

## CHAPTER 1174

## SCHOOL FUND MORTGAGES

H. F. 569

AN ACT relating to the statute of limitations governing school fund mortgages.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section three hundred two point twenty-eight (302.28),  
2 Code 1973, is amended to read as follows:

3 302.28 Statute of limitation. Lapse of time shall in no case be a  
4 bar to any action to recover any part of the school fund, nor shall it  
5 prevent the introduction of evidence in such an action, ~~any provision~~  
6 ~~in this Code to the contrary notwithstanding except as provided in~~  
7 ~~sections six hundred fourteen point twenty-nine (614.29) through six~~  
8 ~~hundred fourteen point thirty-eight (614.38), of the Code.~~

Approved May 2, 1974

## CHAPTER 1175

## HISTORICAL DEPARTMENT

H. F. 1491

AN ACT to establish a state historical department with a division of historical museum and archives, a division of the state historical society, and a division of historic preservation, to prescribe powers and duties, and to establish a trust fund for life memberships in the state historical society, and to make an appropriation.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. NEW SECTION. Establishment of department. There  
2 is established the Iowa state historical department which shall be gov-  
3 erned by a state historical board consisting of twelve members, six of  
4 whom shall be appointed by the governor and six of whom shall be  
5 elected by the members of the state historical society established in  
6 section four (4) of this Act. The members appointed by the governor  
7 shall include one professionally qualified architectural historian, one  
8 historian, and one archaeologist. One member appointed by the gover-  
9 nor and one member elected by the society shall be residents of each  
10 congressional district.

11 The term of office for both elected and appointed members shall  
12 commence on July first of each year and shall be three years, except  
13 that for the initial board, the governor shall appoint two members for  
14 a one-year term, two members for a two-year term, and two mem-  
15 bers for a three-year term, and the society shall elect two members  
16 for a one-year term, two members for a two-year term, and two mem-  
17 bers for a three-year term.

1 SEC. 2. NEW SECTION. Officers—meetings. The state historical  
2 board shall annually elect a chairman and vice chairman from its  
3 membership, and the director of the division of historical museum and  
4 archives shall serve as secretary to the board. The board shall meet

5 as often as deemed necessary, upon the call of the chairman and vice  
6 chairman, or at the request of a majority of the members of the board.  
7 Members of the board shall be paid a forty dollar per diem and shall  
8 be reimbursed for actual and necessary expenses while engaged in  
9 their official duties.

1 **SEC. 3. NEW SECTION. Divisions of department.** The Iowa state  
2 historical department shall consist of the division of historical muse-  
3 um and archives, located in Des Moines, and the division of the state  
4 historical society and the division of historic preservation, both located  
5 in Iowa City in order to benefit from, and contribute to, the state uni-  
6 versity of Iowa.

1 **SEC. 4. NEW SECTION. Membership in state historical society.**  
2 The state historical board shall establish rules for membership of the  
3 general public in the state historical society, including rules relating  
4 to membership fees. Members shall be persons who indicate an inter-  
5 est in the history, progress, and development of the state and who pay  
6 the prescribed fee. The members of the state historical society may  
7 meet at least one time per year to further the understanding of the  
8 history of this state. The election of members of the state historical  
9 board, as provided in section one (1) of this Act, shall be by mailed  
10 ballot as provided in bylaws adopted by the society and approved by  
11 the state historical board. The society may elect officers and the direc-  
12 tor of the division of the state historical society shall serve as secre-  
13 tary to the society. The officers of the society shall not determine  
14 policy for the division of the state historical society but may perform  
15 functions to stimulate interest in the history of this state among the  
16 general public. The society may perform other activities related to  
17 history which are not contrary to the provisions of this Act, subject  
18 to the approval of the board.

1 **SEC. 5. NEW SECTION. Powers and duties of the state historical**  
2 **board.** The state historical board shall have the following powers and  
3 duties:  
4 1. Establish policy for the division of historical museum and  
5 archives, the division of the state historical society, and the division  
6 of historic preservation, eliminating duplication of services whenever  
7 possible.  
8 2. Appoint a director of the division of historical museum and  
9 archives, a director of the division of the state historical society, and  
10 a director of the division of historic preservation at annual salaries  
11 set by the general assembly. Directors of the divisions shall serve for  
12 six-year terms and may be reappointed.  
13 3. Control the historical building, the centennial building, and other  
14 properties and assign space.  
15 4. Determine the scope of and authorize publications.  
16 5. Make a biennial report to the governor and to the general assem-  
17 bly.  
18 6. Coordinate activities of the department with federal, state, and  
19 local agencies.  
20 7. Select sites for uniform historical markers.  
21 8. Coordinate historic preservation matters.  
22 9. Approve nominations to and removals from the state and national  
23 registers of historic places. The standards of the national register

24 shall be adopted as the standards for the listing of historic property  
25 on the state register.

26 10. Approve the state preservation plan.

27 11. Acquire historic properties by gift, purchase, devise or bequest;  
28 preserve, restore, transfer and administer such properties; and charge  
29 reasonable admissions to such properties.

30 12. Promulgate rules and regulations for the effective and efficient  
31 operation of the department subject to the provisions of chapter sev-  
32 enteen A (17A) of the Code.

33 13. May periodically loan historical articles and artifacts, such as  
34 the silver tea service of General Grenville Dodge, owned or in the  
35 possession of the state of Iowa and on display or under the control  
36 of the state historical board for display at suitable locations within  
37 the state. A policy shall be determined and regulations adopted by  
38 the state historical board which establishes standards for the pres-  
39 ervation, protection and security of the articles and artifacts. Suit-  
40 able recognition of the loan shall be displayed and security safeguards,  
41 package, and freight shall be at the expense of the recipient of the  
42 loaned items.

43 14. May enter into agreements with the university of northern  
44 Iowa, the state university of Iowa, Iowa state university of science  
45 and technology, or any accredited private institution as defined in  
46 section two hundred sixty-one point nine (261.9) of the Code to estab-  
47 lish multi-county area research centers, which are in addition to but  
48 do not duplicate archives as defined in section twelve (12) of this  
49 Act. An area research center shall serve as the depository for the  
50 archives of counties and municipalities and for other unpublished  
51 original resource material of a given area to be designated in the  
52 agreement.

1 **SEC. 6. NEW SECTION. Duties of the director of the division of**  
2 **historical museum and archives.** The director of the division of his-  
3 torical museum and archives shall have the following powers and  
4 duties, under the direction of the board:

5 1. Administer the space in the historical building assigned to the  
6 department and maintain collections located in the building. Keep the  
7 building open for use by the public during hours prescribed by the  
8 board.

9 2. Administer the archives of the state as defined in section twelve  
10 (12) of this Act.

11 3. Collect, preserve, organize, arrange, and classify works of art,  
12 books, maps, charts, public documents, manuscripts, newspapers, and  
13 other objects and materials illustrative of the natural and political  
14 history of the territory and state and of the central west, and of the  
15 traditions and history of all prior occupants who settled in the region,  
16 including women and the various racial, religious, and ethnic groups.

17 4. Collect memorials and momentos\* of the pioneers of Iowa and the  
18 soldiers of all wars in which Iowa residents participated, including  
19 portraits, specimens of arms, clothing, army letters, commissions of  
20 officers, and other military papers and documents.

\*According to enrolled Act

21 5. Exhibit objects illustrative of the history and prehistory archae-  
22 ology of this state, to interpret that history, and to publish such mat-  
23 ters as may be of value and interest to the public.

24 6. Administer and care for and preserve the monuments, memo-  
25 rials, and works of art on the grounds and in the buildings at the seat  
26 of government, and report from time to time their condition and make  
27 recommendations to the proper officers or board.

28 7. Employ necessary personnel under the provisions of chapter  
29 nineteen A (19A) of the Code.

30 8. Report to the board as required.

31 9. Perform such other duties as may be imposed by law or pre-  
32 scribed by the rules of the board.

1 SEC. 7. NEW SECTION. **Duties of director of division of state his-**  
2 **torical society.** The director of the division of the state historical  
3 society shall have the following powers and duties, under the direction  
4 of the board:

5 1. Maintain a library of materials relating to the history of this  
6 state and illustrative of the progress and development of the state.

7 2. Conduct historical studies and researches and issue publications.

8 3. Disseminate a knowledge of the history of this state among the  
9 people of this state.

10 4. Encourage and assist local, county, and regional organizations  
11 devoted to historical purposes and foster an understanding and appre-  
12 ciation of Iowa history among all units of government.

13 5. Maintain artifacts of archaeological significance.

14 6. Plan, develop, and publicize a uniform system of marking state  
15 historical, archaeological, geological, and legendary sites.

16 7. Employ necessary personnel under the provisions of chapter nine-  
17 teen A (19A) of the Code.

18 8. Perform such other duties as may be imposed by law or pre-  
19 scribed by the rules of the board.

1 SEC. 8. NEW SECTION. **Duties of the director of the division of**  
2 **historic preservation.** The director of the division of historic pres-  
3 ervation shall have the following powers and duties, under the direc-  
4 tion of the board:

5 1. Serve as the state historic preservation officer, certified by the  
6 governor in accordance with federal requirements.

7 2. Identify and document historic properties, including those owned  
8 by the state, its instrumentalities, and political subdivisions.

9 3. Prepare and maintain the state register of historic places, includ-  
10 ing those listed on the national register of historic places.

11 4. Prepare and annually update the state's preservation plan.

12 5. Develop standards and criteria for the acquisition of historic  
13 properties and for the preservation, restoration, maintenance and op-  
14 eration of properties under the jurisdiction of the state historical  
15 board.

16 6. Accept federal aid for historic preservation purposes.

17 7. Cooperate with federal, state and local government agencies in  
18 historic preservation matters.

19 8. Coordinate the activities of, and provide technical and financial  
20 assistance if federal funds are available, to local historic preservation

21 commissions and private parties in accordance with the state plan and  
22 programs for historic preservation.

23 9. Stimulate public interest in historic preservation.

24 10. Pursue historical, architectural, and archaeological research  
25 and development, which may include but shall not be limited to, con-  
26 tinuing surveys, excavation, scientific recording, interpretation, and  
27 publication of the historical, architectural, archaeological, and cul-  
28 tural sites, buildings and structures in the state.

29 11. Employ necessary personnel under the provisions of chapter  
30 nineteen A (19A) of the Code.

1 SEC. 9. NEW SECTION. **Funds received by state historical depart-**  
2 **ment.** All funds received by the state historical department, except  
3 as provided in this section, shall be deposited in the general fund of  
4 the state and shall be subject to appropriation by the general assem-  
5 bly. There is created in the office of the treasurer of state a life mem-  
6 bership trust fund into which shall be deposited all funds received  
7 by the state historical society from the sale of life memberships, in-  
8 cluding such funds which may have been received prior to July 1, 1975  
9 and which have not been expended. On July first of each year five  
10 percent of the funds deposited in the life membership trust fund shall  
11 be made available to support life memberships in the state historical  
12 society and such funds are appropriated to the state historical depart-  
13 ment for such purpose.

1 SEC. 10. NEW SECTION. **Acceptance and use of money grants.** All  
2 federal grants to and the federal receipts of the agencies receiving  
3 funds under this Act are appropriated for the purpose set forth in the  
4 federal grants or receipts.

1 SEC. 11. NEW SECTION. **Gifts.** The state historical board may  
2 accept gifts and bequests which shall be used in accordance with the  
3 desires of the donor if expressed. Funds contained in an endowment  
4 fund for either the department of history and archives or the state  
5 historical society existing on July 1, 1974 shall remain an endowment  
6 of either the division of historical museum and archives or the divi-  
7 sion of the state historical society. After July 1, 1974, gifts shall be  
8 accepted only on behalf of the state historical department. Funds  
9 in an endowment fund may be invested by the state historical board.

10 In instances where publication of a book is financed by the endow-  
11 ment fund, nothing in this Act shall prevent the return of moneys from  
12 sales of the book to the endowment fund.

1 SEC. 12. NEW SECTION. **Archives.** Archives means those manu-  
2 scripts, documents, records, and materials originating under or pass-  
3 ing through the hands of public officers in the regular course and  
4 performance of their legal duties which the chief executive of the  
5 office that has present custody of the manuscripts, documents, records,  
6 and materials shall deem not to be necessary for use in the conduct of  
7 the regular current business of his office but warrant preservation, or  
8 which he shall consider to be in such physical condition that they can-  
9 not be used without risk of damage to them, or for which, in his opin-  
10 ion, he is unable to provide adequate or safe storage. The director of  
11 the division of historical museum and archives is the trustee and cus-  
12 todian of the archives of Iowa, except that archives does not include

13 county or municipal archives unless they are voluntarily deposited  
14 with the director with the written consent of the director. The direc-  
15 tor shall prescribe rules and regulations for the systematic arrange-  
16 ment of archives, properly labeled to show their contents and order of  
17 filing, before the archives may be transferred to his custody.

1     **SEC. 13. NEW SECTION. Transfer of archives.** The several state,  
2 executive, and administrative departments, officers or offices, councils,  
3 boards, bureaus, and commissions, may transfer and deliver to the  
4 state historical department archives as defined in section twelve (12)  
5 of this Act, and take the director's receipt. Before transferring  
6 archives, the office of present custody shall file with the director a clas-  
7 sified list of the archives being transferred made in such detail as the  
8 director shall prescribe. If the director, on receipt of the list, and  
9 after consultation with the chief executive of the office filing the clas-  
10 sified list or with a representative designated by the executive, shall  
11 find that, according to the records management manual, certain clas-  
12 sifications of the archives listed are not of sufficient historical, legal,  
13 or administrative value to justify permanent preservation, the direc-  
14 tor shall file a list with the state records commission with recommen-  
15 dations for their disposal.

1     **SEC. 14. NEW SECTION. Removal of original.** After any archives  
2 have been received by the director, they shall not be removed from his  
3 custody without his consent except in obedience to a subpoena of a  
4 court of record or a written order of the state executive council.

5     The director shall annually submit to the state historical board a  
6 list of papers and documents which have no further value, and upon  
7 approval of the state records commission the items shall be destroyed.

8     The director shall not be required to preserve permanently vouch-  
9 ers, claims, cancelled or redeemed state warrants, or duplicate war-  
10 rant registers, respectively, of the state comptroller and the treasurer  
11 of state but may, after microfilming, destroy by burning or shredding  
12 any such warrants, having no historical value, that have been in his  
13 custody for a period of three years and likewise to destroy by burning  
14 or shredding any vouchers, claims and duplicate warrant registers  
15 which have been in his custody for a period of three years. A prop-  
16 erly authenticated reproduction of any such microfilmed record shall be  
17 admissible in evidence in any court in this state.

1     **SEC. 15. NEW SECTION. Certified copies—fees.** Upon request of  
2 any person, the director of the division of historical museum and  
3 archives or the director of the division of the state historical society  
4 shall make a certified copy of any document, manuscript, or record  
5 contained in the archives or in the custody of the division of the  
6 state historical society, and when a copy is properly authenticated it  
7 shall have the same legal effect as though certified by the officer from  
8 whose office it was obtained or by the secretary of state. The copy  
9 may be made in writing, or by any suitable photographic process.  
10 The director shall charge and collect for such copies the fees allowed  
11 by law to the official in whose office the document originates for such  
12 certified copies. The director shall charge a person requesting a  
13 search of census records for the purpose of determining genealogy  
14 the actual cost of performing the search.

1 SEC. 16. There is appropriated from the general fund of the state  
2 to the state historical department, established in this Act, for the fiscal  
3 year commencing July 1, 1974 and ending June 30, 1975, the sum of  
4 twelve thousand five hundred (12,500) dollars, or so much thereof as  
5 may be necessary, to be used for per diem and expenses of members  
6 of the state historical board.

7 Funds appropriated by the general assembly to the department of  
8 history and archives, to the state historical society, and to the state  
9 conservation commission for historic preservation purposes for the  
10 fiscal year commencing July 1, 1974 and ending June 30, 1975 are  
11 transferred to the state historical department and shall be used for  
12 the purposes for which the funds were appropriated.

13 Unencumbered funds of the state historical society shall be depos-  
14 ited in the general fund of the state on July 1, 1975.

1 SEC. 17. Sections three hundred three point one (303.1) through  
2 three hundred three point twenty-three (303.23), Code 1973, as  
3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,  
4 chapter one hundred ninety-nine (199), and chapter three hundred  
5 four (304), Code 1973, are repealed.

Approved June 3, 1974

## CHAPTER 1176

### STATE RECORDS MANAGEMENT

H. F. 363

AN ACT relating to the management of state records and making an appropriation.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. NEW SECTION. This Act shall be known and may be  
2 cited as the "Records Management Act".

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act, unless  
2 the context otherwise requires:

3 1. "Record" means a document, book, paper, photograph, sound re-  
4 cording, or other material, regardless of physical form or characteris-  
5 tics, made, produced, executed, or received pursuant to law in connec-  
6 tion with the transaction of official business of state government.  
7 "Record" does not include library and museum material made or ac-  
8 quired and preserved solely for reference or exhibition purposes, mis-  
9 cellaneous papers or correspondence without official significance, extra  
10 copies of documents preserved only for convenience of reference, and  
11 stocks of publications and processed documents.

12 2. "Agency" means any department, office, commission, board or  
13 other unit of state government except as otherwise provided by law.

14 3. "Commission" means the state records commission created by  
15 this Act.

1 SEC. 3. NEW SECTION. **Commission created.** There is created a  
2 state records commission. The commission shall consist of: