

# TITLE 70. OKLAHOMA ARTS COUNCIL

*EDITOR'S NOTE: Effective 7-1-96, the name of the State Arts Council of Oklahoma was changed to the Oklahoma Arts Council. For additional information, see 53 O.S., Section 163.*

Chapter	Section
1. Administrative Operations.....	70:1-1-1
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## CHAPTER 1. ADMINISTRATIVE OPERATIONS

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[Authority: 53 O.S., Section 161 et seq.]

[Source: Codified 12-30-91]

### SUBCHAPTER 1. GENERAL PROVISIONS

Section
70:1-1-1. Purpose
70:1-1-1.1. Name change
70:1-1-2. Council members
70:1-1-3. Powers and duties of Council
70:1-1-4. Gifts, grants or bequests

#### 70:1-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. *The understanding, knowledge, enjoyment and practice of the arts serve to advance the development of our citizens and contribute to the general welfare of the state. Therefore, it shall be the policy of the state to encourage and stimulate all forms of artistic endeavors. Any activity undertaken under this policy shall assist and encourage, but not limit in any manner, the freedom of expression which is essential for the well-being of the arts.* [53 O.S., Section 162]

[Source: Amended at 14 Ok Reg 2190, eff 6-12-97]

#### 70:1-1-1.1. Name change

The State Arts Council of Oklahoma has been renamed the Oklahoma Arts Council. Any reference in this title to the State Arts Council of Oklahoma shall mean the Oklahoma Arts Council. [Authority: 53 O.S., Section 163]

[Source: Added at 14 Ok Reg 2190, eff 6-12-97]

### **70:1-1-2. Council members**

(a) *The Council shall consist of fifteen (15) members appointed by the Governor with the approval of the State Senate. Members shall be individuals who have a real and active interest in the arts and an understanding of the value of these pursuits to our society. [53 O.S., Section 163]*

(b) *The term of office of each member shall be three (3) years beginning July 1 of the year of appointment, or until a successor has been appointed and qualified for the office. The Governor shall appoint five members on or before July 1 of each year. A vacancy shall be filled for the remainder of the term only. No person may be appointed to the Council for more than two consecutive terms. [53 O.S., Section 163]*

### **70:1-1-3. Powers and duties of Council**

*The Council is empowered and directed to exercise these powers and duties:*

(1) *Consider the whole state of the arts, cultural activities and cultural heritage of Oklahoma. The purview of the Council shall not be limited but shall include music, theater, dance, opera, graphic arts, plastic arts, architecture, poetry, plays or any other art, regardless of period, school or type. Full attention shall also be given to art, art museums, live performances or concerts, art exhibits and other like endeavors.*

(2) *Survey the artistic and cultural activities and facilities of the state, and the institutions, organizations or individuals engaged in these undertakings.*

(3) *Study information collected and prepare proposals for the study, practice and presentation of the arts.*

(4) *Foster conferences, institutes and exhibits on the arts and hold or cooperate in such ventures.*

(5) *Report biennially to the Governor and Legislature on or before January 31 of each odd-numbered year. Reports shall include recommendations and suggestions for the expansion and improvement of the arts and for wider opportunity of participation in these activities by our citizens.*

(6) *Publish any reports, surveys, news bulletins or other materials pertaining to its findings, recommendations and work.*

(7) *Perform or engage in all else necessary or desirable to give full force and effect to the provisions of this act. [53 O.S., Section 166]*

[Source: Amended at 14 Ok Reg 2190, eff 6-12-97]

### **70:1-1-4. Gifts, grants or bequests**

*The Council may apply for, accept and use any gift, grant or bequest from any source for the purpose of discharging its duties. All such sums shall be deposited in the State Treasury to the credit of the Council and shall be disbursed as provided by the Oklahoma Budget Law of 1947, as amended, upon proper claims approved by the secretary or other person designated by the Council. The State Auditor and Inspector shall audit and report on this account. [53 O.S., Section 167]*

## **SUBCHAPTER 3. GENERAL COURSE AND METHOD OF OPERATING**

### **Section**

- 70:1-3-1. Agency office
- 70:1-3-2. Agency office hours
- 70:1-3-3. Communications with the Council
- 70:1-3-4. Meetings of the Council
- 70:1-3-5. Quorum of the Council
- 70:1-3-6. Availability of Council records and policies
- 70:1-3-7. Copies of official records
- 70:1-3-8. Officers of the Council
- 70:1-3-9. Executive Committee of the Council
- 70:1-3-10. Authority of the Council to make expenditures

- 70:1-3-11. Executive Director
- 70:1-3-12. Public petition requesting changes in rules and regulations
- 70:1-3-13. Materials submitted to the Agency become property of the State of Oklahoma

**70:1-3-1. Agency office**

The office of the Oklahoma Arts Council shall be located in Oklahoma City.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-3-2. Agency office hours**

The office hours of the Oklahoma Arts Council shall be from 8:30 a.m. to 5:00 p.m. each day except Saturday and Sunday and any legal holiday established by statute or by proclamation of the Governor.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-3-3. Communications with the Council**

Every communication in writing to the Oklahoma Arts Council shall be addressed to the Executive Director at the office in Oklahoma City, unless the Council directs otherwise.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-3-4. Meetings of the Council**

*The Council shall meet not less than semi-annually and at such other times as it may order, or upon call of the chairman. All meetings shall be open to the public. [53 O.S., Section 164]*

**70:1-3-5. Quorum of the Council**

Eight members of the Council constitute a quorum and may transact any business or hold any hearing by simple majority vote of a quorum.

[Source: Amended at 14 Ok Reg 2190, eff 6-12-97]

**70:1-3-6. Availability of Council records and policies**

All rules, regulations and other written statements of policy or interpretations formulated, adopted and used by the Council in the discharge of its functions and all final orders, decisions, and opinions will be made available for public inspection during regular Agency office hours.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-3-7. Copies of official records**

Copies of official records of the Oklahoma Arts Council may be made with the fee schedule enacted by the Council. Any material of the Oklahoma Arts Council protected from publication by State law shall not be released.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-3-8. Officers of the Council**

*The officers of the Council shall be the chairman, vice-chairman and secretary. The Council shall annually elect a chairman and vice-chairman at the first meeting held after July 1. [53 O.S., Section 165]*

[Source: Amended at 14 Ok Reg 2190, eff 6-12-97]

**70:1-3-9. Executive Committee of the Council**

The Council shall establish an Executive Committee consisting of no less than five Council members, including the chairman and vice-chairman appointed by the Council chairman, subject to approval of the Council. The Executive Committee shall be appointed immediately following the annual election of officers and serve one year. Members may be re-appointed to the Executive Committee. The Executive Committee shall be empowered to transact emergency business on behalf of the Council. All actions of the Executive Committee are subject to final approval by the full Council.

[Source: Amended at 14 Ok Reg 2190, eff 6-12-97]

**70:1-3-10. Authority of the Council to make expenditures**

*The Council may make expenditures for its operation within the limits of funds made available to the Council by appropriation or otherwise and may also employ and fix the compensation of the personnel that the Council deems essential to the discharge of its duties as provided by the Oklahoma Personnel Act. [53 O.S., Section 168]*

[Source: Amended at 14 Ok Reg 2190, eff 6-12-97]

**70:1-3-11. Executive Director**

The Executive Director shall be employed by the Council. Such other staff as is required shall be employed by the Executive Director who will assign their duties.

**70:1-3-12. Public petition requesting changes in rules and regulations**

- (a) Any individual wishing to petition the Oklahoma Arts Council concerning changes in any rules and regulations may do so by writing the Executive Director at the Agency office.
- (b) The Executive Committee of the Council will act upon the request by the petitioner within forty-five (45) days after receipt of petition. The Executive Committee may meet with the petitioner. Upon finding of sufficient cause, the Executive Committee may order public hearings on the rule(s) and regulation(s) in question. Public hearing will take place within thirty (30) days after Executive Committee action concerning sufficient cause. The Council will consider fully all written and oral submissions respecting the proposed new rule(s), amendment or repeal of existing rule(s). The entire process of requesting change of a rule(s) and regulation(s) will be subject to 75 O.S. Sections 250 et seq.
- (c) The Council shall act within thirty (30) days after the public hearing. The Council decision on the petition for new rule(s) and regulation(s), amendments or repeal of an existing rule(s) will be final.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-3-13. Materials submitted to the Agency become property of the State of Oklahoma**

All materials submitted to the Agency may become the property of the State of Oklahoma unless otherwise indicated. Materials may include, but not be limited to, photographs, annual reports, publications of any kind, manuscripts, projection slides, recordings, financial reports, audit reports, letters and books.

[Source: Added at 21 Ok Reg 2006, eff 6-25-04]

***AGENCY NOTE: RENUMBERED FROM 70:10-3-24***

**SUBCHAPTER 5. ADVISORY PANELS**

**Section**

- 70:1-5-1. Establishment of advisory panels
- 70:1-5-2. Eligibility
- 70:1-5-3. Selection process
- 70:1-5-4. Length of service
- 70:1-5-5. Resignation

**70:1-5-1. Establishment of advisory panels**

The Oklahoma Arts Council uses advisory panels in its policymaking and application review process. Panels are made up of individuals who have various areas of expertise and a demonstrated interest in the arts. These panels exist to assist the Council by reviewing policies and applications and making recommendations to the Council.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-5-2. Eligibility**

Individuals who are arts professionals, educators, supporters, administrators, and financial management experts knowledgeable about the arts, arts education or arts administration may serve on a panel. Efforts are made to reflect the diversity of the Oklahoma Arts Council's grant base on the panels by including men and women members with cultural differences, including people with disabilities, people from racial, ethnic, geographical, and culturally diverse backgrounds, as well as people of all ages and experiences.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-5-3. Selection process**

All panel members are selected through an open nomination process. Nominations for panel members are made by individuals or organizations throughout the state. The Council reviews and approves panel nominees.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-5-4. Length of service**

Panel members are appointed for a one-year term and may be reappointed for additional terms.

### **70:1-5-5. Resignation**

If a panel member cannot meet his/her obligations to the respective panel and the Council, the resignation of that panel member will be accepted and a replacement will be made from the panel roster.

## **SUBCHAPTER 7. INFORMATION RESOURCES**

### **Section**

- 70:1-7-1. Establishment of information resources
- 70:1-7-2. Public notice of information resources
- 70:1-7-3. Use of Council forms [REVOKED]
- 70:1-7-4. Deadlines for resource directories [REVOKED]

### **70:1-7-1. Establishment of information resources**

The Council may from time to time and for a variety of reasons publish and distribute several different types of information resources. Information resources contain information useful to individuals and organizations involved with the arts in the State of Oklahoma.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

### **70:1-7-2. Public notice of information resources**

The Council will provide public notice upon the establishment of any information resource. The public notice will include deadline dates for submission of information and indicate the dates that the required form(s) from the Oklahoma Arts Council will be available to individuals and organizations wishing to submit information for any information resource.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

### **70:1-7-3. Use of Council forms [REVOKED]**

[Source: Revoked at 21 Ok Reg 2006, eff 6-25-04]

### **70:1-7-4. Deadlines for resource directories [REVOKED]**

[Source: Revoked at 21 Ok Reg 2006, eff 6-25-04]

## **SUBCHAPTER 9. STATE ART COLLECTION**

### **Section**

- 70:1-9-1. State Art Collection; Committee
- 70:1-9-2. Art Collection Chairman

### **70:1-9-1. State Art Collection; Committee**

The Oklahoma Arts Council and the State Art Collection Committee will supervise the management and care of the Collection. The Committee will develop policies regarding accession and deaccession with Council approval.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**70:1-9-2. Art Collection Chairman**

The Chairman of the State Art Collection Committee shall be appointed by the Chairman of the Council from the Council membership. The Chairman will serve at the pleasure of the Oklahoma Arts Council Chairman.

[Source: Amended at 21 Ok Reg 2006, eff 6-25-04]

**CHAPTER 10. OKLAHOMA ARTS COUNCIL PROGRAMS**

Subchapter	Section
1. General Provisions.....	70:10-1-1
3. Financial Assistance Programs.....	70:10-3-1
5. Oklahoma Touring Program [REVOKED].....	70:10-5-1
7. Artists-in-Residence Program - School and Community Categories [REVOKED].....	70:10-7-1
9. Artist Rosters.....	70:10-9-1

[Authority: 53 O.S., Section 161 et seq.]

