

1.1 **State Arts Board**1.2 **Adopted Permanent Rules Relating to Arts Funding**1.3 **1900.0310 DEFINITIONS.**

1.4 [For text of subps 1 to 3, see M.R.]

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

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

1.13 A. service or trade organizations whose mission is focused on supporting arts
1.14 organizations;

1.15 B. management and consulting services for nonprofit organizations; or

1.16 C. service organizations whose mission is focused on building community or
1.17 audiences for a specific art form, geographic community, or community of interest.

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

1.20 A. has an arts-focused mission;

1.21 B. demonstrates charitable support from multiple sources other than the host
1.22 organization;

1.23 C. provides programming or services that are intended for the public rather than
1.24 the host organization or its constituents; and

2.1 D. arts programming or services represents at least 90 percent of its annual
2.2 operating expenses.

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

2.7 A. public or private primary or secondary schools;

2.8 B. colleges or universities;

2.9 C. radio or television stations;

2.10 D. libraries;

2.11 E. zoos;

2.12 F. children's museums;

2.13 G. historical societies or museums;

2.14 H. other nonart museums;

2.15 I. civic organizations;

2.16 J. human service organizations; or

2.17 K. other community service agencies.

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

2.19 Subp. 6. **Certified audit.** "Certified audit" means an audit completed by an
2.20 independent auditor who meets the independence standards specified in the General
2.21 Accounting Office's "Standards for Audits of Government Organizations, Programs,
2.22 Activities, and Functions." The reporting requirements for audit reports shall be in
2.23 accordance with the American Institute of Certified Public Accountants' (AICPA) audit
2.24 guide incorporated by reference as the Statement of Financial Accounting Standards

3.1 (S.F.A.S. notes #116 and #117). This publication is available from the State Law Library.
3.2 The publication is not subject to frequent change.

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

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

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

3.9 A. a performance, exhibition, or screening intended for an audience; or

3.10 B. a workshop or class the primary purpose of which is teaching an arts skill
3.11 or developing an appreciation for the arts.

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

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

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

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

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

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

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

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

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

4.16 [For text of subp 15, see M.R.]

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

4.19 [For text of subps 16 and 17, see M.R.]

4.20 **1900.0410 AGENCY ADVISORY PANELS.**

4.21 [For text of subp 1, see M.R.]

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

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

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

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

5.20 A. that the panel member reviews all materials as requested in advance of the
5.21 scheduled meeting; and

5.22 B. that the panel member be in attendance and fully participate in all required
5.23 activities associated with the work of the panel.

5.24 [For text of subp 4, see M.R.]

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

6.4 A. receives direct financial benefit from the applicant organization or proposal
6.5 being reviewed;

6.6 B. has served within the last two years as an employee or governing board
6.7 member of an applicant organization being reviewed;

6.8 C. has served with or without payment as a consultant to an applicant being
6.9 reviewed; or

6.10 D. has a familial relationship with an applicant or with a staff or board member
6.11 of an applicant organization.

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

6.17 Subp. 7. **Artistic advisors.**

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

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

6.23 C. Appointments to serve as artistic advisors must be made by majority vote
6.24 of the board. Individuals who serve as artistic advisors may also serve as advisory panel
6.25 members, for the same program or in a different program, in the same fiscal year. An

7.1 artistic adviser serves at the pleasure of the board and may serve no longer than three years
7.2 consecutively in one specific grant program. An artistic adviser may not review the work
7.3 of an applicant with which the advisor has a conflict of interest.

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

7.6 **1900.0610 REVIEW CRITERIA USED BY ADVISORY PANELS.**

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

7.14 B. The advisory panel shall thoroughly review all submitted application
7.15 materials, and score the applications based upon the degree to which the applicant has
7.16 satisfied the program-specific review criteria. Partial funding may be awarded if the panel
7.17 finds that an application includes activities or costs that are not allowed in the ~~applied for~~
7.18 program from which funding is requested. The panel shall score based solely on the
7.19 contents of the application and any required supporting materials, including work samples
7.20 or equivalent, and shall not consider outside information.

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

8.1 **1900.0710 BOARD ACTION AND ADVISORY PANEL RECOMMENDATIONS.**

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

8.9 **1900.0810 PROCESS FOR OBTAINING GRANTS AND OTHER FORMS OF**
8.10 **ASSISTANCE.**

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

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

8.17 [For text of subp 2, see M.R.]

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

8.22 A. the completed current official application form provided to the applicant
8.23 by the board;

8.24 B. a narrative proposal that responds to specific questions in the program
8.25 information;

8.26 [For text of items C and D, see M.R.]

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

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

9.16 [For text of subp 6, see M.R.]

9.17 **1900.1010 ELIGIBILITY REQUIREMENTS FOR APPLICANTS REQUESTING**
9.18 **GRANTS OR OTHER FORMS OF ASSISTANCE.**

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

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

9.25 [For text of items A to E, see M.R.]

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

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

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

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

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

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

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

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

10.15 **Subp. 3. Organizations.**

10.16 A. An eligible organization must be one of the following:

10.17 (1) a section 501(c)(3) tax-exempt organization;

10.18 (2) a public entity such as a unit of state, local, or tribal government; or

10.19 (3) an unincorporated group that has a written agreement with a Minnesota
10.20 section 501(c)(3) tax-exempt fiscal agent.

10.21 B. In addition, an eligible organization must:

10.22 (1) be located and operating within Minnesota; and

11.1 (2) employ at least one paid individual, at the time of application, in a
11.2 contract or salaried position, to provide administrative or artistic oversight of the project,
11.3 program, or organization.

11.4 C. In addition, arts affiliates must:

11.5 (1) be hosted by a Minnesota organization;

11.6 (2) have a public presence and identity that is distinct from the host
11.7 organization;

11.8 (3) have professional staff with the expertise, training, or qualifications
11.9 necessary for bringing arts programming or services to the public;

11.10 (4) provide ongoing arts programming or services throughout the year
11.11 or season;

11.12 (5) demonstrate broad community support through ticket sales,
11.13 memberships, or class attendance;

11.14 (6) have an advisory board or committee that is separate and distinct from
11.15 that of the host organization;

11.16 (7) have a budget that is separate and distinct from that of the host
11.17 organization;

11.18 (8) demonstrate charitable support from multiple sources other than the
11.19 host organization; and

11.20 (9) provide programming or services that are intended for the public rather
11.21 than the host organization or its constituents.

11.22 Subp. 4. **Fiscal agent duties.** If a fiscal agent is identified in accordance with
11.23 subpart 3, the fiscal agent must enter into a written agreement with the applicant, before
11.24 the application deadline, that includes a description of both parties' responsibilities. If a

12.1 grant is received, the fiscal agent must be a party to the grant contract. The fiscal agent
12.2 shall be legally responsible for the completion of the granted activities and for the proper
12.3 management of the grant funds.

12.4 **Subp. 5. Individual artist.**

12.5 A. An eligible individual applicant must:

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

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

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

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

- 13.1 A. Pilot or new programs, part 1900.1410.
- 13.2 B. Grant programs:
- 13.3 (1) part 1900.2215, Artist Initiative;
- 13.4 (2) part 1900.2220, Arts Access;
- 13.5 (3) part 1900.2225, Arts Tour Minnesota;
- 13.6 (4) part 1900.2230, Cultural Community Partnerships;
- 13.7 (5) part 1900.2235, Minnesota Festival Support;
- 13.8 (6) part 1900.2240, Folk and Traditional Arts;
- 13.9 (7) part 1900.2245, Operating Support;
- 13.10 (8) part 1900.2250, Partners in Arts Participation;
- 13.11 (9) part 1900.2255, Community Arts Schools and Conservatories; and
- 13.12 (10) part 1900.2260, Arts Learning.

13.13 [For text of item C, see M.R.]

13.14 **1900.1110 APPEAL PROCESS.**

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

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

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

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

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

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

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

14.15 (1) determine that the applicant does not show sufficient cause and deny
14.16 the appeal;

14.17 (2) determine that the applicant shows sufficient cause for the appeal and
14.18 direct staff to propose a remedy at a subsequent meeting;

14.19 (3) direct the staff to further investigate the applicant's appeal and report its
14.20 results to the board at a subsequent meeting;

14.21 (4) request that the applicant appear before the board to address the appeal;
14.22 or

14.23 (5) refer the appeal to the Office of Administrative Hearings for a contested
14.24 case proceeding.

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

15.10 **1900.1210 LEGAL RELATIONSHIP BETWEEN APPLICANT AND BOARD.**

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

15.18 **1900.1310 PUBLIC ACCESS TO RULES AND PROGRAM INFORMATION.**

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

16.1 **1900.2210 ADDITIONAL REQUIREMENTS AND PROCESSES FOR**
16.2 **MINNESOTA PERCENT FOR ART IN PUBLIC PLACES PROGRAM.**

16.3 Subpart 1. **Definitions.**

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

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

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

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

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

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

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

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

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

17.3 (2) chosen by site selection committees.

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

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

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

17.24 [For text of subp 5, see M.R.]

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

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

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

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

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

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

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

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

18.23 An artist who has received commission awards totaling a minimum amount as
18.24 determined by the board based upon available resources and published in the current

19.1 program information in one fiscal year must wait three years from the contract execution
19.2 date before the artist shall be considered for other projects.

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

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

19.6 [For text of item A, see M.R.]

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

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

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

19.18 [For text of subitem (3), see M.R.]

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

19.23 The site selection committee's recommendations shall be given to the board, the
19.24 Department of Administration, and other necessary state agencies for final approval. Upon
19.25 approval, the board shall enter into a contract with the artist. The contract shall provide

20.1 for the direct purchase of existing work or one or both of the following: the production
20.2 of schematic design proposals for a commissioned work or the actual production of
20.3 commissioned work.

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

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

20.7 [For text of items A and B, see M.R.]

20.8 C. the Department of Administration has determined it to be inappropriate.

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

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

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

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

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

20.21 (1) protecting the artwork against loss, theft, vandalism, or other damage;

20.22 (2) routine maintenance of the artwork; and

20.23 (3) any conservation or restoration deemed necessary by the board.

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

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

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

21.6 (1) the nature of the material change;

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

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

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

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

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

21.21 **1900.2215 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTIST**
21.22 **INITIATIVE PROGRAM.**

21.23 Subpart 1. **Purpose of program.** The purpose of the artist initiative program is to
21.24 support professional Minnesota artists at various stages in their careers by encouraging

22.1 artistic development, nurturing artistic creativity, and recognizing the contributions of
22.2 individual artists to the creative environment of the state.

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

22.5 A. to fund the creation and presentation of works by Minnesota artists; or

22.6 B. for the artistic or professional development of Minnesota artists.

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

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

22.13 B. merit and feasibility of the proposal and its impact on the artist's creative
22.14 development and professional growth; and

22.15 C. ways in which the proposal will strengthen the creative community or the
22.16 state.

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

22.19 A. not have received an artist initiative grant for the previous fiscal year;

22.20 B. not have received a cultural community partnership grant, as applicant or
22.21 collaborator, in either the previous or current fiscal year; and

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

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

23.4 **1900.2220 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS**
23.5 **ACCESS PROGRAM.**

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

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

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

23.14 A. to provide opportunities for artistic experiences in underserved groups or
23.15 communities; or

23.16 B. to remove barriers to participation in the arts for all Minnesotans.

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

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

23.23 (1) the artistic, creative, and cultural value of the proposed project; and

23.24 (2) the relationship between the artistic programming, the applicant's
23.25 mission, and the audience's needs.

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

24.3 (1) the community is involved in the planning or execution of the project;

24.4 (2) the project brings value, artistic or otherwise, to the community; and

24.5 (3) efforts to make the programming accessible for persons with disabilities.

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

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

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

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

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

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

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

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

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

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

24.23 A. a Minnesota organization that primarily serves Minnesotans;

25.1 B. an organization that is exempt from taxation under section 501(c)(3) of the
25.2 Internal Revenue Code, an unincorporated group that has an agreement with a Minnesota
25.3 fiscal agent, or a Minnesota public entity or division of a public entity that has an arts
25.4 affiliate as defined in part 1900.0310; and

25.5 C. an arts organization or an arts affiliate as defined in part 1900.0310 that is
25.6 engaged in producing or presenting activities or is an artist service organization.

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

25.10 **1900.2225 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS**
25.11 **TOUR MINNESOTA PROGRAM.**

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

25.14 A. "Geographic community" means a population center and its adjoining
25.15 communities.

25.16 B. "Touring" means an arts activity that takes place in a geographic community
25.17 other than the artist's home community that draws or serves a significantly different
25.18 audience than the audience the touring artist normally draws or serves.

25.19 C. "Touring artist" means an eligible professional individual artist or an
25.20 unincorporated organization that will provide the artistic content for the proposed project.

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

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

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

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

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

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

26.13 (1) the artistic, creative, and cultural value of the proposed project; and

26.14 (2) the relationship between the artistic programming, the applicant's
26.15 mission, and the audience's needs.

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

26.18 (1) the community is involved in the planning or execution of the project;

26.19 (2) the project brings value, artistic or otherwise, to the community; and

26.20 (3) efforts to make the programming accessible for persons with disabilities.

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

26.23 (1) the qualifications of the staff, artists, and other collaborators to design
26.24 and execute the proposed project;

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

27.3 (3) a realistic budget that aligns with the project and applicant's goals; and

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

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

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

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

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

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

27.14 A. Organization applicants must also:

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

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

27.21 B. Individual artist applicants must also:

27.22 (1) have previous experience producing artistic work for audiences; and

27.23 (2) propose to tour their own work.

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

28.4 **1900.2230 ADDITIONAL REQUIREMENTS AND PROCESSES FOR CULTURAL**
28.5 **COMMUNITY PARTNERSHIP PROGRAM.**

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

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

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

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

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

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

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

28.22 A. for activities directly related to enhancing an artist of color's artwork or
28.23 career; or

28.24 B. to increase access to and appreciation of the work of artists of color.

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

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

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

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

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

29.14 A. the artist applicant or artist collaborator must be an artist of color;

29.15 B. all artists, applicant or collaborator, must be Minnesota residents; and

29.16 C. eligibility shall be limited for previous Arts Board grant recipients, based on
29.17 available funds as shall be detailed in current program materials.

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

29.22 **1900.2235 ADDITIONAL REQUIREMENTS AND PROCESSES FOR**
29.23 **MINNESOTA FESTIVAL SUPPORT PROGRAM.**

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

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

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

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

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

30.11 A. costs related to planning, preparing, and presenting a festival; or

30.12 B. professional development of staff that increases an organization's capacity to
30.13 plan, prepare, and present the proposed festival.

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

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

30.20 (1) the artistic, creative, and cultural value of the proposed project; and

30.21 (2) the relationship between the artistic programming, the applicant's
30.22 mission, and the audience's needs.

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

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

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

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

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

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

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

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

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

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

32.7 **1900.2240 ADDITIONAL REQUIREMENTS AND PROCESSES FOR FOLK AND**
32.8 **TRADITIONAL ARTS PROGRAMS.**

32.9 Subpart 1. **Definitions.**

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

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

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

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

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

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

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

33.3 A. to promote the development and work of folk and traditional artists; or

33.4 B. for activities that increase the appreciation or understanding of folk or
33.5 traditional art forms in Minnesota.

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

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

33.12 (1) the artistic, creative, and cultural value of the proposed project; and

33.13 (2) the relationship between the artistic programming, the applicant's
33.14 mission, and the audience's needs.

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

33.17 (1) the community is involved in the planning or execution of the project;

33.18 (2) the project brings value, artistic or otherwise, to the community; and

33.19 (3) efforts to make the programming accessible for persons with disabilities.

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

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

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

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

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

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

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

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

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

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

34.14 A. Applicant organizations must be:

34.15 (1) a Minnesota organization that is exempt from taxation under section
34.16 501(c)(3) of the Internal Revenue Code;

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

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

34.20 B. An individual artist must:

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

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

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

35.5 **1900.2245 ADDITIONAL REQUIREMENTS AND PROCESSES FOR**
35.6 **OPERATING SUPPORT PROGRAM.**

35.7 Subpart 1. **Definitions.**

35.8 A. "Charitable arts support" means:

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

35.11 (2) the proceeds from benefits, special events, and memberships that are
35.12 tax deductible by the donor;

35.13 (3) contributed support from a nonprofit organization or governmental
35.14 host organization to its arts affiliate; and

35.15 (4) grants from government entities.

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

35.19 B. "Presenter" or "presenting organization" means an arts organization or
35.20 arts affiliate whose work consists of engaging in presenting activities as defined in part
35.21 1900.0310, subpart 14.

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

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

36.4 Subp. 2. **Purpose of program.**

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

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

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

36.17 A. The applicant must be an arts organization or affiliate as defined in part
36.18 1900.0310 and also must be one or more of the following:

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

36.23 B. The applicant must:

37.1 (1) be physically located in Minnesota, and produce the majority of its
37.2 programming in Minnesota, primarily for Minnesotans;

37.3 (2) have been in existence, actively providing arts programming or services
37.4 for at least two consecutive years before applying for operating support for the first
37.5 time; and

37.6 (3) meet the average qualifying expense and charitable arts support
37.7 requirements printed in the most current program materials. These levels shall be
37.8 calculated and adjusted in the even year of the biennium, based on the rate of change
37.9 reflected by a professionally acknowledged economic indicator or index such as the
37.10 Consumer Price Index.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.4 (1) organizational and fiscal stability; and

39.5 (2) evidence of an ongoing ability to achieve measurable outcomes.

39.6 C. Inclusive public engagement that must, at a minimum, be demonstrated by
39.7 the following:

39.8 (1) diversity of the board, staff, and participants; and

39.9 (2) evidence of efforts to reach underserved communities and steps taken
39.10 to mitigate any barriers to participation.

39.11 D. Benefit to the public that must, at a minimum, be demonstrated by the
39.12 following:

39.13 (1) a commitment to education and outreach to enhance quality of life
39.14 in Minnesota;

39.15 (2) activities that help make the arts a vital part of community life; and

39.16 (3) activities that help achieve other shared public goals.

39.17 E. Assessment and evaluation that must, at a minimum, be demonstrated by
39.18 the following:

39.19 (1) an effective self-evaluation plan that measures outcomes, the
39.20 organization's progress towards goals, and the strength of its programs and operations; and

39.21 (2) evidence that self-evaluation is used to shape the organization's plans
39.22 and activities.

39.23 Subp. 6. **Merit funding.** Applicants who have met all review criteria in subpart 5
39.24 may be eligible for additional merit funding if the review panel finds that the applicant has

40.1 exceeded program expectations. Applicants shall be scored by an advisory panel based on
40.2 the degree to which the applicant exceeds review criteria, and available merit funds, if
40.3 any, shall be distributed based on scores.

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

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

40.11 A. during full and interim review, a representative of the Arts Board shall attend
40.12 a performance, exhibition, or other artistic activities of the applicant and shall complete a
40.13 report, which the advisory panel or staff shall use in its assessments of the artistic quality
40.14 of the applicant's activities;

40.15 B. during full review, between the application deadline and advisory panel
40.16 meeting, applicants shall have an administrative visit from a staff member and advisory
40.17 panel member who shall ask questions raised by the application and receive any updates
40.18 from the applicants. An oral report on the administrative visit shall be presented to the
40.19 advisory panel; and

40.20 C. monitoring visits review the grantee's progress towards outcomes, gauge
40.21 the ongoing success and impact of the applicant's activities, and identify any issues or
40.22 challenges the applicant may be facing. Monitoring visits shall be scheduled in advance
40.23 and may or may not be combined with an artistic or administrative visit.

