

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	IEDA	Date:	6/1/26	Total Rule Count:	3
IAC #:	261	Chapter/ SubChapter/ Rule(s):	Chapter 305	Iowa Code Section Authorizing Rule:	17A.7(3) and 15.106A(1)“m”
Contact Name:	Lisa Connell	Email:	Lisa.connell@iowaeda.com	Phone:	(515) 348-6163

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of chapter 305 is to provide operating framework of the Iowa arts council within the authority and operating and granting policies for arts programs administered by the authority.

Is the benefit being achieved? Please provide evidence.

Yes. The authority is able to award funds for arts programs.

What are the costs incurred by the public to comply with the rule?

None.

What are the costs to the agency or any other agency to implement/enforce the rule?

The authority’s staff time is required to administer arts programs.

Do the costs justify the benefits achieved? Please explain.

Yes. Arts programs provide financial assistance to individual artists and arts-related organizations to develop the arts in Iowa.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

No less restrictive alternatives were identified.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

Yes.

Rule 261.305.1 should be updated to include definitions stated under rule 261.304.1, which is subject to a request for rescission.

Rule 261.305.2 in its current form is unnecessary and is proposed for rescission and replacement. New rule 261.305.2 will provide the location of the Iowa arts council. This information is currently in rule 261.304.3, which is proposed for rescission.

Rule 261.305.3 should be updated and renumbered as rule 261.305.4 for clarity and organizational consistency. New rule 261.305.3 should be added to describe the Iowa arts council's statement on freedom of expression. This information is currently in rule 261.304.4 , which is proposed for rescission.

New rule 261.305.5 should be added to provide information and clarity about the review and selection process for arts programs.

New rule 305.6 should be added to provide a written deaccession policy for works of art in the inventories of the authority and the Iowa arts council.

RULES PROPOSED FOR REPEAL (list rule number[s]):

None.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

CHAPTER 305
ARTS AND CULTURE OPERATING AND GRANTING POLICIES

261—305.1(15) Definitions.

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

“*Applicant*” means an eligible entity or individual applying for assistance under a program administered by the authority.

“*Application*” means a formal request, using authority forms, for assistance from an eligible applicant.

“*Artist*” means an individual who spends a substantial amount of their time creating, practicing, performing, or producing an art form and regularly presents and/or is compensated for work in their art form.

“*Authority*” means the Iowa economic development authority created pursuant to Iowa Code section 15.105.

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

“*Council*” means the Iowa arts council created pursuant to Iowa code section 15.465.

“*Deaccession*” means the act of removing a work of art from the authority’s or council’s collection or inventory.

“*Domicile*” means the same as defined in rule 701—300.17 (422).

“*Director*” means the director of the authority.

“*Permanent place of abode*” means the same as defined in rule 701—300.17 (422).

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

“*Project partner*” means an organization that meets the definition of applicant and that plays an active, substantial, and ongoing role in the planning, implementation, or oversight of the project, and is not serving solely as a pass-through entity or administrator of grant funds.

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

“*Work of art*” means original or limited-edition tangible creative work that is created primarily for aesthetic, cultural, or expressive purposes and that has recognized artistic, historical, or educational value.

261—305.2(15) Location of council. The office of the council is located at the Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315. Regular office hours are 8 a.m. to 4:30 p.m., Monday through Friday, state holidays excepted.

261—305.3(15) 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.”

261—305.4(15) Funding policies. The following policies apply to arts programs administered by the authority except where otherwise noted in program-specific rules:

305.4(1) A nonprofit organization that has not yet achieved federal tax-exempt status may apply through a project partner.

305.4(2) A tax-exempt, nonprofit organization located in a border city shall be eligible to apply to the authority for projects that serve Iowa audiences.

305.4(3) An individual applying for and receiving grant funds shall be 18 years of age or older and a United States citizen or possessing a Permanent Resident Card or in the process of obtaining a Permanent Resident Card, who is a full-time Iowa resident domiciled in Iowa or maintaining a permanent place of abode in Iowa.

305.4(4) 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.

305.4(5) No authority funds shall be used by a recipient to meet the recipient’s obligation to provide matching funds for any other authority grants or programs.

305.4(6) The authority shall not consider an application for funding a previous year’s deficit.

305.4(7) A recipient shall not utilize authority funds for any lobbying purpose.

305.4(8) Applicants that have received grants, loans or other incentives through an authority program that are not in compliance with reporting or other requirements in connection therewith are not eligible to apply for new funds.

261—305.5(15) Review and Selection Process. The following subrule applies to arts programs administered by the authority except where otherwise noted in program-specific rules:

305.5(1) Submitted applications will be reviewed by authority staff for completeness and eligibility. Applications or applicants determined to be incomplete or ineligible will not advance to further review.

305.5(2) Applications determined to be eligible and complete will be referred for review by an advisory panel. Applications will be evaluated, scored, and ranked in accordance with published review criteria or scoring rubric.

305.5(3) Applications recommended by an advisory panel for funding consideration will be submitted to the director for consideration and approval. Recommendations by an advisory panel are advisory and final funding authority rests with the director or the director’s designee.

261—305.6(15) Deaccession. The following policies apply to deaccession of all works of art in the authority’s or council’s collection or inventory, including works of art acquired through purchase, donation, commission, grant-funded acquisition, or transfer from a government agency.

305.6(1) Criteria. A work of art may be deaccessioned if one or more of the following criteria is met:

- a. It is outside the scope of the authority’s or council’s mission or statutory authority.
- b. It is damaged, deteriorated or no longer capable of being reasonably preserved.
- c. It is duplicative and the additional copy has no unique historical, artistic or interpretive value.
- d. It poses a risk to persons, other works of art, or facilities.
- e. Its retention would violate donor restrictions or applicable law.
- f. It has minimal cultural, artistic or educational value relative to stewardship costs.

305.6(2) Methods of disposal. Following deaccession, disposal may occur by any of the following methods:

- a. Donation or transfer to, or exchange with, an organization that has a recognized mission, capacity and legal authority to accept and care for works of art in a responsible manner.
- b. Sale, including public auction or negotiated sale, in compliance with applicable Iowa law.
- c. Destruction, when the work of art has no monetary, cultural or educational value or poses a safety or preservation risk.

305.6(3) Proposal. Deaccession shall be initiated by a written proposal prepared by authority staff and submitted to the director. The proposal shall include:

- a. Description and provenance of the work of art.
- b. Reasons for deaccession.
- c. Any donor restrictions.
- d. Recommended method of disposal.
- e. Assessment of public, historical or cultural impact.

305.6(4) Director approval. Deaccession may only occur with written approval by the director. The director may approve, deny or require modification of the staff’s proposal.

305.6(5) Public Notice. Prior to final disposal, the authority shall provide public notice by posting on the authority’s website for not less than 30 days.

305.6(6) Recordkeeping. In accordance with Iowa law, the authority shall maintain records of:

- a. Deaccessioned items.
- b. Approval documentation.
- c. Method of disposal.
- d. Any restrictions on use of proceeds.

305.6(7) Limitations. Ownership of deaccessioned works of art shall not be transferred to or benefit any employee, officer, board member or immediate family member of the authority.

305.6(8) Use of Proceeds. Proceeds derived from the disposal of deaccessioned works of art shall be deposited in the State of Iowa treasury or otherwise handled as required by applicable Iowa law.

These rules are intended to implement Iowa Code sections 15.436 and 15.465 through 15.467.

***For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	0
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	17

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.