

**Senate File 410 - Reprinted**

SENATE FILE 410  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 163)

(COMPANION TO HF 103 BY  
WINCKLER)

(As Amended and Passed by the Senate March 10, 2011)

**A BILL FOR**

1 An Act relating to the duties and operations of the state  
2 commission of libraries, the division of libraries and  
3 information services, and the library service areas.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8A.454, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. A monthly per contract administrative charge shall  
4 be assessed by the department on all health insurance plans  
5 administered by the department in which the contract holder  
6 has a state employer to pay the charge. The amount of the  
7 administrative charge shall be established by the general  
8 assembly. The department shall collect the administrative  
9 charge from each department utilizing the centralized payroll  
10 system and shall deposit the proceeds in the fund. In  
11 addition, the state board of regents, ~~all library service~~  
12 ~~areas~~, the state fair board, the state department of  
13 transportation, and each judicial district department of  
14 correctional services shall remit the administrative charge on  
15 a monthly basis to the department and shall submit a report  
16 to the department containing the number and type of health  
17 insurance contracts held by each of its employees whose health  
18 insurance is administered by the department.

19 Sec. 2. Section 8D.2, subsection 5, paragraph a, Code 2011,  
20 is amended to read as follows:

21 a. "Public agency" means a state agency, an institution  
22 under the control of the board of regents, the judicial  
23 branch as provided in section 8D.13, subsection 16, a school  
24 corporation, a city library, ~~a library service area as provided~~  
25 ~~in chapter 256~~, a county library as provided in chapter 336,  
26 or a judicial district department of correctional services  
27 established in section 905.2, to the extent provided in section  
28 8D.13, subsection 14, an agency of the federal government, or a  
29 United States post office which receives a federal grant for  
30 pilot and demonstration projects.

31 Sec. 3. Section 8D.9, subsection 1, Code 2011, is amended  
32 to read as follows:

33 1. A private or public agency, other than a state agency,  
34 local school district or nonpublic school, city library,  
35 ~~library service area~~, county library, judicial branch, judicial

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1 district department of correctional services, agency of the  
2 federal government, a hospital or physician clinic, or a  
3 post office authorized to be offered access pursuant to this  
4 chapter as of May 18, 1994, shall certify to the commission  
5 no later than July 1, 1994, that the agency is a part of or  
6 intends to become a part of the network. Upon receiving such  
7 certification from an agency not a part of the network on May  
8 18, 1994, the commission shall provide for the connection of  
9 such agency as soon as practical. An agency which does not  
10 certify to the commission that the agency is a part of or  
11 intends to become a part of the network as required by this  
12 subsection shall be prohibited from using the network.

13 Sec. 4. Section 8D.11, subsection 4, Code 2011, is amended  
14 to read as follows:

15 4. A political subdivision receiving communications  
16 services from the state as of April 1, 1986, may continue to  
17 do so but communications services shall not be provided or  
18 resold to additional political subdivisions other than a school  
19 corporation, a city library, ~~a library service area as provided~~  
20 ~~in chapter 256,~~ and a county library as provided in chapter  
21 336. The rates charged to the political subdivision shall be  
22 the same as the rates charged to state agencies.

23 Sec. 5. Section 12C.1, subsection 1, Code 2011, is amended  
24 to read as follows:

25 1. All funds held by the following officers or institutions  
26 shall be deposited in one or more depositories first approved  
27 by the appropriate governing body as indicated: for the  
28 treasurer of state, by the executive council; for judicial  
29 officers and court employees, by the supreme court; for the  
30 county treasurer, recorder, auditor, and sheriff, by the board  
31 of supervisors; for the city treasurer or other designated  
32 financial officer of a city, by the city council; for the  
33 county public hospital or merged area hospital, by the board  
34 of hospital trustees; for a memorial hospital, by the memorial  
35 hospital commission; for a school corporation, by the board

1 of school directors; for a city utility or combined utility  
2 system established under chapter 388, by the utility board;  
3 ~~for a library service area established under chapter 256,~~  
4 ~~by the library service area board of trustees;~~ and for an  
5 electric power agency as defined in section 28F.2 or 390.9,  
6 by the governing body of the electric power agency. However,  
7 the treasurer of state and the treasurer of each political  
8 subdivision or the designated financial officer of a city shall  
9 invest all funds not needed for current operating expenses in  
10 time certificates of deposit in approved depositories pursuant  
11 to this chapter or in investments permitted by section 12B.10 .  
12 The list of public depositories and the amounts severally  
13 deposited in the depositories are matters of public record.  
14 This subsection does not limit the definition of "public funds"  
15 contained in subsection 2. Notwithstanding provisions of this  
16 section to the contrary, public funds of a state government  
17 deferred compensation plan established by the executive council  
18 may also be invested in the investment products authorized  
19 under section 509A.12 .

20 Sec. 6. Section 218.22, Code 2011, is amended to read as  
21 follows:

22 **218.22 Record privileged.**

23 Except with the consent of the administrator in charge  
24 of an institution, or on an order of a court of record, the  
25 record provided in section 218.21 shall be accessible only  
26 to the administrator of the division of the department of  
27 human services in control of such institution, the director  
28 of the department of human services and to assistants and  
29 proper clerks authorized by such administrator or the  
30 administrator's director. The administrator of the division  
31 of such institution is authorized to permit the division of  
32 ~~libraries and information~~ library services of the department  
33 of education and the historical division of the department of  
34 cultural affairs to copy or reproduce by any photographic,  
35 photostatic, microfilm, microcard or other process which

1 accurately reproduces a durable medium for reproducing the  
2 original and to destroy in the manner described by law such  
3 records of residents designated in section 218.21.

4 Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011,  
5 is amended to read as follows:

6 Except for the college student aid commission, the  
7 commission of libraries and division of library services, and  
8 the public broadcasting board and division, the state board  
9 shall:

10 Sec. 8. Section 256.7, subsection 17, Code 2011, is amended  
11 to read as follows:

12 17. Receive and review the budget and unified plan of  
13 service submitted by the division of ~~libraries and information~~  
14 library services.

15 Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011,  
16 is amended to read as follows:

17 Except for the college student aid commission, the  
18 commission of libraries and division of library services, and  
19 the public broadcasting board and division, the director shall:

20 Sec. 10. Section 256.50, subsection 2, Code 2011, is amended  
21 to read as follows:

22 2. "Division" means the division of ~~libraries and~~  
23 ~~information~~ library services of the department of education.

24 Sec. 11. Section 256.51, subsection 1, unnumbered paragraph  
25 1, Code 2011, is amended to read as follows:

26 The division of ~~libraries and information~~ library services  
27 is ~~established within~~ attached to the department of education  
28 for administrative purposes. The state librarian shall be  
29 responsible for the division's budgeting and related management  
30 functions in accordance section 256.52, subsection 3. The  
31 division shall do all of the following:

32 Sec. 12. Section 256.51, subsection 1, Code 2011, is amended  
33 by adding the following new paragraphs:

34 NEW PARAGRAPH. 0a. Provide support services to libraries,  
35 including but not limited to consulting, continuing education,

1 interlibrary loan services, and references services to assure  
2 consistency of service statewide and to encourage local  
3 financial support for library services.

4 NEW PARAGRAPH. l. Require a public library that receives  
5 state funds to adopt a policy that addresses limiting access to  
6 electronic media, videos, or video game resources by a child  
7 under seventeen years of age if the media, video, or resource  
8 has been assigned a rating of R or NC-17, or a comparable  
9 rating, by the motion picture association of America, the film  
10 advisory board, or the entertainment software rating board.

11 Sec. 13. Section 256.51, subsection 1, paragraph d, Code  
12 2011, is amended to read as follows:

13 d. Develop, in consultation with the ~~library service areas~~  
14 ~~and the~~ area education agency media centers, a biennial unified  
15 plan of service and service delivery for the division of  
16 ~~libraries and information~~ library services.

17 Sec. 14. Section 256.51, subsection 1, paragraph j, Code  
18 2011, is amended to read as follows:

19 j. Establish and administer standards for state agency  
20 libraries, ~~the library service areas,~~ and public libraries.

21 Sec. 15. Section 256.51, subsection 1, paragraph k, Code  
22 2011, is amended by striking the paragraph.

23 Sec. 16. Section 256.51, subsection 2, paragraph c, Code  
24 2011, is amended to read as follows:

25 c. Accept gifts, contributions, bequests, endowments,  
26 or other moneys, including but not limited to the Westgate  
27 endowment fund, for any or all purposes of the division.  
28 Interest earned on moneys accepted under this paragraph  
29 shall be credited to the fund or funds to which the gifts,  
30 contributions, bequests, endowments, or other moneys have been  
31 deposited, and is available for any or all purposes of the  
32 division. The division shall report annually to the ~~director~~  
33 commission and the general assembly regarding the gifts,  
34 contributions, bequests, endowments, or other moneys accepted  
35 pursuant to this paragraph and the interest earned on them.

1 Sec. 17. Section 256.52, subsection 1, Code 2011, is amended  
2 to read as follows:

3 1. a. The state commission of libraries consists of one  
4 member appointed by the supreme court, the director of the  
5 department of education, or the director's designee, and ~~six~~  
6 the following seven members who shall be appointed by the  
7 governor to serve four-year terms beginning and ending as  
8 provided in section 69.19. ~~The governor's appointees shall~~

9 (1) Two members shall be employed in the state as public  
10 librarians.

11 (2) One member shall be a public library trustee.

12 (3) One member shall be employed in this state as an  
13 academic librarian.

14 (4) One member shall be employed as a librarian by a school  
15 district or area education agency.

16 (5) Two members shall be selected at large.

17 b. The members shall be reimbursed for their actual  
18 expenditures necessitated by their official duties. Members  
19 may also be eligible for compensation as provided in section  
20 7E.6.

21 Sec. 18. Section 256.52, subsection 3, paragraph b,  
22 subparagraphs (1) and (4), Code 2011, are amended to read as  
23 follows:

24 ~~(1) Direct and organize the activities of~~ Organize, staff,  
25 and administer the division so as to render the greatest  
26 benefit to libraries in the state.

27 (4) Appoint and approve the technical, professional,  
28 ~~excepting the law librarian,~~ secretarial, and clerical staff  
29 necessary to accomplish the purposes of the division subject  
30 to chapter 8A, subchapter IV.

31 Sec. 19. Section 256.52, subsection 3, paragraph b, Code  
32 2011, is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding  
34 obligations of the library service areas and be liable for  
35 and recognize, assume, and carry out all valid contracts and

1 obligations of the library service areas that are consolidated  
2 under the commission and administered by the division effective  
3 beginning July 1, 2011. Each library service area shall  
4 transfer, prior to July 1, 2011, its state-funded assets and  
5 title to any state-funded real estate owned by the library  
6 service area to the state librarian.

7 (b) This subparagraph is repealed July 1, 2015.

8 Sec. 20. Section 256.52, subsection 5, Code 2011, is amended  
9 to read as follows:

10 5. The commission shall receive and approve the budget and  
11 unified plan of service submitted by the division ~~of libraries~~  
12 ~~and information services~~.

13 Sec. 21. Section 256.54, subsection 1, Code 2011, is amended  
14 to read as follows:

15 1. The state library includes but is not limited to ~~a law~~  
16 ~~library~~ the library support network, the specialized library  
17 services unit, and the state data center. The law library  
18 shall be under the direction of the specialized library  
19 services unit.

20 Sec. 22. Section 256.54, subsection 2, unnumbered paragraph  
21 1, Code 2011, is amended to read as follows:

22 The law library shall be administered by a law librarian  
23 appointed by the ~~director~~ state librarian subject to chapter  
24 8A, subchapter IV, who shall do all of the following:

25 Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011,  
26 is amended to read as follows:

27 A state data center is established in the ~~department~~  
28 ~~of education~~ division. The state data center shall be  
29 administered by the state data center coordinator, who shall  
30 do all of the following:

31 Sec. 24. NEW SECTION. 256.58 Library support network.

32 1. A library support network is established in the division  
33 to offer services and programs for libraries, including but not  
34 limited to individualized, locally delivered consulting and  
35 training, and to facilitate resource sharing and innovation

1 through the use of technology, administer enrich Iowa programs,  
2 advocate for libraries, promote excellence and innovation  
3 in library services, encourage governmental subdivisions to  
4 provide local financial support for local libraries, and ensure  
5 the consistent availability of quality service to all libraries  
6 throughout the state, regardless of location or size.

7 2. The organizational structure to deliver library support  
8 network services shall include district offices. The district  
9 offices shall serve as a basis for providing field services  
10 to local libraries in the counties comprising the district.  
11 The division shall determine which counties are served by each  
12 district office.

13 Sec. 25. NEW SECTION. **256.59 Specialized library services.**

14 The specialized library services unit is established in the  
15 division to provide information services to the three branches  
16 of state government and to offer focused information services  
17 to the general public in the areas of Iowa law, Iowa state  
18 documents, and Iowa history and culture.

19 Sec. 26. NEW SECTION. **256.62 Library services advisory  
20 panel.**

21 1. The state librarian shall convene a library services  
22 advisory panel to advise and recommend to the commission and  
23 the division evidence-based best practices, to assist the  
24 commission and division to determine service priorities and  
25 launch programs, articulate the needs and interests of Iowa  
26 librarians, and share research and professional development  
27 information.

28 2. The library services advisory panel shall consist of no  
29 fewer than eleven members representing libraries of all sizes  
30 and types, and various population levels and geographic regions  
31 of the state. A simple majority of the members appointed  
32 shall be appointed by the executive board of the Iowa library  
33 association and the remaining members shall be appointed by  
34 the state librarian. Terms of members shall begin and end  
35 as provided in section 69.19. Any vacancy shall be filled

1 in the same manner as regular appointments are made for the  
2 unexpired portion of the regular term. Members shall serve  
3 four-year terms which are staggered at the discretion of the  
4 state librarian. A member is eligible for reappointment for  
5 three successive terms. The members shall elect a chairperson  
6 annually.

7 3. The library services advisory panel shall meet at least  
8 twice annually and shall submit its recommendations in a  
9 report to the commission and the state librarian at least once  
10 annually. The report shall be timely submitted to allow for  
11 consideration of the recommendations prior to program planning  
12 and budgeting for the following fiscal year.

13 4. Members of the library services advisory panel shall  
14 receive actual and necessary expenses incurred in the  
15 performance of their duties. Expenses shall be paid from funds  
16 appropriated to the department for purposes of the division.

17 Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011,  
18 is amended to read as follows:

19 The division of ~~libraries and information~~ library services  
20 of the department of education is hereby authorized to enter  
21 into interstate library compacts on behalf of the state of Iowa  
22 with any state bordering on Iowa which legally joins therein  
23 in substantially the following form and the contracting states  
24 agree that:

25 Sec. 28. Section 256.71, Code 2011, is amended to read as  
26 follows:

27 **256.71 Administrator.**

28 The administrator of the division of ~~libraries and~~  
29 ~~information~~ library services shall be the compact  
30 administrator. The compact administrator shall receive copies  
31 of all agreements entered into by the state or its political  
32 subdivisions and other states or political subdivisions;  
33 consult with, advise and aid such governmental units in the  
34 formulation of such agreements; make such recommendations to  
35 the governor, legislature, governmental agencies and units as

1 the administrator deems desirable to effectuate the purposes  
2 of this compact and consult and ~~co-operate~~ cooperate with the  
3 compact administrators of other party states.

4 Sec. 29. Section 273.2, subsection 4, Code 2011, is amended  
5 to read as follows:

6 4. The area education agency board shall provide for special  
7 education services and media services for the local school  
8 districts in the area and shall encourage and assist school  
9 districts in the area to establish programs for gifted and  
10 talented children. The board shall assist in facilitating  
11 interlibrary loans of materials between school districts and  
12 other libraries. ~~Each area education agency shall include  
13 as a member of its media center advisory committee a library  
14 service area trustee or library service area staff member, who  
15 is appointed to the committee by the commission of libraries.~~

16 Sec. 30. Section 669.2, subsection 5, Code 2011, is amended  
17 to read as follows:

18 5. "State agency" includes all executive departments,  
19 agencies, boards, bureaus, and commissions of the state of  
20 Iowa, and corporations whose primary function is to act as, and  
21 while acting as, instrumentalities or agencies of the state of  
22 Iowa, whether or not authorized to sue and be sued in their  
23 own names. This definition does not include a contractor with  
24 the state of Iowa. Soil and water conservation districts  
25 as defined in section 161A.3, subsection 6, and judicial  
26 district departments of correctional services as established in  
27 section 905.2, ~~and library service area boards of trustees as  
28 established in chapter 256~~ are state agencies for purposes of  
29 this chapter .

30 Sec. 31. Section 904.601, unnumbered paragraph 1, Code  
31 2011, is amended to read as follows:

32 The director shall keep the following record of every person  
33 committed to any of the department's institutions: Name,  
34 residence, sex, age, place of birth, occupation, civil  
35 condition, date of entrance or commitment, date of discharge,

1 whether a discharge is final, condition of the person when  
2 discharged, the name of the institutions from which and to  
3 which the person has been transferred, and if the person is  
4 dead, the date and cause of death. The director may permit  
5 the division of ~~libraries and information~~ library services of  
6 the department of education and the historical division of  
7 the department of cultural affairs to copy or reproduce by  
8 any photographic, photostatic, microfilm, microcard, or other  
9 process which accurately reproduces in a durable medium and to  
10 destroy in the manner described by law the records of inmates  
11 required by this paragraph.

12 Sec. 32. REPEAL. Sections 256.60, 256.61, 256.66 through  
13 256.68, Code 2011, are repealed.

14 Sec. 33. TRANSITION PROVISION. A governor's appointee  
15 serving on the state commission of libraries on the effective  
16 date of this Act shall continue to serve as a member of the  
17 commission until the appointee's term expires.

18 Sec. 34. LIBRARY SERVICE AREA EMPLOYEES — LENGTH OF SERVICE  
19 — TRANSFER OF PERSONNEL RECORDS.

20 1. The length of service of a permanent employee of a  
21 library service area who is employed by a library service area  
22 on June 30, 2011, and who is hired by the division of library  
23 services on or after July 1, 2011, shall be prorated and  
24 credited as state employment service for purposes of vacation  
25 and sick leave accrual.

26 2. The area administrator of each library service area  
27 shall submit to the division of library services the personnel  
28 records of each permanent full-time employee of the library  
29 service area by July 1, 2011.