40.24 Subp. 9. **Dollar amount of grants.** The minimum and maximum amounts for grant
40.25 awards and any matching funds requirements for the operating support program shall

41.1 be determined by the board based upon available resources and published in current
41.2 program information.

41.3 **1900.2250 ADDITIONAL REQUIREMENTS AND PROCESSES FOR PARTNERS**
41.4 **IN ARTS PARTICIPATION PROGRAM.**

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

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

41.18 Subp. 3. **Eligibility.**

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

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

41.24 (1) for-profit organizations of any kind;

41.25 (2) Minnesota nonprofit arts organizations;

42.1 (3) individuals;

42.2 (4) health and human services divisions of city, county, or state government,
42.3 or health and human services entities or organizations that are affiliated with city, county,
42.4 or state government agencies;

42.5 (5) economic, neighborhood, or community development organizations;

42.6 (6) mutual or membership benefit organizations, or organizations whose
42.7 primary activities are meant to promote broad public goals or benefits as defined by the
42.8 National Taxonomy of Exempt Entities (NTEE) listings; and

42.9 (7) public or private kindergarten through grade 12 schools or higher
42.10 education organizations.

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

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

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

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

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

42.22 (1) the artistic, creative, and cultural value of the proposed project; and

42.23 (2) the relationship between the artistic programming, the applicant's
42.24 mission, and the audience's needs.

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

43.3 (1) the community is involved in the planning or execution of the project;

43.4 (2) the project brings value, artistic or otherwise, to the community; and

43.5 (3) efforts to make the programming accessible for persons with disabilities.

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

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

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

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

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

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

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

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

43.20 (3) evidence of how results are used to guide future planning and
43.21 programming.

43.22 Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grants
43.23 and any matching funds requirements for the partners in arts participation program shall

44.1 be determined by the board based upon available resources and shall be printed in current
44.2 program information.

44.3 **1900.2255 ADDITIONAL REQUIREMENTS AND PROCESSES FOR**
44.4 **COMMUNITY ARTS SCHOOLS AND CONSERVATORIES PROGRAM.**

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

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

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

44.16 A. be a community arts school or conservatory as defined in subpart 1;

44.17 B. have been in existence, actively providing arts learning programming,
44.18 for at least two consecutive years before applying for the community arts schools and
44.19 conservatories program for the first time;

44.20 C. not receive an operating support grant within the same fiscal year; and

44.21 D. meet the average qualifying expense and charitable arts support requirements
44.22 printed in the most current program materials. These levels shall be calculated and adjusted
44.23 in the even year of each biennium, based on the rate of change reflected by a professionally
44.24 acknowledged economic indicator, or index, such as the Consumer Price Index.

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

45.3 A. to support the direct costs associated with providing structured and rigorous
45.4 arts learning programming; or

45.5 B. to underwrite only those administrative, indirect, or institutional overhead
45.6 costs that are directly related to and necessary for programs that provide arts learning
45.7 opportunities to Minnesotans of all ages.

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

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

45.15 (1) the qualifications and achievements of teaching artists and artistic
45.16 leadership; and

45.17 (2) high quality arts learning activities that provide opportunities for
45.18 individuals to develop proficiency in an art form.

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

45.21 (1) organizational and fiscal stability; and

45.22 (2) evidence of an ongoing ability to achieve measurable outcomes.

45.23 C. Inclusive public engagement that must, at a minimum, be demonstrated by
45.24 the following:

46.1 (1) diversity of the board, staff, faculty, and participants; and

46.2 (2) evidence of efforts to reach underserved communities and steps taken
46.3 to mitigate any barriers to participation in the arts.

46.4 D. Benefit to the public that must, at a minimum, be demonstrated by the
46.5 following:

46.6 (1) a commitment to community arts education that fosters understanding
46.7 and awareness of artists and art forms; and

46.8 (2) efforts to engage with community leaders and partners to make the
46.9 arts a vital part of community life.

46.10 E. Assessment and evaluation that must, at a minimum, be demonstrated by
46.11 the following:

46.12 (1) an effective self-evaluation plan that measures outcomes, the
46.13 organization's progress towards goals, and the strength of its programs and operations; and

46.14 (2) evidence that self-evaluation is used to shape the organization's plans
46.15 and activities.

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

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

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

47.5 **1900.2260 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS**
47.6 **LEARNING PROGRAM.**

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

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

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

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

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

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

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

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

47.24 A. an organization as defined in part 1900.0310; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.15 **1900.2310 DEFINITIONS.**

49.16 [For text of subps 1 and 2, see M.R.]

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

49.20 [For text of subps 4 and 5, see M.R.]

49.21 Subp. 6. [See repealer.]

49.22 [For text of subps 7 to 12, see M.R.]

49.23 Subp. 12a. **Regional arts council or council.** "Regional arts council" or "council"
49.24 means the one entity in each of the 11 regions that has gone through the designation

50.1 process defined in parts 1900.3110 and 1900.3210 and is responsible for developing
50.2 programs for arts funding and managing the resources allocated by the legislature for
50.3 regional arts funding.

50.4 [For text of subp 13, see M.R.]

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

50.13 [For text of subps 15 to 17, see M.R.]

50.14 **1900.2610 ELIGIBILITY FOR ALLOCATION.**

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

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

50.24 **1900.2710 BIENNIAL PLAN COMPONENTS.**

50.25 [For text of subps 1 and 2, see M.R.]

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

51.13 [For text of subps 4 to 10, see M.R.]

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

51.23 **1900.2810 PRELIMINARY AND BIENNIAL PLAN REVIEW PROCESS.**

51.24 [For text of subp 1, see M.R.]

51.25 Subp. 2. **Notice of regional arts advisory committee meeting.** The regional
51.26 arts council must be notified by the board a minimum of 30 days prior to the regional

52.1 arts advisory committee meeting and given the opportunity, at its option, to present the
52.2 preliminary biennial plan in person before the regional arts advisory committee and to
52.3 respond to questions raised by the committee.

52.4 [For text of subps 3 to 7, see M.R.]

52.5 **1900.3010 PROCESS FOR RELEASING FUNDS TO REGIONAL ARTS**
52.6 **COUNCILS.**

52.7 [For text of subps 1 and 2, see M.R.]

52.8 Subp. 3. **Special circumstances.**

52.9 A. At the beginning of a fiscal year, if negotiations for the Regional Arts
52.10 Council/Minnesota State Arts Board Fiscal Agent Agreement are still in process, the board
52.11 must institute a system of partial allocation payments to each council until the agreement
52.12 is completed. The payments may be contingent upon the submission of reports or receipt
52.13 of information requested by the board. The Regional Arts Council Forum and each of the
52.14 11 regional arts councils must be notified by the board in writing by May 31 prior to the
52.15 beginning of the fiscal year, of the board's intent to make partial payments, the conditions
52.16 for the board making payments, and the conditions for the board's discontinuing the
52.17 contingent payment system. If a contingent payment system is instituted by the board, it
52.18 must be done in a manner which ensures that the normal operations of the councils are
52.19 not impeded.

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

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

53.3 **1900.3110 REGIONAL ARTS COUNCIL LOSS OF DESIGNATION.**

53.4 Subpart 1. **Existing councils.** The regional arts council at the time that parts
53.5 1900.0110 to 1900.4110 are adopted shall be the regional arts council for its region.

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

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

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

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

53.24 D. If, after following part 1900.3210, a competing organization is awarded the
53.25 designation by the board, the challenged council must receive written notification that its

54.1 designation has been removed by a vote of the board. This notification must contain a
54.2 timeline for transfer of all appropriate records, a description of the closure process to be
54.3 followed, and a request for return or transfer of all unexpended legislative funds.

54.4 **1900.3310 APPEALS OF DISPUTED DESIGNATION.**

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

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

54.17 A. determine that the appellant does not show sufficient cause for an appeal in
54.18 which case the appellant may follow subpart 3;

54.19 B. determine that the appellant does show sufficient cause for appeal and direct
54.20 staff to propose a remedy at a subsequent meeting;

54.21 C. request that the appellant appear before the board at a subsequent meeting
54.22 to address the appeal; or

54.23 D. refer the appeal to mediation or to the Office of Administrative Hearings
54.24 for a contested case proceeding.

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

55.8 **1900.3410 ASSIGNMENT OF LEGISLATIVE ARTS ALLOCATION TO**
55.9 **REGIONAL ARTS COUNCILS.**

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

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

55.21 **1900.3510 REGIONAL ARTS ADVISORY COMMITTEE.**

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

55.25 A. reviewing regional arts councils preliminary biennial plans; and

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

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

56.13 Subp. 3. **Rules affecting advisory committee members.** The board's appointments
56.14 to the committee must follow part 1900.0410. For the purpose of this chapter, appointees
56.15 other than the required six members shall be considered board appointees. The Regional
56.16 Arts Council Forum shall define the qualifications, nominations, compensation, policies
56.17 regarding conflicts of interest, and other matters pertaining to regional arts councils'
56.18 appointments.

56.19 [For text of subp 4, see M.R.]

56.20 **1900.3610 MINNESOTA STATE ARTS BOARD/REGIONAL ARTS COUNCIL**
56.21 **LIAISON COMMITTEE.**

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

57.1 A. advising the board on the administration of regional arts council functions in
57.2 regions where there is no designated regional arts council;

57.3 B. hearing and making recommendations to the board about disputes between
57.4 the board and a regional arts council or the Regional Arts Council Forum;

57.5 C. identifying and working cooperatively to address issues of common interest
57.6 or concern to the board, forum, and the regional arts councils; and

57.7 D. other responsibilities as assigned by the board.

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

57.13 **1900.3710 PROCESS TO CARRY FORWARD BLOCK ALLOCATIONS TO**
57.14 **NEXT FISCAL YEAR.**

57.15 Subpart 1. **Regional arts council duties.** A regional arts council must notify the
57.16 board, in writing, by June 1 of the first year of the biennium that the council plans to
57.17 carry regional arts council block allocation funds forward to the next fiscal year. The
57.18 notification must contain a narrative describing the intended purpose for the funds to be
57.19 obligated and a budget for their use.

57.20 [For text of subp 2, see M.R.]

57.21 **1900.3810 PROCESS TO CARRY FORWARD BLOCK ALLOCATIONS TO**
57.22 **NEXT BIENNIUM.**

57.23 Subpart 1. **Regional arts council duties.** A regional arts council must notify the
57.24 board in writing by June 1 of the second year of the biennium that the council plans to carry
57.25 regional arts council block allocation funds forward to the next biennium. The notification

58.1 must contain an outline of the process that will be used to obligate funds, a narrative
58.2 describing the intended purpose for the funds to be obligated, and a budget for their use.

58.3 [For text of subp 2, see M.R.]

58.4 **1900.3910 UNOBLIGATED BLOCK ALLOCATION FUNDS.**

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

58.8 **1900.4010 AUTHORITY OF REGIONAL ARTS COUNCILS.**

58.9 A regional arts council may:

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

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

58.20 **1900.4110 REPORTING REQUIREMENTS.**

58.21 [For text of subps 1 and 2, see M.R.]

58.22 Subp. 3. **Annual report.** By July 15 of each fiscal year, each council must submit an
58.23 annual report to the board that includes information about applicants and recipients of
58.24 money granted by the council for the fiscal year that ended on June 30. The information

59.1 must be conveyed in an accurate and timely manner consistent with a data management
59.2 process established by, and acceptable to, both the council and the board.

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

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

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

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

59.16 **REPEALER.** Minnesota Rules, parts 1900.1510; 1900.1620; 1900.1710; 1900.1810;
59.17 1900.1910; 1900.2010; and 1900.2310, subpart 6, are repealed.