[Source: Codified 12-30-91]

**SUBCHAPTER 1. GENERAL PROVISIONS**

Section	
70:10-1-1.	Purpose
70:10-1-2.	Definitions
70:10-1-3.	Oklahoma Arts Council Programs

**70:10-1-1. Purpose**

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. *The understanding, knowledge, enjoyment and practice of the arts serve to advance the development of our citizens and contribute to the general welfare of the state. Therefore, it shall be the policy of the state to encourage and stimulate all forms of artistic endeavors. Any activity undertaken under this policy shall assist and encourage, but not limit in any manner, the freedom of expression which is essential for the well-being of the arts.* [53 O.S., Section 162]

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97]

**70:10-1-2. Definitions**

*As used in these regulations, the following definitions shall apply:*

- (1) "Agency" shall mean the state governmental entity called the Oklahoma Arts Council administered by the Executive Director.
- (2) "Appeal" shall mean the procedure for bringing grievances that cannot be resolved in the local office of the Oklahoma Arts Council by Council staff.
- (3) "Applicant" shall mean an organization that has submitted or will submit an application for a grant award.
- (4) "Chairman" shall mean the Chairman of the Oklahoma Arts Council.
- (5) "Council" shall mean the fifteen (15) members governing the Oklahoma Arts Council.
- (6) "Executive Committee" shall mean the officers and members of the Oklahoma Arts Council selected in accordance with 70:1-3-9.
- (7) "Executive Director" shall mean the Executive Director of the Oklahoma Arts Council.
- (8) "His," "Hers," and "Its" shall be interchangeable.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

**70:10-1-3. Oklahoma Arts Council Programs**

*The Council shall establish such programs as necessary to address the enacting legislation and the mission of the Council and is responsible for the overall design and direction of all programs. The Agency is responsible for developing, monitoring and assuring program guidelines and guideline compliance and for distributing information to constituents throughout the state.*

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

**SUBCHAPTER 3. FINANCIAL ASSISTANCE PROGRAMS**

Section

- 70:10-3-1. Disbursement of funds [REVOKED]
- 70:10-3-2. Deadlines for project assistance [REVOKED]
- 70:10-3-3. Proof of nonprofit and tax exempt status [REVOKED]
- 70:10-3-4. Final report requirement [REVOKED]
- 70:10-3-5. Credit line requirement [REVOKED]
- 70:10-3-6. Contracting procedures
- 70:10-3-7. Payment procedures
- 70:10-3-8. Council share of contracts [REVOKED]
- 70:10-3-9. In-kind contributions [REVOKED]
- 70:10-3-10. Financial records requirements [REVOKED]
- 70:10-3-11. Fiscal year requirement [REVOKED]
- 70:10-3-12. Limitation of Council funding [REVOKED]
- 70:10-3-13. Legal assurances for all contracts [REVOKED]
- 70:10-3-14. Return of contracts deadline [REVOKED]
- 70:10-3-15. Permanent mailing address requirement
- 70:10-3-16. Limitation on changes of contracts [REVOKED]
- 70:10-3-17. Final report deadline [REVOKED]
- 70:10-3-18. Protest procedure for project assistance [REVOKED]
- 70:10-3-19. Evaluation of projects, programs, activities and services [REVOKED]
- 70:10-3-20. Project assistance categories [REVOKED]
- 70:10-3-21. Counter proposals and counter offers of Council [REVOKED]
- 70:10-3-22. Council funding decision [REVOKED]
- 70:10-3-23. Audit and financial statement requirements [REVOKED]
- 70:10-3-24. Materials submitted to the Agency become property of the State of Oklahoma [REVOKED]
- 70:10-3-25. Qualifications of grant applicants
- 70:10-3-26. Grantmaking power of the Oklahoma Arts Council
- 70:10-3-27. Council funding decisions
- 70:10-3-28. Disbursement of funds
- 70:10-3-29. Limitations on changes of contracts
- 70:10-3-30. Appeal procedure
- 70:10-3-31. Audit and financial records

