

H-3/28/95 Education  
H. 4/6/95 Do Pass

FILED MAR 16 1995  
H. 4/13/95 Unfinished  
Business Colorado

SENATE FILE 390  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 208)

Passed Senate, Date 3-27-95 (p.887) Passed House, Date 4/24/95 (p.1818)

Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 0

Repassed 4/25/95 Approved May 4, 1995  
Vote 47-0  
(p.1398)

**A BILL FOR**

1 An Act relating to the Iowa arts and cultural enhancement and  
2 endowment program and foundation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

**SENATE FILE 390**

**H-4040**

1 Amend Senate File 390, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the follow-  
4 ing:

5 "Section 1. Section 262.75, Code 1995, is amended  
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In lieu of the payment  
8 of monetary recompense to a cooperating teacher, the  
9 cooperating teacher may direct that the monetary  
10 recompense be paid by the institution directly into a  
11 scholarship fund which has been established jointly by  
12 the board of directors of the school district that  
13 employs the teacher and the local teachers'  
14 association. In such cases, the cooperating teacher  
15 shall receive neither monetary recompense nor any  
16 reduction in tuition at the institution."

17 2. Title page, line 1, by inserting after the  
18 word "to" the following: "recompense to a cooperating  
19 teacher and to".

20 3. By renumbering as necessary.

By LORD of Dallas

H-4040 FILED APRIL 24, 1995

*Adopted (p.1817)*

23

24

1 Section 1. Section 303C.4, unnumbered paragraph 1, Code  
2 1995, is amended to read as follows:

3 Enhancement account funds shall be available, upon  
4 certification by the department ~~of the availability of~~  
5 ~~matching funds from private sources, to nonprofit~~  
6 ~~organizations for the purposes of education, outreach, and~~  
7 enhancement that the applicant has secured nonstate matching  
8 funds at least equal to the amount of the grant award. An  
9 ~~organization proposing a program must have available funds~~  
10 ~~from private sources in order to receive an equal amount of~~  
11 ~~public funds contained in the enhancement account.~~ The  
12 department shall consider the recommendations of the caucus on  
13 arts and cultural enhancement made pursuant to section 303C.6,  
14 and the recommendations of the advisory council created in  
15 section 303C.5, and shall adopt rules pursuant to chapter 17A  
16 governing the distribution of funds to organizations.

17 Proposed programs shall do at least one of the following:

18 Sec. 2. Section 303C.5, Code 1995, is amended to read as  
19 follows:

20 303C.5 BLOCK GRANTS PROVIDED TO QUALIFIED ORGANIZATIONS.

21 ~~+~~ Enhancement account funds shall be available for  
22 ~~distribution to qualified organizations~~ for the purposes of  
23 enhancing the quality of local arts and cultural programs. ~~In~~  
24 ~~order to qualify for a block grant, an organization must~~  
25 ~~represent at least seventy percent of its defined membership.~~  
26 The department shall adopt rules pursuant to chapter 17A  
27 governing the eligibility for, and the distribution of, block  
28 grants. The rules adopted shall include, but are not limited  
29 to, requirements that eligible organizations have adequate by-  
30 laws, mission statements, representational board structure,  
31 and publicly accessible arts programming.

32 ~~2.--An advisory council consisting of organizations funded~~  
33 ~~by the department pursuant to this section, and representa-~~  
34 ~~tives of the Iowa assembly for local arts agencies, Iowa~~  
35 ~~alliance for arts education, Iowa arts coalition, the Iowa~~

1 museum-association, the chairperson of the statewide caucus,  
2 the department of education, and the Iowa humanities board is  
3 established. -- The advisory council shall review and advise the  
4 department regarding the awarding of funds pursuant to section  
5 303C.4.

6 Sec. 3. NEW SECTION. 303C.5A ADVISORY COUNCIL.

7 1. An advisory council is established to advise the  
8 department regarding the awarding of funds pursuant to section  
9 303C.4. The advisory council shall consist of seven members  
10 selected as follows:

11 a. The person elected as chairperson of the statewide  
12 cultural caucus pursuant to section 303C.6, subsection 2.

13 b. The chairperson of the Iowa humanities board.

14 c. The chairperson of the Iowa arts council.

15 d. Four members appointed by the director of the  
16 department of cultural affairs, two of whom shall be  
17 representatives of statewide arts organizations.

18 2. The majority shall not include any member who has a  
19 conflict of interest and a statement by a member of a conflict  
20 of interest shall be conclusive for this purpose.

21 3. The term of office for the member selected pursuant to  
22 subsection 1, paragraph "a", is one year. The term of office  
23 for members selected pursuant to subsection 1, paragraphs "b"  
24 through "d", is three years. Terms shall be staggered and  
25 shall commence and end as provided in section 69.19. A  
26 vacancy shall be filled by the original appointing authority.

27 4. The advisory council shall be bipartisan and gender  
28 balanced in accordance with sections 69.16 and 69.16A.

29 Sec. 4. Section 303C.6, subsection 2, unnumbered paragraph  
30 1, Code 1995, is amended to read as follows:

31 Biennially, in the month of June during odd-numbered years,  
32 the department shall convene a statewide caucus on arts and  
33 cultural enhancement. ~~The caucus shall be held for one day~~  
34 ~~during the month of June in the capitol complex, Des Moines.~~

35 Sec. 5. Section 303C.6, subsection 2, paragraph a, Code

1 1995, is amended to read as follows:

2 a. Prior to ~~a~~ the statewide caucus, the department shall  
3 make arrangements to hold a conference in each of six regions  
4 of the state as defined by the Iowa arts council. The  
5 department shall promote attendance of interested persons at  
6 each conference. A designee of the department shall call each  
7 conference to order and serve as temporary chairperson until  
8 persons attending elect a chairperson. The department shall  
9 provide persons attending with current information regarding  
10 cultural enhancement programs and expenditures. Persons  
11 attending shall identify opportunities for programs in the  
12 areas of education, outreach, and enhancement and review  
13 recommended changes in enhancement account policies, programs,  
14 and funding, and make recommendations in the form of a  
15 resolution. The persons attending ~~each~~ the conference shall  
16 elect six persons from among the attendees to serve as  
17 regional, voting delegates to the statewide caucus,--and-one  
18 person-to-serve-as. The conference attendees shall elect a  
19 chairperson of--the-region from among the six representatives.  
20 The selection of persons at each conference to serve as  
21 regional, voting delegates to the statewide caucus shall  
22 conform to the gender balance requirements of section 69.16A.  
23 Other interested persons may attend the statewide caucus as  
24 nonvoting attendees.

25 Sec. 6. Section 303C.6, subsection 3, Code 1995, is  
26 amended by striking the subsection.

27 Sec. 7. Section 303C.7, Code 1995, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 303C.7 ARTS AND CULTURAL ENDOWMENT PROGRAM ESTABLISHED.

30 The arts and cultural endowment program is established.  
31 The program shall be administered by the arts and cultural  
32 endowment foundation governing board established in section  
33 303C.8, which shall adopt rules pursuant to chapter 17A to  
34 fulfill the purposes of this section. Interest on the funds  
35 in the endowment account established in section 303C.2,

1 subsection 2, is available for the purposes of this section.  
2 The endowment foundation shall establish criteria for the  
3 awarding of grants, fellowships, and scholarships to  
4 nonprofessional, professional, and student artists to develop,  
5 encourage, and enhance the arts and cultural programs in the  
6 state, upon submission of a proposal by the artist. An artist  
7 shall request no more than twenty-five thousand dollars in a  
8 proposal.

9 Sec. 8. NEW SECTION. 303C.8 ARTS AND CULTURAL ENDOWMENT  
10 FOUNDATION -- GOVERNING BOARD -- ESTABLISHED.

11 1. The arts and cultural endowment foundation is  
12 established and shall be administered by a governing board  
13 consisting of seven members, three of whom shall be appointed  
14 by the Iowa humanities board and four of whom shall be  
15 appointed by the director of the department. Members shall be  
16 knowledgeable about education, arts, the humanities, and fund-  
17 raising activities in this state. A vacancy shall be filled  
18 by the original appointing authority. Members shall serve  
19 three-year staggered terms which shall commence and end as  
20 provided in section 69.19. The governing board shall be  
21 bipartisan and gender balanced in accordance with sections  
22 69.16 and 69.16A.

23 2. The Iowa arts council shall provide administrative  
24 services for the arts and cultural endowment foundation and  
25 shall advise and assist the governing board. The exercise of  
26 the powers granted to the endowment foundation in this chapter  
27 is an essential governmental function. The endowment  
28 foundation shall be located in the department's offices.

29 3. The endowment foundation may solicit and accept gifts,  
30 grants, donations, bequests, and in-kind contributions for  
31 deposit in the endowment account. The endowment foundation  
32 shall, to the extent possible, use gifts, donations, and  
33 bequests in accordance with the expressed desires of the  
34 person making the gift, donation, or bequest.

35 Sec. 9. TRANSITION. The terms of members serving on the

1 advisory council abolished by this Act shall expire June 30,  
2 1995. Members of the initial advisory council established  
3 pursuant to section 3 of this Act shall be appointed not later  
4 than July 1, 1995. Notwithstanding section 3 of this Act, two  
5 members appointed to the initial advisory council established  
6 under this Act shall serve terms ending April 30, 1996; two  
7 members shall serve terms ending April 30, 1997; and two  
8 members shall serve terms ending April 30, 1998. The person  
9 elected as chairperson of the statewide cultural caucus  
10 pursuant to section 303C.6, subsection 2, shall serve a term  
11 ending April 30, 1996.

12 Sec. 10. INITIAL GOVERNING BOARD. Members of the initial  
13 governing board established pursuant to section 8 of this Act  
14 shall be appointed not later than July 1, 1995.  
15 Notwithstanding section 8 of this Act, one member appointed by  
16 the Iowa humanities board and one member appointed by the  
17 department to the initial governing board established under  
18 section 8 of this Act shall each serve terms ending April 30,  
19 1996; one member appointed by the Iowa humanities board and  
20 one member appointed by the department shall each serve terms  
21 ending April 30, 1997; and one member appointed by the Iowa  
22 humanities board and two members appointed by the department  
23 shall each serve terms ending April 30, 1998.

24 EXPLANATION

25 This bill provides changes to the arts and cultural  
26 enhancement and endowment Act, specifying that applicants for  
27 funds must have secured nonstate matching funds at least equal  
28 to the amount of a grant award, striking language that limited  
29 awards of grants to organizations that represent at least 70  
30 percent of its defined membership, requiring the department to  
31 adopt rules governing the eligibility for, and the  
32 distribution of, block grants, abolishing and replacing an  
33 advisory council for block grants, and creating a governing  
34 board for the administration of the arts and cultural  
35 endowment program and foundation.

1 Rules adopted by the department shall include requirements  
2 that organizations eligible for grants have adequate by-laws,  
3 mission statements, representational board structure, and  
4 publicly accessible arts programming.

5 Current law does not specify the number of members who may  
6 serve on the advisory council whose responsibility it is to  
7 review and advise the department regarding the awarding of  
8 block grant funds. One organization listed as a source of  
9 representatives for the council no longer functions.

10 Currently, members of the council represent organizations  
11 eligible for grants under the program. The bill provides that  
12 the council shall consist of seven members and the majority  
13 shall not include any member who has a conflict of interest.

14 The bill strikes a requirement that the statewide caucus on  
15 arts and cultural enhancement meet in Des Moines. The bill  
16 makes a distinction between regional, voting delegates to the  
17 statewide caucus to provide for the attendance at the caucus  
18 by other interested persons who may attend the statewide  
19 caucus as nonvoting attendees.

20 The bill strikes current law requiring that the costs for  
21 arranging and conducting the conferences be paid from funds in  
22 the enhancement account.

23 The bill creates a governing board to administer and adopt  
24 rules for the arts and cultural endowment program and  
25 foundation. The governing board consists of seven members,  
26 three of whom shall be appointed by the Iowa humanities board  
27 and four of whom shall be appointed by the director of the  
28 department of cultural affairs. Members shall be  
29 knowledgeable about education, arts, the humanities, and fund-  
30 raising activities in this state. Members shall serve three-  
31 year staggered terms. The Iowa arts council shall provide  
32 administrative services for the arts and cultural endowment  
33 foundation and shall advise and assist the governing board.

34 Under transition language included in the bill, the terms  
35 of members serving on the advisory council abolished by the

1 bill shall expire June 30, 1995. Members of the advisory  
2 council established pursuant to section 3 of this Act shall be  
3 appointed not later than July 1, 1995, and staggered terms are  
4 provided for in the transition language.

5 The bill also provides for the terms of the members of the  
6 initial governing board of the arts and cultural endowment  
7 foundation.

8  
9  
10  
11  
12  
13  
14  
15  
16

HOUSE AMENDMENT TO  
SENATE FILE 390

S-3555

1 Amend Senate File 390, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the follow-  
4 ing:

5 "Section 1. Section 262.75, Code 1995, is amended  
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In lieu of the payment  
8 of monetary recompense to a cooperating teacher, the  
9 cooperating teacher may direct that the monetary  
10 recompense be paid by the institution directly into a  
11 scholarship fund which has been established jointly by  
12 the board of directors of the school district that  
13 employs the teacher and the local teachers'  
14 association. In such cases, the cooperating teacher  
15 shall receive neither monetary recompense nor any  
16 reduction in tuition at the institution."

17 2. Title page, line 1, by inserting after the  
18 word "to" the following: "recompense to a cooperating  
19 teacher and to".

20 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3555 FILED APRIL 24, 1995 *Senate concurred 4/25/95 (p. 1397)*



Hammond  
DeLukey  
Redfern

SSB. 208  
Education

Succeeded By  
SE/HE 390  
SENATE FILE  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON CONNOLLY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the Iowa arts and cultural enhancement and  
2 endowment program and foundation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 303C.4, unnumbered paragraph 1, Code  
2 1995, is amended to read as follows:

3 Enhancement account funds shall be available, upon  
4 certification by the department of the availability of  
5 ~~matching funds from private sources, to nonprofit~~  
6 ~~organizations for the purposes of education, outreach, and~~  
7 enhancement that the applicant has secured nonstate matching  
8 funds at least equal to the amount of the grant award. An  
9 ~~organization proposing a program must have available funds~~  
10 ~~from private sources in order to receive an equal amount of~~  
11 ~~public funds contained in the enhancement account. The~~  
12 department shall consider the recommendations of the caucus on  
13 arts and cultural enhancement made pursuant to section 303C.6,  
14 and the recommendations of the advisory council created in  
15 section 303C.5, and shall adopt rules pursuant to chapter 17A  
16 governing the distribution of funds to organizations.

17 Proposed programs shall do at least one of the following:

18 Sec. 2. Section 303C.5, Code 1995, is amended to read as  
19 follows:

20 303C.5 BLOCK GRANTS PROVIDED TO QUALIFIED ORGANIZATIONS.

21 ~~1-~~ Enhancement account funds shall be available for  
22 ~~distribution to qualified organizations~~ for the purposes of  
23 enhancing the quality of local arts and cultural programs. ~~In~~  
24 ~~order to qualify for a block grant, an organization must~~  
25 ~~represent at least seventy percent of its defined membership.~~  
26 The department shall adopt rules pursuant to chapter 17A  
27 governing the eligibility for, and the distribution of, block  
28 grants. The rules adopted shall include, but are not limited  
29 to, requirements that eligible organizations have adequate by-  
30 laws, mission statements, representational board structure,  
31 and publicly accessible arts programming.

32 ~~2---An advisory council consisting of organizations funded~~  
33 ~~by the department pursuant to this section, and representa-~~  
34 ~~tives of the Iowa assembly for local arts agencies, Iowa~~  
35 ~~alliance for arts education, Iowa arts coalition, the Iowa~~

1 ~~museum-association, the chairperson of the statewide caucus,~~  
2 ~~the department of education, and the Iowa humanities board is~~  
3 ~~established. The advisory council shall review and advise the~~  
4 ~~department regarding the awarding of funds pursuant to section~~  
5 ~~303C.4.~~

6 Sec. 3. NEW SECTION. 303C.5A ADVISORY COUNCIL.

7 1. An advisory council is established to advise the  
8 department regarding the awarding of funds pursuant to section  
9 303C.4. The advisory council shall consist of seven members  
10 selected as follows:

11 a. The person elected as chairperson of the statewide  
12 cultural caucus pursuant to section 303C.6, subsection 2.

13 b. The chairperson of the Iowa humanities board.

14 c. The chairperson of the Iowa arts council.

15 d. Four members appointed by the director of the  
16 department of cultural affairs, two of whom shall be  
17 representatives of statewide arts organizations.

18 2. The majority shall not include any member who has a  
19 conflict of interest and a statement by a member of a conflict  
20 of interest shall be conclusive for this purpose.

21 3. The term of office for the member selected pursuant to  
22 subsection 1, paragraph "a", is one year. The term of office  
23 for members selected pursuant to subsection 1, paragraphs "b"  
24 through "d", is three years. Terms shall be staggered and  
25 shall commence and end as provided in section 69.19. A  
26 vacancy shall be filled by the original appointing authority.

27 4. The advisory council shall be bipartisan and gender  
28 balanced in accordance with sections 69.16 and 69.16A.

29 Sec. 4. Section 303C.6, subsection 2, unnumbered paragraph  
30 1, Code 1995, is amended to read as follows:

31 Biennially, in the month of June during odd-numbered years,  
32 the department shall convene a statewide caucus on arts and  
33 cultural enhancement. ~~The caucus shall be held for one day~~  
34 ~~during the month of June in the capitol complex, Des Moines.~~

35 Sec. 5. Section 303C.6, subsection 2, paragraph a, Code

1 1995, is amended to read as follows:

2 a. Prior to ~~a~~ the statewide caucus, the department shall  
3 make arrangements to hold a conference in each of six regions  
4 of the state as defined by the Iowa arts council. The  
5 department shall promote attendance of interested persons at  
6 each conference. A designee of the department shall call each  
7 conference to order and serve as temporary chairperson until  
8 persons attending elect a chairperson. The department shall  
9 provide persons attending with current information regarding  
10 cultural enhancement programs and expenditures. Persons  
11 attending shall identify opportunities for programs in the  
12 areas of education, outreach, and enhancement and review  
13 recommended changes in enhancement account policies, programs,  
14 and funding, and make recommendations in the form of a  
15 resolution. The persons attending each the conference shall  
16 elect six persons from among the attendees to serve as  
17 regional, voting delegates to the statewide caucus,--and-one  
18 person-to-serve-as. The conference attendees shall elect a  
19 chairperson of-the-region from among the six representatives.  
20 The selection of persons at each conference to serve as  
21 regional, voting delegates to the statewide caucus shall  
22 conform to the gender balance requirements of section 69.16A.  
23 Other interested persons may attend the statewide caucus as  
24 nonvoting attendees.

25 Sec. 6. Section 303C.6, subsection 3, Code 1995, is  
26 amended by striking the subsection.

27 Sec. 7. Section 303C.7, Code 1995, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 303C.7 ARTS AND CULTURAL ENDOWMENT PROGRAM ESTABLISHED.

30 The arts and cultural endowment program is established.

31 The program shall be administered by the arts and cultural  
32 endowment foundation governing board established in section  
33 303C.8, which shall adopt rules pursuant to chapter 17A to  
34 fulfill the purposes of this section. Interest on the funds  
35 in the endowment account established in section 303C.2,

1 subsection 2, is available for the purposes of this section.  
2 The endowment foundation shall establish criteria for the  
3 awarding of grants, fellowships, and scholarships to  
4 nonprofessional, professional, and student artists to develop,  
5 encourage, and enhance the arts and cultural programs in the  
6 state, upon submission of a proposal by the artist. An artist  
7 shall request no more than twenty-five thousand dollars in a  
8 proposal.

9 Sec. 8. NEW SECTION. 303C.8 ARTS AND CULTURAL ENDOWMENT  
10 FOUNDATION -- GOVERNING BOARD -- ESTABLISHED.

11 1. The arts and cultural endowment foundation is  
12 established and shall be administered by a governing board  
13 consisting of seven members, three of whom shall be appointed  
14 by the Iowa humanities board and four of whom shall be  
15 appointed by the director of the department. Members shall be  
16 knowledgeable about education, arts, the humanities, and fund-  
17 raising activities in this state. A vacancy shall be filled  
18 by the original appointing authority. Members shall serve  
19 three-year staggered terms which shall commence and end as  
20 provided in section 69.19. The governing board shall be  
21 bipartisan and gender balanced in accordance with sections  
22 69.16 and 69.16A.

23 2. The Iowa arts council shall provide administrative  
24 services for the arts and cultural endowment foundation and  
25 shall advise and assist the governing board. The exercise of  
26 the powers granted to the endowment foundation in this chapter  
27 is an essential governmental function. The endowment  
28 foundation shall be located in the department's offices.

29 3. The endowment foundation may solicit and accept gifts,  
30 grants, donations, bequests, and in-kind contributions for  
31 deposit in the endowment account. The endowment foundation  
32 shall, to the extent possible, use gifts, donations, and  
33 bequests in accordance with the expressed desires of the  
34 person making the gift, donation, or bequest.

35 Sec. 9. TRANSITION. The terms of members serving on the

1 advisory council abolished by this Act shall expire June 30,  
2 1995. Members of the initial advisory council established  
3 pursuant to section 3 of this Act shall be appointed not later  
4 than July 1, 1995. Notwithstanding section 3 of this Act, two  
5 members appointed to the initial advisory council established  
6 under this Act shall serve terms ending April 30, 1996; two  
7 members shall serve terms ending April 30, 1997; and two  
8 members shall serve terms ending April 30, 1998. The person  
9 elected as chairperson of the statewide cultural caucus  
10 pursuant to section 303C.6, subsection 2, shall serve a term  
11 ending April 30, 1996.

12 Sec. 10. INITIAL GOVERNING BOARD. Members of the initial  
13 governing board established pursuant to section 8 of this Act  
14 shall be appointed not later than July 1, 1995.

15 Notwithstanding section 8 of this Act, one member appointed by  
16 the Iowa humanities board and one member appointed by the  
17 department to the initial governing board established under  
18 section 8 of this Act shall each serve terms ending April 30,  
19 1996; one member appointed by the Iowa humanities board and  
20 one member appointed by the department shall each serve terms  
21 ending April 30, 1997; and one member appointed by the Iowa  
22 humanities board and two members appointed by the department  
23 shall each serve terms ending April 30, 1998.

24 EXPLANATION

25 This bill provides changes to the arts and cultural  
26 enhancement and endowment Act, specifying that applicants for  
27 funds must have secured nonstate matching funds at least equal  
28 to the amount of a grant award, striking language that limited  
29 awards of grants to organizations that represent at least 70  
30 percent of its defined membership, requiring the department to  
31 adopt rules governing the eligibility for, and the  
32 distribution of, block grants, abolishing and replacing an  
33 advisory council for block grants, and creating a governing  
34 board for the administration of the arts and cultural  
35 endowment program and foundation.

1 Rules adopted by the department shall include requirements  
2 that organizations eligible for grants have adequate by-laws,  
3 mission statements, representational board structure, and  
4 publicly accessible arts programming.

5 Current law does not specify the number of members who may  
6 serve on the advisory council whose responsibility it is to  
7 review and advise the department regarding the awarding of  
8 block grant funds. One organization listed as a source of  
9 representatives for the council no longer functions.

10 Currently, members of the council represent organizations  
11 eligible for grants under the program. The bill provides that  
12 the council shall consist of seven members and the majority  
13 shall not include any member who has a conflict of interest.

14 The bill strikes a requirement that the statewide caucus on  
15 arts and cultural enhancement meet in Des Moines. The bill  
16 makes a distinction between regional, voting delegates to the  
17 statewide caucus to provide for the attendance at the caucus  
18 by other interested persons who may attend the statewide  
19 caucus as nonvoting attendees.

20 The bill strikes current law requiring that the costs for  
21 arranging and conducting the conferences be paid from funds in  
22 the enhancement account.

23 The bill creates a governing board to administer and adopt  
24 rules for the arts and cultural endowment program and  
25 foundation. The governing board consists of seven members,  
26 three of whom shall be appointed by the Iowa humanities board  
27 and four of whom shall be appointed by the director of the  
28 department of cultural affairs. Members shall be  
29 knowledgeable about education, arts, the humanities, and fund-  
30 raising activities in this state. Members shall serve three-  
31 year staggered terms. The Iowa arts council shall provide  
32 administrative services for the arts and cultural endowment  
33 foundation and shall advise and assist the governing board.

34 Under transition language included in the bill, the terms  
35 of members serving on the advisory council abolished by the

1 bill shall expire June 30, 1995. Members of the advisory  
2 council established pursuant to section 3 of this Act shall be  
3 appointed not later than July 1, 1995, and staggered terms are  
4 provided for in the transition language.

5 The bill also provides for the terms of the members of the  
6 initial governing board of the arts and cultural endowment  
7 foundation.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35



SENATE FILE 390

AN ACT

RELATING TO RECOMPENSE TO A COOPERATING TEACHER AND TO THE  
IOWA ARTS AND CULTURAL ENHANCEMENT AND ENDOWMENT PROGRAM  
AND FOUNDATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 262.75, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In lieu of the payment of monetary recompense to a cooperating teacher, the cooperating teacher may direct that the monetary recompense be paid by the institution directly into a scholarship fund which has been established jointly by the board of directors of the school district that employs the teacher and the local teachers' association. In such cases, the cooperating teacher shall receive neither monetary recompense nor any reduction in tuition at the institution.

Sec. 2. Section 303C.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Enhancement account funds shall be available, upon certification by the department ~~of the availability of matching funds from private sources, to nonprofit organizations for the purposes of education, outreach, and enhancement that the applicant has secured nonstate matching funds at least equal to the amount of the grant award. An organization proposing a program must have available funds from private sources in order to receive an equal amount of public funds contained in the enhancement account.~~ The department shall consider the recommendations of the caucus on arts and cultural enhancement made pursuant to section 303C.6, and the recommendations of the advisory council created in section 303C.5, and shall adopt rules pursuant to chapter 17A

governing the distribution of funds to organizations.

Proposed programs shall do at least one of the following:

Sec. 3. Section 303C.5, Code 1995, is amended to read as follows:

303C.5 BLOCK GRANTS PROVIDED TO QUALIFIED ORGANIZATIONS.

~~1. Enhancement account funds shall be available for distribution to qualified organizations for the purposes of enhancing the quality of local arts and cultural programs. In order to qualify for a block grant, an organization must represent at least seventy percent of its defined membership.~~ The department shall adopt rules pursuant to chapter 17A governing the eligibility for, and the distribution of, block grants. The rules adopted shall include, but are not limited to, requirements that eligible organizations have adequate by-laws, mission statements, representational board structure, and publicly accessible arts programming.

~~2. An advisory council consisting of organizations funded by the department pursuant to this section, and representatives of the Iowa assembly for local arts agencies, Iowa alliance for arts education, Iowa arts coalition, the Iowa museum association, the chairperson of the statewide caucus, the department of education, and the Iowa humanities board is established. The advisory council shall review and advise the department regarding the awarding of funds pursuant to section 303C.4.~~

Sec. 4. NEW SECTION. 303C.5A ADVISORY COUNCIL.

1. An advisory council is established to advise the department regarding the awarding of funds pursuant to section 303C.4. The advisory council shall consist of seven members selected as follows:

- a. The person elected as chairperson of the statewide cultural caucus pursuant to section 303C.6, subsection 2.
- b. The chairperson of the Iowa humanities board.
- c. The chairperson of the Iowa arts council.

d. Four members appointed by the director of the department of cultural affairs, two of whom shall be representatives of statewide arts organizations.

2. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.

3. The term of office for the member selected pursuant to subsection 1, paragraph "a", is one year. The term of office for members selected pursuant to subsection 1, paragraphs "b" through "d", is three years. Terms shall be staggered and shall commence and end as provided in section 69.19. A vacancy shall be filled by the original appointing authority.

4. The advisory council shall be bipartisan and gender balanced in accordance with sections 69.16 and 69.16A.

Sec. 5. Section 303C.6, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Biennially, in the month of June during odd-numbered years, the department shall convene a statewide caucus on arts and cultural enhancement. ~~The caucus shall be held for one day during the month of June in the capitol complex, Des Moines.~~

Sec. 6. Section 303C.6, subsection 2, paragraph a, Code 1995, is amended to read as follows:

a. Prior to a the statewide caucus, the department shall make arrangements to hold a conference in each of six regions of the state as defined by the Iowa arts council. The department shall promote attendance of interested persons at each conference. A designee of the department shall call each conference to order and serve as temporary chairperson until persons attending elect a chairperson. The department shall provide persons attending with current information regarding cultural enhancement programs and expenditures. Persons attending shall identify opportunities for programs in the areas of education, outreach, and enhancement and review recommended changes in enhancement account policies, programs, and funding, and make recommendations in the form of a

resolution. The persons attending each the conference shall elect six persons from among the attendees to serve as regional, voting delegates to the statewide caucus, ~~and one person to serve as~~. The conference attendees shall elect a chairperson of the region from among the six representatives. The selection of persons at each conference to serve as regional, voting delegates to the statewide caucus shall conform to the gender balance requirements of section 69.16A. Other interested persons may attend the statewide caucus as nonvoting attendees.

Sec. 7. Section 303C.6, subsection 3, Code 1995, is amended by striking the subsection.

Sec. 8. Section 303C.7, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

303C.7 ARTS AND CULTURAL ENDOWMENT PROGRAM ESTABLISHED.

The arts and cultural endowment program is established. The program shall be administered by the arts and cultural endowment foundation governing board established in section 303C.8, which shall adopt rules pursuant to chapter 17A to fulfill the purposes of this section. Interest on the funds in the endowment account established in section 303C.2, subsection 2, is available for the purposes of this section. The endowment foundation shall establish criteria for the awarding of grants, fellowships, and scholarships to nonprofessional, professional, and student artists to develop, encourage, and enhance the arts and cultural programs in the state, upon submission of a proposal by the artist. An artist shall request no more than twenty-five thousand dollars in a proposal.

Sec. 9. NEW SECTION. 303C.8 ARTS AND CULTURAL ENDOWMENT FOUNDATION -- GOVERNING BOARD -- ESTABLISHED.

1. The arts and cultural endowment foundation is established and shall be administered by a governing board consisting of seven members, three of whom shall be appointed by the Iowa humanities board and four of whom shall be

appointed by the director of the department. Members shall be knowledgeable about education, arts, the humanities, and fund-raising activities in this state. A vacancy shall be filled by the original appointing authority. Members shall serve three-year staggered terms which shall commence and end as provided in section 69.19. The governing board shall be bipartisan and gender balanced in accordance with sections 69.16 and 69.16A.

2. The Iowa arts council shall provide administrative services for the arts and cultural endowment foundation and shall advise and assist the governing board. The exercise of the powers granted to the endowment foundation in this chapter is an essential governmental function. The endowment foundation shall be located in the department's offices.

3. The endowment foundation may solicit and accept gifts, grants, donations, bequests, and in-kind contributions for deposit in the endowment account. The endowment foundation shall, to the extent possible, use gifts, donations, and bequests in accordance with the expressed desires of the person making the gift, donation, or bequest.

Sec. 10. TRANSITION. The terms of members serving on the advisory council abolished by this Act shall expire June 30, 1995. Members of the initial advisory council established pursuant to section 4 of this Act shall be appointed not later than July 1, 1995. Notwithstanding section 4 of this Act, two members appointed to the initial advisory council established under this Act shall serve terms ending April 30, 1996; two members shall serve terms ending April 30, 1997; and two members shall serve terms ending April 30, 1998. The person elected as chairperson of the statewide cultural caucus pursuant to section 303C.6, subsection 2, shall serve a term ending April 30, 1996.

Sec. 11. INITIAL GOVERNING BOARD. Members of the initial governing board established pursuant to section 9 of this Act shall be appointed not later than July 1, 1995.

Notwithstanding section 9 of this Act, one member appointed by the Iowa humanities board and one member appointed by the department to the initial governing board established under section 9 of this Act shall each serve terms ending April 30, 1996; one member appointed by the Iowa humanities board and one member appointed by the department shall each serve terms ending April 30, 1997; and one member appointed by the Iowa humanities board and two members appointed by the department shall each serve terms ending April 30, 1998.

---

LEONARD L. BOSWELL  
President of the Senate

---

RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 390, Seventy-sixth General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved *May 4*, 1995

---

TERRY E. BRANSTAD  
Governor