

**IDAPA 40 – IDAHO COMMISSION ON THE ARTS**  
**40.01.01 – Rules of the Idaho Commission on the Arts**

**Who does this rule apply to?**

*Applicants for grants and awards under the programs of the Commission.*

**What is the purpose of this rule?**

- To administer the statutory duties of the Idaho Commission on the Arts.
- To implement grants and awards under the programs of the Commission.

**What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

State Government and State Affairs:

- [67-5605\(5\), Idaho Code](#) – Commission on Arts

*This chapter is adopted under the legal authority of Title 56, Chapter 67, Idaho Code.*

**Who do I contact for more information on this rule?**

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# IDAPA 40 – IDAHO COMMISSION ON THE ARTS

## 40.01.01 – RULES OF THE IDAHO COMMISSION ON THE ARTS

### 000. LEGAL AUTHORITY.

Section 67-5605, Idaho Code gives the Commission authority to promulgate rules necessary to the discharge of the Commission's duties. (4-6-05)

### 001. TITLE AND SCOPE.

**01. Title.** These rules are titled IDAPA 40, Title 01, Chapter 01, "Rules of the Idaho Commission on the Arts," IDAPA 40.01.01. (4-6-05)

**02. Scope.** These rules contain the provisions for consideration for a grant or an award under the Commission's programs. (4-6-05)

### 002. (RESERVED)

### 003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for applicants under the Commission's programs as contested cases pursuant to the provisions of Title 67, Chapter 52, Idaho Code. The Commission provides for internal requests for reconsideration of applications under as described in these rules and program guidelines. (3-20-20)

### 004. -- 099. (RESERVED)

### 100. DEFINITIONS.

**01. Applicant.** An individual or organization meeting the criteria set forth in Section 202 of these rules, which has submitted an application for a program offered by the Commission. (4-6-05)

**02. Commission.** The Idaho Commission on the Arts. (4-6-05)

**03. Program.** The categories for the award or grant of funds or recognition by the Commission described in the program guidelines. (3-20-20)

**04. Program Guidelines.** The application, review, award, and use criteria for a program approved by the Commission. (3-20-20)

**05. Recipient.** An applicant receiving an award or grant under a Commission program. (4-6-05)

### 101. -- 199. (RESERVED)

### 200. PROGRAMS.

The Commission offers programs to stimulate and encourage the study and presentation of the arts. Provisions governing program applications, review, award, and use are set forth in these rules and in the program guidelines located on the Commission's website at <https://arts.idaho.gov/>. (3-20-20)

### 201. – 299. (RESERVED)

### 300. GENERAL PROGRAM REQUIREMENTS.

The provisions of Sections 301 through 308, of these rules, apply to each program offered by the Commission. (4-6-05)

### 301. FUNDING LIMITATIONS.

The Commission will not provide funding for the activities, costs, or projects set forth in this section. (4-6-05)

**01. Excluded Applications.** The following are excluded from consideration for a grant or award: (3-20-20)

**a.** Establishment of or contributions to an endowment; (4-6-05)

- b.** Fund-raising projects that do not raise funds for the arts; (4-6-05)
- c.** Prizes, scholarships, or free tickets; (4-6-05)
- d.** Projects or programs to generate or attract audiences; (4-6-05)
- e.** The offsetting of personal or organizational debts; (4-6-05)
- f.** Activities that are primarily promotional or created for mass distribution including, but not limited to, duplication of compact disks, creation of portfolios, private gallery announcements, self-published books, flyers, brochures, or Internet sites; (5-8-09)
- g.** Student exhibitions, anthologies, publications, or performances, unless those activities document an arts education grant; (4-6-05)
- h.** Costs associated with any degree or professional certification including, but not limited to, tuition, fees, or teaching materials; (5-8-09)
- i.** Projects or activities already completed or documentation of previously completed projects; (5-8-09)
- j.** Projects that are primarily recreational, vocational, or religious; (3-20-20)
- k.** Projects restricted to an organization's membership; (4-6-05)
- l.** Costs for consecutive attendance at annual activities that are routinely within an arts organization's budget including, but not limited to, conferences of the National Assembly of State Arts Agencies, Americans for the Arts, American Folklore Society, or the Western Arts Alliance; (3-29-10)
- m.** Pageants, festivals, or celebrations unrelated to arts, ethnic, or cultural activities; (4-6-05)
- n.** Journalism; (4-6-05)
- o.** Historical or academic documentary film that does not demonstrate significant artistic emphasis, consideration, and distinction; (5-8-09)
- p.** Scholarly or academic works; (4-6-05)
- q.** Lobbying expenses or political activities; (4-6-05)
- r.** Hospitality expenses including, but not limited to, food and drink; (4-6-05)
- s.** Capital expenditures for individuals; or (4-6-05)
- t.** Writing intended for youth. (4-6-05)

**302. APPLICANTS.**

- 01. Categories of Applicants.** Applicants must fall within one (1) of the following categories: (4-6-05)
  - a.** An individual artist or arts administrator meeting the criteria set forth in Subsection 302.02, of this rule, who is submitting an application based solely on the applicant's work. (4-6-05)
  - b.** An organization meeting the criteria set forth in Subsection 302.03 of this rule. (4-6-05)

c. A collaboration of individual artists represented by an individual. The application must identify the primary individual as the applicant and the applicant must sign the application, meet the criteria set forth in Subsection 302.02 of this rule, and accept all legal and contractual obligations of the program. The Commission will consider the applicant as submitting the application and receiving the program award for the purposes of the exclusions related to the number of applications and program awards in this section. (4-11-19)

**02. Requirements for Individuals.** If the applicant is an individual, the applicant must: (4-6-05)

a. Be a citizen of the United States or a permanent legal resident or a refugee. (4-6-05)

b. Be a resident of the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)

c. Be over the age of eighteen (18) before the date of the application, unless the applicant is an apprentice. (5-8-09)

**03. Requirements for Organizations.** If the applicant is an organization, the applicant must: (4-6-05)

a. Have been operating in the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)

b. Be a school, unit of local, county, tribal, or state government, or an organization determined to be tax exempt by the United States Internal Revenue Service whose primary purpose is the production, presentation, or support of the arts. (4-6-05)

i. Unincorporated organizations may submit an application through another tax-exempt organization as its designated fiscal agent. Service as a fiscal agent does not exclude an organization from applying for programs on behalf of the organization serving as a fiscal agent. (3-29-10)

ii. Tax-exempt organizations must have an independent board of directors empowered to formulate policies and be responsible for the governance and administration of the organization, its programs, and its finances. (4-6-05)

c. Compensate artists and arts administrators at no less than the legal minimum wage or in accordance with a written agreement. (4-6-05)

**04. Application and Funding Limits.** The program guidelines may include a limit on the number of program applications, the amount of funding, or both for applicants and recipients of grants and awards. (3-20-20)

### **303. APPLICATIONS.**

**01. Application Forms and Contents.** The program guidelines will include the application format, length, contents, work samples, and supporting materials required by the Commission for the applicable program. The Commission may reject applications not satisfying the program guidelines. (3-20-20)

**02. Submission.** Applications shall be delivered to the Commission by the method and due date specified in the program guidelines. (3-20-20)

**03. Ownership and Return of Applications.** Upon submission, applications shall become the property of the Commission. The return of work samples is at the risk and expense of the applicant. The Commission may require pre-payment of packing and shipping costs for the return of work samples. (5-8-09)

### **304. DISQUALIFICATION.**

The Commission may disqualify an applicant for any one (1) of the following: (4-6-05)

**01. Non-Compliance with Rules or Program Guidelines.** Failure to satisfy the requirements of these rules or the requirements in the program guidelines. (3-20-20)

**02. Application Information, Samples, and Supporting Materials.** Failure to provide information requested on the application form, to submit work samples or other supporting materials required by these rules or program guidelines, or to sign the application. (3-20-20)

**03. Prior Non-Compliance.** Failure to comply with the terms and conditions of a prior grant or award to the applicant by the Commission. (3-20-20)

**305. PROGRAM GRANTS AND AWARD AMOUNTS.**

Program grants and awards are subject to funds availability and may be awarded in any amount at the discretion of the Commission. The Commission may decline to accept applications or to issue an award or grant for any program due to a lack of funding. At the discretion of the Commission, a recipient may receive travel expense reimbursement. (4-6-05)

**306. FINAL REPORTS.**

Recipients must submit a final report to the Commission as specified in the program guidelines. (3-20-20)

**307. DELEGATION.**

The Commission may delegate its roles, responsibilities, or duties under these rules to Commission staff, artists, or community volunteers including, but not limited to, the review of program applications. (4-6-05)

**308. RECONSIDERATION OF APPLICATIONS.**

Applicants may request reconsideration of an application within thirty (30) days of a program grant or award notification issued by the Commission. Requests for reconsideration must be in writing and filed with the executive director of the Commission at the Commission's offices. The Commission considers requests for reconsideration where the applicant demonstrates a misinterpretation or misunderstanding of the application, work samples, or supporting materials. The Commission will not consider a request for reconsideration based upon incomplete or incorrect applications, work samples, or supporting materials. (4-6-05)

**309. -- 999. (RESERVED)**

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