**70:10-3-1. Disbursement of funds [REVOKED]**

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97; Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-2. Deadlines for project assistance [REVOKED]**

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97; Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-3. Proof of nonprofit and tax exempt status [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-4. Final report requirement [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-5. Credit line requirement [REVOKED]**

[Source: Amended at 9 Ok Reg 1961, eff 6-11-92; Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-6. Contracting procedures**

All projects, programs, services or activities sponsored in whole or in part with Agency funds will be contracted according to the Purchasing Procedures Manual of the Department of Central Services Central Purchasing Division.

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97]

**70:10-3-7. Payment procedures**

All payments for projects, programs, services or activities of any financial assistance program will be made according to the Procedures Manual of the Office of State Finance.

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97]

**70:10-3-8. Council share of contracts [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-9. In-kind contributions [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-10. Financial records requirements [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-11. Fiscal year requirement [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-12. Limitation of Council funding [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-13. Legal assurances for all contracts [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-14. Return of contracts deadline [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-15. Permanent mailing address requirement**

The contracting organization should obtain a post office box or other permanent mailing address for the organization. Any change of address requires immediate notification to the Agency.

[Source: Amended at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-16. Limitation on changes of contracts [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-17. Final report deadline [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-18. Protest procedure for project assistance [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-19. Evaluation of projects, programs, activities and services [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-20. Project assistance categories [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-21. Counter proposals and counter offers of Council [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-22. Council funding decision [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-23. Audit and financial statement requirements [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-24. Materials submitted to the Agency become property of the State of Oklahoma [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-25. Qualifications of grant applicants**

(a) To be eligible for grants, an applicant must be a non-religious, non-profit, tax-exempt 501(c)(3) organization, agency of government, sovereign Indian Nation, public library, college, university or public school. Non-profit organizations must be incorporated in the State of Oklahoma. Organizations qualifying for applicant status must provide to the Agency the following documents: A copy of the U.S. Department of Treasury, Internal Revenue Service Division determination letter for 501(c)(3) tax-exempt status or the official document identifying the applicant organization as a unit of either state, local or tribal government. All organizations must also have on file a completed login form provided by the Agency. 501(c)(3) non-profit organizations must have on file with the Agency these additional documents: Oklahoma Certificate of Incorporation, Articles of Incorporation, and the organization's By-laws. Documents are reviewed to determine organization's eligibility to apply for Council grant programs. Failure to submit any of the above items will result in determining that the organization is ineligible to apply for grant programs.

(b) Applicants must comply with all National Endowment for the Arts requirements as well as state and federal legislation as stated in the Legal Assurances section of the grant application. For a copy of the Legal Assurances, contact the Agency office.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-26. Grantmaking power of the Oklahoma Arts Council**

*The Council establishes guidelines for all grant programs. The guidelines establish deadlines, forms, procedures on application submission, funding criteria, review process, evaluation process and the final reporting process. Grant programs and guidelines are evaluated and revised as needed. Guidelines can be viewed on the Agency website or copies of guidelines are available to the public by writing or calling the Agency.*

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-27. Council funding decisions**

*Financial assistance applications may be reviewed by advisory panels selected in accordance with Council policy and administration as written in 70:1-5-1 through 70:1-5-5. The Council makes the final award decisions for all financial assistance applications and is responsible for insuring that applications are in compliance with policies, rules and regulations. Organizations are notified in writing of Council funding decisions.*

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

**70:10-3-28. Disbursement of funds**

(a) Financial assistance disbursements include all expenditures of state and federal funds as well as private monies donated to the Council, for any program, project, activity or service for which the Council may contract. All programs, projects, activities or services sponsored in whole or in part with state, private or federal funds shall conform to the following requirements set forth in 53 O.S., Section 171:

(b) *The Oklahoma Arts Council shall dispense funds for arts purposes only. The Oklahoma Arts Council shall enter into contracts with other state agencies or nonprofit corporations holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 1954, and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, 1954, of the United States, as amended. These nonprofit corporations must demonstrate that the goods and services provided meet the intent of the state policy provided in this act.*

(c) *Funds shall not be applied, donated or used directly or indirectly for the use, benefit or support of any sect, church, denomination or system of religion, or for the use, benefit, or support*

*of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.*

- (d) *The Oklahoma Arts Council shall provide opportunity, by public notices, to all organizations interested in providing these goods and services, who will submit written applications to be received and acted upon by the Council. At the conclusion of the contract, each state agency or nonprofit corporation shall provide the Oklahoma Arts Council with proof of fulfillment of the contract in proper order and must be affirmed on the proper form, provided by the Oklahoma Arts Council, by the managing officers of the state agency or nonprofit group making the contract. [53 O.S., Section 171]*

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

#### **70:10-3-29. Limitations on changes of contracts**

The contracting organization must notify the Agency of any significant changes in personnel, goals, objectives, activities, project beginning and ending dates, costs and/or expenses of any project, program, activity or service contracted by the Council. Notification of any changes in the project must be immediate and in writing and sent to the Agency office in Oklahoma City and must be approved prior to beginning the project.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

#### **70:10-3-30. Appeal procedure**

Any organization qualified to submit applications to the Council for financial assistance may appeal the action of the Council concerning said applications.

- (1) Every step of the procedure will be documented with necessary reports, letters, data and other material necessary for a complete record of the appeal procedure.
- (2) Appeals against any proposed or contracted project, program, activity or service must be made in writing no more than 10 days after receipt of official notice by the organization submitting application and sent to the Executive Director at the Agency office.
- (3) The Executive Director will respond in writing within thirty (30) days of receiving written appeal from the organization.
- (4) Upon finding sufficient cause, the Executive Director may request a special meeting of the Executive Committee of the Council to review the appeal filed by the organization in question. The Executive Committee may meet with the organization filing an appeal. The special meeting of the Executive Committee will take place within thirty (30) days after the Executive Director's response to the organization's filing of the written appeal. The Executive Committee will make a recommendation concerning any appeal to the full Council for action at the next Council meeting following the special meeting of the Executive Committee.
- (5) Within twenty (20) days after the Council meeting, the Chairman of the Council shall respond in writing to the organization filing an appeal. The Chairman's response to the organization, which has filed the appeal, will be the final decision of the Council.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

#### **70:10-3-31. Audit and financial records**

- (a) Separate financial records must be maintained by the organizations for any project that has received funding from the Oklahoma Arts Council. These records must be kept on file for a minimum of three years following submission of the final report and are subject to state and/or federal audits any time during those three years.
- (b) As of July 1, 1983 all qualified organizations receiving financial assistance may have to submit an independent and certified audit of the organization and of previous Council projects. "Independent and certified audit" shall mean an audit performed by a Public Accountant or

Certified Public Accountant registered with the Oklahoma Board of Public Accountancy. The audit shall be to the standards established by the Board of Public Accountancy for audits and shall include the specific state and/or federal requirements. Council will establish criteria for selection for organizations to submit audit information.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

## **SUBCHAPTER 5. OKLAHOMA TOURING PROGRAM [REVOKED]**

### Section

- 70:10-5-1. Sponsors and presenters [REVOKED]
- 70:10-5-2. Producers and touring groups [REVOKED]

### **70:10-5-1. Sponsors and presenters [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-5-2. Producers and touring groups [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

## **SUBCHAPTER 7. ARTISTS-IN-RESIDENCE PROGRAM - SCHOOL AND COMMUNITY CATEGORIES [REVOKED]**

### Section

- 70:10-7-1. Program purpose and scope [REVOKED]
- 70:10-7-2. Deadlines for program [REVOKED]
- 70:10-7-3. Use of Council forms [REVOKED]
- 70:10-7-4. Council action on funding of program [REVOKED]
- 70:10-7-5. Program contracts [REVOKED]
- 70:10-7-6. Artists scheduling forms [REVOKED]
- 70:10-7-7. Sponsor and artists responsibilities [REVOKED]
- 70:10-7-8. Residency schedule requirements [REVOKED]
- 70:10-7-9. Self-employed artists [REVOKED]
- 70:10-7-10. Annual assessment of program [REVOKED]
- 70:10-7-11. Council responsibility for program [REVOKED]
- 70:10-7-12. Solicitation of new artists [REVOKED]
- 70:10-7-13. Contracting and payment procedure [REVOKED]
- 70:10-7-14. Payment contract return requirement [REVOKED]
- 70:10-7-15. Grievance procedure [REVOKED]

### **70:10-7-1. Program purpose and scope [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-7-2. Deadlines for program [REVOKED]**

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97; Revoked at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-7-3. Use of Council forms [REVOKED]**

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97; Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-4. Council action on funding of program [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-5. Program contracts [REVOKED]**

[Source: Revoked at 14 Ok Reg 2191, eff 6-12-97]

**70:10-7-6. Artists scheduling forms [REVOKED]**

[Source: Revoked at 14 Ok Reg 2191, eff 6-12-97]

**70:10-7-7. Sponsor and artists responsibilities [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-8. Residency schedule requirements [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-9. Self-employed artists [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-10. Annual assessment of program [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-11. Council responsibility for program [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-12. Solicitation of new artists [REVOKED]**

[Source: Amended at 9 Ok Reg 1961, eff 6-11-92; Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-13. Contracting and payment procedure [REVOKED]**

[Source: Amended at 14 Ok Reg 2191, eff 6-12-97; Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-14. Payment contract return requirement [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

**70:10-7-15. Grievance procedure [REVOKED]**

[Source: Revoked at 21 Ok Reg 2008, eff 6-25-04]

## SUBCHAPTER 9. ARTIST ROSTERS

Section	Purpose
70:10-9-1.	Purpose
70:10-9-2.	Rosters
70:10-9-3.	Assessment of rosters
70:10-9-4.	Self-employed artists
70:10-9-5.	Roster appeal procedure

### **70:10-9-1. Purpose**

The Council shall establish artist rosters to provide structured activities to enhance the quality of life of participants and provide a deeper appreciation of various art forms and artists.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-9-2. Rosters**

The Council is responsible for developing, monitoring, and assuring roster quality and standards. The Oklahoma Arts Council will screen, select and renew artists for rosters based on criteria established through the application and panel process. Roster applications may be reviewed by advisory panels selected in accordance with Council policy and administration as written in 70:1-5-1 through 70:1-5-5. The Council makes the final roster selection and is responsible for insuring roster artists meet and maintain all criteria and standards. The Oklahoma Arts Council retains the right to select, renew or dismiss any roster artist based on the Oklahoma Arts Council established criteria and standards.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-9-3. Assessment of rosters**

The Oklahoma Arts Council may assess the roster(s) and determine areas of need for the next fiscal year. Based on the assessment, public notice and announcement will be made when artists are needed for roster(s).

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-9-4. Self-employed artists**

Artists listed on Oklahoma Arts Council roster(s) are not employees of the Council. Each artist is self-employed and responsible for making proper federal and state tax deductions. Artists are contracted for professional services by the sponsoring organization(s).

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]

### **70:10-9-5. Roster appeal procedure**

The following appeal procedure is established for any qualified artist not selected or dismissed from the roster:

- (1) Every step of the procedure will be documented with necessary reports, letters, data and other material necessary for a complete record of the appeal procedure.

- (2) Appeals against decisions to reject or to dismiss an artist from the roster must be made in writing no more than 10 days after receipt of official notice by the artist.
- (3) The Agency Executive Director will respond in writing within thirty (30) days of receiving written appeal from the artist.
- (4) Upon finding sufficient cause, the Executive Director may request a special meeting of the Executive Committee of the Council to review the appeal filed by the artist in question. The Executive Committee meeting will take place within thirty (30) days after the Executive Director's response to the artist's filing of the appeal. The Executive Committee will make a recommendation concerning any appeal to the full Council for action at the next Council meeting following the special meeting of the Executive Committee.
- (5) Within twenty (20) days after the Council meeting, the Chairman of the Council shall respond in writing to the artist filing an appeal. The Chairman's response to the artist, who has filed the appeal, will be the final decision of the Council.

[Source: Added at 21 Ok Reg 2008, eff 6-25-04]