

## **CHAPTER 54-54 COUNCIL ON THE ARTS**

### **54-54-01. Legislative purpose and policy.**

It is the finding of the legislative assembly that many of our citizens lack the opportunity to view, enjoy, or participate in living theatrical performances, musical concerts, operas, dance and ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts generally. It is further found that, with increasing leisure time, the practice and enjoyment of the arts are of increasing importance and that the general welfare of the people of the state will be promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as a valued means of expanding the scope of our educational programs.

It is declared to be the policy of the state to join with private patrons and with institutions and professional organizations concerned with the arts to ensure that the role of the arts in the life of our communities will continue to grow and will play an evermore significant part in the welfare and educational experience of our citizens.

### **54-54-02. Council - Members - Appointment.**

The North Dakota council on the arts consists of nine members, broadly representative of all fields of the performing and fine arts, who are to be appointed by the governor as provided in this chapter, from among the citizens of the state who are widely known for their competence and experience in connection with the performing and fine arts. In making these appointments, due consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups, concerned with or engaged in the production or presentation of the performing and fine arts generally.

### **54-54-03. Term of office - Filling vacancies - Chairman - Vice chairman - Expenses.**

The term of office of each member is five years; provided, however, that of the members first appointed after August 1, 1995, three must be appointed for terms of two years, three for terms of three years, and three for terms of five years. If a vacancy to be filled occurs otherwise than by the expiration of the term of office of a member of the council, the appointment must be made for the balance of the term only. Other than the chairman, no member of the council who serves a full five-year term is eligible for reappointment during a one-year period following the expiration of the term. The governor shall designate a chairman and a vice chairman from the members of the council who shall serve at the pleasure of the governor. The chairman is the chief executive officer of the council. The members of the council may not receive any compensation for their services, but must be reimbursed for their travel expenses in the same manner and at the same rates as provided by law for other state officials for necessary travel in the performance of their duties as members of the council.

### **54-54-04. Other employees - Appointment - Compensation.**

The chairman with the approval of the council may employ such officers, experts, and other employees as may be needed to carry out the provisions of this chapter. The executive director shall serve at the pleasure of the chairman and the chairman shall fix the compensation of the executive director.

### **54-54-05. Duties of council.**

The duties of the council are:

1. To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein.
2. To make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including but not limited to, music, theater, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state.

3. To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our state and to expand the state's cultural resources.
4. To encourage and assist freedom of artistic expression essential for the well-being of the arts.
5. To determine the artistic value of property as provided by section 1-08-04.1.

**54-54-06. Hearings - Contracts - Gifts.**

The council is hereby authorized and empowered to hold public hearings, to enter into contracts, within the limit of funds available therefor, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs; to enter into contracts, within the limit of funds available therefor, with local and regional associations for joint endeavors furthering the educational objectives of the council's programs; to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, limited liability companies, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs; to make and sign any agreements; and to do and perform any acts that may be necessary to carry out the purposes of this chapter. The council may request and may receive from any department, division, board, bureau, commission, or agency of the state such information and data as will enable it to properly carry out its powers and duties.

**54-54-07. Funds from national foundation on the arts.**

The council is the official agency of this state to receive and disburse any funds made available by the national foundation on the arts.

**54-54-08. Legislative intent relating to state funds.**

Repealed by S.L. 1971, ch. 520, § 1.

**54-54-08.1. Cultural endowment fund - Purposes.**

The North Dakota cultural endowment fund is hereby established to improve the intrinsic quality of the lives of the state's citizens now and in the future through programs approved by the council on the arts. Such programs must:

1. Increase cultural awareness by the state's citizens through programs in arts, crafts, theater, ethnic and folk arts, literature, journalism, public media, historic preservation and interpretation, visual arts, and architecture.
2. Make the items named in subsection 1 more available to the state's citizens.
3. Encourage the development of talent in the areas named in subsection 1 within the state.
4. Preserve and increase understanding of North Dakota's heritage and future.

**54-54-08.2. Cultural endowments - Limitations.**

Investment of the cultural endowment fund must be under the supervision of the state investment board in accordance with chapter 21-10. Funds will be expended from the cultural endowment fund only to the limits of accrued interest on state general fund appropriations and other public and private funds received. The expenditure of endowment funds must occur at the direction of the North Dakota council on the arts. The council may seek the counsel and assistance of a group or groups of private citizens of the council's choosing to aid it in arriving at expenditure decisions when private funds are involved. Section 54-54-06 applies to private donations to the cultural endowment fund; provided, that gifts, donations, and bequests can be dedicated as principal of the fund in perpetuity or for a term of years, in which case only the income earned as a result of investment of those funds can be expended pursuant to section 54-54-08.1 and this section.

**54-54-09. Report.**

The council shall submit a biennial report as provided in subsection 1 of section 54-06-04. The report is also subject to the requirements of subsections 2, 4, and 5 of section 54-06-04.

**54-54-10. Poet laureate - Nominating board - Appointment - Term.**

1. By April first of each odd-numbered year, the nominating board shall recommend three individuals as finalists.
2. The nominating board consists of:
  - a. One member of the house of representatives appointed by the majority leader of the house of representatives;
  - b. One member of the senate appointed by the majority leader of the senate;
  - c. One member of the governor's staff appointed by the governor;
  - d. One member of the North Dakota council on the arts, appointed by the chairman of the North Dakota council on the arts; and
  - e. One representative from the department of commerce appointed by the director of the department of commerce.
3. By May first of each odd-numbered year, each finalist shall submit an application to the nominating board. The application must include:
  - a. A resume;
  - b. Five writing samples, one of which must be a recorded presentation;
  - c. Three letters of recommendation; and
  - d. Proof of North Dakota residency.
4. By June first of each odd-numbered year, the nominating board shall select one individual to serve as the poet laureate for a two-year term beginning July first.
5. The poet laureate shall participate in at least four public events around the state each year. The North Dakota council on the arts shall provide up to five thousand dollars in reimbursement to the poet laureate each year for events completed. Reimbursement may not exceed one thousand two hundred fifty dollars for each event up to the yearly maximum.
6. The North Dakota council on the arts shall process payments through the council's online grants system. To receive payment, the poet laureate shall register in the council's online grants system and send an electronic mail to the council requesting payment. The electronic mail must include:
  - a. The date and time of the presentation;
  - b. The location of the presentation;
  - c. The number of adults and number of youth attending the presentation; and
  - d. If available, a copy of the event program.
7. The poet laureate may not name an individual to serve as an associate poet laureate or as a substitute poet laureate.
8. If a poet laureate is unable to fulfill the two-year term, the nominating committee shall select an individual to serve the remainder of the term.