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DATE: February 10, 2009  
TO: South Dakota Joint Appropriations Committee Members  
FROM: Michael Pangburn, Acting Director South Dakota Arts Council

As requested during the Department of Tourism and State Development's budget hearing yesterday, the attached information is taken from the National Endowment for the Arts (NEA) grant guidelines and addresses eligibility requirements necessary for States to receive federal funding through the NEA's State Partnership Grant program.



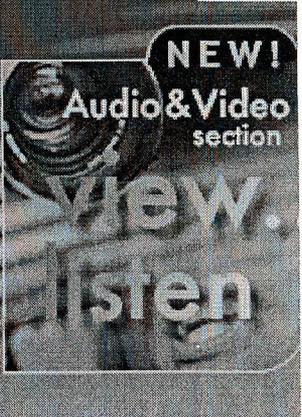
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Arts Council [artscouncil.sd.gov](http://artscouncil.sd.gov)  
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## **Applicant Eligibility**

Eligibility is limited to the designated fifty state and six jurisdictional arts agencies. In order to enter into a Partnership Agreement with the National Endowment for the Arts, a state arts agency must:

- Meet the the Arts Endowment's "Legal Requirements" at the time of application.
- Be designated and financially supported by its state government.
- Maintain sound fiscal and administrative procedures.
- Base program funding decisions on criteria that take into account artistic excellence and merit.
- Have its own board, council, or commission.
- Have completed a comprehensive planning process, including public meetings on its state plan, and compiled a list of responses to recommendations from those meetings.
- Have submitted acceptable Final Report packages by the due date(s) for all Arts Endowment award(s) previously received.

## **Award Administration**

### **Prohibition on Supplanting Non-Federal Funds**

Partnership Agreement awards must be used to supplement and not supplant non-federal funds. For the purposes of these guidelines, the term "supplant non-federal funds" is defined as using federal dollars to replace non-federal dollars, with the intention or effect of reducing financial support for a SAA or RAO

In addition, State Arts Agencies must meet the requirements in Section 5(g)(2) of the Arts Endowment's authorizing legislation which state:

"In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be specified by the Chairperson and accompany such applications with a plan which the Chairperson finds --

- A. designates or provides for the establishment of a State agency (hereinafter in this section referred to as the "State agency") as the sole agency for the administration of the State plan;
- B. provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of subsection (c) of this section;
- C. provides that the State agency will make such reports, in such form and containing such information, as the Chairperson may from time to time require including a description of the progress made toward achieving the goals of the State plan;

D. provides --

- i. assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and
- ii. a summary of such recommendations and the State agency's response to such recommendations; and

E. contains --

- i. a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;
- ii. for the most recent preceding year for which information is available, a description of the extent to which projects and productions receiving financial assistance from the state arts agency are available to all people and communities in the State; and
- iii. a description of projects and productions receiving financial assistance under this subsection that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under clause (ii) of this subparagraph

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection."