

ARTS DIVISION[222]

[Prior to 9/18/91, see Cultural Affairs[221] Chs 10, 11, 12]

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CHAPTER 1
ORGANIZATION AND OPERATION

222—1.1(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 shall apply for terms as they are used throughout 222—Chapters 1 to 13. In addition, as used in 222—Chapters 1 to 13, the following definitions shall apply:

“*Administrator*” means the administrator of the arts division of the department of cultural affairs.

“*Advisory panel*” means a group of citizens appointed by the administrator to assist in any aspect of arts division programs or services.

“*Applicant*” means an incorporated city, county government, tribal council, or community group in Iowa or in a border city which is incorporated under the Iowa nonprofit corporation Act and which is federally tax-exempt; or an individual artist who is a legal resident of Iowa or a border city.

“*Application*” means a formal request, using arts division forms, for a grant or artist approval from an eligible applicant.

“*Arts division*” means the arts division of the department of cultural affairs.

“*Border city*” means a municipality with boundaries directly adjacent to one or more borders of the state of Iowa.

“*Cash match*” means the amount of actual cash provided by a recipient as part of the recipient’s share of a project.

“*Council*” means the Iowa arts council.

“*Department*” means the department of cultural affairs.

“*Director*” means the director of the department of cultural affairs.

“*Fiscal agent*” means an organization that meets the definition of applicant and that administers grant funds for an organization which has not yet received its tax-exempt status.

“*In-kind match*” means donated goods and services provided by a recipient as part of the recipient’s share of a project.

“*Juried resource*” means a printed or electronically produced resource of the arts division in which applicants are reviewed and recommended for inclusion in the resource by an advisory panel.

“*Matching funds*” means the program or project cost which shall be provided by the recipient either in kind or in cash.

“*Project*” means an eligible activity for which an organization or individual has submitted an application for grant funds for arts division approval.

“*Recipient*” means any applicant receiving funds from the arts division.

“*Reviewer*” means any individual appointed by the administrator to review applications to a grant program or arts division project.

“*Support materials*” means information submitted as supplemental to the formal application form.

222—1.2(303) Purpose. The council was established by Iowa Code section 303.86. The mission of the council is to enrich the quality of life and learning in Iowa communities by encouraging excellence in the arts through leadership, grants and technical assistance.

222—1.3(303) Location. The office of the Iowa arts council is located at the State Historical Building, 600 East Locust Street, Des Moines, Iowa 50319-0290. Regular office hours are 8 a.m. to 4:30 p.m., Monday through Friday, state holidays excepted. The telephone number is (515)281-8741. The Internet Web address is www.iowaartscouncil.org.

222—1.4(303) Council statement on freedom of expression. The council adopts the following mission statement regarding freedom of expression:

“The mission of the Iowa arts council is to advance the arts in Iowa for the benefit of all. Support of free speech is the centerpiece of this mission. The council is an advocate for and defender of the right of free speech by all citizens under the First Amendment of the Constitution of the United States.

“The council recognizes the need for public support of the arts and understands the responsibilities that accompany the allocation of public funds. The council seeks the advice of qualified Iowans through the use of advisory panels for funding recommendations. The council is committed to uphold and maintain the highest artistic standards and to encourage excellence in the arts.

“The council respects the integrity of an artist’s personal vision and right to freedom of expression. The council rejects all attempts to control or censor the arts. Recognizing the diversity of viewpoints represented by Iowa communities, the council supports freedom of choice and access to the arts by all citizens.”

These rules are intended to implement Iowa Code chapter 303.

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CHAPTER 2
OPERATING AND GRANTING POLICIES

222—2.1(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply to this chapter.

222—2.2(303) Operating policies. The following operating policies shall apply to arts division programs and services except where noted:

2.2(1) Annually, the administrator appoints advisory panels or reviewers to assist in any aspect of arts division administration, programs, or services. The arts division shall accept nominations from the general public of qualified individuals to serve in these capacities.

2.2(2) Recommendations of advisory panels or reviewers on any aspect of administration or programs constitute advice and shall not be binding on the director. In the case of grants, final awarding authority rests with the director or the director's designee.

2.2(3) The arts division shall provide information on arts activities in Iowa to the general public and may charge a fee for the dissemination of such information. Individuals and organizations may request a copy of information collected and maintained by the arts division.

2.2(4) Organizations or individuals requesting information may be charged for time and materials used in producing lists or reports. A list of fees for services is available from the arts division upon request.

222—2.3(303) Funding policies. The following policies apply to all programs outlined in 222—Chapters 3 to 13 except where noted:

2.3(1) All arts division programs shall be conducted according to published guidelines that outline the goals of the programs, eligibility requirements, funding priorities, review criteria, application forms, adjudication processes and recipient requirements.

2.3(2) Grant programs shall require formal application and review prior to the award or denial of any funds. The application, review, and award process will vary with the nature and design of each grant program and will occur according to published guidelines.

2.3(3) A nonprofit organization that has not yet achieved federal tax-exempt status may apply through a fiscal agent.

2.3(4) A tax-exempt, nonprofit organization located in a border city shall be eligible to apply to the arts division for projects that serve Iowa audiences.

2.3(5) An individual applying for and receiving grant funds shall be a legal resident of the United States, or be in the process of becoming a legal resident as evidenced by certified documentation, and be 18 years of age or older unless otherwise noted in program guidelines.

2.3(6) An application from an individual must support a project designed solely to benefit the individual and must not be a project of an organization with which the individual applicant has a formal affiliation such as employment or continued volunteer service.

2.3(7) An application shall not be considered unless submitted on a current arts division application form with support materials as required.

2.3(8) The arts division shall issue a service contract for all funds awarded unless otherwise noted in program guidelines.

2.3(9) No department funds shall be used by a recipient to meet the recipient's obligation to match other arts division or cultural affairs department grants or programs.

2.3(10) Review criteria scores shall be the official record of the proceedings of an advisory panel meeting. Arts division staff shall, upon request, provide an applicant with a written record of these scores.

2.3(11) An advisory panel member who has an affiliation in any grant application and who fails to withdraw from all discussion and voting on such an application shall be recommended for removal from the panel. Affiliated interests shall be interpreted to include an employee, board or trustee relationship

with the applicant, and shall be extended to include the spouse and dependent children of the advisory panel member.

2.3(12) The arts division shall not consider an application for funding a previous year's deficit.

2.3(13) A recipient shall not utilize arts division funds for any lobbying purpose.

2.3(14) Unless otherwise contracted for in writing prior to surrender, any and all patents, copyrights, or other legal interest of relevance to programs or projects supported by the arts division shall be the sole and exclusive property of the artist or the artist's designee.

2.3(15) A recipient shall credit the arts council in all promotion, publicity, advertising, and in any printed materials relating to the grant-supported project with the following credit line or a reasonable facsimile: "This program is supported in part by the Iowa Arts Council." Noncompliance with this guideline shall jeopardize future funding of the recipient by the arts division.

2.3(16) An applicant is not eligible to apply for or receive new funds if arts division records show an outstanding late final report or contract-mandated requirement from a previous grant award.

2.3(17) A recipient that does not successfully complete an arts division contract within arts division guidelines may be required to return all or part of the arts division funds; such determination will be made at the sole discretion of the administrator in consultation with arts division staff.

2.3(18) Informal appeals. An informal appeals process shall be made available only to an applicant whose application was declined on procedural impropriety or error as evidenced by one or more of the following reasons:

a. Application declined on the basis of review criteria other than those appearing in the relevant guidelines;

b. Application declined based on influence of a reviewer willfully or unwillfully failing to disclose a conflict of interest; or

c. Application declined based on highly erroneous information provided by staff, reviewers, or council members at the time of review despite the fact that the applicant provided the arts division staff with accurate and complete information on arts division forms as part of the standard application process. An incomplete or ineligible application is specifically denied any appeals process.

All requests for appeals shall be made in writing and shall be postmarked or received in the arts division office within 30 calendar days of notification of the decision. Requests for appeals should be directed to the Iowa Arts Council Division Administrator, 600 East Locust Street, Des Moines, Iowa 50319-0290. A successful informal appeal shall be determined at the sole discretion of the director, whose discretion may include full or partial funding of the application at the earliest occasion. The director shall have the authority to appoint an appeals committee to assist in the review of any request from an applicant whose application was denied funding. The appeals committee shall have representation from the discipline of the aggrieved applicant.

2.3(19) Formal appeals. Decisions by the director may be appealed through the contested case process as set out in Iowa Code sections 17A.10 to 17A.19.

These rules are intended to implement Iowa Code chapter 303.

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CHAPTER 3
OPERATIONAL SUPPORT PARTNERSHIP PROGRAM FOR
MAJOR ARTS ORGANIZATIONS

[Prior to 2/1/06, see 222—Ch 6]

222—3.1(303) Operational support partnership program for major arts organizations. The arts division awards three-year funding support for the general operational expenses of major arts organizations with an exemplary track record of artistic and managerial excellence and community service to the citizens of Iowa.

222—3.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*Funding cycle*” means the three-year funding cycle.

“*Project year*” means July 1 through June 30 and shall coincide with the state of Iowa’s fiscal year.

“*Strategic plan*” means a document developed and used by an organization to align its organization and budget structure with organizational priorities, mission, goals and objectives.

“*Year one*” means the first fiscal year of the funding cycle.

“*Year-round*” means the 12-month period of time in which an organization’s primary arts activities, arts programs or arts services are provided to the citizens of Iowa.

“*Year three*” means the third fiscal year of the funding cycle.

“*Year two*” means the second fiscal year of the funding cycle.

222—3.3(303) Eligibility. Applicants must meet all eligibility requirements for two continuous years prior to applying to the operational support partnership program.

3.3(1) An applicant’s primary mission and purpose shall be the arts.

3.3(2) An applicant shall be incorporated in Iowa under the Iowa nonprofit corporation Act and hold federal tax-exempt status, or be a department or division of an Iowa municipal government. An applicant may not use a fiscal agent.

3.3(3) An applicant may be located in a border city.

3.3(4) An applicant shall have an annual cash operating budget of at least \$150,000.

3.3(5) An applicant shall operate year-round and provide arts programs and services year-round to the citizens of Iowa.

3.3(6) At least 50 percent of the individuals benefiting from an applicant’s programs and services must be Iowans.

3.3(7) An applicant shall have at least one paid staff member employed year-round and responsible for managing the organization.

3.3(8) An applicant shall have a strategic plan.

3.3(9) An applicant receiving operational support funding during fiscal year 2004 shall meet the eligibility requirements by fiscal year 2007 or be determined ineligible. Thereafter, an applicant must meet the eligibility requirements of the program. A new applicant shall meet the eligibility requirements at the time an application is submitted.

222—3.4(303) Cash match requirements. An applicant shall be required to demonstrate evidence of ability to match the requested amount in cash. Cash match requirements shall be met automatically when an applicant’s operating budget contains nonfederal and nondepartmental funds in excess of the award.

222—3.5(303) Funding cycle. The operational support partnership program shall operate on a three-year cycle.

222—3.6(303) Restrictions. An applicant shall be limited to receiving additional grants from the department or any of its divisions in accordance with restrictions that are incorporated into published program guidelines.

222—3.7(303) Application process. An application shall be reviewed using a process that is incorporated into published program guidelines.

222—3.8(303) Review criteria. An application shall be reviewed using review criteria that are incorporated into published program guidelines.

222—3.9(303) Funding awards. Awards shall be made in accordance with the procedures outlined in 222—subrules 2.3(12) to 2.3(17). An award allocated to an applicant in year one of the funding cycle shall be maintained during year two and year three except in the case of a significant shift in the arts division's annual state or federal appropriation.

222—3.10(303) Notification. Notification of funding awards and other requirements of applicants shall be made in year one of the three-year funding cycle.

222—3.11(303) Contract. A contract shall be issued in year one of the three-year funding cycle.

222—3.12(303) Reporting. A recipient annually shall submit an end-of-year report.

222—3.13(303) Appeals. An applicant denied funding may file an appeal using procedures outlined in 222—subrules 2.3(18) and 2.3(19).

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CHAPTER 4
ARTIST DIRECTORIES AND ROSTERS

[Prior to 2/1/06, see 222—Chs 7 and 18]

222—4.1(303) Artist directories and rosters. The arts division maintains rosters and directories of artists as a service to Iowans.

4.1(1) *Teaching artists roster.* The teaching artists roster is a juried resource of artists preapproved to work in arts division-sponsored arts in education programs. An artist in the teaching artists roster is selected for individual artistic excellence and ability to work in an educational setting.

4.1(2) *Performing artists roster.* The performing artists roster is a juried resource of artists preapproved to work in arts division-sponsored performing events. An artist in the performing artists roster is selected for individual artistic excellence, experience in touring, and demonstrated ability to develop marketing and promotional materials for sponsors and to market and promote performances.

4.1(3) *Directory of Iowa artists.* The directory of Iowa artists is a nonjuried resource designed to help promote the work of Iowa artists, recognize the significant contributions Iowa artists make to the cultural heritage of Iowa, and foster a better understanding of the work produced by Iowa artists.

4.1(4) *Folklife directory.* The folklife directory is a resource listing of folk and traditional organizations, artists, researchers and general information about folk and traditional arts in Iowa as approved by arts division folklife staff.

4.1(5) *Additional directories and rosters.* The arts division may maintain additional directories and rosters in response to the needs and interests of Iowans.

222—4.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*Artist group or company*” means an organized group of artists who regularly work together.

“*Directory*” means a nonjuried list of artists and other resources including contact information and details about their work.

“*Individual artist*” means an artist who primarily works independently and not regularly with an artist group or company.

“*Residency*” means an arts division-supported program in which the artist works in a school or community educational setting and instructs participants in a chosen artistic discipline for a period of five days or longer.

“*Roster*” means a juried list of artists preapproved to work in arts division-sponsored activities.

222—4.3(303) Roster eligibility. Eligibility for each roster is according to guidelines published by the arts division. An Iowa artist applying for inclusion in a roster must be listed in the directory of Iowa artists.

222—4.4(303) Application process. An application for inclusion in a roster or directory shall be made according to published guidelines.

222—4.5(303) Review criteria. Artistic excellence shall be the primary criterion for inclusion in a roster. Additional review criteria shall be according to published guidelines.

222—4.6(303) Artist requirements. An artist approved for any arts division roster or directory shall be required to notify the arts division of any changes in personal information contained in the roster or directory and to verify or update information when requested.

222—4.7(303) Appeals. An applicant denied inclusion in an arts division roster or directory may appeal the decision in accordance with procedures outlined in 222—subrules 2.3(18) and 2.3(19).

These rules are intended to implement Iowa Code chapter 303.

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CHAPTER 5
PROJECT GRANT PROGRAMS
[Prior to 2/1/06, see 222—Chs 5, 8 and 10 to 13]

222—5.1(303) Project grant programs. The arts division project grant programs provide financial incentives to Iowa artists and individual arts educators; nonprofit and tax-exempt organizations; schools; area education agencies; local, county, state and federal governmental agencies; and tribal councils to support a wide variety of arts-related activities.

222—5.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definition shall apply:

“*Imagine Iowa 2010: A Cultural Vision*” means the strategic planning document for the department of cultural affairs.

222—5.3(303) Funding priorities. The arts division places a high priority on projects that have high-quality arts production or arts experiences at their center and on projects that advance the goals of *Imagine Iowa 2010: A Cultural Vision*. Additional funding priorities for individual grant programs are as listed in the arts division’s published guidelines.

222—5.4(303) Review criteria. Review criteria for all project grant programs include artistic excellence and service to Iowans. Additional review criteria for individual project grant programs are as listed in the arts division’s published guidelines.

222—5.5(303) Funding policies and procedures. Arts division project grant programs shall operate in accordance with funding policies and procedures described in rule 222—2.3(303).

These rules are intended to implement Iowa Code chapter 303.

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CHAPTER 6
OPERATIONAL SUPPORT GRANTS TO MAJOR AND
MIDSIZE ARTS ORGANIZATIONS

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 3.

CHAPTER 7
ARTS IN EDUCATION ARTISTS ROSTER

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 4.

CHAPTER 8
MINIGRANT PROGRAM

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 5.

CHAPTER 9
IOWA ARTS COUNCIL SCHOLARSHIP FOR THE ARTS

222—9.1(303) Iowa arts council scholarship for the arts. The Iowa arts council scholarship for the arts supports the development of outstanding high school seniors who excel in the arts and are enrolled in accredited educational programs leading to careers in the arts. A limited number of scholarships are awarded annually to selected students for undergraduate tuition and related expenses to attend an Iowa college or university.

222—9.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter.

222—9.3(303) Eligibility. An applicant, at the time of application, must be enrolled at the senior class level in an Iowa high school and display proven artistic ability in the area of music, dance, visual arts, theatre, folklife or literature. Prior to issuance of funds, a scholarship recipient must be accepted as a full-time undergraduate student majoring in one or more of the named areas of study at a fully accredited Iowa college or university.

222—9.4(303) Formal application process. A formal application shall be made on an official form published by the arts division. A finalist candidate shall participate in a personal interview with an advisory panel. A finalist candidate is required to attend the personal interview at the candidate's own expense. A finalist candidate unable to attend the personal interview shall not be considered eligible to receive a scholarship.

222—9.5(303) Deadline. An application shall be due in accordance with the deadline published in the program guidelines.

222—9.6(303) Review criteria. Review criteria shall be in accordance with published program guidelines.

222—9.7(303) Obligation of recipients. Scholarship recipients shall inform the arts division of any change in address or school enrollment.

222—9.8(303) Notification process. An applicant shall be notified of scholarship selections within 30 days of the student interview date.

222—9.9(303) Appeals. An applicant denied scholarship funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(18) and 2.3(19).

These rules are intended to implement Iowa Code chapter 303.

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CHAPTER 10
PROJECT SUPPORT GRANTS FOR ORGANIZATIONS

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 5.

CHAPTER 11
PROJECT SUPPORT GRANTS FOR ARTISTS

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 5.

CHAPTER 12
ARTSAFE PROGRAM
[Prior to 2/1/06, see 222—Ch 20]

222—12.1(304A) Artsafe. The artsafe program implements Iowa Code sections 304A.21 to 304A.29 authorizing the arts division to provide state of Iowa indemnification to eligible nonprofit Iowa organizations against loss or damage during the exchange, transportation, or exhibition of eligible art and artifacts.

222—12.2(304A) Definitions. The definitions of terms listed in Iowa Code sections 17A.2 and 304A.21 and 222—Chapter 1 shall apply for these terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*Board of regents*” means the Iowa board of regents.

“*Indemnity agreement*” means an agreement authorized by Iowa Code section 304A.22.

222—12.3(304A) Program administration. The artsafe program shall be administered by the arts division in cooperation with the department of administrative services, general services enterprise.

222—12.4(304A) Organization eligibility. Eligible organizations shall be those as outlined in 222—subrules 2.3(1) to 2.3(5).

222—12.5(304A) Item eligibility. The following items shall be eligible for inclusion in an indemnity agreement by an eligible applicant if they are of educational, cultural, artistic, historic, or scientific significance and constitute a portion of a special exhibition having an estimated total fair market value of at least \$250,000:

12.5(1) Works of art, including tapestries, paintings, sculptures, folk art, graphics, and craft art.

12.5(2) Manuscripts, rare documents, books, and other printed or published material.

12.5(3) Photographs, motion pictures, videotapes, and audiotapes.

12.5(4) Other artifacts.

222—12.6(304A) Eligibility restrictions. Items which are covered under the U.S. Art and Artifacts Indemnity Act shall not be eligible for coverage under the artsafe program.

222—12.7(304A) Coverage limitations.

12.7(1) Coverage of this program shall be limited to the time an object leaves the premises of the lender or place designated in writing by the lender until the time such object is returned to the place designated in writing by the lender.

12.7(2) The state shall provide indemnity coverage for up to 12 consecutive months. The state may indemnify items which travel to several sites, all within the state.

12.7(3) Coverage is extended only to the loss or damage in excess of the first \$2,000 but not exceeding \$5,000,000 in connection with any single exhibition or for any one location.

222—12.8(304A) Application procedures. Applications shall be submitted on official artsafe program forms obtained from the arts division.

222—12.9(304A) Deadlines. The application deadlines shall be the first Monday of February, July and October of each year.

222—12.10(304A) Review criteria. The following review criteria shall be used in reviewing artsafe program applications:

12.10(1) Physical security of exhibition facilities.

12.10(2) Safety of items during transit.

12.10(3) Experience and qualifications of personnel connected with the exhibit.

12.10(4) Eligibility of the applicant's exhibition facilities for commercial insurance coverage of art objects and artifacts exhibited there.

12.10(5) Availability of proper equipment to protect art objects and artifacts from damage from extremes of temperature or humidity or exposure to glare, sun, dust, or corrosion.

12.10(6) Record of damage to or loss of art objects or artifacts in the care of participating organizations.

12.10(7) Eligibility of items in the exhibition.

12.10(8) Value of the exhibition and indemnified objects.

12.10(9) Accuracy of the assigned value for items in the application. If the stated value of an object to be indemnified is questioned, the administrator may order an appraisal by an independent appraiser at the expense of the applicant.

222—12.11(304A) Review process. Review procedures as outlined in 222—subrules 2.2(1), 2.2(2) and 2.3(1) to 2.3(10) shall be used for the artsafe program. In addition, the administrator, in consultation with the general services enterprise, shall consult with an advisory panel in reviewing the qualifications of the applicant, the items, and the value of the items in the exhibit. Panel recommendations shall be reviewed by the council and the general services enterprise. Final decisions are made by the administrator, after approval of the council and the general services enterprise.

222—12.12(304A) Indemnity agreement. Recipients of artsafe funds shall sign an indemnity agreement agreeing to all conditions specified in the legislation, program guidelines and administrative rules. The recipients shall notify the arts division by telephone and in writing within 24 hours of any changes in the approved application form.

222—12.13(304A) Notification of claim. Applicants shall use the following procedures when notifying the arts division of a claim:

12.13(1) When the applicant has knowledge of loss of or damage to an indemnified item, the applicant shall notify the arts division within 24 hours. Any delay in notifying the arts division may reduce the recovery under the agreement to the extent that such delay has contributed to the increase of the loss.

12.13(2) The applicant shall report the following information when reporting any loss or damage:

a. Applicant name and address, project director or curator, title of the exhibition and title of object, type and description of loss or damage, date and time when loss or damage occurred, location where loss or damage occurred, and action applicant has taken to prevent further loss or damage;

b. The applicant is required to take all action necessary to protect the indemnified object or objects from further loss or damage after the initial loss or damage has occurred.

222—12.14(304A) Final report. All indemnity recipients shall submit a final report.

222—12.15(304A) Submission of claims. Claims shall be submitted no later than 30 days after the closing date of the agreement. Claims shall be sent to the Director, General Services Enterprise, Capitol Complex, Des Moines, Iowa 50319. The following procedures shall be used regarding claims:

12.15(1) All claims shall be reviewed by the general services enterprise. If the general services enterprise determines that the loss is covered by the agreement, the general services enterprise shall certify the validity of the claim and authorize payment, less any deductible portion, to the lender.

12.15(2) The general services enterprise may obtain expert advice from outside sources in order to properly review and, if necessary, adjust any claim submitted to the general services enterprise.

12.15(3) The general services enterprise shall, in all cases, consult the administrator before making final decisions on the disposition of any claim.

12.15(4) The value of any indemnified object or artifacts subject to any claim procedures shall not be assessed a greater value than stated in the approved application. If the value of the object or artifacts in the

approved application is higher than the current fair market value, the payment under this indemnification shall be based upon the lower fair market value of the object or artifacts.

These rules are intended to implement Iowa Code chapter 304A.

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CHAPTER 13
ART IN STATE BUILDINGS PROGRAM
[Prior to 2/1/06, see 222—Ch 23]

222—13.1(304A) Art in state buildings program (AISB). The AISB program implements Iowa Code sections 304A.8 to 304A.14 requiring state agencies and departments to reserve one-half of 1 percent of the total cost of state construction projects for the acquisition of fine arts in state buildings.

222—13.2(304A) Definitions. The definitions of terms listed in Iowa Code sections 17A.2 and 304A.8 to 304A.14 and 222—Chapter 1 shall apply for these terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*AISB*” means the art in state buildings program.

“*Artist*” means an individual applying to the AISB program for consideration of fine artwork for purchase or commission.

“*Board of regents*” means the Iowa board of regents.

“*Program advisory committee*” means members of an advisory committee appointed by the administrator.

“*Project*” means a construction or renovation project.

“*Project advisory committee*” means the members of an advisory committee appointed by the principal user.

“*Site*” means an actual building(s) under construction or renovation.

“*Slide bank*” means a resource of the arts division containing visual and printed materials on artists working in the following disciplines: visual arts, design arts, crafts, folk arts/traditional, photography, interdisciplinary, collaborations, multidisciplinary.

222—13.3(304A) Administration. The AISB program shall be administered by the following:

13.3(1) Arts division. The AISB program is administered by the arts division in consultation with state agencies and departments which review state construction projects governed by Iowa Code sections 304A.8 to 304A.14.

13.3(2) Board of regents. Board of regents projects shall be administered by the board of regents which shall plan and implement projects in consultation with the arts division.

222—13.4(304A) Advisory committees. Advisory committees shall be formed to provide advice and counsel to the arts division and principal users. Advisory committees shall include the following:

13.4(1) AISB program advisory committee. The AISB program advisory committee shall be appointed by the administrator to advise the arts division and other state agencies on the overall operation of the AISB program. The committee shall meet at the discretion of the administrator. Committee members shall include representatives of the general services enterprise of the department of administrative services; the departments of human services, natural resources, corrections, and transportation; the board of regents; the Iowa legislature; professional artists; public arts and design arts professionals; and private citizens.

13.4(2) AISB project advisory committee. The administrator, in consultation with the principal user, shall appoint an AISB project advisory committee for each AISB project. The AISB project advisory committee shall be charged with the responsibility of recommending the type of purchase program appropriate for the building and budget, method of selecting the artist or artwork, placement of the artwork in the building, and selection of artwork to purchase or selection of the artist for commission. The AISB project advisory committee shall act only as an advisor with final decisions made by the state agency, in consultation with the arts division.

13.4(3) Board of regents AISB project advisory committees shall be appointed by the board of regents.

222—13.5(304A) Eligibility. The following shall be eligible to participate in the AISB program:

13.5(1) State agencies, departments and the board of regents. The AISB program shall apply only to constructed or substantially renovated state-owned buildings, regardless of the method of finance.

13.5(2) Artists, 18 years of age or older, are eligible to be considered for AISB projects with the following exceptions:

- a. Project architect or planner or employees of the architect's or planner's firm,
- b. Independent contractors or consultants of the architect's or planner's firm,
- c. AISB program or project advisory committee members,
- d. Arts division staff,
- e. Council members,
- f. Others excluded by policies or state law.

222—13.6(304A) Application. The following application procedures shall be used:

13.6(1) *State agencies, departments and the board of regents.* State agencies and departments and the board of regents shall contact the arts division at the time of engaging an architect or planner to develop plans and specifications.

13.6(2) *Artists.* Application procedures shall be developed by each project advisory committee and may vary with each project.

222—13.7(304A) Artist selection process. Whenever possible, project advisory committees shall use a competitive process to select artists, artwork and designs. Project advisory committees may use, but not be limited to, the following selection processes:

13.7(1) *Open competition.* An open competition shall be open to all artists meeting eligibility requirements as determined by the AISB project advisory committee. A minimum of two artists shall be considered by the AISB project advisory committee.

13.7(2) *Limited competition.* A limited competition shall be open to artists invited by the project advisory committee. A minimum of two artists shall be considered by the AISB project advisory committee.

13.7(3) *Public art consultant.* When deemed in the interests of the state, AISB selection committees may contract with a public arts consultant to provide the committee advice and counsel in planning projects and selecting artists and fine arts for state buildings.

222—13.8(304A) Artist review criteria. AISB project advisory committees shall adopt review criteria for each project, in accordance with the arts division's published guidelines.

222—13.9(304A) Reporting. AISB projects shall require the following reports:

13.9(1) Project advisory committees shall write official minutes of all meetings and submit a copy to the arts division.

13.9(2) The principal user shall document each project and each work acquired through the AISB program and provide such documentation to the arts division.

These rules are intended to implement Iowa Code chapter 304A.

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CHAPTER 18
ARTIST DIRECTORY

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 4.

CHAPTER 19
IOWA TOWN SQUARES PROGRAM

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 20
ARTSAFE PROGRAM

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 12.

CHAPTER 21
ARTIST PROJECT GRANT PROGRAM

Rescinded IAB 9/23/98, effective 10/28/98

CHAPTER 22
ARTIST MINIGRANT PROGRAM

Rescinded IAB 7/19/95, effective 8/23/95

CHAPTER 23
ART IN STATE BUILDINGS PROGRAM

Rescinded IAB 2/1/06, effective 3/8/06. See 222—Chapter 13.

CHAPTER 24
ARTIST LOCATOR PROGRAM

Rescinded IAB 9/23/98, effective 10/28/98

CHAPTER 25
OPERATIONAL SUPPORT GRANTS FOR MIDSIZE ARTS ORGANIZATIONS

Rescinded IAB 9/23/98, effective 10/28/98

CHAPTER 26
RURAL ARTS INITIATIVES PROGRAM

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 27
FOLK ARTS COMMUNITY RESIDENCIES

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 28
GOVERNOR'S NEW WORKS COMMISSION

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 29
OUTSTANDING ACHIEVEMENT AWARDS

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 30
ARTS EDUCATION MINIGRANTS FOR ORGANIZATIONS

Rescinded IAB 7/19/95, effective 8/23/95