SENATE FILE 410
BY COMMITTEE ON STATE GOVERNMENT
(SUCCESSOR TO SF 163)
(COMPARISON TO HF 103 BY WINCKLER)

A BILL FOR

1 An Act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 8A.454, subsection 2, Code 2011, is amended to read as follows:

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

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

a. “Public agency” means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 16, a school corporation, a city library, a library service area as provided in chapter 255, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 14, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

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

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, library service area, county library, judicial branch, judicial
district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

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

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

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

1. All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: for the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board.
of school directors; for a city utility or combined utility
system established under chapter 388, by the utility board;
for a library service area established under chapter 256,
by the library service area board of trustees; and for an
electric power agency as defined in section 28F.2 or 390.9,
by the governing body of the electric power agency. However,
the treasurer of state and the treasurer of each political
subdivision or the designated financial officer of a city shall
invest all funds not needed for current operating expenses in
time certificates of deposit in approved depositories pursuant
to this chapter or in investments permitted by section 12B.10.
The list of public depositories and the amounts severally
deposited in the depositories are matters of public record.
This subsection does not limit the definition of “public funds”
contained in subsection 2. Notwithstanding provisions of this
section to the contrary, public funds of a state government
deferred compensation plan established by the executive council
may also be invested in the investment products authorized
under section 509A.12.

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

218.22 Record privileged.
Except with the consent of the administrator in charge
of an institution, or on an order of a court of record, the
record provided in section 218.21 shall be accessible only
to the administrator of the division of the department of
human services in control of such institution, the director
of the department of human services and to assistants and
proper clerks authorized by such administrator or the
administrator’s director. The administrator of the division
of such institution is authorized to permit the division of
libraries and information library services of the department
of education and the historical division of the department of
cultural affairs to copy or reproduce by any photographic,
photostatic, microfilm, microcard or other process which
accurately reproduces a durable medium for reproducing the
original and to destroy in the manner described by law such
records of residents designated in section 218.21.
Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011,
is amended to read as follows:
Except for the college student aid commission, the
commission of libraries and division of library services, and
the public broadcasting board and division, the state board
shall:
Sec. 8. Section 256.7, subsection 17, Code 2011, is amended
to read as follows:
17. Receive and review the budget and unified plan of
service submitted by the division of libraries and information
library services.
Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011,
is amended to read as follows:
Except for the college student aid commission, the
commission of libraries and division of library services, and
the public broadcasting board and division, the director shall:
Sec. 10. Section 256.50, subsection 2, Code 2011, is amended
to read as follows:
2. “Division” means the division of libraries and
information library services of the department of education.
Sec. 11. Section 256.51, subsection 1, unnumbered paragraph
1, Code 2011, is amended to read as follows:
The division of libraries and information library services
is established within attached to the department of education
for administrative purposes. The state librarian shall be
responsible for the division's budgeting and related management
functions in accordance section 256.52, subsection 3. The
division shall do all of the following:
Sec. 12. Section 256.51, subsection 1, Code 2011, is amended
by adding the following new paragraph:
NEW PARAGRAPH. 0a. Provide support services to libraries,
including but not limited to consulting, continuing education,
interlibrary loan services, and references services to assure consistency of service statewide and to encourage local financial support for library services.

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

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

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

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

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

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

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

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

1. a. The state commission of libraries consists of one member appointed by the supreme court, the director of the department of education, or the director’s designee, and six the following seven members who shall be appointed by the governor to serve four‐year terms beginning and ending as
provided in section 69.19. The governor’s appointees shall
(1) Two members shall be employed in the state as public
librarians.
(2) One member shall be a public library trustee.
(3) One member shall be employed in this state as an
academic librarian.
(4) One member shall be employed as a librarian by a school
district or area education agency.
(5) Two members shall be selected at large.

b. The members shall be reimbursed for their actual
expenditures necessitated by their official duties. Members
may also be eligible for compensation as provided in section
7E.6.
Sec. 18. Section 256.52, subsection 3, paragraph b,
subparagraphs (1) and (4), Code 2011, are amended to read as
follows:
(1) Direct and organize the activities of Organize, staff,
and administer the division so as to render the greatest
benefit to libraries in the state.
(4) Appoint and approve the technical, professional,
excepting the law librarian, secretarial, and clerical staff
necessary to accomplish the purposes of the division subject
to chapter 8A, subchapter IV.
Sec. 19. Section 256.52, subsection 3, paragraph b, Code
2011, is amended by adding the following new subparagraph:
NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding
obligations of the library service areas and be liable for
and recognize, assume, and carry out all valid contracts and
obligations of the library service areas that are consolidated
under the commission and administered by the division effective
beginning July 1, 2011. Each library service area shall
transfer, prior to July 1, 2011, its state-funded assets and
title to any state-funded real estate owned by the library
service area to the state librarian.
(b) This subparagraph is repealed July 1, 2015.
Sec. 20. Section 256.52, subsection 5, Code 2011, is amended to read as follows:
5. The commission shall receive and approve the budget and unified plan of service submitted by the division of libraries and information services.

Sec. 21. Section 256.54, subsection 1, Code 2011, is amended to read as follows:
1. The state library includes but is not limited to a law library, the library support network, the specialized library services unit, and the state data center. The law library shall be under the direction of the specialized library services unit.

Sec. 22. Section 256.54, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:
The law library shall be administered by a law librarian appointed by the director of the state librarian subject to chapter 8A, subchapter IV, who shall do all of the following:

Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011, is amended to read as follows:
A state data center is established in the department of education division. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

Sec. 24. NEW SECTION. 256.58 Library support network.
1. A library support network is established in the division to offer services and programs for libraries, including but not limited to individualized, locally delivered consulting and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.
2. The organizational structure to deliver library support...
network services shall include district offices. The district offices shall serve as a basis for providing field services to local libraries in the counties comprising the district. The division shall determine which counties are served by each district office.

Sec. 25. NEW SECTION. 256.59 Specialized library services. The specialized library services unit is established in the division to provide information services to the three branches of state government and to offer focused information services to the general public in the areas of Iowa law, Iowa state documents, and Iowa history and culture.

Sec. 26. NEW SECTION. 256.62 Library services advisory panel. 1. The state librarian shall convene a library services advisory panel to advise and recommend to the commission and the division evidence-based best practices, to assist the commission and division to determine service priorities and launch programs, articulate the needs and interests of Iowa librarians, and share research and professional development information.

2. The library services advisory panel shall consist of no fewer than eleven members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members appointed shall be appointed by the executive board of the Iowa library association and the remaining members shall be appointed by the state librarian. Terms of members shall begin and end as provided in section 69.19. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve four-year terms which are staggered at the discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually.

3. The library services advisory panel shall meet at least
twice annually and shall submit its recommendations in a
report to the commission and the state librarian at least once
annually. The report shall be timely submitted to allow for
consideration of the recommendations prior to program planning
and budgeting for the following fiscal year.
4. Members of the library services advisory panel shall
receive actual and necessary expenses incurred in the
performance of their duties. Expenses shall be paid from funds
appropriated to the department for purposes of the division.
Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011,
is amended to read as follows:
The division of libraries and information library services
of the department of education is hereby authorized to enter
into interstate library compacts on behalf of the state of Iowa
with any state bordering on Iowa which legally joins therein
in substantially the following form and the contracting states
agree that:
Sec. 28. Section 256.71, Code 2011, is amended to read as
follows:
256.71 Administrator.
The administrator of the division of libraries and
information library services shall be the compact
administrator. The compact administrator shall receive copies
of all agreements entered into by the state or its political
subdivisions and other states or political subdivisions;
consult with, advise and aid such governmental units in the
formulation of such agreements; make such recommendations to
the governor, legislature, governmental agencies and units as
the administrator deems desirable to effectuate the purposes
of this compact and consult and cooperate with the
compact administrators of other party states.
Sec. 29. Section 273.2, subsection 4, Code 2011, is amended
to read as follows:
4. The area education agency board shall provide for special
education services and media services for the local school
districts in the area and shall encourage and assist school
districts in the area to establish programs for gifted and
talented children. The board shall assist in facilitating
interlibrary loans of materials between school districts and
other libraries. Each area education agency shall include
as a member of its media center advisory committee a library
service area trustee or library service area staff member, who
is appointed to the committee by the commission of libraries.
Sec. 30. Section 669.2, subsection 5, Code 2011, is amended
to read as follows:
5. “State agency” includes all executive departments,
agencies, boards, bureaus, and commissions of the state of
Iowa, and corporations whose primary function is to act as, and
while acting as, instrumentalities or agencies of the state of
Iowa, whether or not authorized to sue and be sued in their
own names. This definition does not include a contractor with
the state of Iowa. Soil and water conservation districts
as defined in section 161A.3, subsection 6, and judicial
district departments of correctional services as established in
section 905.2, and library service area boards of trustees as
established in chapter 256 are state agencies for purposes of
this chapter.
Sec. 31. Section 904.601, unnumbered paragraph 1, Code
2011, is amended to read as follows:
The director shall keep the following record of every person
committed to any of the department's institutions: Name,
residence, sex, age, place of birth, occupation, civil
condition, date of entrance or commitment, date of discharge,
whether a discharge is final, condition of the person when
discharged, the name of the institutions from which and to
which the person has been transferred, and if the person is
dead, the date and cause of death. The director may permit
the division of libraries and information library services of
the department of education and the historical division of
the department of cultural affairs to copy or reproduce by
any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required by this paragraph.

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

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

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

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

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

EXPLANATION

This bill changes the name of the division of libraries and information services within the department of education to the division of library services, establishes that the division is attached to the department for administrative purposes only, establishes within the division a library support network and a specialized library services unit, expands the membership of the commission of libraries, directs the state librarian to convene a library services advisory panel, and eliminates the library service areas effective July 1, 2011, transfers their duties to the division, and directs the state librarian to assume all of the outstanding obligations of the library service areas.
The state librarian is made responsible for the division’s budgeting and related management functions, and is directed to organize, staff, and administer the division so as to render the greatest benefit to libraries in the state. Each library service area is directed to transfer, prior to July 1, 2011, its state-funded assets and title to any state-funded real estate owned by the library service area to the state librarian, who currently controls all property of the division.

The division is directed to provide support services to libraries, including but not limited to consulting, continuing education, and interlibrary loan and references services to assure consistency of service statewide and to encourage local financial support for library services. The commission of libraries membership is increased by one member. Currently, members are appointed by the governor and are appointed on an at-large basis. Under the bill, the members include public librarians, a public library trustee, an academic librarian, a school district or area education agency librarian, and two members appointed on an at-large basis. A governor’s appointee serving on the state commission of libraries on the effective date of the bill shall continue to serve as a member of the commission until the appointee’s term expires.

The bill provides that the law librarian be appointed by the state librarian, rather than the director of the department of education.

A library support network is established in the division to offer services and programs for libraries, including individualized, locally delivered consulting services and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries throughout the state, provide support for information technology, seek and offer opportunities to libraries throughout the state, promote excellence and
innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.

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

The library services advisory panel is tasked with advising and recommending to the commission and the division evidence-based best practices, assisting the commission and division to determine service priorities and launch programs, articulating the needs and interests of Iowa librarians, and sharing research and professional development information.

The library services advisory panel consists of at least 11 members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members shall be appointed by the executive board of the Iowa library association, with the state librarian appointing the remaining members. Members shall serve four-year terms which are staggered at the discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses are paid from funds appropriated to the department for purposes of the division.

The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the commission and the state librarian at least once annually in time to allow for consideration prior to program planning and budgeting for the following fiscal year.

The length of service of a permanent full-time employee of a
1 library service area who is employed by a library service area
2 on June 30, 2011, and who is hired by the division on or after
3 July 1, 2011, shall be credited as state employment service
4 for purposes of vacation and sick leave accrual. The area
5 administrator of each library service area shall submit to the
6 division of libraries and information services the personnel
7 records of each permanent full-time employee of the library
8 service area by July 1, 2011.