

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services hereby amends Chapter 116, "Terrace Hill Endowment for the Musical Arts," Iowa Administrative Code.

The Terrace Hill Commission has reviewed and is amending these rules to be consistent with statute and to reflect and clarify Commission practice. The amendment aligns Chapter 116 with Iowa Code section 8A.326, which was amended in 2013.

Notice of Intended Action was published in the Iowa Administrative Bulletin as ARC 3113C on June 7, 2017. A public hearing was held on June 27, 2017, from 9 to 10 a.m. in the Carriage House Visitors Center at Terrace Hill, 2300 Grand Avenue, Des Moines, Iowa, at which time the following public comments were made:

Arden Borgen read a written statement at the public hearing discussing the history of the Terrace Hill Society Foundation and the Terrace Hill Endowment for the Musical Arts. At 4:30 p.m. on the day of the hearing, Mr. Borgen submitted written comments to Tami Wiencek with the Department of Administrative Services. The written comments also included history of the Terrace Hill Society Foundation and the Terrace Hill Endowment for the Musical Arts. Mr. Borgen stated that the written comments were presented to the Administrative Rules Review Committee on behalf of the Terrace Hill Society Foundation and outlined a request to the Committee to oppose changes in rule 11—116.1(8A), Structure, and in rule 11—116.4(8A), Funding. The written comments stated that the result of the proposed changes would be the loss of a public nongovernment support organization.

In addition, at the public hearing, Gloria Filean stated that the Terrace Hill Society Foundation has grown the Terrace Hill Endowment for the Musical Arts endowment and that the money has been well-invested.

Will Page stated at the public hearing that the Terrace Hill Society Foundation has been a good steward of the Terrace Hill Endowment for the Musical Arts funds. Mr. Page commented that Tim Anderson, the Terrace Hill Society Foundation Treasurer, said there is a problem with the way the Iowa Code and the Terrace Hill Endowment for the Musical Arts rules are written because the funds are not sustainable.

This amendment is identical to that published under Notice of Intended Action.

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

The Department adopted this amendment on July 24, 2017.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 8A.326.

This amendment will become effective September 20, 2017.

The following amendment is adopted.

Amend 11—Chapter 116 as follows:

CHAPTER 116

TERRACE HILL ENDOWMENT FOR THE MUSICAL ARTS

[Prior to 5/31/89, see Historical Division[223] Ch 27]

[Prior to 2/16/94, see Historical Division[223] Ch 57]

[Prior to 1/21/04, see 401—Ch 16]

**11—116.1(8A) Structure.** The Terrace Hill endowment for the musical arts (THEMA) functions under the Terrace Hill commission with all final authority resting with the commission. A board of not less than seven members called the board of trustees will conduct two piano competitions: a senior competition for high school seniors and a junior competition for students in grades 9 through 11. The board will direct payments from the endowment for scholarships to one or more winners of the senior competition. No endowment money is to be used for awards to winners of the junior competition. The board will be appointed by the commission. The majority of the members of the board of trustees shall be members

~~of the Terrace Hill commission and the Terrace Hill Society. Staggered terms of three years will be set by the commission for THEMA trustees. All policies, fund-raising activities and decisions concerning the competition and the scholarship, its growth, and presentation scholarships are under the jurisdiction of the trustees, subject to Terrace Hill commission oversight and approval.~~

**11—116.2(8A) Scholarship Senior competition scholarship established.** ~~The Terrace Hill commission maintains an endowment fund to be used for the sole purpose purposes of providing a biennial grant, and a one-time second and third place grant, to an Iowa high school senior or resident conducting a piano competition and providing scholarships to the winners of the senior piano competition. Participants in the competition must be Iowa high school seniors who will be an entering freshman freshmen with a piano major or minor at one of Iowa’s public or private colleges or universities. The scholarship is called “The First Lady Family of Iowa Award Scholarship from the Terrace Hill Endowment for the Musical Arts.” The successful applicant shall receive a one-time grant of not less than \$2,000. One thousand dollars of this grant will be presented each year for a two-year period. The first-, second- and third-place participants shall receive one-time scholarships. One-half of each scholarship shall be presented each year for a two-year period. In the event the successful applicant first-place participant is disqualified or otherwise unable to utilize the grant scholarship, the judges may choose to award the grant first-place scholarship to the second- or third-place applicant participant. Such a decision must be accompanied by a written statement in which the judges set out their opinion that the second- or third-place contestant participant has sufficient talent to merit the increased award scholarship. The cash award scholarship may be supplemented by other benefits, publicity or opportunities as may be arranged by the commission.~~

~~In addition to the first place grant, a one-time \$750 grant will be made to the second place applicant and a one-time \$500 grant will be made to the third place applicant. All scholarships will be determined by the THEMA board of trustees as set forth in the requirements the board establishes and posts on the THEMA Web site: [www.TerraceHillPianoCompetition.org](http://www.TerraceHillPianoCompetition.org). The grants scholarships will be paid directly to the college colleges or university universities attended by the applicants participants.~~

~~The successful applicant is not eligible to compete again for the grant.~~

**11—116.3(8A) Application.** ~~Application forms for both competitions are available from the Terrace Hill Commission, 2300 Grand Avenue, Des Moines, Iowa 50312, and on the THEMA Web site: [www.TerraceHillPianoCompetition.org](http://www.TerraceHillPianoCompetition.org). Telephone requests may be made by calling the commission at (515)281-7205. The form contains the date it must be submitted deadline for submission to the commission in order for a participant to be eligible for the grant scholarship awarded for that particular school year. Applications are not held over from one contest to another. Applicants must submit new applications each time they wish to be eligible for the grant. Procedures and standards for application and acceptance are set by the THEMA board of trustees.~~

**11—116.4(8A) Funding.** ~~All funds to support and maintain the scholarship piano competitions and scholarships have been raised by public and private donations and shall not be used for any other purpose. They are held in trust under the Terrace Hill foundation, a nonprofit, charitable foundation. Funds are deposited into a segregated account with the Terrace Hill partnership, a public charitable foundation organization of which the commission is the sole member. Funds are disbursed as directed by the THEMA board of trustees, subject to commission approval. All proceeds generated from investment interest by the scholarship moneys are themselves deposited into the scholarship trust account. The treasurer for the scholarship THEMA endowment fund is the treasurer for the commission and the foundation Terrace Hill partnership.~~

**11—116.5(8A) Selection criteria and judging.** ~~The sole criterion for the grant scholarships will be the talent of the applicant, as determined by a competition conducted by a panel of judges participants. Representatives of the board of trustees may conduct an initial review of the participants’ applications~~

to narrow the field of participants. The selected participants will perform before a panel of judges, who will select the scholarship winners.

**116.5(1) Selection of judges.** The THEMA board of trustees of the ~~endowment~~ shall establish a selection committee to choose judges for the ~~competition~~ competitions. All members of the selection committee shall have a background in piano and piano education. To ensure the competence of the judges, each must be approved by the selection committee as being competent to judge piano talent. The committee will assist and advise in the actual ceremonies for the scholarship judging and presentation and in the additional appearances by the scholarship recipient.

**116.5(2) ~~The competition~~ Competitions.** All rules and procedures for the competitions will be determined by the THEMA board of trustees and will be posted on the THEMA Web site: [www.TerraceHillPianoCompetition.org](http://www.TerraceHillPianoCompetition.org). All applicants participants shall be given not less than at least two weeks' notice of the date, time, and location of the ~~competition~~ competitions, and the amount of time available for each applicant's recital participant's performance. The recitals shall be performed All participants shall perform on a piano furnished by the commission. The judges may impose additional requirements as needed to preserve the order and decorum of the ~~competition~~ competitions and to ensure that each applicant participant has a fair opportunity to perform.

The successful competitor will be asked during the two-year course of the scholarship to perform at several functions at the pleasure of the governor or the governor's spouse.

**116.5(3) Selection.** At the conclusion of the ~~competition~~ competitions, the judges shall meet in closed session to review the performances and select the successful ~~applicant~~ participants. The decision of the judges is final, with no review available by the Terrace Hill commission.

These rules are intended to implement 2003 Iowa Code Supplement section 8A.326.

[Filed 7/28/17, effective 9/20/17]

[Published 8/16/17]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/16/17.