

**House Study Bill 139 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act authorizing the Iowa state fair board to establish an  
2 endowment fund to receive gifts in trust dedicated to the  
3 maintenance and improvement of the Iowa state fairgrounds.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 52, paragraph a,  
2 unnumbered paragraph 1, Code 2011, is amended to read as  
3 follows:

4 The following records relating to a charitable donation made  
5 to a foundation acting solely for the support of an institution  
6 governed by the state board of regents, to the board of the  
7 Iowa state fair foundation when the record relates to a gift  
8 for deposit in or expenditure from the Iowa state fairgrounds  
9 trust fund as provided in section 173.22A, to a foundation  
10 acting solely for the support of an institution governed by  
11 chapter 260C, to a private foundation as defined in section  
12 509 of the Internal Revenue Code organized for the support of  
13 a government body, or to an endow Iowa qualified community  
14 foundation, as defined in section 15E.303, organized for the  
15 support of a government body:

16 Sec. 2. Section 173.11, subsection 3, Code 2011, is amended  
17 to read as follows:

18 3. Administer the ~~funds~~ foundation fund under the control of  
19 the Iowa state fair foundation, in its capacity as the board  
20 of the Iowa state fair foundation, as directed by the board  
21 ~~and~~. The treasurer shall administer the fund in accordance  
22 with procedures of the treasurer of state, and maintain a  
23 correct account of receipts and disbursements of assets of the  
24 foundation fund.

25 Sec. 3. Section 173.14, subsection 11, Code 2011, is amended  
26 to read as follows:

27 11. Administer the Iowa state fair foundation created in  
28 section 173.22 in its capacity as the board of the Iowa state  
29 fair foundation.

30 ~~a. In administering~~ The board shall administer the  
31 foundation the board shall authorize fund by authorizing all  
32 payments from the foundation fund. The board on behalf of the  
33 foundation fund may contract, sue and be sued, and adopt rules  
34 necessary to carry out the provisions of this subsection, but  
35 the board in administering the foundation fund shall not in any

1 manner, directly or indirectly, pledge the credit of the state.

2 b. The board shall administer the Iowa state fairgrounds  
3 trust fund as trustees of an institutional endowment fund as  
4 provided in section 173.22A.

5 Sec. 4. Section 173.22, Code 2011, is amended to read as  
6 follows:

7 **173.22 Iowa state fair foundation — foundation fund.**

8 1. An Iowa state fair foundation is established under the  
9 authority of the Iowa state fair board.

10 2. A foundation fund is created within the state treasury  
11 composed of moneys appropriated or available to and obtained or  
12 accepted by the foundation. The foundation fund shall include  
13 moneys credited to the fund as provided in section 422.12D.

14 3. The foundation may solicit or accept gifts, including  
15 donations and bequests. A gift, to the greatest extent  
16 possible, shall be used according to the expressed desires of  
17 the person providing the gift.

18 4. ~~Assets of~~ Moneys in the foundation fund shall be  
19 used to support foundation activities, including foundation  
20 administration, or capital projects or major maintenance  
21 improvements at the Iowa state fairgrounds or to property under  
22 the control of the board.

23 5. a. Foundation moneys credited to the foundation fund  
24 may be expended on a matching basis with public moneys or Iowa  
25 state fair authority receipts. All interest earned on moneys  
26 in the foundation fund ~~or through other foundation assets~~ shall  
27 be credited to and remain in the fund. Section 8.33 does not  
28 apply to moneys in the fund.

29 b. The auditor of state shall conduct regular audits of the  
30 foundation fund and shall make a certified report relating to  
31 the condition of the ~~foundation and the~~ foundation fund to the  
32 treasurer of the state, and to the treasurer and secretary of  
33 the state fair board.

34 Sec. 5. NEW SECTION. **173.22A Iowa state fairgrounds trust**  
35 **fund.**

1 1. An Iowa state fairgrounds trust fund is created as an  
2 endowment fund under the authority and in the custody of the  
3 Iowa state fair board in its capacity as the board of the  
4 Iowa state fair foundation. The Iowa state fairgrounds trust  
5 fund is not part of the state treasury. The fund shall be  
6 composed exclusively of gifts accepted by the board in trust  
7 from private donors or testators. The board may accept these  
8 gifts in trust and shall fulfill its duties as trustee of  
9 gifts accepted notwithstanding section 633.63. The trust  
10 beneficiaries shall include all future attendees of events  
11 held on the Iowa state fairgrounds. The fund shall be an  
12 endowment fund to be used exclusively for the maintenance and  
13 improvement of the Iowa state fairgrounds and for no other  
14 purpose. The board shall decline any gifts not consistent with  
15 these purposes.

16 2. Moneys in the Iowa state fairgrounds trust fund shall not  
17 be deposited in the state treasury, but shall be held separate  
18 and apart from both the state fair's operating moneys and the  
19 state fair foundation fund established in section 173.22. The  
20 board as trustee shall hold only legal title to these moneys,  
21 which shall not form any part of the general fund of the state.  
22 The moneys shall not be subject to appropriation by the general  
23 assembly or subject to transfer pursuant to chapter 8. The  
24 moneys are not and shall not be deemed public funds for any  
25 purpose. The fund shall be an institutional endowment fund  
26 within the meaning of and subject to chapter 540A. The fund  
27 shall not be subject to audit by the auditor of state, but  
28 shall be audited annually by a certified public accountant.  
29 The annual audit shall be delivered to the auditor of state,  
30 who may include it in any further report that the auditor of  
31 state deems appropriate. However, an annual audit shall be a  
32 confidential record to the extent required in section 22.7,  
33 subsection 52. The moneys may be held in perpetuity, subject  
34 to the provisions for release or modification of restrictions  
35 on the moneys as provided in chapter 540A.



H.F. \_\_\_\_\_

1 of Institutional Funds Act"). Records in possession of the  
2 fair board that disclose a donor's or prospective donor's  
3 personal information are confidential under Code chapter 22  
4 governing Iowa's open records.