

Senate Study Bill 208

Conference Committee Text

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1 1 Section 1. Section 303C.4, unnumbered paragraph 1, Code
1 2 1995, is amended to read as follows:
1 3 Enhancement account funds shall be available, upon
1 4 certification by the department

~~of the availability of~~

1 5

~~matching funds from private sources, to nonprofit~~

1 6

~~organizations for the purposes of education, outreach, and~~

1 7

~~enhancement~~

~~that the applicant has secured nonstate matching~~

1 8 funds at least equal to the amount of the grant award.

~~An~~

1 9

~~organization proposing a program must have available funds~~

1 10

~~from private sources in order to receive an equal amount of~~

1 11

~~public funds contained in the enhancement account.~~

~~The~~

1 12 department shall consider the recommendations of the caucus on
1 13 arts and cultural enhancement made pursuant to section 303C.6,
1 14 and the recommendations of the advisory council created in
1 15 section 303C.5, and shall adopt rules pursuant to chapter 17A
1 16 governing the distribution of funds to organizations.

1 17 Proposed programs shall do at least one of the following:

1 18 Sec. 2. Section [303C.5](#), Code 1995, is amended to read as
1 19 follows:

1 20 303C.5 BLOCK GRANTS PROVIDED TO QUALIFIED ORGANIZATIONS.

1 21

~~1.~~

~~Enhancement account funds shall be available~~

~~for~~

1 22

~~distribution to qualified organizations~~

~~for the purposes of~~

1 23 enhancing the quality of local arts and cultural programs.

~~In~~

~~1 24~~

~~order to qualify for a block grant, an organization must~~

~~1 25~~

~~represent at least seventy percent of its defined membership.~~

~~1 26 The department shall adopt rules pursuant to chapter 17A
1 27 governing the eligibility for, and the distribution of, block
1 28 grants. The rules adopted shall include, but are not limited
1 29 to, requirements that eligible organizations have adequate by-
1 30 laws, mission statements, representational board structure,
1 31 and publicly accessible arts programming.
1 32~~

~~2. An advisory council consisting of organizations funded~~

~~1 33~~

~~by the department pursuant to this section, and representa-~~

~~1 34~~

~~tives of the Iowa assembly for local arts agencies, Iowa~~

~~1 35~~

~~alliance for arts education, Iowa arts coalition, the Iowa~~

~~2 1~~

~~museum association, the chairperson of the statewide caucus,~~

~~2 2~~

~~the department of education, and the Iowa humanities board is~~

~~2 3~~

~~established. The advisory council shall review and advise the~~

~~2 4~~

~~department regarding the awarding of funds pursuant to section~~

~~2 5~~

~~303C.4.~~

2 6 Sec. 3. NEW SECTION. 303C.5A ADVISORY COUNCIL.

2 7 1. An advisory council is established to advise the
2 8 department regarding the awarding of funds pursuant to section
2 9 303C.4. The advisory council shall consist of seven members
2 10 selected as follows:

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

2 13 b. The chairperson of the Iowa humanities board.

2 14 c. The chairperson of the Iowa arts council.

2 15 d. Four members appointed by the director of the
2 16 department of cultural affairs, two of whom shall be
2 17 representatives of statewide arts organizations.

2 18 2. The majority shall not include any member who has a
2 19 conflict of interest and a statement by a member of a conflict

2 20 of interest shall be conclusive for this purpose.

2 21 3. The term of office for the member selected pursuant to
2 22 subsection 1, paragraph "a", is one year. The term of office
2 23 for members selected pursuant to subsection 1, paragraphs "b"
2 24 through "d", is three years. Terms shall be staggered and
2 25 shall commence and end as provided in section 69.19. A
2 26 vacancy shall be filled by the original appointing authority.

2 27 4. The advisory council shall be bipartisan and gender
2 28 balanced in accordance with sections 69.16 and 69.16A.

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

2 31 Biennially, in the month of June during odd-numbered years,
2 32 the department shall convene a statewide caucus on arts and
2 33 cultural enhancement.

~~The caucus shall be held for one day~~

2 34

~~during the month of June in the capitol complex, Des Moines.~~

2 35 Sec. 5. Section [303C.6](#), subsection 2, paragraph a, Code
3 1 1995, is amended to read as follows:

3 2 a. Prior to

~~a~~
~~the statewide~~ caucus, the department shall

3 3 make arrangements to hold a conference in each of six regions
3 4 of the state as defined by the Iowa arts council. The
3 5 department shall promote attendance of interested persons at
3 6 each conference. A designee of the department shall call each
3 7 conference to order and serve as temporary chairperson until
3 8 persons attending elect a chairperson. The department shall
3 9 provide persons attending with current information regarding
3 10 cultural enhancement programs and expenditures. Persons
3 11 attending shall identify opportunities for programs in the
3 12 areas of education, outreach, and enhancement and review
3 13 recommended changes in enhancement account policies, programs,
3 14 and funding, and make recommendations in the form of a
3 15 resolution. The persons attending

~~each~~

~~the~~ conference shall

3 16 elect six persons from among the attendees to serve as
3 17 regional, voting delegates to the statewide caucus

~~, and one~~

3 18

~~person to serve as~~

~~The conference attendees shall elect a~~
3 19 chairperson

~~of the region~~

~~from among the six representatives.~~

3 20 The selection of persons at each conference to serve as
3 21 regional, voting delegates to the statewide caucus shall
3 22 conform to the gender balance requirements of section 69.16A.
3 23 Other interested persons may attend the statewide caucus as
3 24 nonvoting attendees.

3 25 Sec. 6. Section [303C.6](#), subsection 3, Code 1995, is
3 26 amended by striking the subsection.

3 27 Sec. 7. Section [303C.7](#), Code 1995, is amended by striking
3 28 the section and inserting in lieu thereof the following:

3 29 303C.7 ARTS AND CULTURAL ENDOWMENT PROGRAM ESTABLISHED.

3 30 The arts and cultural endowment program is established.

3 31 The program shall be administered by the arts and cultural
3 32 endowment foundation governing board established in section
3 33 303C.8, which shall adopt rules pursuant to chapter 17A to
3 34 fulfill the purposes of this section. Interest on the funds
3 35 in the endowment account established in section 303C.2,
4 1 subsection 2, is available for the purposes of this section.
4 2 The endowment foundation shall establish criteria for the
4 3 awarding of grants, fellowships, and scholarships to
4 4 nonprofessional, professional, and student artists to develop,
4 5 encourage, and enhance the arts and cultural programs in the
4 6 state, upon submission of a proposal by the artist. An artist
4 7 shall request no more than twenty-five thousand dollars in a
4 8 proposal.

4 9 Sec. 8. NEW SECTION. 303C.8 ARTS AND CULTURAL ENDOWMENT
4 10 FOUNDATION – GOVERNING BOARD – ESTABLISHED.

4 11 1. The arts and cultural endowment foundation is
4 12 established and shall be administered by a governing board
4 13 consisting of seven members, three of whom shall be appointed
4 14 by the Iowa humanities board and four of whom shall be
4 15 appointed by the director of the department. Members shall be
4 16 knowledgeable about education, arts, the humanities, and fund-
4 17 raising activities in this state. A vacancy shall be filled
4 18 by the original appointing authority. Members shall serve
4 19 three-year staggered terms which shall commence and end as
4 20 provided in section 69.19. The governing board shall be
4 21 bipartisan and gender balanced in accordance with sections
4 22 69.16 and 69.16A.

4 23 2. The Iowa arts council shall provide administrative
4 24 services for the arts and cultural endowment foundation and
4 25 shall advise and assist the governing board. The exercise of
4 26 the powers granted to the endowment foundation in this chapter
4 27 is an essential governmental function. The endowment
4 28 foundation shall be located in the department's offices.

4 29 3. The endowment foundation may solicit and accept gifts,
4 30 grants, donations, bequests, and in-kind contributions for
4 31 deposit in the endowment account. The endowment foundation
4 32 shall, to the extent possible, use gifts, donations, and
4 33 bequests in accordance with the expressed desires of the
4 34 person making the gift, donation, or bequest.

4 35 Sec. 9. TRANSITION. The terms of members serving on the
5 1 advisory council abolished by this Act shall expire June 30,
5 2 1995. Members of the initial advisory council established
5 3 pursuant to section 3 of this Act shall be appointed not later
5 4 than July 1, 1995. Notwithstanding section 3 of this Act, two
5 5 members appointed to the initial advisory council established
5 6 under this Act shall serve terms ending April 30, 1996; two
5 7 members shall serve terms ending April 30, 1997; and two
5 8 members shall serve terms ending April 30, 1998. The person
5 9 elected as chairperson of the statewide cultural caucus
5 10 pursuant to section 303C.6, subsection 2, shall serve a term
5 11 ending April 30, 1996.

5 12 Sec. 10. INITIAL GOVERNING BOARD. Members of the initial
5 13 governing board established pursuant to section 8 of this Act
5 14 shall be appointed not later than July 1, 1995.
5 15 Notwithstanding section 8 of this Act, one member appointed by
5 16 the Iowa humanities board and one member appointed by the
5 17 department to the initial governing board established under
5 18 section 8 of this Act shall each serve terms ending April 30,
5 19 1996; one member appointed by the Iowa humanities board and
5 20 one member appointed by the department shall each serve terms
5 21 ending April 30, 1997; and one member appointed by the Iowa
5 22 humanities board and two members appointed by the department
5 23 shall each serve terms ending April 30, 1998.

5 24 EXPLANATION

5 25 This bill provides changes to the arts and cultural
5 26 enhancement and endowment Act, specifying that applicants for
5 27 funds must have secured nonstate matching funds at least equal

5 28 to the amount of a grant award, striking language that limited
5 29 awards of grants to organizations that represent at least 70
5 30 percent of its defined membership, requiring the department to
5 31 adopt rules governing the eligibility for, and the
5 32 distribution of, block grants, abolishing and replacing an
5 33 advisory council for block grants, and creating a governing
5 34 board for the administration of the arts and cultural
5 35 endowment program and foundation.

6 1 Rules adopted by the department shall include requirements
6 2 that organizations eligible for grants have adequate by-laws,
6 3 mission statements, representational board structure, and
6 4 publicly accessible arts programming.

6 5 Current law does not specify the number of members who may
6 6 serve on the advisory council whose responsibility it is to
6 7 review and advise the department regarding the awarding of
6 8 block grant funds. One organization listed as a source of
6 9 representatives for the council no longer functions.
6 10 Currently, members of the council represent organizations
6 11 eligible for grants under the program. The bill provides that
6 12 the council shall consist of seven members and the majority
6 13 shall not include any member who has a conflict of interest.

6 14 The bill strikes a requirement that the statewide caucus on
6 15 arts and cultural enhancement meet in Des Moines. The bill
6 16 makes a distinction between regional, voting delegates to the
6 17 statewide caucus to provide for the attendance at the caucus
6 18 by other interested persons who may attend the statewide
6 19 caucus as nonvoting attendees.

6 20 The bill strikes current law requiring that the costs for
6 21 arranging and conducting the conferences be paid from funds in
6 22 the enhancement account.

6 23 The bill creates a governing board to administer and adopt
6 24 rules for the arts and cultural endowment program and
6 25 foundation. The governing board consists of seven members,
6 26 three of whom shall be appointed by the Iowa humanities board
6 27 and four of whom shall be appointed by the director of the
6 28 department of cultural affairs. Members shall be
6 29 knowledgeable about education, arts, the humanities, and fund-
6 30 raising activities in this state. Members shall serve three-
6 31 year staggered terms. The Iowa arts council shall provide
6 32 administrative services for the arts and cultural endowment
6 33 foundation and shall advise and assist the governing board.

6 34 Under transition language included in the bill, the terms
6 35 of members serving on the advisory council abolished by the
7 1 bill shall expire June 30, 1995. Members of the advisory
7 2 council established pursuant to section 3 of this Act shall be
7 3 appointed not later than July 1, 1995, and staggered terms are
7 4 provided for in the transition language.

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

7 8 LSB 1942SC 76

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