means a person recognized in a community as a highly skilled folk or traditional artist.

Subp. 2. **Purpose of program.** The purpose of the folk and traditional arts program is to support the artistic traditions and customs practiced within community or cultural groups by identifying, documenting, preserving, creating, presenting, and honoring Minnesota's artistic traditions.

Subp. 3. **Uses of grants.** Folk and traditional arts funds may be used for the following purposes:

- A. to promote the development and work of folk and traditional artists; or
- B. for activities that increase the appreciation or understanding of folk or traditional art forms in Minnesota.

Subp. 4. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to D.

A. The quality of the arts experience, which must at a minimum, be demonstrated by the following:

- (1) the artistic, creative, and cultural value of the proposed project; and
- (2) the relationship between the artistic programming, the applicant's mission, and the audience's needs.

B. Commitment to and from the community, which must at a minimum, be demonstrated by the following:

- (1) the community is involved in the planning or execution of the project;
- (2) the project brings value, artistic or otherwise, to the community; and
- (3) efforts to make the programming accessible for persons with disabilities.

C. Capacity for effective project administration, which must at a minimum, be demonstrated by the following:

- (1) the qualifications of the staff, artists, and other collaborators to design and execute the proposed programming;

(2) a promotion plan that will attract broad public participation, or successfully target some other group;

(3) a realistic budget that aligns with project and applicant goals; and

(4) evidence of an ability to achieve consistent and measurable results.

D. Effective evaluation and assessment, which must at a minimum, be demonstrated by the following:

(1) an evaluation plan for the project that will measure the Arts Board's program and applicant's project outcomes;

(2) an evaluation plan with processes, tools, and methods that are realistic and appropriate for the project; and

(3) evidence of how evaluation results will be used to guide future planning and programming.

Subp. 5. Additional eligibility requirements.

A. Applicant organizations must be:

(1) a Minnesota organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

(2) an unincorporated organization with an agreement with a Minnesota fiscal agent; or

(3) a public entity or a division of state, local, or tribal government.

B. An individual artist must:

(1) be trained by traditional elders or master artists and have an artistic practice that is reflective of the cultural life of a community; and

(2) not create contemporary representations using folk forms as inspiration in personal art.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grant awards and any matching fund requirements for the folk and traditional arts program shall be determined by the board based upon available resources and shall be printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

Published Electronically: *August 15, 2016*

1900.2245 ADDITIONAL REQUIREMENTS AND PROCESSES FOR OPERATING SUPPORT PROGRAM.

Subpart 1. Definitions.

A. "Charitable arts support" means:

(1) unrestricted revenue, including contributions and donations from foundations, corporations, businesses, and individuals that are tax deductible by the donor;

- (2) the proceeds from benefits, special events, and memberships that are tax deductible by the donor;
- (3) contributed support from a nonprofit organization or governmental host organization to its arts affiliate; and
- (4) grants from government entities.

For the purposes of the operating support program, charitable arts support does not include Arts Board operating support funds or in-kind contributions or revenue associated with gaming.

B. "Presenter" or "presenting organization" means an arts organization or arts affiliate whose work consists of engaging in presenting activities as defined in part 1900.0310, subpart 14.

C. "Producer" or "producing organization" means an arts organization or arts affiliate that is primarily engaged in conceiving or creating artistic work, and in assembling the artistic elements of its productions, performances, or exhibitions.

D. "Qualifying expenses" means unrestricted expenses, but does not include in-kind expenses, nonoperating expenses, nonarts expenses, or Arts Board operating support funds.

Subp. 2. Purpose of program.

A. The operating support program provides general operating support to high quality, established arts organizations that produce, present, or exhibit works of art; to organizations that provide a broad range of services to artists; and to community arts schools and conservatories that make arts learning available to Minnesotans of all ages and abilities.

B. The operating support program recognizes that organizations with an established record of programmatic service and administrative stability should have access to funds to support organizational goals and objectives, and to maintain ongoing programs, services, and facilities without special emphasis on new initiatives as justification for funding.

Subp. 3. Additional eligibility requirements. Operating support applicants must meet the additional eligibility requirements in items A to C.

A. The applicant must be an arts organization or affiliate as defined in part 1900.0310 and also must be one or more of the following:

- (1) an arts producer;
- (2) an arts presenter;
- (3) a community arts school and conservatory; or
- (4) an artist service organization.

B. The applicant must:

- (1) be physically located in Minnesota, and produce the majority of its programming in Minnesota, primarily for Minnesotans;
- (2) have been in existence, actively providing arts programming or services for at least two consecutive years before applying for operating support for the first time; and
- (3) meet the average qualifying expense and charitable arts support requirements printed in the most current program materials. These levels shall be calculated and adjusted in the even year of the

biennium, based on the rate of change reflected by a professionally acknowledged economic indicator or index such as the Consumer Price Index.

C. The following are not eligible to receive Arts Board operating support funding:

(1) any state agency, public institution, or nonprofit organization that receives a legislative appropriation or legislatively mandated grant from the Minnesota's arts and cultural heritage fund is not eligible to receive an Arts Board operating support grant for the same fiscal year that it receives the appropriation or legislatively mandated grant;

(2) any project, program, or division housed within or affiliated with a state agency, public institution, or nonprofit organization that receives a legislative appropriation or legislatively mandated grant from the Minnesota's arts and cultural heritage fund is not eligible to receive an Arts Board operating support grant for the same fiscal year that it receives the legislative appropriation or legislatively mandated grant;

(3) an affiliate and its host institution may not both receive funding in the operating support program. However, more than one affiliate of the same host institution may receive contemporaneous funding; and

(4) two separate organizations whose work supports or is based upon the same artists or arts programming may not both receive funding in the operating support program.

Subp. 4. **Uses of grants.** Operating support grants that include arts and cultural heritage funds may only be used:

A. to produce, present, or offer programs, projects, services, or activities in the arts, arts education, or arts access, and to preserve Minnesota's history and cultural heritage;

B. to support programs, projects, services, or activities that take place within Minnesota;

C. to support programs, projects, services, or activities for which measurable outcomes have been established;

D. to supplement and not substitute for traditional sources of funding; or

E. to underwrite only those administrative, indirect, or institutional overhead costs that are directly related to and necessary for the funded programs or activities.

Subp. 5. **Criteria used by advisory panel and board to make grants.** Applications in full review under subpart 7 shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to E. Applications in interim review under subpart 7 shall be reviewed by Arts Board staff using the same criteria.

A. Artistic excellence and leadership that must, at a minimum, be demonstrated by the following:

(1) high quality activities that achieve a distinct artistic vision that is consistent with the applicant's stated mission;

(2) activities that allow the art form and artist to develop; and

(3) qualifications and achievements of artists and artistic leadership.

B. Management and fiscal responsibility that must, at a minimum, be demonstrated by the following:

(1) organizational and fiscal stability; and

- (2) evidence of an ongoing ability to achieve measurable outcomes.
- C. Inclusive public engagement that must, at a minimum, be demonstrated by the following:
 - (1) diversity of the board, staff, and participants; and
 - (2) evidence of efforts to reach underserved communities and steps taken to mitigate any barriers to participation.
- D. Benefit to the public that must, at a minimum, be demonstrated by the following:
 - (1) a commitment to education and outreach to enhance quality of life in Minnesota;
 - (2) activities that help make the arts a vital part of community life; and
 - (3) activities that help achieve other shared public goals.
- E. Assessment and evaluation that must, at a minimum, be demonstrated by the following:
 - (1) an effective self-evaluation plan that measures outcomes, the organization's progress towards goals, and the strength of its programs and operations; and
 - (2) evidence that self-evaluation is used to shape the organization's plans and activities.

Subp. 6. **Merit funding.** Applicants who have met all review criteria in subpart 5 may be eligible for additional merit funding if the review panel finds that the applicant has exceeded program expectations. Applicants shall be scored by an advisory panel based on the degree to which the applicant exceeds review criteria, and available merit funds, if any, shall be distributed based on scores.

Subp. 7. **Multiyear funding.** The operating support program shall use a four-year grant cycle. For each grant cycle, applicants shall undergo a full application review according to the processes in subpart 8. Each year after the full review, an abbreviated interim application and Arts Board staff review shall take place to ensure the applicant's continued compliance with program criteria.

Subp. 8. **Additional processes.** In addition to the completion of all application materials, applicant funding shall be contingent upon the following:

- A. during full and interim review, a representative of the Arts Board shall attend a performance, exhibition, or other artistic activities of the applicant and shall complete a report, which the advisory panel or staff shall use in its assessments of the artistic quality of the applicant's activities;
- B. during full review, between the application deadline and advisory panel meeting, applicants shall have an administrative visit from a staff member and advisory panel member who shall ask questions raised by the application and receive any updates from the applicants. An oral report on the administrative visit shall be presented to the advisory panel; and
- C. monitoring visits review the grantee's progress towards outcomes, gauge the ongoing success and impact of the applicant's activities, and identify any issues or challenges the applicant may be facing. Monitoring visits shall be scheduled in advance and may or may not be combined with an artistic or administrative visit.

Subp. 9. **Dollar amount of grants.** The minimum and maximum amounts for grant awards and any matching funds requirements for the operating support program shall be determined by the board based upon available resources and published in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

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1900.2250 ADDITIONAL REQUIREMENTS AND PROCESSES FOR PARTNERS IN ARTS PARTICIPATION PROGRAM.

Subpart 1. **Definition.** "Health and human services providers" means organizations that provide services that protect or improve the health, well-being, or human development of individuals or families, usually by meeting basic human needs as defined by National Taxonomy of Exempt Entities (NTEE) which is incorporated by reference, available at www.foundationcenter.org/ntee, and updated continuously. For example, organizations that provide the following types of programs and services are generally eligible to apply: health care; addiction and substance abuse services; mental health and crisis services; immigrant and refugee services; job training; and helping to provide food and housing for the indigent.

Subp. 2. **Purpose of program.** The partners in arts participation program is designed to broaden opportunities for Minnesotans to participate in arts experiences, by allowing Minnesota health and human services organizations to integrate arts programming into the services they provide their clients.

Subp. 3. **Eligibility.**

A. Health or human services organizations that are located in Minnesota and have been designated as a section 501(c)(3) organization by the Internal Revenue Service, or that operate under the auspices of a Minnesota tribal government, are eligible for partners in arts participation funds.

B. The following are not eligible to apply for partners in arts participation funds:

- (1) for-profit organizations of any kind;
- (2) Minnesota nonprofit arts organizations;
- (3) individuals;
- (4) health and human services divisions of city, county, or state government, or health and human services entities or organizations that are affiliated with city, county, or state government agencies;
- (5) economic, neighborhood, or community development organizations;
- (6) mutual or membership benefit organizations, or organizations whose primary activities are meant to promote broad public goals or benefits as defined by the National Taxonomy of Exempt Entities (NTEE) listings; and
- (7) public or private kindergarten through grade 12 schools or higher education organizations.

Subp. 4. **Uses of grants.** Partners in arts participation grants may only be used for:

A. costs associated with providing arts programming for the clients of Minnesota health and human services providers; or

B. costs associated with removing barriers to arts participation among the clients of Minnesota health and human services providers.

Subp. 5. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to D.

A. The quality of the arts experience that must, at a minimum, be demonstrated by the following:

- (1) the artistic, creative, and cultural value of the proposed project; and
- (2) the relationship between the artistic programming, the applicant's mission, and the audience's needs.

B. Commitment to and from the community that must, at a minimum, be demonstrated by the following:

- (1) the community is involved in the planning or execution of the project;
- (2) the project brings value, artistic or otherwise, to the community; and
- (3) efforts to make the programming accessible for persons with disabilities.

C. Capacity for effective project administration that must, at a minimum, be demonstrated by the following:

- (1) the qualifications of the staff, artists, and other collaborators to design and execute the proposed programming;
- (2) a promotion plan that will attract broad public participation or successfully target some other group;
- (3) a realistic budget that aligns with project and applicant goals; and
- (4) evidence of an ability to achieve consistent and measurable results.

D. Effective evaluation and assessment that must, at a minimum, be demonstrated by the following:

- (1) an evaluation plan for the project that will measure the Arts Board's program and applicant's project outcomes;
- (2) an evaluation plan with processes, tools, and methods that are realistic and appropriate for the project; and
- (3) evidence of how results are used to guide future planning and programming.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grants and any matching funds requirements for the partners in arts participation program shall be determined by the board based upon available resources and shall be printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

Published Electronically: *August 15, 2016*

1900.2255 ADDITIONAL REQUIREMENTS AND PROCESSES FOR COMMUNITY ARTS SCHOOLS AND CONSERVATORIES PROGRAM.

Subpart 1. **Definition.** "Community arts school or conservatory" means an arts organization or arts affiliate that provides arts instruction to all interested individuals regardless of perceived talent, level of skill, or ability to pay. It provides rigorous, structured instruction that emphasizes the development of proficiency in an arts form. A community arts school or conservatory does not confer academic degrees, although its host organization may.

Subp. 2. **Purpose of program.** The purpose of the community arts schools and conservatories program is to provide operating support to high quality, established community arts schools and conservatories that provide arts instruction programs offered by a professional faculty to all interested individuals.

Subp. 3. **Eligibility.** Community arts schools and conservatories applicants must:

- A. be a community arts school or conservatory as defined in subpart 1;
- B. have been in existence, actively providing arts learning programming, for at least two consecutive years before applying for the community arts schools and conservatories program for the first time;
- C. not receive an operating support grant within the same fiscal year; and
- D. meet the average qualifying expense and charitable arts support requirements printed in the most current program materials. These levels shall be calculated and adjusted in the even year of each biennium, based on the rate of change reflected by a professionally acknowledged economic indicator, or index, such as the Consumer Price Index.

Subp. 4. **Uses of grants.** Community arts schools and conservatories funds may be used only:

- A. to support the direct costs associated with providing structured and rigorous arts learning programming; or
- B. to underwrite only those administrative, indirect, or institutional overhead costs that are directly related to and necessary for programs that provide arts learning opportunities to Minnesotans of all ages.

Subp. 5. **Criteria used by advisory panel and board to make grants.** Applications in full review under subpart 7 shall be reviewed by an advisory panel, which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to E. Applications in interim review under subpart 7 shall be reviewed by Arts Board staff using the same criteria.

- A. Artistic excellence and leadership that must, at a minimum, be demonstrated by the following:
 - (1) the qualifications and achievements of teaching artists and artistic leadership; and
 - (2) high quality arts learning activities that provide opportunities for individuals to develop proficiency in an art form.
- B. Management and fiscal responsibility that must, at a minimum, be demonstrated by the following:
 - (1) organizational and fiscal stability; and
 - (2) evidence of an ongoing ability to achieve measurable outcomes.

- C. Inclusive public engagement that must, at a minimum, be demonstrated by the following:
- (1) diversity of the board, staff, faculty, and participants; and
 - (2) evidence of efforts to reach underserved communities and steps taken to mitigate any barriers to participation in the arts.
- D. Benefit to the public that must, at a minimum, be demonstrated by the following:
- (1) a commitment to community arts education that fosters understanding and awareness of artists and art forms; and
 - (2) efforts to engage with community leaders and partners to make the arts a vital part of community life.
- E. Assessment and evaluation that must, at a minimum, be demonstrated by the following:
- (1) an effective self-evaluation plan that measures outcomes, the organization's progress towards goals, and the strength of its programs and operations; and
 - (2) evidence that self-evaluation is used to shape the organization's plans and activities.

Subp. 6. **Merit funding.** Applicants who have met all review criteria in subpart 5 may be eligible for additional merit funding if the review panel finds that the applicant has exceeded program expectations. Applicants shall be scored by an advisory panel based on the degree to which the applicant exceeds review criteria, and available merit funds, if any, shall be distributed based on scores.

Subp. 7. **Multiyear funding.** The community arts schools and conservatories program shall use a two-year grant cycle. For each grant cycle, applicants shall undergo a full application review according to program materials. In the second year of the cycle an abbreviated interim application and review shall take place to ensure the applicant's continued compliance with program criteria.

Subp. 8. **Dollar amount of grants.** The minimum and maximum amounts for grant awards and any matching fund requirements for the community arts schools and conservatories program shall be determined by the board based upon available resources and shall be printed in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

Published Electronically: *August 15, 2016*

1900.2260 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS LEARNING PROGRAM.

Subpart 1. **Definitions.** The terms in this part have the meanings given.

A. "Arts learning" means the lifelong acquisition of knowledge, skills, and understanding in the arts. It engages learners in creating, performing, and responding to art in a disciplined and intentional way guided by a teaching artist.

B. "Teaching artist" means an artist that is primarily responsible for providing the artistic content and ensuring that the arts learning goals of a project are met. Teaching artists are either individual artists who work independently or artists who are employed by an organization.

Subp. 2. **Purpose of program.** The purpose of the arts learning program is to engage individuals of all ages in the creation, performance, and appreciation of the arts in order to develop creativity and acquire knowledge, understanding, and skills in the arts.

Subp. 3. **Uses of grants.** Arts learning funds may only be used:

A. to create, execute, or expand arts learning programming for individuals of all ages in either school or community settings; and

B. to develop the skills of or provide professional development opportunities to teaching artists or program providers who are engaged in arts learning programming.

Subp. 4. **Eligibility.** Applicants must be:

A. an organization as defined in part 1900.0310; or

B. a professional artist of at least 18 years of age applying as an individual.

Subp. 5. **Criteria used by advisory panel and board to make grants.** Each application shall be reviewed by an advisory panel which shall make recommendations to the board based on the degree to which the advisory panel finds that the applicant meets the criteria in items A to D.

A. The quality of the arts experience that must, at a minimum, be demonstrated by the following:

(1) arts content is delivered by artists who exhibit levels of skill and experience in the subject matter art form that are aligned with the abilities of the targeted learners; and

(2) project goals and lesson plans are matched with the needs and abilities of the targeted learners.

B. Commitment to and from the community that must, at a minimum, be demonstrated by the following:

(1) the proposed project is built on an understanding of the diverse interests and needs of the arts learners; and

(2) efforts are made to foster collaboration between artists, arts organizations, and community institutions.

C. Capacity for effective project administration that must, at a minimum, be demonstrated by the following:

(1) the planning team is qualified to design and execute each of the arts learning provider's goals and activities;

(2) the budget supports the work of teaching artists through the payment of fees that are appropriate based on the skills and experience of the artist, the size and scope of the project, and market rates; and

(3) a realistic budget that includes a reasonable balance between artistic expenses and administrative expenses.

D. Effective evaluation and assessment that must, at a minimum, be demonstrated by the following:

(1) an evaluation plan for the project that shall measure the board's program outcomes and the applicant's project outcomes;

(2) an evaluation plan with processes, tools, and methods that are realistic and appropriate for the project; and

(3) evidence that evaluation plan results shall be used to guide future planning and programming.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grant awards and any matching funds requirements for the arts learning program shall be determined by the board based upon available resources and shall be published in current program information.

Statutory Authority: *MS s 129D.04*

History: *41 SR 87*

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1900.2300 [Repealed, 21 SR 5]

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REGIONAL ARTS COUNCILS

1900.2310 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 1900.2310 to 1900.4110, the following terms have the meanings given in subparts 2 to 17.

Subp. 2. **Allocation formula.** "Allocation formula" means the mathematical formula devised by the Regional Arts Council Forum to determine the amount of funding each regional arts council receives in its regional arts council block allocation.

Subp. 3. **Arts advisory council.** "Arts advisory council" means a group of citizens with expertise in the arts who review and recommend arts grant requests for funding on behalf of a regional development commission serving as the regional arts council.

Subp. 4. **Arts services.** "Arts services" means nongrant activities including information services, technical and consultative services, planning, report evaluation, and other developmental efforts that are provided by a regional arts council to its individual region.

Subp. 5. **Biennial plan.** "Biennial plan" means the written document prepared by a regional arts council and submitted to the board which outlines the decision making processes, programs, services, and budget to be followed by the regional arts council during the biennium.

Subp. 6. [Repealed, 41 SR 87]

Subp. 7. **Direct programming.** "Direct programming" means artistic endeavors which are initiated by one or more regional arts councils. It includes arts production, sponsorship, and presenting.

Subp. 8. **Fiscal agent.** "Fiscal agent" means any Minnesota nonprofit organization which is exempt from taxation under the Internal Revenue Code or any governmental unit which handles and accounts for funds for a group or organization receiving legislative funds through the board or a regional arts council. The fiscal agent is legally responsible for the proper management of disbursed funds.

Subp. 9. **Legislative arts allocation.** "Legislative arts allocation" means the biennial legislative appropriation which is intended for use by the regional arts councils.

Subp. 10. **Local regional arts development.** "Local regional arts development" means the work done by one or more of the regional arts councils to develop or enhance local or regional artists, arts organizations, arts resources, or arts audiences.

Subp. 11. **Obligated funds.** "Obligated funds" means funds from a regional arts council's block allocation from one fiscal year which are legally obligated to a specific future expense and recorded in a regional arts council's certified public audit.

Subp. 12. **Preliminary biennial plan.** "Preliminary biennial plan" means the initial document submitted to the regional arts advisory committee for review and advice about the plan's adherence to the applicable rules.

Subp. 12a. **Regional arts council or council.** "Regional arts council" or "council" means the one entity in each of the 11 regions that has gone through the designation process defined in parts 1900.3110 and 1900.3210 and is responsible for developing programs for arts funding and managing the resources allocated by the legislature for regional arts funding.

Subp. 13. **Regional arts council block allocation.** "Regional arts council block allocation" means money from the legislature which goes to a regional arts council through the board to provide arts services, direct programming, and grants for local and regional arts development.

Subp. 14. **Regional Arts Council Forum.** "Regional Arts Council Forum" means an incorporated, not for profit, 501(c)(3), voluntary membership association of the 11 regional arts councils formed to provide resources, deal with common issues, and develop mutual support among regional arts councils in order to promote arts in Minnesota. The organization is registered under the name Forum of Regional Arts Councils of Minnesota. Some of its functions shall include developing the regional arts council allocation formula, negotiating the Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement, and consulting with the board in the regional arts council designation process.

Subp. 15. **Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement.** "Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement" means the written agreement negotiated annually by the board and the Regional Arts Council Forum on behalf of the regional arts councils. The agreement shall include a description of the responsibilities of the board and the regional arts councils and identify the board as having statutory responsibility for the proper management of disbursed funds. Release of a regional arts council block allocation shall be initiated when the agreement is signed by both the board and the regional arts council.

Subp. 16. **Regional Arts Council Service Boundaries.** "Regional Arts Council Service Boundaries" means the geographic service area assigned to each regional arts council. The service boundaries correspond to state economic development regions as defined in Minnesota Statutes, section 462.384. Each region shall have its own regional arts council except regions 6E, 6W, and 8 which are served by one regional arts council.

Subp. 17. **Regional development commission.** "Regional development commission" means the entities defined in Minnesota Statutes, section 462.384, subdivision 5.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.2400 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.2410 CHANGE TO SERVICE BOUNDARIES.

The regional arts council service boundaries which define the 11 regions may be changed if changes in the boundaries or number of regional arts councils are agreed to by the board and eight or more of the regional arts councils.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5*

Published Electronically: *September 14, 2007*

1900.2500 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.2510 REQUIRED GOVERNANCE STRUCTURE.

A regional arts council may be a nonprofit, tax-exempt 501(c)(3) corporation, a regional development commission or an organization that conforms to the definition of a regional arts council but uses a fiscal agent until its 501(c)(3) status is approved. If a council is part of a regional development commission or another entity whose primary mission or function is not serving as a regional arts council, the organization must establish a distinct arts program, guided by an arts advisory council to make recommendations to the commission on the use of the legislative arts allocation.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5*

Published Electronically: *September 14, 2007*

1900.2600 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.2610 ELIGIBILITY FOR ALLOCATION.

Subpart 1. **Year one of biennium.** To receive a regional arts council block allocation in year one of a biennium, the council must submit a biennial plan to the regional arts advisory committee by May 15 of the fiscal year immediately preceding the biennium. In addition, the council must meet the requirements of part 1900.4110, subparts 3 and 4.

Subp. 2. **Year two of biennium.** To receive a regional arts council block allocation in the second year of the biennium, the council must submit to the board, by May 15 of the first year of the biennium, an annual plan update that outlines either anticipated changes to the biennial plan for the second year of the biennium or a confirmation of no changes. In addition, the council must meet the requirements of part 1900.4110, subparts 2 and 3.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 26 SR 1301; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.2700 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.2710 BIENNIAL PLAN COMPONENTS.

Subpart 1. **Required components.** For a biennial plan to be complete, the requirements of subparts 2 to 11 must be fulfilled.

Subp. 2. **Mission statement.** The biennial plan must include the regional arts council's mission statement which must describe the overall philosophy and aims of the organization concerning local and regional arts development.

Subp. 3. **Needs assessment.** The biennial plan must be based on a needs assessment carried out in a manner which ensured input from the arts community and the arts involved public. The components of the needs assessment shall be determined by the regional arts council and may consist of any combination of constituent meetings, focus groups, program evaluations, mail, e-mail, online, or telephone surveys, individual interviews, or other evaluative tools. The assessment shall be conducted to assess and prioritize constituent needs, to evaluate appropriate community and regional resources to meet those needs, and to determine the practicality of continuing existing programming activities, service and grants assistance programs, or the feasibility of developing new programs, services, or grants by the regional arts council. The needs assessment shall be updated at intervals determined and announced by the regional arts council, but no less frequently than once every four years. The results shall be included in the biennial plan.

Subp. 4. **Description of planning process.** The biennial plan must include a description of the biennial planning process used by the council including a list of the steps included in the development of the biennial plan and the participants involved in the biennial planning process. Before the biennial plan is submitted to the board at least one public meeting must be held for the purpose of gathering reaction to the biennial plan.

Subp. 5. **Work plan for grants, programs, and services.** The biennial plan must include a work plan which contains a description of services, programs, and grants available from the council and the goals and objectives of these activities as related to the needs assessment.

Subp. 6. **Program information.** The biennial plan must include program information which describes grants and other forms of assistance available, the review criteria for evaluating grant requests, and eligibility requirements.

Subp. 7. **Organizational structure.** The biennial plan must include:

- A. a copy of the council's bylaws;
- B. an identification of the arts experience and background requirements for regional arts council board and arts advisory council membership;
- C. job descriptions of the staff of the organization;

D. a description of the rotation system which will ensure replacement of regional arts council board and arts advisory council members on a regular basis;

E. the names and affiliations of all regional arts council board, advisory council members and staff; and

F. a description of the regional arts council board and advisory committee nominations process. The description of the nominations process shall include a statement of the council's commitment and methods used to identify, recruit, and appoint board and council members to provide representation from all counties.

Subp. 8. Arts granting policy statement.

A. When a council is part of a regional development commission the biennial plan must include a memorandum describing the policies and procedures under which grants will be made including a statement that the regional development commission agrees to fund only organizations or projects which have been recommended by its arts advisory council and that the recommendations will be based on the regional arts advisory committee's review of the application's artistic merit, the applicant's ability, and the need for the project or program.

B. If a council is using a fiscal agent because its 501(c)(3) application has been filed but not yet approved, the biennial plan must include a letter of agreement between the council and its fiscal agent stating that the fiscal agent has no jurisdiction over the council's review and awarding of arts grants.

Subp. 9. **Budget.** The biennial plan must include a budget which must be a total projected budget identifying all local, regional, state, and federal sources of public and private support. The budget must include the amount of the legislative arts allocation that the council will receive based on the allocation formula.

Subp. 10. **Grant making and monitoring process.** The biennial plan must include a detailed description of the council's grant making process including the review process, the terms of the grant contract with grant recipients, the time needed and process followed in paying grant recipients, the responsibilities of grantees, and the grant monitoring process.

Subp. 11. **Public meeting.** Each council must hold at least one public meeting to solicit reaction to its preliminary biennial plan before it is approved and submitted to the board. The plan must be available for review at the council's office and on its Web site a minimum of three days before the meeting. At the meeting, the substance of the plan shall be presented to the general public in a manner that is clear and understandable and the audience given an opportunity to respond to the presentation. The meeting shall be scheduled to allow for revisions of the plan prior to its final submission. A written record or taped recording of the public meeting must be kept in the council's office and available for public review for one year.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

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1900.2800 [Repealed, 21 SR 5]

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1900.2810 PRELIMINARY AND BIENNIAL PLAN REVIEW PROCESS.

Subpart 1. **Preliminary biennial plan review.** The preliminary biennial plan of each regional arts council shall be reviewed by the regional arts advisory committee at a meeting.

Subp. 2. **Notice of regional arts advisory committee meeting.** The regional arts council must be notified by the board a minimum of 30 days prior to the regional arts advisory committee meeting and given the opportunity, at its option, to present the preliminary biennial plan in person before the regional arts advisory committee and to respond to questions raised by the committee.

Subp. 3. **Regional arts council advisory committee recommendations.** The regional arts advisory committee shall submit to the board its comments and recommendation about a council's preliminary biennial plan and the reasons for making that recommendation. At the same time the recommendation is sent to the board, a copy of the committee's comments and recommendation shall be sent to the council.

Subp. 4. **Biennial plan process.** After the council receives the advice of the advisory committee, the council must submit a biennial plan to the board.

Subp. 5. **Board action after receipt of biennial plan.** After the biennial plan is received, the board shall reject the plan only if it determines that the plan is incomplete. The council must be informed in writing of the board's decision to reject or accept the plan, and the basis for that decision, within ten working days of the board's determination.

Subp. 6. **Process if biennial plan is not accepted by board.** A council whose biennial plan is not accepted shall have 30 days to respond in writing to the board's decision.

Subp. 7. **Process if biennial plan is not accepted second time.** If the biennial plan is not accepted a second time, the board may, at its discretion, allow the council to again submit a plan. A council whose biennial plan will not be reconsidered by the board may follow the appeals process provided by part 1900.3310.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.2900 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.2910 PROCESS FOR AMENDING BIENNIAL PLAN.

Subpart 1. **Regional arts council's responsibilities.** If a regional arts council intends to make substantive changes in its biennial plan it must:

A. notify the board in writing of its intent to change the biennial plan a minimum of 30 days before implementing any changes; and

B. include a detailed description of the proposed revisions, the reasons for making the changes, and a schedule for implementing proposed changes.

Subp. 2. **Board's responsibilities.** After the board receives notice of a regional arts council's intent to revise its biennial plan it must review and act upon the revisions within ten working days.

A. If the board has concerns about the proposed revision, it shall provide a written response to the regional arts council outlining its concerns within ten working days of receipt of notification. If the board has no concerns, it shall provide a written response to the regional arts council within ten working days stating that the revisions have been reviewed and filed.

B. The regional arts council must provide, within ten working days, a written response acknowledging receipt of the board's letter of concern and indicating the regional arts council's response to those concerns.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5*

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1900.3000 [Repealed, 21 SR 5]

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1900.3010 PROCESS FOR RELEASING FUNDS TO REGIONAL ARTS COUNCILS.

Subpart 1. **Time for release of funds.** Within ten days of the board's acceptance of a biennial plan, the board must provide the council with a Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement to be executed by the council and returned for execution by the board. After receipt of the signed agreement, the board shall have until the end of the third full week of July, or a date mutually agreeable to the board and the Regional Arts Council Forum, to execute its portion of the agreement, including approvals required by Minnesota Statutes, section 16B.06, subdivision 2, to release the full amount of the regional arts council block allocation.

Subp. 2. **Councils whose designation is being challenged.** If a council's biennial plan has not been filed because the council is in the process of responding to comment on its preliminary plan or if the council is in the process of being challenged for designation, the board must provide an interim payment schedule and written conditions for payments which will ensure that the council's normal operations are not impeded while the designation process is completed.

Subp. 3. **Special circumstances.**

A. At the beginning of a fiscal year, if negotiations for the Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement are still in process, the board must institute a system of partial allocation payments to each council until the agreement is completed. The payments may be contingent upon the submission of reports or receipt of information requested by the board. The Regional Arts Council Forum and each of the 11 regional arts councils must be notified by the board in writing by May 31 prior to the beginning of the fiscal year, of the board's intent to make partial payments, the conditions for the board making payments, and the conditions for the board's discontinuing the contingent payment system. If a contingent payment system is instituted by the board, it must be done in a manner which ensures that the normal operations of the councils are not impeded.

B. When a region is not served by a regional arts council, the regional arts council block allocation for regions not served by a council shall be administered by the board with the advice of the regional arts advisory committee until a new council is designated, but in no case for longer than six months. If a region is without a council for longer than six months, the Regional Arts Council Forum may direct the board to redistribute the region's unexpended and unobligated regional arts council block allocation for the

current fiscal year to the remaining councils in a formula to be determined by the Regional Arts Council Forum.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

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1900.3100 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3110 REGIONAL ARTS COUNCIL LOSS OF DESIGNATION.

Subpart 1. **Existing councils.** The regional arts council at the time that parts 1900.0110 to 1900.4110 are adopted shall be the regional arts council for its region.

Subp. 2. **Council designation removed; conditions.** There can only be one regional arts council in each region. A council shall remain the regional arts council until its designation is officially removed. The following circumstances shall result in the removal of designation:

A. At any time, a council may determine that it is not in its organization's or its region's best interest for it to continue as the regional arts council. The council must notify the board of its intent to cease operation as a council and work cooperatively with the board to provide for an orderly transition when a new organization receives the regional arts council designation.

B. The Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement shall define the terms for a council's receipt of its block allocation. It shall also define the process of notification which the board must follow if it believes that a council is out of compliance with the agreement and the process which must be followed to remedy concerns or to rescind a council's designation. If the council successfully remedies concerns, it shall remain the regional arts council. If it does not successfully remedy, the board shall remove the council as the regional arts council.

C. Removal of designation initiated by the board due to an unsuccessful probationary period, as described in part 1900.3210, subpart 7.

D. If, after following part 1900.3210, a competing organization is awarded the designation by the board, the challenged council must receive written notification that its designation has been removed by a vote of the board. This notification must contain a timeline for transfer of all appropriate records, a description of the closure process to be followed, and a request for return or transfer of all unexpended legislative funds.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

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1900.3200 [Repealed, 21 SR 5]

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1900.3210 PROCESS FOR AN ORGANIZATION TO RECEIVE COUNCIL DESIGNATION THROUGH CHALLENGE TO AN EXISTING COUNCIL.

Subpart 1. **Notice of intent to file preliminary biennial plan.** An organization that wants to be designated a regional arts council must notify the board and the challenged regional arts council, in writing, of its intent to file a preliminary biennial plan by January 1 of the second year of the biennium.

Subp. 2. **Board actions required after receipt of notice.** Within 30 days of receipt of the notice of intent to file a biennial plan, the board must schedule a meeting with the challenging organization to make a preliminary determination of the appropriateness of the organization's ability to carry out the challenge. This determination shall be made by the regional arts advisory committee and a recommendation to accept or reject the challenge will be made to the board. The challenging group and the challenged council must be notified within ten days of the board's decision.

Subp. 3. **Change in preliminary biennial plan due date.** If the competing organization's challenge is accepted, the existing council must be notified in writing by February 10 that the challenge has been accepted and that the existing council's preliminary biennial plan will be due on April 1 instead of May 15.

Subp. 4. **Process for organization filing preliminary biennial plan.** An organization that wants to be designated a regional arts council must follow all steps outlined in parts 1900.2610 to 1900.2810 except that its preliminary biennial plan must be submitted by April 1.

Subp. 5. **Process for assigning regional arts council designation.** The board's regional arts advisory committee shall be enlarged to include the chair of the Regional Arts Council Forum or another Regional Arts Council Forum designated representative, an additional board designated representative, and as many board-appointed citizen advisors as the board deems manageable to review and evaluate all preliminary biennial plans and make a recommendation to the full board about designation. In its review of preliminary biennial plans, the committee must follow the process in part 1900.2810. In making its determination, the committee may also schedule public meetings, request additional information, schedule interviews with board members or staff of the competing organizations, or with citizens of the region in order to evaluate the competing preliminary biennial plans and organizations. The information gathered shall be part of the public record and shall be used in making the final determination about designation. At the conclusion of its review, the regional arts advisory committee shall recommend that the board confer designation to the organization which has demonstrated, through its preliminary biennial plan and the committee's review, that it will most effectively serve the needs of its region.

Subp. 6. **Board process for designating regional arts council status.** The board must approve, reject, or defer the committee's recommendation on which competing organization receives designation. If the board cannot make a decision, it may defer its decision up to 45 days while it gathers additional information. The organization selected by the board to receive designation as the regional arts council must follow part 1900.2810 to submit a biennial plan. The biennial plan must be received and accepted before designation is assigned. All competing organizations must be informed in writing within ten days of the outcome of the board's decision. A regional arts council's designation shall stand until the designation is officially rescinded by a vote of the board.

Subp. 7. **Probationary period.** If the challenging organization is designated as the regional arts council, its designation shall be subject to a one-year probationary period. At the time of designation, it shall receive from the board a written probationary agreement which shall include a description of the process to be used at the end of the year to review the organization's performance as a regional arts council. If all terms of the probationary agreement are satisfactorily met, the council's probationary status shall be lifted. If the

terms are not met, the board may either extend the probationary period or remove the organization as the designated council. The regional arts advisory committee must be consulted by the board prior to approving or revoking the designation.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 28 SR 854*

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1900.3300 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3310 APPEALS OF DISPUTED DESIGNATION.

Subpart 1. **Initiating an appeal.** An organization seeking or affirming designation through the submission of preliminary biennial plans that disputes the decision of the board regarding the designation of regional arts council status may appeal the decision of the board. The appellant must submit to the board a written appeal within 45 days of notification of the board's decision. The appeal must state, with specificity, the reasons for the appeal. An appeal that is received by the board at least 14 days in advance of a regularly scheduled board meeting shall be considered by the board at its first regularly scheduled meeting following the receipt of the appeal. An appeal received by the board less than 14 days in advance of a regularly scheduled board meeting shall be considered at the board's next subsequent regularly scheduled meeting.

Subp. 2. **Board action on appeals.** The board shall take one or more of the following actions in response to an appeal:

- A. determine that the appellant does not show sufficient cause for an appeal in which case the appellant may follow subpart 3;
- B. determine that the appellant does show sufficient cause for appeal and direct staff to propose a remedy at a subsequent meeting;
- C. request that the appellant appear before the board at a subsequent meeting to address the appeal; or
- D. refer the appeal to mediation or to the Office of Administrative Hearings for a contested case proceeding.

Subp. 3. **Dispute resolution.** If the board determines that the appellant failed to show sufficient cause for the appeal, the appellant may request that the matter be reconsidered through mediation. If the board grants that request, the costs of mediation shall be shared equally. If the board denies that request, the appellant may request that the matter be referred to the Office of Administrative Hearings for a contested case proceeding. The appellant has 14 days from receipt of the board's decision not to mediate to make a written request that the matter be referred to the Office of Administrative Hearings.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.3400 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3410 ASSIGNMENT OF LEGISLATIVE ARTS ALLOCATION TO REGIONAL ARTS COUNCILS.

Subpart 1. **Role of Regional Arts Council Forum.** The Regional Arts Council Forum shall determine an allocation formula for distributing the legislative arts appropriation that is equitable to all regional arts councils. The forum must inform the board of the allocation formula to be used in the next biennium by June 30 of the year immediately prior to the first year of the biennium or no more than 15 days after the date that a legislative arts appropriation is passed after June 30.

Subp. 2. **Board role in allocation process.** The board must use the Regional Arts Council Forum's allocation formula to divide the legislative arts appropriation for the regional arts council system. If the Regional Arts Council Forum does not submit an allocation formula to the board, as required under subpart 1, the board shall prepare the fiscal agent agreements using the previous year's allocation formula.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.3500 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3510 REGIONAL ARTS ADVISORY COMMITTEE.

Subpart 1. **Purpose of committee.** The committee shall serve in an advisory capacity to the board on matters which affect the regional arts councils' biennial appropriations. Specific responsibilities include, but are not limited to:

- A. reviewing regional arts councils preliminary biennial plans; and
- B. reviewing preliminary biennial plans and other information as described in part 1900.3210, subpart 5, of regions that are competing for regional arts council designation and making a recommendation to the board about designation.

Subp. 2. **Member appointment.** The regional arts advisory committee shall be a board committee composed of a minimum of six members. Two members shall be appointed by the board from the board membership, two members shall be appointed by the Regional Arts Council Forum who may or may not be members of the forum, one member shall be an at-large member appointed by the board, and one member shall be an at-large member appointed by the forum. The at-large members shall not be current members of the board or the forum. The board may appoint additional at-large members to serve in cases of a challenge to regional arts council designation. The executive director of the board shall serve as a nonvoting member of the committee.

Subp. 3. **Rules affecting advisory committee members.** The board's appointments to the committee must follow part 1900.0410. For the purpose of this chapter, appointees other than the required six members shall be considered board appointees. The Regional Arts Council Forum shall define the

qualifications, nominations, compensation, policies regarding conflicts of interest, and other matters pertaining to regional arts councils' appointments.

Subp. 4. **Terms of service.** Members appointed by the board and the forum shall serve one fiscal year term and, at the pleasure of the appointing organization, may serve up to a total of three consecutive fiscal year terms.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.3600 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3610 MINNESOTA STATE ARTS BOARD/REGIONAL ARTS COUNCIL LIAISON COMMITTEE.

Subpart 1. **Purpose of liaison committee.** The Minnesota State Arts Board/Regional Arts Council Liaison Committee shall serve in an advisory capacity to the board on matters that affect the regional arts councils and the Regional Arts Council Forum. Specific responsibilities include:

- A. advising the board on the administration of regional arts council functions in regions where there is no designated regional arts council;
- B. hearing and making recommendations to the board about disputes between the board and a regional arts council or the Regional Arts Council Forum;
- C. identifying and working cooperatively to address issues of common interest or concern to the board, forum, and the regional arts councils; and
- D. other responsibilities as assigned by the board.

Subp. 2. **Member appointment.** The liaison committee shall be a board committee composed of seven members. Three members shall be appointed by the board from the board membership and three members shall be appointed by the Regional Arts Council Forum from the forum membership. The executive director of the board shall serve as a nonvoting member of the committee.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.3700 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3710 PROCESS TO CARRY FORWARD BLOCK ALLOCATIONS TO NEXT FISCAL YEAR.

Subpart 1. **Regional arts council duties.** A regional arts council must notify the board, in writing, by June 1 of the first year of the biennium that the council plans to carry regional arts council block allocation

funds forward to the next fiscal year. The notification must contain a narrative describing the intended purpose for the funds to be obligated and a budget for their use.

Subp. 2. **Board role.** The board must review the regional arts council's plan to carry funds forward into the next fiscal year to ensure that it is reasonable and that the process used to carry funds forward is appropriate. If the board has concerns about the plan or process to be used to carry funds forward, it shall provide a written response within ten days of receipt of the notification outlining its concerns and informing the council what steps must be taken to remedy its plan. The board may recall a council's uncommitted block allocation funds at the end of the fiscal year if the council does not follow the process outlined in this part.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.3800 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3810 PROCESS TO CARRY FORWARD BLOCK ALLOCATIONS TO NEXT BIENNIUM.

Subpart 1. **Regional arts council duties.** A regional arts council must notify the board in writing by June 1 of the second year of the biennium that the council plans to carry regional arts council block allocation funds forward to the next biennium. The notification must contain an outline of the process that will be used to obligate funds, a narrative describing the intended purpose for the funds to be obligated, and a budget for their use.

Subp. 2. **Board role.** The board must review the regional arts council's plan to carry funds forward into the next biennium to ensure that it is reasonable and that the process used to carry funds forward is appropriate. If the board has concerns about the plan or process to be used to obligate funds, it shall provide a written response within ten days of receipt of notification outlining its concerns and informing the council what steps must be taken to remedy its obligating plan. The board may recall a council's unobligated block allocation funds at the end of the biennium if the council does not follow the process outlined in this part.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.3900 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.3910 UNOBLIGATED BLOCK ALLOCATION FUNDS.

A regional arts council must not carry unobligated regional arts council block allocation funds from one biennium to the next. If a council has unobligated block allocation funds at the end of a biennium, the funds must be returned to the board.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.4000 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.4010 AUTHORITY OF REGIONAL ARTS COUNCILS.

A regional arts council may:

- A. establish programs and services based on needs assessments;
- B. define and establish criteria for funding eligibility and grant making;
- C. award funds;
- D. hear and arbitrate appeals using a publicly defined appeals process;
- E. devise criteria for the selection and rotation of board members;
- F. apply for grants and funding through additional sources; and
- G. operate administratively and programmatically within the framework of the approved biennial plan.

There are no limitations on programs or grants which regional arts councils may award, including the opportunity to award funds to grantees of the board.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 24 SR 663; 41 SR 87*

Published Electronically: *August 15, 2016*

1900.4100 [Repealed, 21 SR 5]

Published Electronically: *September 14, 2007*

1900.4110 REPORTING REQUIREMENTS.

Subpart 1. **Interim financial report.** Each regional arts council must submit to the board an annual, unaudited financial statement summarizing its total annual revenue and expenditures within 45 days of the close of the regional arts council's fiscal year.

Subp. 2. **Annual plan update.** By May 15 of the first year of the biennium, each council must submit to the board an annual plan update which confirms that there will be no changes in the council's biennial plan for the coming year or outlines anticipated changes to the biennial plan for the coming year.

Subp. 3. **Annual report.** By July 15 of each fiscal year, each council must submit an annual report to the board that includes information about applicants and recipients of money granted by the council for the fiscal year that ended on June 30. The information must be conveyed in an accurate and timely manner consistent with a data management process established by, and acceptable to, both the council and the board.

Subp. 3a. **Final report.** Each council must submit to the board a written report describing the activities relating to expenditures and management of its regional arts council block allocation within 90 days after the end of each fiscal year of the biennium. The report must include:

A. a description of the relationship between the biennial plan and the actual grants and other forms of assistance provided during the year with the regional arts council block allocation; and

B. a listing of the grants awarded, services provided, and programs disseminated using the regional arts council's block allocation.

Subp. 4. **Certified public audit.** Each regional arts council must submit a certified public audit accounting for its regional arts council block allocation for the fiscal years according to the terms of the Regional Arts Council/Minnesota State Arts Board Fiscal Agent Agreement.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 23 SR 1380; 28 SR 854; 41 SR 87*

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