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State Gov. Sub Comm.

Kibbie, Frink, Sale

(P. 510) 3-4-93 State Gov.

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3-25-93 House - State Gov

SENATE FILE

225

BY KIBBIE

(P. 760)

Passed Senate, Date 3/22/93

Passed House, Date 4/20/93

Vote: Ayes 49 Nays 0

Vote: Ayes 99 Nays 0

Approved 4/27/93

(P. 1428)

A BILL FOR

1 An Act related to technical and other changes within the Code to
 2 transfer the library division, regional library system,
 3 library compact, state data center, and public broadcasting
 4 division from the department of cultural affairs to the
 5 department of education and to transfer the Terrace Hill
 6 commission from the department of cultural affairs to the
 7 governor's office, and providing for related matters.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 225

1 Section 1. NEW SECTION. 7.18 TERRACE HILL COMMISSION.

2 1. The Terrace Hill commission is created consisting of
3 nine persons, appointed by the governor, who are knowledgeable
4 in business management and historic preservation and
5 renovation. The governor shall appoint the chairperson. The
6 terms of the commission members are for three years beginning
7 on July 1 and ending on June 30.

8 2. The Terrace Hill commission may consult with the
9 Terrace Hill society, Terrace Hill foundation, the executive
10 and legislative branches of this state and other persons
11 interested in the property.

12 3. The Terrace Hill commission may enter into contracts,
13 subject to chapter 18, to execute its purposes.

14 4. The commission may adopt rules to administer and
15 implement the programs of the commission. The decision of the
16 commission is final agency action under chapter 17A.

17 Sec. 2. Section 7A.3, subsection 10, Code 1993, is amended
18 to read as follows:

19 10. ~~Library-commission~~ Commission of libraries.

20 Sec. 3. Section 7E.5, subsection 1, paragraph m, Code
21 1993, is amended to read as follows:

22 m. The department of cultural affairs, created in section
23 303.1, which has primary responsibility for managing the
24 state's interests in the areas of the arts, history,
25 ~~libraries,~~ and other cultural matters.

26 Sec. 4. Section 12C.1, subsection 1, Code 1993, is amended
27 to read as follows:

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

1 for the county public hospital or merged area hospital, by the
2 board of hospital trustees; for a memorial hospital, by the
3 memorial hospital commission; for a school corporation, by the
4 board of school directors; for a city utility or combined
5 utility system established under chapter 388, by the utility
6 board; for a regional library established under chapter 303B
7 256, by the regional board of library trustees; and for an
8 electric power agency as defined in section 28F.2, by the
9 governing body of the electric power agency. However, the
10 treasurer of state and the treasurer of each political
11 subdivision or the designated financial officer of a city
12 shall invest all funds not needed for current operating
13 expenses in time certificates of deposit in approved
14 depositories pursuant to this chapter or in investments
15 permitted by section 12B.10. The list of public depositories
16 and the amounts severally deposited in the depositories are
17 matters of public record. This subsection does not limit the
18 definition of "public funds" contained in subsection 2.

19 Sec. 5. Section 18.87, Code 1993, is amended to read as
20 follows:

21 18.87 LIBRARIES.

22 The completed journals of the general assembly, and the
23 official register shall be sent to each free public library in
24 Iowa, the ~~library~~ division of libraries and information
25 services of the department of ~~cultural-affairs~~ education, the
26 ~~library~~ commission of libraries, libraries at state
27 institutions, and college libraries.

28 Sec. 6. Section 18.97, subsection 17, Code 1993, is
29 amended to read as follows:

30 17. To the ~~library~~ division of libraries and information
31 services of the department of ~~cultural-affairs-of-Iowa~~
32 education

33 1 copy
34 for each depository library

35 Sec. 7. Section 18.100, Code 1993, is amended to read as

1 follows:

2 18.100 EXCHANGE.

3 The volumes delivered to the state law library shall be
4 used for the purpose of effecting exchange with other states,
5 foreign countries, and provinces, for similar reports. All
6 books received in such exchange shall become a part of the
7 library division of libraries and information services of the
8 department of ~~cultural-affairs~~ education.

9 Sec. 8. Section 18.133, subsection 3, Code 1993, is
10 amended to read as follows:

11 3. "Public agency" means a state agency, a school
12 corporation, a city library, a regional library as provided in
13 chapter 303B 256, and a county library as provided in chapter
14 336.

15 Sec. 9. Section 18.134, subsection 2, Code 1993, is
16 amended to read as follows:

17 2. A political subdivision receiving communications
18 services from the state as of April 1, 1986, may continue to
19 do so but communications services shall not be provided or
20 resold to additional political subdivisions other than a
21 school corporation, a city library, a regional library as
22 provided in chapter 303B 256, and a county library as provided
23 in chapter 336. The rates charged to the political
24 subdivision shall be the same as the rates charged to state
25 agencies.

26 Sec. 10. Section 39.21, subsection 1, Code 1993, is
27 amended to read as follows:

28 1. Regional library trustees as required by section 303B-3
29 256.63.

30 Sec. 11. Section 218.22, Code 1993, is amended to read as
31 follows:

32 218.22 RECORD PRIVILEGED.

33 Except with the consent of the administrator in charge of
34 an institution, or on an order of a court of record, the
35 record provided in section 218.21 shall be accessible only to

1 the administrator of the division of the department of human
2 services in control of such institution, the director of the
3 department of human services and to assistants and proper
4 clerks authorized by such administrator or the administrator's
5 director. The administrator of the division of such
6 institution is authorized to permit the ~~library~~ division of
7 libraries and information services of the department of
8 education and the historical division of the department of
9 cultural affairs to copy or reproduce by any photographic,
10 photostatic, microfilm, microcard or other process which
11 accurately reproduces a durable medium for reproducing the
12 original and to destroy in the manner described by law such
13 records of residents designated in section 218.21.

14 Sec. 12. Section 256.1, Code 1993, is amended to read as
15 follows:

16 256.1 DEPARTMENT ESTABLISHED.

17 1. The department of education is established to act in a
18 policymaking and advisory capacity and to exercise general
19 supervision over the state system of education including all
20 of the following:

- 21 1 a. Public elementary and secondary schools.
- 22 2 b. Community colleges.
- 23 3 c. Area education agencies.
- 24 4 d. Vocational rehabilitation.
- 25 5 e. Educational supervision over the elementary and
26 secondary schools under the control of ~~a-director~~ an
27 administrator of a division of the department of human
28 services.

29 6 f. Nonpublic schools to the extent necessary for compli-
30 ance with Iowa school laws.

31 2. Stimulate and encourage educational radio and
32 television and other educational communications services as
33 necessary to aid in accomplishing the educational objectives
34 of the state.

35 3. Meet the informational needs of the three branches of

1 state government.

2 4. Provide for the improvement of library services to all
3 Iowa citizens and foster development and cooperation among
4 libraries.

5 5. The department shall act as an administrative,
6 supervisory, and consultative state agency.

7 Sec. 13. Section 256.7, unnumbered paragraph 1, Code 1993,
8 is amended to read as follows:

9 Except for the college student aid commission and the
10 public broadcasting board and division, the state board shall:

11 Sec. 14. Section 256.9, unnumbered paragraph 1, Code 1993,
12 is amended to read as follows:

13 Except for the college student aid commission and the
14 public broadcasting board and division, the director shall:

15 Sec. 15. Section 256.9, subsections 49 and 50, Code 1993,
16 are amended by striking the subsections.

17 Sec. 16. Section 256.33, unnumbered paragraph 1, Code
18 1993, is amended to read as follows:

19 The department shall consort with school districts, area
20 education agencies, community colleges, and colleges and
21 universities to provide assistance to them in the use of
22 educational technology for instruction purposes. The
23 department shall consult with the advisory committee on the
24 operation of the narrowcast system, established in section
25 ~~403-77~~ 256.82, the advisory committee on telecommunications,
26 established in section 256.7, subsection 9, and other users of
27 educational technology on the development and operation of
28 programs under this section.

29 Sec. 17. NEW SECTION. 256.50 DIVISION OF LIBRARIES AND
30 INFORMATION SERVICES -- DEFINITIONS.

31 As used in this section and sections 256.51 through 256.55,
32 unless the context otherwise requires:

33 1. "Commission" means the commission of libraries.

34 2. "Division" means the division of libraries and
35 information services of the department of education.

1 3. "State agency" means a legislative, executive, or
2 judicial office of the state and all of its respective
3 officers, departments, divisions, bureaus, boards,
4 commissions, and committees, except the state institutions of
5 higher education governed by the state board of regents.

6 4. "State publications" means all multiple-produced
7 publications regardless of format, which are issued by a state
8 agency and supported by public funds, but it does not include:

9 a. Correspondence and memoranda intended solely for
10 internal use within the agency or between agencies.

11 b. Materials excluded from this definition by the
12 commission through the adoption and enforcement of rules.

13 Sec. 18. NEW SECTION. 256.51 DIVISION OF LIBRARIES AND
14 INFORMATION SERVICES -- DUTIES AND RESPONSIBILITIES.

15 1. The division of libraries and information services is
16 established within the department of education. The division
17 shall do all of the following:

18 a. Determine policy for providing information service to
19 the three branches of state government and to the legal and
20 medical communities in this state.

21 b. Coordinate a statewide interregional interlibrary loan
22 and information network among libraries in this state and
23 support activities which increase cooperation among all types
24 of libraries.

25 c. Establish and administer a program for the collection
26 and distribution of state publications to depository
27 libraries.

28 d. Develop and adopt, in conjunction with the Iowa
29 regional library system, long-range plans for the continued
30 improvement of library services and which will explore or
31 broaden the information mission in the state. To insure that
32 the concerns of all types of libraries are addressed, the
33 division shall establish a long-range planning committee to
34 review and evaluate progress and report findings and
35 recommendations to the division and to the trustees of the

1 Iowa regional library system at an annual meeting.

2 e. Develop in cooperation with the Iowa regional library
3 system a biennial unified plan of service for the division of
4 libraries and information services.

5 f. Establish and administer a statewide continuing
6 education program for librarians and trustees.

7 g. Give to libraries advice and counsel in specialized
8 areas which may include, but are not limited to, building
9 construction and space utilization, children's services, and
10 technological developments.

11 h. Obtain from libraries reports showing the condition,
12 growth, and development of services provided and disseminate
13 this information in a timely manner to the citizens of Iowa.

14 i. Establish and administer certification guidelines for
15 librarians not covered by other accrediting agencies.

16 j. Foster public awareness of the condition of libraries
17 in Iowa and of methods to improve library services to the
18 citizens of the state.

19 k. Establish and administer standards for state agency
20 libraries, the Iowa regional library system, and public
21 libraries.

22 2. The division may do all of the following:

23 a. Enter into interstate library compacts on behalf of the
24 state of Iowa with any state which legally joins in the
25 compacts as provided in section 256.70.

26 b. Receive and expend money for providing programs and
27 services. The division may receive, accept, and administer
28 any moneys appropriated or granted to it, separate from the
29 general library fund, by the federal government or by any
30 other public or private agency.

31 c. Accept gifts, contributions, bequests, endowments, or
32 other moneys, including but not limited to the Westgate
33 endowment fund, for any or all purposes of the division.
34 Interest earned on moneys accepted under this paragraph shall
35 be credited to the fund or funds to which the gifts,

1 contributions, bequests, endowments, or other moneys have been
2 deposited, and is available for any or all purposes of the
3 division. The division shall report annually to the director
4 and the general assembly regarding the gifts, contributions,
5 bequests, endowments, or other moneys accepted pursuant to
6 this paragraph and the interest earned on them.

7 Sec. 19. NEW SECTION. 256.52 COMMISSION OF LIBRARIES
8 ESTABLISHED -- DUTIES OF COMMISSION AND STATE LIBRARIAN.

9 1. The state commission of libraries consists of one
10 member appointed by the supreme court and six members
11 appointed by the governor to serve four-year terms beginning
12 and ending as provided in section 69.19. Of the governor's
13 appointees, one member shall be from the medical profession
14 and five members selected at large. Not more than three of
15 the members appointed by the governor shall be of the same
16 gender. The members shall be reimbursed for their actual
17 expenditures necessitated by their official duties. Members
18 may also be eligible for compensation as provided in section
19 7E.6.

20 2. The commission shall elect one of its members as
21 chairperson. The commission shall meet at the time and place
22 specified by call of the chairperson. Four members are a
23 quorum for the transaction of business.

24 3. The commission shall appoint the state librarian who
25 shall administer the division, and serve at the pleasure of
26 the commission.

27 The state librarian shall do all of the following:

- 28 a. Direct and organize the activities of the division.
- 29 b. Submit a biennial report to the governor on the
30 activities and an evaluation of the division and its programs
31 and policies.
- 32 c. Control all property of the division.
- 33 d. Appoint and approve the technical, professional,
34 excepting the medical librarian and the law librarian,
35 secretarial, and clerical staff necessary to accomplish the

1 purposes of the division subject to chapter 19A.

2 e. Perform other duties imposed by law.

3 4. The commission shall adopt rules under chapter 17A for
4 carrying out the responsibilities of the division.

5 5. The commission shall receive and approve the budget and
6 unified plan of service submitted by the division of libraries
7 and information services.

8 Sec. 20. NEW SECTION. 256.53 STATE PUBLICATIONS.

9 Upon issuance of a state publication in any format, a state
10 agency shall deposit with the division at no cost to the
11 division, seventy-five copies of the publication or a lesser
12 number if specified by the division.

13 Sec. 21. NEW SECTION. 256.54 STATE LIBRARY -- MEDICAL
14 AND LAW LIBRARIES.

15 The state library includes, but is not limited to, a
16 medical library, a law library, and the state data center.

17 1. The medical library shall be administered by a medical
18 librarian, appointed by the director subject to chapter 19A,
19 who shall do all of the following:

20 a. Operate the medical library which shall always be
21 available for free use by the residents of Iowa under rules
22 the commission adopts.

23 b. Give no preference to any school of medicine and shall
24 secure books, periodicals, and pamphlets for every legally
25 recognized school of medicine without discrimination.

26 c. Perform other duties imposed by law or prescribed by
27 the rules of the commission.

28 2. The law library shall be administered by a law
29 librarian appointed by the director subject to chapter 19A,
30 who shall do all of the following:

31 a. Operate the law library which shall be maintained in
32 the state capitol or in rooms convenient to the state supreme
33 court and which shall be available for free use by the
34 residents of Iowa under rules the commission adopts.

35 b. Maintain, as an integral part of the law library,

1 reports of various boards and agencies and copies of bills,
2 journals, and other information relating to current or
3 proposed legislation.

4 c. Arrange to make exchanges of all printed material
5 published by the states and the government of the United
6 States.

7 d. Perform other duties imposed by law or by the rules of
8 the commission.

9 Sec. 22. NEW SECTION. 256.55 STATE DATA CENTER.

10 A state data center is established in the department of
11 education. The state data center shall be administered by the
12 state data center coordinator, who shall do all of the
13 following:

14 1. Manage the state data center program to make United
15 States census data available to the residents of Iowa under
16 rules the commission adopts.

17 2. Act as the state's liaison with the United States
18 census bureau in matters relating to United States decennial,
19 economic, and agricultural census data, and population
20 estimates and projections.

21 3. Perform other duties imposed by law or prescribed by
22 the commission.

23 Sec. 23. NEW SECTION. 256.60 REGIONAL LIBRARY SYSTEM
24 ESTABLISHED -- PURPOSES.

25 A regional library system is established to provide sup-
26 porting services to libraries and to encourage local financial
27 support for library services.

28 Sec. 24. NEW SECTION. 256.61 REGIONAL LIBRARY TRUSTEES.

29 The regional library system shall consist of seven regional
30 boards of library trustees which shall serve respectively the
31 seven geographic regions specified in this section. Each
32 region shall be divided into geographic districts, which shall
33 be drawn along county lines and which shall be represented on
34 regional boards by trustees elected to the boards in the
35 following numbers and from the following districts:

- 1 1. To the southwestern board, two from Pottawattamie
- 2 county and one from each of the following five districts:
- 3 a. Harrison, Shelby and Audubon counties.
- 4 b. Guthrie, Cass and Adair counties.
- 5 c. Mills, Fremont and Page counties.
- 6 d. Montgomery, Adams, Union and Taylor counties.
- 7 e. Clarke, Lucas, Ringgold, Decatur and Wayne counties.
- 8 2. To the northwestern board, two from Woodbury county and
- 9 one from each of the following five districts:
- 10 a. Lyon, Sioux and Osceola counties.
- 11 b. Dickinson, Emmet, Clay and Palo Alto counties.
- 12 c. O'Brien, Plymouth and Cherokee counties.
- 13 d. Buena Vista, Pocahontas, Ida, Sac and Calhoun counties.
- 14 e. Monona, Crawford and Carroll counties.
- 15 3. To the north central board, two from a district
- 16 composed of Hancock, Cerro Gordo and Franklin counties; two
- 17 from a district composed of Humboldt, Wright and Webster
- 18 counties; and one from each of the following three districts:
- 19 a. Kossuth and Winnebago counties.
- 20 b. Hamilton and Hardin counties.
- 21 c. Worth, Mitchell and Floyd counties.
- 22 4. To the central board, four from a district composed of
- 23 Polk and Marion counties, and one from each of the following
- 24 three districts:
- 25 a. Greene, Dallas, Madison and Warren counties.
- 26 b. Boone and Story counties.
- 27 c. Marshall and Jasper counties.
- 28 5. To the southeastern board, two from Scott county and
- 29 one from each of the following five districts:
- 30 a. Appanoose, Davis and Wapello counties.
- 31 b. Jefferson, Van Buren and Lee counties.
- 32 c. Monroe, Mahaska and Keokuk counties.
- 33 d. Henry and Des Moines counties.
- 34 e. Muscatine, Louisa and Washington counties.
- 35 6. To the east central board, three from a district

1 composed of Linn and Jones counties; two from a district
2 composed of Iowa, Johnson and Cedar counties; and one from
3 each of the following two districts:

4 a. Tama, Benton and Poweshiek counties.

5 b. Jackson and Clinton counties.

6 7. To the northeastern board, two from Black Hawk county;
7 two from a district composed of Delaware and Dubuque counties;
8 and one from each of the following three districts:

9 a. Grundy, Butler and Bremer counties.

10 b. Howard, Winneshiek, Allamakee and Chickasaw counties.

11 c. Buchanan, Fayette and Clayton counties.

12 Sec. 25. NEW SECTION. 256.62 REGIONAL LIBRARY TRUSTEES -
13 - NONVOTING MEMBERS.

14 In addition to the members of the seven regional boards of
15 library trustees provided in section 256.61, the director of
16 education shall appoint to each of the seven regional boards
17 of library trustees the following nonvoting members:

18 1. A representative from an area education agency.

19 2. A representative who serves as a member on the board of
20 directors for a community college.

21 The nonvoting members shall serve at the pleasure of the
22 director. The appointed members shall cease to be members if
23 they no longer are employed by an area education agency or no
24 longer serve as a member on a community college board of
25 directors. Sections 256.63 and 256.64 do not apply to the
26 appointed nonvoting members of the regional boards of library
27 trustees.

28 Sec. 26. NEW SECTION. 256.63 ELECTION.

29 A trustee of a regional board shall be elected without
30 regard to political affiliation at the general election by the
31 vote of the electors of the trustee's district from a list of
32 nominees, the names of which have been taken from nomination
33 papers filed in accordance with chapter 45 in all respects
34 except that they shall be signed by not less than twenty-five
35 eligible electors of the respective district. The election

1 shall be administered by the commissioner who has jurisdiction
2 under section 47.2.

3 The votes cast in the election shall be canvassed and
4 abstracts of the votes cast shall be promptly certified by the
5 commissioner to the commissioner of elections who is
6 responsible under section 47.2 for conducting elections for
7 that regional library board district. In each county whose
8 commissioner of elections is responsible under section 47.2
9 for conducting elections held for a regional library board
10 district, the county board of supervisors shall convene at
11 nine a.m. on the third Monday in November, canvass the
12 abstracts of votes cast and declare the results of the voting.
13 The commissioner shall at once issue certificates of election
14 to each person declared elected.

15 Sec. 27. NEW SECTION. 256.64 TERMS.

16 Regional library trustees shall take office on the first
17 day of January following the general election and shall serve
18 terms of four years. A vacancy shall be filled when it occurs
19 not less than ninety days before the next general election by
20 appointment by the regional board for the unexpired term. No
21 trustee shall serve on a local library board or be employed by
22 a library during the trustee's term of office as a regional
23 library trustee.

24 Sec. 28. NEW SECTION. 256.65 COMPENSATION.

25 Regional trustees shall be reimbursed for the actual and
26 necessary expenses incurred by them in the discharge of their
27 duties, but shall receive no compensation for services.

28 Sec. 29. NEW SECTION. 256.66 POWERS AND DUTIES OF
29 REGIONAL TRUSTEES.

30 In carrying out the purposes of section 256.60, each board
31 of trustees:

- 32 1. Shall appoint and evaluate a qualified administrator
33 who shall have a master's degree in librarianship from a
34 program of study accredited by the American library
35 association and who may be terminated for good cause.

1 2. Subject to the approval of the annual plan of service
2 by the director of the department of education, may receive
3 and expend state appropriated funds.

4 3. May receive and expend other funds and receive and
5 expend gifts of real property, personal property or mixed
6 property, and devises and bequests including trust funds; may
7 take title to the property; may execute deeds and bills of
8 sale for the conveyance of the property; and may expend the
9 funds received from the gifts.

10 4. May accept and administer trusts and may authorize
11 nonprofit foundations acting solely for the support of the
12 regional library to accept and administer trusts deemed by the
13 board to be beneficial to the operation of the regional
14 library. Notwithstanding section 633.63, the board and the
15 nonprofit foundation may act as trustees in these instances.
16 The board shall require that moneys belonging to a nonprofit
17 foundation be audited annually.

18 5. May contract with libraries, library agencies, private
19 corporations or individuals to improve library service.

20 6. May acquire land and construct or lease facilities to
21 carry out the provisions of sections 256.60 through 256.69.

22 7. Shall provide consultation and educational programs for
23 library staff and trustees concerning all facets of library
24 management and operation.

25 8. Shall provide interlibrary loan and information ser-
26 vices intraregionally, but which are capable of being linked
27 interregionally, according to the standards developed by the
28 commission of libraries.

29 9. Shall develop and adopt, in cooperation with other
30 members of the regional library system and the director of the
31 department of education, a long-range plan for the region.

32 10. Shall prepare, in cooperation with all members of the
33 regional library system and the director of the department of
34 education, an annual plan of service.

35 11. Shall provide data and prepare reports as directed by

1 the director of the department of education.

2 12. Shall encourage governmental subdivisions to maintain
3 local financial support for the operating expenses of local
4 libraries.

5 13. May perform other acts necessary to carry out its
6 powers and duties under sections 256.60 through 256.69.

7 Sec. 30. NEW SECTION. 256.67 DUTIES OF THE REGIONAL
8 ADMINISTRATOR.

9 A regional administrator shall:

10 1. Act as administrator and executive secretary of the
11 region in accordance with the objectives and policies adopted
12 by the regional board and with the intent of this chapter.

13 2. Organize, staff, and administer the regional library so
14 as to render the greatest benefit to libraries and information
15 services in the area.

16 3. Advise and counsel with the regional board of trustees
17 and individual libraries in all matters pertaining to the
18 improvement of library services in the region.

19 4. Cooperate with other members of the regional library
20 system, the state library of Iowa and representatives of the
21 Iowa library community in considering and developing plans for
22 the improvement of library services in Iowa.

23 5. Carry out the policies of the regional board of
24 trustees not inconsistent with state law.

25 Sec. 31. NEW SECTION. 256.68 ALLOCATION AND
26 ADMINISTRATION OF FUNDS.

27 1. Funds appropriated for the purpose of carrying out
28 sections 256.60 through 256.69 shall be allocated to regional
29 boards by the commission of libraries as follows:

30 a. Sixty percent in proportion to the population served by
31 each regional board.

32 b. Twenty-five percent proportioned equally among the
33 regional boards.

34 c. Fifteen percent in proportion to the geographic area
35 served by each regional board.

1 2. In addition to funds received under subsection 1, a
2 regional library board may individually or cooperatively apply
3 to the commission of libraries for available grants.

4 Sec. 32. NEW SECTION. 256.69 LOCAL FINANCIAL SUPPORT.

5 Commencing July 1, 1977, each city within its corporate
6 boundaries and each county within the unincorporated area of
7 the county shall levy a tax of at least six and three-fourths
8 cents per thousand dollars of assessed value on the taxable
9 property or at least the monetary equivalent thereof when all
10 or a portion of the funds are obtained from a source other
11 than taxation, for the purpose of providing financial support
12 to the public library which provides library services within
13 the respective jurisdictions.

14 Sec. 33. NEW SECTION. 256.70 LIBRARY COMPACT AUTHORIZED.

15 The division of libraries and information services of the
16 department of education is hereby authorized to enter into
17 interstate library compacts on behalf of the state of Iowa
18 with any state bordering on Iowa which legally joins therein
19 in substantially the following form.

20 The contracting states agree that:

21 ARTICLE I -- PURPOSE

22 Because the desire for the services provided by public
23 libraries transcends governmental boundaries and can be
24 provided most effectively by giving such services to
25 communities of people regardless of jurisdictional lines, it
26 is the policy of the states who are parties to this compact to
27 cooperate and share their responsibilities in providing joint
28 and cooperative library services in areas where the
29 distribution of population makes the provision of library
30 service on an interstate basis the most effective way to
31 provide adequate and efficient services.

32 ARTICLE II -- PROCEDURE

33 The appropriate state library officials and agencies having
34 comparable powers with those of the Iowa commission of
35 libraries of the party states or any of their political

1 subdivisions may, on behalf of said states or political
2 subdivisions, enter into agreements for the cooperative or
3 joint conduct of library services when they shall find that
4 the execution of agreements to that end as provided herein
5 will facilitate library services.

6 ARTICLE III -- CONTENT

7 Any such agreement for the cooperative or joint
8 establishment, operation or use of library services,
9 facilities, personnel, equipment, materials or other items not
10 excluded because of failure to enumerate shall, as among the
11 parties of the agreement:

12 1. Detail the specific nature of the services, facilities,
13 properties or personnel to which it is applicable;

14 2. Provide for the allocation of costs and other financial
15 responsibilities;

16 3. Specify the respective rights, duties, obligations and
17 liabilities;

18 4. Stipulate the terms and conditions for duration,
19 renewal, termination, abrogation, disposal of joint or common
20 property, if any, and all other matters which may be
21 appropriate to the proper effectuation and performance of said
22 agreement.

23 ARTICLE IV -- CONFLICT OF LAWS

24 Nothing in this compact or in any agreement entered into
25 hereunder shall alter, or otherwise impair any obligation
26 imposed on any public library by otherwise applicable laws, or
27 be constituted to supersede.

28 ARTICLE V -- ADMINISTRATOR

29 Each state shall designate a compact administrator with
30 whom copies of all agreements to which the state or any
31 subdivision thereof is party shall be filed. The
32 administrator shall have such powers as may be conferred by
33 the laws of the administrator's state and may consult and
34 cooperate with the compact administrators of other party
35 states and take such steps as may effectuate the purposes of

1 this compact.

2 ARTICLE VI -- EFFECTIVE DATE

3 This compact shall become operative when entered in by two
4 or more entities having the powers enumerated herein.

5 ARTICLE VII -- RENUNCIATION

6 This compact shall continue in force and remain binding
7 upon each party state until six months after any such state
8 has given notice of repeal by the legislature. Such
9 withdrawal shall not be construed to relieve any party to an
10 agreement authorized by Articles II and III of the compact
11 from the obligation of that agreement prior to the end of its
12 stipulated period of duration.

13 ARTICLE VIII -- SEVERABILITY -- CONSTRUCTION

14 The provisions of this compact shall be severable. It is
15 intended that the provisions of this compact be reasonably and
16 liberally construed.

17 Sec. 34. NEW SECTION. 256.71 ADMINISTRATOR.

18 The administrator of the division of libraries and
19 information services shall be the compact administrator. The
20 compact administrator shall receive copies of all agreements
21 entered into by the state or its political subdivisions and
22 other states or political subdivisions; consult with, advise
23 and aid such governmental units in the formulation of such
24 agreements; make such recommendations to the governor,
25 legislature, governmental agencies and units as the
26 administrator deems desirable to effectuate the purposes of
27 this compact and consult and co-operate with the compact
28 administrators of other party states.

29 Sec. 35. NEW SECTION. 256.72 AGREEMENTS.

30 The compact administrator and the chief executive of a
31 county, city, or library board may enter into agreements with
32 other states or their political subdivisions pursuant to the
33 compact. The agreements made pursuant to this compact on
34 behalf of the state of Iowa shall be made by the compact
35 administrator. The agreements made on behalf of a political

1 subdivision shall be made after due notice to and consultation
2 with the compact administrator.

3 Sec. 36. NEW SECTION. 256.73 ENFORCEMENT.

4 The agencies and officers of this state and its
5 subdivisions shall enforce this compact and do all things
6 appropriate to effect its purpose and intent which may be
7 within their respective jurisdiction.

8 Sec. 37. NEW SECTION. 256.80 DEFINITIONS.

9 As used in this section and sections 256.81 through 256.90
10 unless the context otherwise requires:

11 1. "Administrator" means the administrator of the public
12 broadcasting division of the department of education.

13 2. "Board" means the Iowa public broadcasting board.

14 3. "Broadcast" means communications through a system that
15 is receivable by the general public with programming designed
16 for a large group of users.

17 4. "Narrowcast" means communications through systems that
18 are directed toward a narrowly defined audience.

19 5. "Radio and television facility" means transmitters,
20 towers, studios, and all necessary associated equipment for
21 broadcasting, including closed circuit television.

22 Sec. 38. NEW SECTION. 256.81 PUBLIC BROADCASTING
23 DIVISION CREATED -- ADMINISTRATOR -- DUTIES.

24 1. The public broadcasting division of the department of
25 education is created. The chief administrative officer of the
26 division is the administrator who shall be appointed by and
27 serve at the pleasure of the Iowa public broadcasting board.
28 The governor shall set the division administrator's salary
29 unless otherwise provided by law. Educational programming
30 shall be the highest priority of the division. The director
31 of the department of education and the state board of
32 education are not liable for the activities of the division of
33 public broadcasting.

34 2. The administrator shall do all of the following:

35 a. Direct and organize the activities of the division.

1 b. Submit a biennial report to the governor on the
2 activities and an evaluation of the division and its programs
3 and policies.

4 c. Control all property of the division.

5 d. Perform other duties imposed by law.

6 Sec. 39. NEW SECTION. 256.82 BOARD -- ADVISORY
7 COMMITTEES.

8 1. The Iowa public broadcasting board is created to plan,
9 establish, and operate educational radio and television
10 facilities and other telecommunications services including
11 narrowcast and broadcast systems to serve the educational
12 needs of the state. The board shall be composed of nine
13 members selected in the following manner:

14 a. Four members shall be appointed by the governor so that
15 the portion of the board membership appointed under this
16 paragraph includes two male board members and two female board
17 members at all times:

18 (1) One member shall be appointed from the business
19 community other than the commercial broadcasting industry and
20 the telecommunications industry.

21 (2) One member shall be appointed from the commercial
22 broadcast industry.

23 (3) One member shall be appointed from the membership of a
24 fund-raising nonprofit organization financially assisting the
25 Iowa public broadcasting division.

26 (4) One member shall represent the general public.

27 b. Five members shall be selected in the manner provided
28 in this paragraph and the gender balance of the membership
29 shall be coordinated among the associations and boards making
30 the appointments so that not more than three members serving
31 under this paragraph at the same time are of the same gender.

32 (1) One member shall be appointed by the state association
33 of private colleges and universities.

34 (2) One member shall be appointed jointly by the
35 superintendents of the community colleges created by chapter

1 260C.

2 (3) One member shall be appointed jointly by the
3 administrators of the area education agencies created by
4 chapter 273.

5 (4) One member who is knowledgeable about
6 telecommunications shall be appointed by the state board of
7 regents.

8 (5) One member shall be appointed by the state board of
9 education.

10 2. Board members shall serve a three-year term commencing
11 on July 1 of the year of appointment. A vacancy shall be
12 filled in the same manner as the original appointment for the
13 remainder of the term.

14 Membership on the board does not constitute holding a
15 public office and members shall not be required to take and
16 file oaths of office before serving. A member shall not be
17 disqualified from holding any public office or employment by
18 reason of appointment to the board nor shall a member forfeit
19 an office or employment by reason of appointment to the board.

20 3. The board shall appoint at least two advisory
21 committees, each of which has no more than a simple majority
22 of members of the same gender, as follows:

23 a. Advisory committee on the operation of the narrowcast
24 system. The advisory committee shall be composed of members
25 from among the users of the narrowcast system including
26 representatives of institutions under the state board of
27 regents, community colleges, area education agencies,
28 classroom teachers, school district administrators, school
29 district boards of directors, the department of economic
30 development, the department of education, and private colleges
31 and universities.

32 b. Advisory committee on journalistic and editorial
33 integrity. The division shall be governed by the national
34 principles of editorial integrity developed by the editorial
35 integrity project.

1 Duties of the advisory committees, and of additional
2 advisory committees the board may from time to time appoint,
3 shall be specified in rules of internal management adopted by
4 the board.

5 Members of advisory committees shall receive actual
6 expenses incurred in performing their official duties.

7 Sec. 40. NEW SECTION. 256.83 MEETINGS.

8 1. The board shall elect from among its members a
9 president and a vice president to serve a one-year term. The
10 board shall meet at least four times annually and shall hold
11 special meetings at the call of the president or in the
12 absence of the president by the vice president or by the
13 president upon written request of four members. The board
14 shall establish procedures and requirements relating to
15 quorum, place, and conduct of meetings.

16 2. Board members shall receive actual expenses incurred in
17 performing their official duties.

18 Sec. 41. NEW SECTION. 256.84 POWERS -- FACILITIES --
19 RULES.

20 1. The board may purchase, lease, and improve property,
21 equipment, and services for educational telecommunications
22 including the broadcast and narrowcast systems, and may
23 dispose of property and equipment when not necessary for its
24 purposes. The board and division administrator may arrange
25 for joint use of available services and facilities.

26 2. The board shall apply for channels, frequencies,
27 licenses, and permits as necessary for the performance of the
28 board's duties.

29 3. This section does not prohibit institutions under the
30 state board of regents and community colleges under the
31 department of education from owning, operating, improving,
32 maintaining, and restructuring educational radio and
33 television stations and transmitters now in existence or other
34 educational narrowcast telecommunications systems and
35 services. The institutions and schools may enter into

1 agreements with the board for the lease or purchase of
2 equipment and facilities.

3 4. The board may locate its administrative offices and
4 production facilities outside the city of Des Moines.

5 5. The board shall adopt and update a design plan for
6 educational telecommunications systems and services in this
7 state. The design plan shall be updated at least every two
8 years. Copies of the design plan and updated design plan
9 shall be made available to the governor and members of the
10 general assembly upon request. The plan shall include a list
11 of public utilities and private telecommunications companies
12 being utilized by the educational telecommunications system;
13 the cost of the system; the fees or charges established for
14 the system; and information on areas where construction is
15 required because facilities are not available from private
16 telecommunications companies.

17 6. The board shall establish guidelines for and may impose
18 and collect fees and charges for services. Fees and charges
19 collected by the board for services shall be deposited to the
20 credit of the division. Any interest earned on these
21 receipts, and revenues generated under subsection 7, shall be
22 retained and may be expended by the division subject to the
23 approval of the board.

24 7. The board may make and execute agreements, contracts,
25 and other instruments with any public or private entity and
26 may retain revenues generated from these contracts. State
27 departments and agencies, other public agencies, and
28 governmental subdivisions and private entities including but
29 not limited to institutions of higher education and nonpublic
30 schools may enter into contracts and otherwise cooperate with
31 the board.

32 8. The board may contract with engineers, attorneys,
33 accountants, financial experts, and other advisors upon the
34 recommendation of the administrator. The board may enter into
35 contracts or agreements for such services with local, state,

1 or federal governmental agencies.

2 9. The board may adopt rules to implement and administer
3 the programs of the division.

4 10. The decision of the board is final agency action under
5 chapter 17A.

6 Sec. 42. NEW SECTION. 256.85 PURCHASE OF ENERGY
7 EFFICIENCY PACKAGES.

8 The public broadcasting division of the department of
9 education may use the state of Iowa facilities improvement
10 corporation to purchase energy efficiency packages for its
11 ultrahigh frequency transmitters.

12 Sec. 43. NEW SECTION. 256.86 COMPETITION WITH PRIVATE
13 SECTOR.

14 It is the intent of the general assembly that the division
15 shall not compete with the private sector by actively seeking
16 revenue from its operations. It is not the intent of the
17 general assembly to prohibit the receipt of charitable
18 contributions as defined by section 170 of the Internal
19 Revenue Code. The board, the governor, or the administrator
20 may apply for and accept federal or nonfederal gifts, loans,
21 or grants of funds and may use the funds for projects under
22 this chapter.

23 Sec. 44. NEW SECTION. 256.87 COSTS AND FEES -- CAPITAL
24 EQUIPMENT REPLACEMENT REVOLVING FUND.

25 1. The board may provide noncommercial production or
26 reproduction services for other public agencies, nonprofit
27 corporations or associations organized under state law, or
28 other nonprofit organizations, and may collect the costs of
29 providing the services from the public agency, corporation,
30 association, or organization, plus a separate equipment usage
31 fee in an amount determined by the board and based upon the
32 equipment used. The costs shall be deposited to the credit of
33 the board. The separate equipment usage fee shall be
34 deposited in the capital equipment replacement revolving fund.

35 2. The board may establish a capital equipment replacement

1 revolving fund into which shall be deposited equipment usage
2 fees collected under subsection 1 and funds from other sources
3 designated for deposit in the capital equipment replacement
4 revolving fund. The board may expend moneys from the capital
5 equipment replacement revolving fund to purchase technical
6 equipment for operating the educational radio and television
7 facility.

8 Sec. 45. NEW SECTION. 256.88 TRUSTS.

9 Notwithstanding section 633.63, the board may accept and
10 administer trusts and may authorize nonprofit foundations
11 acting solely for the support of educational
12 telecommunications including the broadcast and narrowcast
13 systems to accept and administer trusts deemed by the board to
14 be beneficial to the operation of the educational radio and
15 television facility. The board and the foundations may act as
16 trustees in such instances.

17 Sec. 46. NEW SECTION. 256.89 STATE PLAN.

18 The board shall cause to be developed and adopt a state
19 educational telecommunications design plan. Any agency of the
20 state and any political subdivision of the state shall submit
21 plans for the development of educational telecommunications
22 systems to the board to be coordinated with the state
23 educational telecommunications design plan adopted by the
24 board. Private institutions and entities may submit
25 educational telecommunications proposals for coordination.

26 Sec. 47. NEW SECTION. 256.90 NARROWCAST OPERATIONS.

27 The board shall not use, permit use, or permit resale of
28 its telecommunications narrowcast system for other than
29 educational purposes. The board, in the establishment and
30 operation of its telecommunications narrowcast system, shall
31 use facilities and services of the private telecommunications
32 industry companies to the greatest extent possible and is
33 prohibited from constructing telecommunications facilities
34 unless comparable facilities are not available from the
35 private telecommunications industry at comparable quality and

1 price.

2 Notwithstanding chapter 476, the provisions of chapter 476
3 shall not apply to a public utility in furnishing a
4 telecommunications service or facility to the board.

5 Sec. 48. Section 303.1, Code 1993, is amended to read as
6 follows:

7 303.1 DEPARTMENT OF CULTURAL AFFAIRS.

8 1. The department of cultural affairs is created. The
9 department is under the control of a director who shall be
10 appointed by the governor, subject to confirmation by the
11 senate, and shall serve at the pleasure of the governor. The
12 salary of the director shall be set by the governor within a
13 range set by the general assembly.

14 2. The department has primary responsibility for
15 development of the state's interest in the areas of the arts,
16 history, ~~libraries,~~ and other cultural matters. In fulfilling
17 this responsibility, the department will be advised and
18 assisted by ~~the-state-library-commission,~~ the state historical
19 society and its board of trustees, and the Iowa arts council,
20 ~~the-Ferrace-Hill-commission,-and-the-Iowa-public-broadcasting~~
21 ~~board.~~

22 The department shall:

23 a. Develop a comprehensive, co-ordinated, and efficient
24 policy to preserve, research, interpret, and promote to the
25 public an awareness and understanding of local, state, and
26 regional history.

27 ~~b. Stimulate-and-encourage-educational-radio-and~~
28 ~~television-and-other-educational-communications-services-as~~
29 ~~necessary-to-aid-in-accomplishing-the-educational-objectives~~
30 ~~of-the-state-~~

31 ~~c.~~ Stimulate and encourage throughout the state the study
32 and presentation of the performing and fine arts and public
33 interest and participation in them.

34 ~~d~~ c. Implement tourism-related art and history projects as
35 directed by the general assembly.

1 e d. Design a comprehensive, statewide, long-range plan
2 with the assistance of the Iowa arts council to develop the
3 arts in Iowa. The department is designated as the state
4 agency for carrying out the plan.

5 ~~f.--Meet-the-informational-needs-of-the-three-branches-of~~
6 ~~state-government.~~

7 ~~g.--Provide-for-the-improvement-of-library-services-to-all~~
8 ~~Iowa-citizens-and-foster-development-and-cooperation-among~~
9 ~~libraries.~~

10 3. The department shall consist of the following:

11 a. Historical division.

12 b. ~~Library-division.~~

13 c. Arts division.

14 ~~d.--Public-broadcasting-division.~~

15 e c. Other divisions created by rule.

16 f d. Administrative section.

17 4. The director may create, combine, eliminate, alter or
18 reorganize the organization of the department by rule except
19 ~~for-those-matters-prescribed-by-sections-303-75-through~~
20 ~~303-85.~~

21 5. The department by rule may establish advisory groups
22 necessary for the receipt of federal funds or grants or the
23 administration of any of the department's programs.

24 6. The divisions shall be administered by administrators
25 who shall be appointed by the director and serve at the
26 director's pleasure. ~~However, the administrator of the public~~
27 ~~broadcasting-division-shall-be-appointed-by-and-serve-at-the~~
28 ~~pleasure-of-the-public-broadcasting-board-and-the~~
29 ~~administrator-of-the-library-division-shall-be-appointed-by~~
30 ~~and-serve-at-the-pleasure-of-the-library-commission.~~ The
31 administrators shall:

32 a. Organize the activities of the division.

33 b. Submit a biennial report to the governor on the
34 activities and an evaluation of the division and its programs
35 and policies.

1 c. Control all property of the division.

2 d. Perform other duties imposed by law.

3 Sec. 49. Section 303.1A, unnumbered paragraphs 1, 2, and
4 3, Code 1993, are amended to read as follows:

5 ~~Except for those matters prescribed by sections 303.75~~
6 ~~through 303.85, the~~ The duties of the director shall include,
7 but are not limited to, the following:

8 The director may appoint a member of the staff to be acting
9 director who shall have the powers delegated by the director,
10 in the director's absence. The

11 ~~The~~ director may delegate the powers and duties of that
12 office to the administrators. ~~The director is not liable for~~
13 ~~the activities of the division of public broadcasting:~~

14 Sec. 50. Section 303.2, subsection 1, Code 1993, is
15 amended to read as follows:

16 1. The administrative services section shall provide
17 administrative, accounting, public relations and clerical
18 services for the department, report to the director and
19 perform other duties assigned to it by the director, ~~except~~
20 ~~for those matters prescribed by sections 303.75 through~~
21 ~~303.85. The administrative services section may provide~~
22 ~~services to the public broadcasting division.~~

23 Sec. 51. Section 303.2, subsection 3, Code 1993, is
24 amended by striking the subsection.

25 Sec. 52. Section 331.381, subsection 11, Code 1993, is
26 amended to read as follows:

27 11. Enforce the interstate library compact in accordance
28 with sections ~~303A.9 to 303A.11~~ 256.70 through 256.73.

29 Sec. 53. Section 669.2, subsection 5, Code 1993, is
30 amended to read as follows:

31 5. "State agency" includes all executive departments,
32 agencies, boards, bureaus, and commissions of the state of
33 Iowa, and corporations whose primary function is to act as,
34 and while acting as, instrumentalities or agencies of the
35 state of Iowa, whether or not authorized to sue and be sued in

1 their own names. This definition does not include a
2 contractor with the state of Iowa. Soil and water
3 conservation districts as defined in section 161A.3,
4 subsection 5, judicial district departments of correctional
5 services as established in section 905.2, and regional boards
6 of library trustees as defined in chapter 303B 256, are state
7 agencies for purposes of this chapter.

8 Sec. 54. Section 904.601, unnumbered paragraph 1, Code
9 1993, is amended to read as follows:

10 The director shall keep the following record of every
11 person committed to any of the department's institutions:
12 Name, residence, sex, age, place of birth, occupation, civil
13 condition, date of entrance or commitment, date of discharge,
14 whether a discharge is final, condition of the person when
15 discharged, the name of the institutions from which and to
16 which the person has been transferred, and if the person is
17 dead, the date and cause of death. The director may permit
18 the ~~library~~ division of libraries and information services of
19 the department of education and the historical division of the
20 department of cultural affairs to copy or reproduce by any
21 photographic, photostatic, microfilm, microcard, or other
22 process which accurately reproduces in a durable medium and to
23 destroy in the manner described by law the records of inmates
24 required by this paragraph.

25 Sec. 55. Sections 256.22, 303.2A, 303.17, 303.75 through
26 303.85, 303.91 through 303.94, Code 1993, are repealed.

27 Sec. 56. Chapters 303A and 303B, Code 1993, are repealed.

28 Sec. 57. The Code editor shall divide chapter 256 into
29 subchapters.

30

EXPLANATION

31 This bill makes the changes to the Iowa Code required by
32 the passage and enactment of House File 2465 in 1992. House
33 File 2465 transferred the department of cultural affairs'
34 authority or interest over the library division, regional
35 library system, library compact, state data center, and public

1 broadcasting division to the department of education, but did
2 not make the necessary technical changes in the Code. This
3 bill moves the appropriate Code provisions from chapters 303,
4 303A, and 303B, related to cultural affairs, to chapter 256,
5 the chapter designated for the department of education.

6 This bill also transfers the Terrace Hill commission from
7 the department of cultural affairs to the office of the
8 governor.

9 The Code presently mentions the state data center by title,
10 but contains no information about the center. The bill
11 creates a new provision of the Code establishing the state
12 data center within the department of education and specifies
13 the duties of its administrator, the state data center
14 coordinator.

15 The bill repeals the provisions from chapters 303, 303A,
16 and 303B that are no longer within the purview of the
17 department of cultural affairs.

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SENATE FILE 225

S-3182

1 Amend Senate File 225 as follows:

- 2 1. Page 1, by striking lines 1 through 16.
- 3 2. Page 2, by inserting after line 18 the follow-

4 ing:

5 "Sec. ____ . NEW SECTION. 18.8A TERRACE HILL
6 COMMISSION.

7 1. The Terrace Hill commission is created
8 consisting of nine persons, appointed by the governor,
9 who are knowledgeable in business management and
10 historic preservation and renovation. The governor
11 shall appoint the chairperson. The terms of the
12 commission members are for three years beginning on
13 July 1 and ending on June 30.

14 2. The Terrace Hill commission may consult with
15 the Terrace Hill society, Terrace Hill foundation, the
16 executive and legislative branches of this state and
17 other persons interested in the property.

18 3. The Terrace Hill commission may enter into
19 contracts, subject to this chapter, to execute its
20 purposes.

21 4. The commission may adopt rules to administer
22 and implement the programs of the commission. The
23 decision of the commission is final agency action
24 under chapter 17A."

25 3. Page 29, by inserting after line 29 the
26 following:

"Sec. ____ . TERRACE HILL COMMISSION FUNDING. On
the effective date of this Act, the director of
29 revenue and finance shall allocate to the department
30 of general services any funds appropriated to the
31 office of the governor for the fiscal year beginning
32 July 1, 1993, and ending June 30, 1994, for the pur-
33 poses of the Terrace Hill commission."

34 4. Title page, line 7, by striking the words
35 "governor's office" and inserting the following:
36 "department of general services".

37 5. By renumbering as necessary.

By JACK RIFE
BERL E. PRIESE
RICHARD J. VARN

S-3182 FILED MARCH 22, 1993

ADOPTED

SENATE FILE 225
BY KIBBIE

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1993)

- _____ - New Language by the Senate
- * - Language Stricken by the Senate

Passed Senate, Date _____ Passed House, Date 4/20/93 (P. 428)
 Vote: Ayes _____ Nays _____ Vote: Ayes 99 Nays 0
 Approved April 27, 1993

A BILL FOR

1 An Act related to technical and other changes within the Code to
 2 transfer the library division, regional library system,
 3 library compact, state data center, and public broadcasting
 4 division from the department of cultural affairs to the
 5 department of education and to transfer the Terrace Hill
 6 commission from the department of cultural affairs to the
 7 department of general services, and providing for related
 8 matters.

S.F. 225

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

10

SENATE FILE 225

H-3825

- 1 Amend Senate File 225, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 3 through 18.
 4 2. Page 26, by striking lines 19 and 20 and
 5 inserting the following: "society and its board of
 6 trustees, and the Iowa arts council, and the Terrace
 7 Hill commission, ~~and the Iowa public broadcasting~~".
 8 3. Page 29, line 25, by striking the figure
 9 "303.17,".
 10 4. Page 29, by striking lines 30 through 35.
 11 5. Title page, by striking lines 5 through 7 and
 12 inserting the following: "department of education and
 13 providing for related".

A.

B.

By HALVORSON of Webster

H-3825 FILED APRIL 8, 1993
 A. Lost 4/20/93 (p. 1428)
 B. Lost

*1 Section 1. Section 7A.3, subsection 10, Code 1993, is
2 amended to read as follows:

3 10. ~~Library-commission~~ Commission of libraries.

4 Sec. 2. Section 7E.5, subsection 1, paragraph m, Code
5 1993, is amended to read as follows:

6 m. The department of cultural affairs, created in section
7 303.1, which has primary responsibility for managing the
8 state's interests in the areas of the arts, history,
9 ~~libraries,~~ and other cultural matters.

10 Sec. 3. Section 12C.1, subsection 1, Code 1993, is amended
11 to read as follows:

12 1. All funds held in the hands of the following officers
13 or institutions shall be deposited in one or more depositories
14 first approved by the appropriate governing body as indicated:
15 For the treasurer of state, by the executive council; for
16 judicial officers and court employees, by the supreme court;
17 for the county treasurer, recorder, auditor, and sheriff, by
18 the board of supervisors; for the city treasurer or other
19 designated financial officer of a city, by the city council;
20 for the county public hospital or merged area hospital, by the
21 board of hospital trustees; for a memorial hospital, by the
22 memorial hospital commission; for a school corporation, by the
23 board of school directors; for a city utility or combined
24 utility system established under chapter 388, by the utility
25 board; for a regional library established under chapter ~~303B~~
26 256, by the regional board of library trustees; and for an
27 electric power agency as defined in section 28F.2, by the
28 governing body of the electric power agency. However, the
29 treasurer of state and the treasurer of each political
30 subdivision or the designated financial officer of a city
31 shall invest all funds not needed for current operating
32 expenses in time certificates of deposit in approved
33 depositories pursuant to this chapter or in investments
34 permitted by section 12B.10. The list of public depositories
35 and the amounts severally deposited in the depositories are

1 matters of public record. This subsection does not limit the
2 definition of "public funds" contained in subsection 2.

3 Sec. 4. NEW SECTION. 18.8A TERRACE HILL COMMISSION.

4 1. The Terrace Hill commission is created consisting of
5 nine persons, appointed by the governor, who are knowledgeable
6 in business management and historic preservation and
7 renovation. The governor shall appoint the chairperson. The
8 terms of the commission members are for three years beginning
9 on July 1 and ending on June 30.

10 2. The Terrace Hill commission may consult with the
11 Terrace Hill society, Terrace Hill foundation, the executive
12 and legislative branches of this state and other persons
13 interested in the property.

14 3. The Terrace Hill commission may enter into contracts,
15 subject to this chapter, to execute its purposes.

16 4. The commission may adopt rules to administer and
17 implement the programs of the commission. The decision of the
18 commission is final agency action under chapter 17A.

19 Sec. 5. Section 18.87, Code 1993, is amended to read as
20 follows:

21 18.87 LIBRARIES.

22 The completed journals of the general assembly, and the
23 official register shall be sent to each free public library in
24 Iowa, the library division of libraries and information
25 services of the department of cultural-affairs education, the
26 library commission of libraries, libraries at state
27 institutions, and college libraries.

28 Sec. 6. Section 18.97, subsection 17, Code 1993, is
29 amended to read as follows:

30 17. To the library division of libraries and information
31 services of the department of cultural-affairs-of-Iowa
32 education

33 1 copy
34 for each depository library

35 Sec. 7. Section 18.100, Code 1993, is amended to read as

1 follows:

2 18.100 EXCHANGE.

3 The volumes delivered to the state law library shall be
4 used for the purpose of effecting exchange with other states,
5 foreign countries, and provinces, for similar reports. All
6 books received in such exchange shall become a part of the
7 library division of libraries and information services of the
8 department of ~~cultural-affairs~~ education.

9 Sec. 8. Section 18.133, subsection 3, Code 1993, is
10 amended to read as follows:

11 3. "Public agency" means a state agency, a school
12 corporation, a city library, a regional library as provided in
13 chapter ~~303B~~ 256, and a county library as provided in chapter
14 336.

15 Sec. 9. Section 18.134, subsection 2, Code 1993, is
16 amended to read as follows:

17 2. A political subdivision receiving communications
18 services from the state as of April 1, 1986, may continue to
19 do so but communications services shall not be provided or
20 resold to additional political subdivisions other than a
21 school corporation, a city library, a regional library as
22 provided in chapter ~~303B~~ 256, and a county library as provided
23 in chapter 336. The rates charged to the political
24 subdivision shall be the same as the rates charged to state
25 agencies.

26 Sec. 10. Section 39.21, subsection 1, Code 1993, is
27 amended to read as follows:

28 1. Regional library trustees as required by section ~~303B-3~~
29 256.63.

30 Sec. 11. Section 218.22, Code 1993, is amended to read as
31 follows:

32 218.22 RECORD PRIVILEGED.

33 Except with the consent of the administrator in charge of
34 an institution, or on an order of a court of record, the
35 record provided in section 218.21 shall be accessible only to

1 the administrator of the division of the department of human
2 services in control of such institution, the director of the
3 department of human services and to assistants and proper
4 clerks authorized by such administrator or the administrator's
5 director. The administrator of the division of such
6 institution is authorized to permit the ~~library~~ division of
7 libraries and information services of the department of
8 education and the historical division of the department of
9 cultural affairs to copy or reproduce by any photographic,
10 photostatic, microfilm, microcard or other process which
11 accurately reproduces a durable medium for reproducing the
12 original and to destroy in the manner described by law such
13 records of residents designated in section 218.21.

14 Sec. 12. Section 256.1, Code 1993, is amended to read as
15 follows:

16 256.1 DEPARTMENT ESTABLISHED.

17 1. The department of education is established to act in a
18 policymaking and advisory capacity and to exercise general
19 supervision over the state system of education including all
20 of the following:

21 1 a. Public elementary and secondary schools.

22 2 b. Community colleges.

23 3 c. Area education agencies.

24 4 d. Vocational rehabilitation.

25 5 e. Educational supervision over the elementary and
26 secondary schools under the control of ~~a-director~~ an
27 administrator of a division of the department of human
28 services.

29 6 f. Nonpublic schools to the extent necessary for compli-
30 ance with Iowa school laws.

31 2. Stimulate and encourage educational radio and
32 television and other educational communications services as
33 necessary to aid in accomplishing the educational objectives
34 of the state.

35 3. Meet the informational needs of the three branches of

1 state government.

2 4. Provide for the improvement of library services to all
3 Iowa citizens and foster development and cooperation among
4 libraries.

5 5. The department shall act as an administrative,
6 supervisory, and consultative state agency.

7 Sec. 13. Section 256.7, unnumbered paragraph 1, Code 1993,
8 is amended to read as follows:

9 Except for the college student aid commission and the
10 public broadcasting board and division, the state board shall:

11 Sec. 14. Section 256.9, unnumbered paragraph 1, Code 1993,
12 is amended to read as follows:

13 Except for the college student aid commission and the
14 public broadcasting board and division, the director shall:

15 Sec. 15. Section 256.9, subsections 49 and 50, Code 1993,
16 are amended by striking the subsections.

17 Sec. 16. Section 256.33, unnumbered paragraph 1, Code
18 1993, is amended to read as follows:

19 The department shall consort with school districts, area
20 education agencies, community colleges, and colleges and
21 universities to provide assistance to them in the use of
22 educational technology for instruction purposes. The
23 department shall consult with the advisory committee on the
24 operation of the narrowcast system, established in section
25 ~~303-77~~ 256.82, the advisory committee on telecommunications,
26 established in section 256.7, subsection 9, and other users of
27 educational technology on the development and operation of
28 programs under this section.

29 Sec. 17. NEW SECTION. 256.50 DIVISION OF LIBRARIES AND
30 INFORMATION SERVICES -- DEFINITIONS.

31 As used in this section and sections 256.51 through 256.55,
32 unless the context otherwise requires:

33 1. "Commission" means the commission of libraries.

34 2. "Division" means the division of libraries and
35 information services of the department of education.

1 3. "State agency" means a legislative, executive, or
2 judicial office of the state and all of its respective
3 officers, departments, divisions, bureaus, boards,
4 commissions, and committees, except the state institutions of
5 higher education governed by the state board of regents.

6 4. "State publications" means all multiple-produced
7 publications regardless of format, which are issued by a state
8 agency and supported by public funds, but it does not include:

9 a. Correspondence and memoranda intended solely for
10 internal use within the agency or between agencies.

11 b. Materials excluded from this definition by the
12 commission through the adoption and enforcement of rules.

13 Sec. 18. NEW SECTION. 256.51 DIVISION OF LIBRARIES AND
14 INFORMATION SERVICES -- DUTIES AND RESPONSIBILITIES.

15 1. The division of libraries and information services is
16 established within the department of education. The division
17 shall do all of the following:

18 a. Determine policy for providing information service to
19 the three branches of state government and to the legal and
20 medical communities in this state.

21 b. Coordinate a statewide interregional interlibrary loan
22 and information network among libraries in this state and
23 support activities which increase cooperation among all types
24 of libraries.

25 c. Establish and administer a program for the collection
26 and distribution of state publications to depository
27 libraries.

28 d. Develop and adopt, in conjunction with the Iowa
29 regional library system, long-range plans for the continued
30 improvement of library services and which will explore or
31 broaden the information mission in the state. To insure that
32 the concerns of all types of libraries are addressed, the
33 division shall establish a long-range planning committee to
34 review and evaluate progress and report findings and
35 recommendations to the division and to the trustees of the

- 1 Iowa regional library system at an annual meeting.
- 2 e. Develop in cooperation with the Iowa regional library
- 3 system a biennial unified plan of service for the division of
- 4 libraries and information services.
- 5 f. Establish and administer a statewide continuing
- 6 education program for librarians and trustees.
- 7 g. Give to libraries advice and counsel in specialized
- 8 areas which may include, but are not limited to, building
- 9 construction and space utilization, children's services, and
- 10 technological developments.
- 11 h. Obtain from libraries reports showing the condition,
- 12 growth, and development of services provided and disseminate
- 13 this information in a timely manner to the citizens of Iowa.
- 14 i. Establish and administer certification guidelines for
- 15 librarians not covered by other accrediting agencies.
- 16 j. Foster public awareness of the condition of libraries
- 17 in Iowa and of methods to improve library services to the
- 18 citizens of the state.
- 19 k. Establish and administer standards for state agency
- 20 libraries, the Iowa regional library system, and public
- 21 libraries.
- 22 2. The division may do all of the following:
- 23 a. Enter into interstate library compacts on behalf of the
- 24 state of Iowa with any state which legally joins in the
- 25 compacts as provided in section 256.70.
- 26 b. Receive and expend money for providing programs and
- 27 services. The division may receive, accept, and administer
- 28 any moneys appropriated or granted to it, separate from the
- 29 general library fund, by the federal government or by any
- 30 other public or private agency.
- 31 c. Accept gifts, contributions, bequests, endowments, or
- 32 other moneys, including but not limited to the Westgate
- 33 endowment fund, for any or all purposes of the division.
- 34 Interest earned on moneys accepted under this paragraph shall
- 35 be credited to the fund or funds to which the gifts,

1 contributions, bequests, endowments, or other moneys have been
2 deposited, and is available for any or all purposes of the
3 division. The division shall report annually to the director
4 and the general assembly regarding the gifts, contributions,
5 bequests, endowments, or other moneys accepted pursuant to
6 this paragraph and the interest earned on them.

7 Sec. 19. NEW SECTION. 256.52 COMMISSION OF LIBRARIES
8 ESTABLISHED -- DUTIES OF COMMISSION AND STATE LIBRARIAN.

9 1. The state commission of libraries consists of one
10 member appointed by the supreme court and six members
11 appointed by the governor to serve four-year terms beginning
12 and ending as provided in section 69.19. Of the governor's
13 appointees, one member shall be from the medical profession
14 and five members selected at large. Not more than three of
15 the members appointed by the governor shall be of the same
16 gender. The members shall be reimbursed for their actual
17 expenditures necessitated by their official duties. Members
18 may also be eligible for compensation as provided in section
19 7E.6.

20 2. The commission shall elect one of its members as
21 chairperson. The commission shall meet at the time and place
22 specified by call of the chairperson. Four members are a
23 quorum for the transaction of business.

24 3. The commission shall appoint the state librarian who
25 shall administer the division, and serve at the pleasure of
26 the commission.

27 The state librarian shall do all of the following:

28 a. Direct and organize the activities of the division.

29 b. Submit a biennial report to the governor on the
30 activities and an evaluation of the division and its programs
31 and policies.

32 c. Control all property of the division.

33 d. Appoint and approve the technical, professional,
34 excepting the medical librarian and the law librarian,
35 secretarial, and clerical staff necessary to accomplish the

1 purposes of the division subject to chapter 19A.

2 e. Perform other duties imposed by law.

3 4. The commission shall adopt rules under chapter 17A for
4 carrying out the responsibilities of the division.

5 5. The commission shall receive and approve the budget and
6 unified plan of service submitted by the division of libraries
7 and information services.

8 Sec. 20. NEW SECTION. 256.53 STATE PUBLICATIONS.

9 Upon issuance of a state publication in any format, a state
10 agency shall deposit with the division at no cost to the
11 division, seventy-five copies of the publication or a lesser
12 number if specified by the division.

13 Sec. 21. NEW SECTION. 256.54 STATE LIBRARY -- MEDICAL
14 AND LAW LIBRARIES.

15 The state library includes, but is not limited to, a
16 medical library, a law library, and the state data center.

17 1. The medical library shall be administered by a medical
18 librarian, appointed by the director subject to chapter 19A,
19 who shall do all of the following:

20 a. Operate the medical library which shall always be
21 available for free use by the residents of Iowa under rules
22 the commission adopts.

23 b. Give no preference to any school of medicine and shall
24 secure books, periodicals, and pamphlets for every legally
25 recognized school of medicine without discrimination.

26 c. Perform other duties imposed by law or prescribed by
27 the rules of the commission.

28 2. The law library shall be administered by a law
29 librarian appointed by the director subject to chapter 19A,
30 who shall do all of the following:

31 a. Operate the law library which shall be maintained in
32 the state capitol or in rooms convenient to the state supreme
33 court and which shall be available for free use by the
34 residents of Iowa under rules the commission adopts.

35 b. Maintain, as an integral part of the law library,

1 reports of various boards and agencies and copies of bills,
2 journals, and other information relating to current or
3 proposed legislation.

4 c. Arrange to make exchanges of all printed material
5 published by the states and the government of the United
6 States.

7 d. Perform other duties imposed by law or by the rules of
8 the commission.

9 Sec. 22. NEW SECTION. 256.55 STATE DATA CENTER.

10 A state data center is established in the department of
11 education. The state data center shall be administered by the
12 state data center coordinator, who shall do all of the
13 following:

14 1. Manage the state data center program to make United
15 States census data available to the residents of Iowa under
16 rules the commission adopts.

17 2. Act as the state's liaison with the United States
18 census bureau in matters relating to United States decennial,
19 economic, and agricultural census data, and population
20 estimates and projections.

21 3. Perform other duties imposed by law or prescribed by
22 the commission.

23 Sec. 23. NEW SECTION. 256.60 REGIONAL LIBRARY SYSTEM
24 ESTABLISHED -- PURPOSES.

25 A regional library system is established to provide sup-
26 porting services to libraries and to encourage local financial
27 support for library services.

28 Sec. 24. NEW SECTION. 256.61 REGIONAL LIBRARY TRUSTEES.

29 The regional library system shall consist of seven regional
30 boards of library trustees which shall serve respectively the
31 seven geographic regions specified in this section. Each
32 region shall be divided into geographic districts, which shall
33 be drawn along county lines and which shall be represented on
34 regional boards by trustees elected to the boards in the
35 following numbers and from the following districts:

- 1 1. To the southwestern board, two from Pottawattamie
- 2 county and one from each of the following five districts:
- 3 a. Harrison, Shelby and Audubon counties.
- 4 b. Guthrie, Cass and Adair counties.
- 5 c. Mills, Fremont and Page counties.
- 6 d. Montgomery, Adams, Union and Taylor counties.
- 7 e. Clarke, Lucas, Ringgold, Decatur and Wayne counties.
- 8 2. To the northwestern board, two from Woodbury county and
- 9 one from each of the following five districts:
- 10 a. Lyon, Sioux and Osceola counties.
- 11 b. Dickinson, Emmet, Clay and Palo Alto counties.
- 12 c. O'Brien, Plymouth and Cherokee counties.
- 13 d. Buena Vista, Pocahontas, Ida, Sac and Calhoun counties.
- 14 e. Monona, Crawford and Carroll counties.
- 15 3. To the north central board, two from a district
- 16 composed of Hancock, Cerro Gordo and Franklin counties; two
- 17 from a district composed of Humboldt, Wright and Webster
- 18 counties; and one from each of the following three districts:
- 19 a. Kossuth and Winnebago counties.
- 20 b. Hamilton and Hardin counties.
- 21 c. Worth, Mitchell and Floyd counties.
- 22 4. To the central board, four from a district composed of
- 23 Polk and Marion counties, and one from each of the following
- 24 three districts:
- 25 a. Greene, Dallas, Madison and Warren counties.
- 26 b. Boone and Story counties.
- 27 c. Marshall and Jasper counties.
- 28 5. To the southeastern board, two from Scott county and
- 29 one from each of the following five districts:
- 30 a. Appanoose, Davis and Wapello counties.
- 31 b. Jefferson, Van Buren and Lee counties.
- 32 c. Monroe, Mahaska and Keokuk counties.
- 33 d. Henry and Des Moines counties.
- 34 e. Muscatine, Louisa and Washington counties.
- 35 6. To the east central board, three from a district

1 composed of Linn and Jones counties; two from a district
2 composed of Iowa, Johnson and Cedar counties; and one from
3 each of the following two districts:

4 a. Tama, Benton and Poweshiek counties.

5 b. Jackson and Clinton counties.

6 7. To the northeastern board, two from Black Hawk county;
7 two from a district composed of Delaware and Dubuque counties;
8 and one from each of the following three districts:

9 a. Grundy, Butler and Bremer counties.

10 b. Howard, Winneshiek, Allamakee and Chickasaw counties.

11 c. Buchanan, Fayette and Clayton counties.

12 Sec. 25. NEW SECTION. 256.62 REGIONAL LIBRARY TRUSTEES -
13 -NONVOTING MEMBERS.

14 In addition to the members of the seven regional boards of
15 library trustees provided in section 256.61, the director of
16 education shall appoint to each of the seven regional boards
17 of library trustees the following nonvoting members:

18 1. A representative from an area education agency.

19 2. A representative who serves as a member on the board of
20 directors for a community college.

21 The nonvoting members shall serve at the pleasure of the
22 director. The appointed members shall cease to be members if
23 they no longer are employed by an area education agency or no
24 longer serve as a member on a community college board of
25 directors. Sections 256.63 and 256.64 do not apply to the
26 appointed nonvoting members of the regional boards of library
27 trustees.

28 Sec. 26. NEW SECTION. 256.63 ELECTION.

29 A trustee of a regional board shall be elected without
30 regard to political affiliation at the general election by the
31 vote of the electors of the trustee's district from a list of
32 nominees, the names of which have been taken from nomination
33 papers filed in accordance with chapter 45 in all respects
34 except that they shall be signed by not less than twenty-five
35 eligible electors of the respective district. The election

1 shall be administered by the commissioner who has jurisdiction
2 under section 47.2.

3 The votes cast in the election shall be canvassed and
4 abstracts of the votes cast shall be promptly certified by the
5 commissioner to the commissioner of elections who is
6 responsible under section 47.2 for conducting elections for
7 that regional library board district. In each county whose
8 commissioner of elections is responsible under section 47.2
9 for conducting elections held for a regional library board
10 district, the county board of supervisors shall convene at
11 nine a.m. on the third Monday in November, canvass the
12 abstracts of votes cast and declare the results of the voting.
13 The commissioner shall at once issue certificates of election
14 to each person declared elected.

15 Sec. 27. NEW SECTION. 256.64 TERMS.

16 Regional library trustees shall take office on the first
17 day of January following the general election and shall serve
18 terms of four years. A vacancy shall be filled when it occurs
19 not less than ninety days before the next general election by
20 appointment by the regional board for the unexpired term. No
21 trustee shall serve on a local library board or be employed by
22 a library during the trustee's term of office as a regional
23 library trustee.

24 Sec. 28. NEW SECTION. 256.65 COMPENSATION.

25 Regional trustees shall be reimbursed for the actual and
26 necessary expenses incurred by them in the discharge of their
27 duties, but shall receive no compensation for services.

28 Sec. 29. NEW SECTION. 256.66 POWERS AND DUTIES OF
29 REGIONAL TRUSTEES.

30 In carrying out the purposes of section 256.60, each board
31 of trustees:

32 1. Shall appoint and evaluate a qualified administrator
33 who shall have a master's degree in librarianship from a
34 program of study accredited by the American library
35 association and who may be terminated for good cause.

1 2. Subject to the approval of the annual plan of service
2 by the director of the department of education, may receive
3 and expend state appropriated funds.

4 3. May receive and expend other funds and receive and
5 expend gifts of real property, personal property or mixed
6 property, and devises and bequests including trust funds; may
7 take title to the property; may execute deeds and bills of
8 sale for the conveyance of the property; and may expend the
9 funds received from the gifts.

10 4. May accept and administer trusts and may authorize
11 nonprofit foundations acting solely for the support of the
12 regional library to accept and administer trusts deemed by the
13 board to be beneficial to the operation of the regional
14 library. Notwithstanding section 633.63, the board and the
15 nonprofit foundation may act as trustees in these instances.
16 The board shall require that moneys belonging to a nonprofit
17 foundation be audited annually.

18 5. May contract with libraries, library agencies, private
19 corporations or individuals to improve library service.

20 6. May acquire land and construct or lease facilities to
21 carry out the provisions of sections 256.60 through 256.69.

22 7. Shall provide consultation and educational programs for
23 library staff and trustees concerning all facets of library
24 management and operation.

25 8. Shall provide interlibrary loan and information ser-
26 vices intraregionally, but which are capable of being linked
27 interregionally, according to the standards developed by the
28 commission of libraries.

29 9. Shall develop and adopt, in cooperation with other
30 members of the regional library system and the director of the
31 department of education, a long-range plan for the region.

32 10. Shall prepare, in cooperation with all members of the
33 regional library system and the director of the department of
34 education, an annual plan of service.

35 11. Shall provide data and prepare reports as directed by

1 the director of the department of education.

2 12. Shall encourage governmental subdivisions to maintain
3 local financial support for the operating expenses of local
4 libraries.

5 13. May perform other acts necessary to carry out its
6 powers and duties under sections 256.60 through 256.69.

7 Sec. 30. NEW SECTION. 256.67 DUTIES OF THE REGIONAL
8 ADMINISTRATOR.

9 A regional administrator shall:

10 1. Act as administrator and executive secretary of the
11 region in accordance with the objectives and policies adopted
12 by the regional board and with the intent of this chapter.

13 2. Organize, staff, and administer the regional library so
14 as to render the greatest benefit to libraries and information
15 services in the area.

16 3. Advise and counsel with the regional board of trustees
17 and individual libraries in all matters pertaining to the
18 improvement of library services in the region.

19 4. Cooperate with other members of the regional library
20 system, the state library of Iowa and representatives of the
21 Iowa library community in considering and developing plans for
22 the improvement of library services in Iowa.

23 5. Carry out the policies of the regional board of
24 trustees not inconsistent with state law.

25 Sec. 31. NEW SECTION. 256.68 ALLOCATION AND
26 ADMINISTRATION OF FUNDS.

27 1. Funds appropriated for the purpose of carrying out
28 sections 256.60 through 256.69 shall be allocated to regional
29 boards by the commission of libraries as follows:

30 a. Sixty percent in proportion to the population served by
31 each regional board.

32 b. Twenty-five percent proportioned equally among the
33 regional boards.

34 c. Fifteen percent in proportion to the geographic area
35 served by each regional board.

1 2. In addition to funds received under subsection 1, a
2 regional library board may individually or cooperatively apply
3 to the commission of libraries for available grants.

4 Sec. 32. NEW SECTION. 256.69 LOCAL FINANCIAL SUPPORT.

5 Commencing July 1, 1977, each city within its corporate
6 boundaries and each county within the unincorporated area of
7 the county shall levy a tax of at least six and three-fourths
8 cents per thousand dollars of assessed value on the taxable
9 property or at least the monetary equivalent thereof when all
10 or a portion of the funds are obtained from a source other
11 than taxation, for the purpose of providing financial support
12 to the public library which provides library services within
13 the respective jurisdictions.

14 Sec. 33. NEW SECTION. 256.70 LIBRARY COMPACT AUTHORIZED.

15 The division of libraries and information services of the
16 department of education is hereby authorized to enter into
17 interstate library compacts on behalf of the state of Iowa
18 with any state bordering on Iowa which legally joins therein
19 in substantially the following form.

20 The contracting states agree that:

21 ARTICLE I -- PURPOSE

22 Because the desire for the services provided by public
23 libraries transcends governmental boundaries and can be
24 provided most effectively by giving such services to
25 communities of people regardless of jurisdictional lines, it
26 is the policy of the states who are parties to this compact to
27 cooperate and share their responsibilities in providing joint
28 and cooperative library services in areas where the
29 distribution of population makes the provision of library
30 service on an interstate basis the most effective way to
31 provide adequate and efficient services.

32 ARTICLE II -- PROCEDURE

33 The appropriate state library officials and agencies having
34 comparable powers with those of the Iowa commission of
35 libraries of the party states or any of their political

1 subdivisions may, on behalf of said states or political
2 subdivisions, enter into agreements for the cooperative or
3 joint conduct of library services when they shall find that
4 the execution of agreements to that end as provided herein
5 will facilitate library services.

6 ARTICLE III -- CONTENT

7 Any such agreement for the cooperative or joint
8 establishment, operation or use of library services,
9 facilities, personnel, equipment, materials or other items not
10 excluded because of failure to enumerate shall, as among the
11 parties of the agreement:

12 1. Detail the specific nature of the services, facilities,
13 properties or personnel to which it is applicable;

14 2. Provide for the allocation of costs and other financial
15 responsibilities;

16 3. Specify the respective rights, duties, obligations and
17 liabilities;

18 4. Stipulate the terms and conditions for duration,
19 renewal, termination, abrogation, disposal of joint or common
20 property, if any, and all other matters which may be
21 appropriate to the proper effectuation and performance of said
22 agreement.

23 ARTICLE IV -- CONFLICT OF LAWS

24 Nothing in this compact or in any agreement entered into
25 hereunder shall alter, or otherwise impair any obligation
26 imposed on any public library by otherwise applicable laws, or
27 be constituted to supersede.

28 ARTICLE V -- ADMINISTRATOR

29 Each state shall designate a compact administrator with
30 whom copies of all agreements to which the state or any
31 subdivision thereof is party shall be filed. The
32 administrator shall have such powers as may be conferred by
33 the laws of the administrator's state and may consult and
34 cooperate with the compact administrators of other party
35 states and take such steps as may effectuate the purposes of

1 this compact.

2 ARTICLE VI -- EFFECTIVE DATE

3 This compact shall become operative when entered in by two
4 or more entities having the powers enumerated herein.

5 ARTICLE VII -- RENUNCIATION

6 This compact shall continue in force and remain binding
7 upon each party state until six months after any such state
8 has given notice of repeal by the legislature. Such
9 withdrawal shall not be construed to relieve any party to an
10 agreement authorized by Articles II and III of the compact
11 from the obligation of that agreement prior to the end of its
12 stipulated period of duration.

13 ARTICLE VIII -- SEVERABILITY -- CONSTRUCTION

14 The provisions of this compact shall be severable. It is
15 intended that the provisions of this compact be reasonably and
16 liberally construed.

17 Sec. 34. NEW SECTION. 256.71 ADMINISTRATOR.

18 The administrator of the division of libraries and
19 information services shall be the compact administrator. The
20 compact administrator shall receive copies of all agreements
21 entered into by the state or its political subdivisions and
22 other states or political subdivisions; consult with, advise
23 and aid such governmental units in the formulation of such
24 agreements; make such recommendations to the governor,
25 legislature, governmental agencies and units as the
26 administrator deems desirable to effectuate the purposes of
27 this compact and consult and co-operate with the compact
28 administrators of other party states.

29 Sec. 35. NEW SECTION. 256.72 AGREEMENTS.

30 The compact administrator and the chief executive of a
31 county, city, or library board may enter into agreements with
32 other states or their political subdivisions pursuant to the
33 compact. The agreements made pursuant to this compact on
34 behalf of the state of Iowa shall be made by the compact
35 administrator. The agreements made on behalf of a political

1 subdivision shall be made after due notice to and consultation
2 with the compact administrator.

3 Sec. 36. NEW SECTION. 256.73 ENFORCEMENT.

4 The agencies and officers of this state and its
5 subdivisions shall enforce this compact and do all things
6 appropriate to effect its purpose and intent which may be
7 within their respective jurisdiction.

8 Sec. 37. NEW SECTION. 256.80 DEFINITIONS.

9 As used in this section and sections 256.81 through 256.90
10 unless the context otherwise requires:

11 1. "Administrator" means the administrator of the public
12 broadcasting division of the department of education.

13 2. "Board" means the Iowa public broadcasting board.

14 3. "Broadcast" means communications through a system that
15 is receivable by the general public with programming designed
16 for a large group of users.

17 4. "Narrowcast" means communications through systems that
18 are directed toward a narrowly defined audience.

19 5. "Radio and television facility" means transmitters,
20 towers, studios, and all necessary associated equipment for
21 broadcasting, including closed circuit television.

22 Sec. 38. NEW SECTION. 256.81 PUBLIC BROADCASTING
23 DIVISION CREATED -- ADMINISTRATOR -- DUTIES.

24 1. The public broadcasting division of the department of
25 education is created. The chief administrative officer of the
26 division is the administrator who shall be appointed by and
27 serve at the pleasure of the Iowa public broadcasting board.
28 The governor shall set the division administrator's salary
29 unless otherwise provided by law. Educational programming
30 shall be the highest priority of the division. The director
31 of the department of education and the state board of
32 education are not liable for the activities of the division of
33 public broadcasting.

34 2. The administrator shall do all of the following:

35 a. Direct and organize the activities of the division.

1 b. Submit a biennial report to the governor on the
2 activities and an evaluation of the division and its programs
3 and policies.

4 c. Control all property of the division.

5 d. Perform other duties imposed by law.

6 Sec. 39. NEW SECTION. 256.82 BOARD -- ADVISORY
7 COMMITTEES.

8 1. The Iowa public broadcasting board is created to plan,
9 establish, and operate educational radio and television
10 facilities and other telecommunications services including
11 narrowcast and broadcast systems to serve the educational
12 needs of the state. The board shall be composed of nine
13 members selected in the following manner:

14 a. Four members shall be appointed by the governor so that
15 the portion of the board membership appointed under this
16 paragraph includes two male board members and two female board
17 members at all times:

18 (1) One member shall be appointed from the business
19 community other than the commercial broadcasting industry and
20 the telecommunications industry.

21 (2) One member shall be appointed from the commercial
22 broadcast industry.

23 (3) One member shall be appointed from the membership of a
24 fund-raising nonprofit organization financially assisting the
25 Iowa public broadcasting division.

26 (4) One member shall represent the general public.

27 b. Five members shall be selected in the manner provided
28 in this paragraph and the gender balance of the membership
29 shall be coordinated among the associations and boards making
30 the appointments so that not more than three members serving
31 under this paragraph at the same time are of the same gender.

32 (1) One member shall be appointed by the state association
33 of private colleges and universities.

34 (2) One member shall be appointed jointly by the
35 superintendents of the community colleges created by chapter

1 260C.

2 (3) One member shall be appointed jointly by the
3 administrators of the area education agencies created by
4 chapter 273.

5 (4) One member who is knowledgeable about
6 telecommunications shall be appointed by the state board of
7 regents.

8 (5) One member shall be appointed by the state board of
9 education.

10 2. Board members shall serve a three-year term commencing
11 on July 1 of the year of appointment. A vacancy shall be
12 filled in the same manner as the original appointment for the
13 remainder of the term.

14 Membership on the board does not constitute holding a
15 public office and members shall not be required to take and
16 file oaths of office before serving. A member shall not be
17 disqualified from holding any public office or employment by
18 reason of appointment to the board nor shall a member forfeit
19 an office or employment by reason of appointment to the board.

20 3. The board shall appoint at least two advisory
21 committees, each of which has no more than a simple majority
22 of members of the same gender, as follows:

23 a. Advisory committee on the operation of the narrowcast
24 system. The advisory committee shall be composed of members
25 from among the users of the narrowcast system including
26 representatives of institutions under the state board of
27 regents, community colleges, area education agencies,
28 classroom teachers, school district administrators, school
29 district boards of directors, the department of economic
30 development, the department of education, and private colleges
31 and universities.

32 b. Advisory committee on journalistic and editorial
33 integrity. The division shall be governed by the national
34 principles of editorial integrity developed by the editorial
35 integrity project.

1 Duties of the advisory committees, and of additional
2 advisory committees the board may from time to time appoint,
3 shall be specified in rules of internal management adopted by
4 the board.

5 Members of advisory committees shall receive actual
6 expenses incurred in performing their official duties.

7 Sec. 40. NEW SECTION. 256.83 MEETINGS.

8 1. The board shall elect from among its members a
9 president and a vice president to serve a one-year term. The
10 board shall meet at least four times annually and shall hold
11 special meetings at the call of the president or in the
12 absence of the president by the vice president or by the
13 president upon written request of four members. The board
14 shall establish procedures and requirements relating to
15 quorum, place, and conduct of meetings.

16 2. Board members shall receive actual expenses incurred in
17 performing their official duties.

18 Sec. 41. NEW SECTION. 256.84 POWERS -- FACILITIES --
19 RULES.

20 1. The board may purchase, lease, and improve property,
21 equipment, and services for educational telecommunications
22 including the broadcast and narrowcast systems, and may
23 dispose of property and equipment when not necessary for its
24 purposes. The board and division administrator may arrange
25 for joint use of available services and facilities.

26 2. The board shall apply for channels, frequencies,
27 licenses, and permits as necessary for the performance of the
28 board's duties.

29 3. This section does not prohibit institutions under the
30 state board of regents and community colleges under the
31 department of education from owning, operating, improving,
32 maintaining, and restructuring educational radio and
33 television stations and transmitters now in existence or other
34 educational narrowcast telecommunications systems and
35 services. The institutions and schools may enter into

1 agreements with the board for the lease or purchase of
2 equipment and facilities.

3 4. The board may locate its administrative offices and
4 production facilities outside the city of Des Moines.

5 5. The board shall adopt and update a design plan for
6 educational telecommunications systems and services in this
7 state. The design plan shall be updated at least every two
8 years. Copies of the design plan and updated design plan
9 shall be made available to the governor and members of the
10 general assembly upon request. The plan shall include a list
11 of public utilities and private telecommunications companies
12 being utilized by the educational telecommunications system;
13 the cost of the system; the fees or charges established for
14 the system; and information on areas where construction is
15 required because facilities are not available from private
16 telecommunications companies.

17 6. The board shall establish guidelines for and may impose
18 and collect fees and charges for services. Fees and charges
19 collected by the board for services shall be deposited to the
20 credit of the division. Any interest earned on these
21 receipts, and revenues generated under subsection 7, shall be
22 retained and may be expended by the division subject to the
23 approval of the board.

24 7. The board may make and execute agreements, contracts,
25 and other instruments with any public or private entity and
26 may retain revenues generated from these contracts. State
27 departments and agencies, other public agencies, and
28 governmental subdivisions and private entities including but
29 not limited to institutions of higher education and nonpublic
30 schools may enter into contracts and otherwise cooperate with
31 the board.

32 8. The board may contract with engineers, attorneys,
33 accountants, financial experts, and other advisors upon the
34 recommendation of the administrator. The board may enter into
35 contracts or agreements for such services with local, state,

1 or federal governmental agencies.

2 9. The board may adopt rules to implement and administer
3 the programs of the division.

4 10. The decision of the board is final agency action under
5 chapter 17A.

6 Sec. 42. NEW SECTION. 256.85 PURCHASE OF ENERGY
7 EFFICIENCY PACKAGES.

8 The public broadcasting division of the department of
9 education may use the state of Iowa facilities improvement
10 corporation to purchase energy efficiency packages for its
11 ultrahigh frequency transmitters.

12 Sec. 43. NEW SECTION. 256.86 COMPETITION WITH PRIVATE
13 SECTOR.

14 It is the intent of the general assembly that the division
15 shall not compete with the private sector by actively seeking
16 revenue from its operations. It is not the intent of the
17 general assembly to prohibit the receipt of charitable
18 contributions as defined by section 170 of the Internal
19 Revenue Code. The board, the governor, or the administrator
20 may apply for and accept federal or nonfederal gifts, loans,
21 or grants of funds and may use the funds for projects under
22 this chapter.

23 Sec. 44. NEW SECTION. 256.87 COSTS AND FEES -- CAPITAL
24 EQUIPMENT REPLACEMENT REVOLVING FUND.

25 1. The board may provide noncommercial production or
26 reproduction services for other public agencies, nonprofit
27 corporations or associations organized under state law, or
28 other nonprofit organizations, and may collect the costs of
29 providing the services from the public agency, corporation,
30 association, or organization, plus a separate equipment usage
31 fee in an amount determined by the board and based upon the
32 equipment used. The costs shall be deposited to the credit of
33 the board. The separate equipment usage fee shall be
34 deposited in the capital equipment replacement revolving fund.

35 2. The board may establish a capital equipment replacement

1 revolving fund into which shall be deposited equipment usage
2 fees collected under subsection 1 and funds from other sources
3 designated for deposit in the capital equipment replacement
4 revolving fund. The board may expend moneys from the capital
5 equipment replacement revolving fund to purchase technical
6 equipment for operating the educational radio and television
7 facility.

8 Sec. 45. NEW SECTION. 256.88 TRUSTS.

9 Notwithstanding section 633.63, the board may accept and
10 administer trusts and may authorize nonprofit foundations
11 acting solely for the support of educational
12 telecommunications including the broadcast and narrowcast
13 systems to accept and administer trusts deemed by the board to
14 be beneficial to the operation of the educational radio and
15 television facility. The board and the foundations may act as
16 trustees in such instances.

17 Sec. 46. NEW SECTION. 256.89 STATE PLAN.

18 The board shall cause to be developed and adopt a state
19 educational telecommunications design plan. Any agency of the
20 state and any political subdivision of the state shall submit
21 plans for the development of educational telecommunications
22 systems to the board to be coordinated with the state
23 educational telecommunications design plan adopted by the
24 board. Private institutions and entities may submit
25 educational telecommunications proposals for coordination.

26 Sec. 47. NEW SECTION. 256.90 NARROWCAST OPERATIONS.

27 The board shall not use, permit use, or permit resale of
28 its telecommunications narrowcast system for other than
29 educational purposes. The board, in the establishment and
30 operation of its telecommunications narrowcast system, shall
31 use facilities and services of the private telecommunications
32 industry companies to the greatest extent possible and is
33 prohibited from constructing telecommunications facilities
34 unless comparable facilities are not available from the
35 private telecommunications industry at comparable quality and

1 price.

2 Notwithstanding chapter 476, the provisions of chapter 476
3 shall not apply to a public utility in furnishing a
4 telecommunications service or facility to the board.

5 Sec. 48. Section 303.1, Code 1993, is amended to read as
6 follows:

7 303.1 DEPARTMENT OF CULTURAL AFFAIRS.

8 1. The department of cultural affairs is created. The
9 department is under the control of a director who shall be
10 appointed by the governor, subject to confirmation by the
11 senate, and shall serve at the pleasure of the governor. The
12 salary of the director shall be set by the governor within a
13 range set by the general assembly.

14 2. The department has primary responsibility for
15 development of the state's interest in the areas of the arts,
16 history, ~~libraries,~~ and other cultural matters. In fulfilling
17 this responsibility, the department will be advised and
18 assisted by ~~the-state-library-commission,~~ the state historical
19 society and its board of trustees, and the Iowa arts council,
20 ~~the-Terrace-Hill-commission,~~ and ~~the-Iowa-public-broadcasting~~
21 ~~board.~~

22 The department shall:

23 a. Develop a comprehensive, co-ordinated, and efficient
24 policy to preserve, research, interpret, and promote to the
25 public an awareness and understanding of local, state, and
26 regional history.

27 b. ~~Stimulate-and-encourage-educational-radio-and~~
28 ~~television-and-other-educational-communications-services-as~~
29 ~~necessary-to-aid-in-accomplishing-the-educational-objectives~~
30 ~~of-the-state.~~

31 c. Stimulate and encourage throughout the state the study
32 and presentation of the performing and fine arts and public
33 interest and participation in them.

34 d. c. Implement tourism-related art and history projects as
35 directed by the general assembly.

1 e d. Design a comprehensive, statewide, long-range plan
2 with the assistance of the Iowa arts council to develop the
3 arts in Iowa. The department is designated as the state
4 agency for carrying out the plan.

5 ~~f. --Meet-the-informational-needs-of-the-three-branches-of~~
6 ~~state-government.~~

7 ~~g. --Provide-for-the-improvement-of-library-services-to-all~~
8 ~~Iowa-citizens-and-foster-development-and-cooperation-among~~
9 ~~libraries.~~

10 3. The department shall consist of the following:

11 a. Historical division.

12 b. ~~Library-division.~~

13 c. Arts division.

14 ~~d. --Public-broadcasting-division.~~

15 e c. Other divisions created by rule.

16 f d. Administrative section.

17 4. The director may create, combine, eliminate, alter or
18 reorganize the organization of the department by rule ~~except~~
19 ~~for-these-matters-prescribed-by-sections-303-75-through~~
20 ~~303-85.~~

21 5. The department by rule may establish advisory groups
22 necessary for the receipt of federal funds or grants or the
23 administration of any of the department's programs.

24 6. The divisions shall be administered by administrators
25 who shall be appointed by the director and serve at the
26 director's pleasure. ~~However, the administrator of the public~~
27 ~~broadcasting-division shall be appointed by and serve at the~~
28 ~~pleasure of the public-broadcasting-board and the~~
29 ~~administrator of the library-division shall be appointed by~~
30 ~~and serve at the pleasure of the library-commission.~~ The
31 administrators shall:

32 a. Organize the activities of the division.

33 b. Submit a biennial report to the governor on the
34 activities and an evaluation of the division and its programs
35 and policies.

1 c. Control all property of the division.

2 d. Perform other duties imposed by law.

3 Sec. 49. Section 303.1A, unnumbered paragraphs 1, 2, and
4 3, Code 1993, are amended to read as follows:

5 ~~Except for those matters prescribed by sections 303.75~~
6 ~~through 303.85, the~~ The duties of the director shall include,
7 but are not limited to, the following:

8 The director may appoint a member of the staff to be acting
9 director who shall have the powers delegated by the director,
10 in the director's absence. The

11 ~~The~~ director may delegate the powers and duties of that
12 office to the administrators. ~~The director is not liable for~~
13 ~~the activities of the division of public broadcasting.~~

14 Sec. 50. Section 303.2, subsection 1, Code 1993, is
15 amended to read as follows:

16 1. The administrative services section shall provide
17 administrative, accounting, public relations and clerical
18 services for the department, report to the director and
19 perform other duties assigned to it by the director, ~~except~~
20 ~~for those matters prescribed by sections 303.75 through~~
21 ~~303.85. The administrative services section may provide~~
22 ~~services to the public broadcasting division.~~

23 Sec. 51. Section 303.2, subsection 3, Code 1993, is
24 amended by striking the subsection.

25 Sec. 52. Section 331.381, subsection 11, Code 1993, is
26 amended to read as follows:

27 11. Enforce the interstate library compact in accordance
28 with sections ~~303A.9 to 303A.11~~ 256.70 through 256.73.

29 Sec. 53. Section 669.2, subsection 5, Code 1993, is
30 amended to read as follows:

31 5. "State agency" includes all executive departments,
32 agencies, boards, bureaus, and commissions of the state of
33 Iowa, and corporations whose primary function is to act as,
34 and while acting as, instrumentalities or agencies of the
35 state of Iowa, whether or not authorized to sue and be sued in

1 their own names. This definition does not include a
2 contractor with the state of Iowa. Soil and water
3 conservation districts as defined in section 161A.3,
4 subsection 5, judicial district departments of correctional
5 services as established in section 905.2, and regional boards
6 of library trustees as defined in chapter 303B 256, are state
7 agencies for purposes of this chapter.

8 Sec. 54. Section 904.601, unnumbered paragraph 1, Code
9 1993, is amended to read as follows:

10 The director shall keep the following record of every
11 person committed to any of the department's institutions:
12 Name, residence, sex, age, place of birth, occupation, civil
13 condition, date of entrance or commitment, date of discharge,
14 whether a discharge is final, condition of the person when
15 discharged, the name of the institutions from which and to
16 which the person has been transferred, and if the person is
17 dead, the date and cause of death. The director may permit
18 the ~~library~~ division of libraries and information services of
19 the department of education and the historical division of the
20 department of cultural affairs to copy or reproduce by any
21 photographic, photostatic, microfilm, microcard, or other
22 process which accurately reproduces in a durable medium and to
23 destroy in the manner described by law the records of inmates
24 required by this paragraph.

25 Sec. 55. Sections 256.22, 303.2A, 303.17, 303.75 through
26 303.85, 303.91 through 303.94, Code 1993, are repealed.

27 Sec. 56. Chapters 303A and 303B, Code 1993, are repealed.

28 Sec. 57. The Code editor shall divide chapter 256 into
29 subchapters.

30 Sec. 58. TERRACE HILL COMMISSION FUNDING. On the
31 effective date of this Act, the director of revenue and
32 finance shall allocate to the department of general services
33 any funds appropriated to the office of the governor for the
34 fiscal year beginning July 1, 1993, and ending June 30, 1994,
35 for the purposes of the Terrace Hill commission.

SENATE FILE 225

AN ACT

RELATING TO TECHNICAL AND OTHER CHANGES WITHIN THE CODE TO TRANSFER THE LIBRARY DIVISION, REGIONAL LIBRARY SYSTEM, LIBRARY COMPACT, STATE DATA CENTER, AND PUBLIC BROADCASTING DIVISION FROM THE DEPARTMENT OF CULTURAL AFFAIRS TO THE DEPARTMENT OF EDUCATION AND TO TRANSFER THE TERRACE HILL COMMISSION FROM THE DEPARTMENT OF CULTURAL AFFAIRS TO THE DEPARTMENT OF GENERAL SERVICES, AND PROVIDING FOR RELATED MATTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 7A.3, subsection 10, Code 1993, is amended to read as follows:

10. ~~Library-commission~~ Commission of libraries.

Sec. 2. Section 7E.5, subsection 1, paragraph m, Code 1993, is amended to read as follows:

m. The department of cultural affairs, created in section 303.1, which has primary responsibility for managing the state's interests in the areas of the arts, history, ~~libraries,~~ and other cultural matters.

Sec. 3. Section 12C.1, subsection 1, Code 1993, is amended to read as follows:

1. All funds held in the hands of 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 regional library established under chapter 903B 256, by the regional board of library trustees; and for an electric power agency as defined in section 28F.2, 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.

Sec. 4. NEW SECTION. 18.8A TERRACE HILL COMMISSION.

1. The Terrace Hill commission is created consisting of nine persons, appointed by the governor, who are knowledgeable in business management and historic preservation and renovation. The governor shall appoint the chairperson. The terms of the commission members are for three years beginning on July 1 and ending on June 30.

2. The Terrace Hill commission may consult with the Terrace Hill society, Terrace Hill foundation, the executive and legislative branches of this state and other persons interested in the property.

3. The Terrace Hill commission may enter into contracts, subject to this chapter, to execute its purposes.

4. The commission may adopt rules to administer and implement the programs of the commission. The decision of the commission is final agency action under chapter 17A.

Sec. 5. Section 18.87, Code 1993, is amended to read as follows:

18.87 LIBRARIES.

The completed journals of the general assembly, and the official register shall be sent to each free public library in Iowa, the library division of libraries and information services of the department of cultural-affairs education, the library commission of libraries, libraries at state institutions, and college libraries.

Sec. 6. Section 18.97, subsection 17, Code 1993, is amended to read as follows:

17. To the library division of libraries and information services of the department of cultural-affairs-of-Iowa education

..... 1 copy
for each depository library

Sec. 7. Section 18.100, Code 1993, is amended to read as follows:

18.100 EXCHANGE.

The volumes delivered to the state law library shall be used for the purpose of effecting exchange with other states, foreign countries, and provinces, for similar reports. All books received in such exchange shall become a part of the library division of libraries and information services of the department of cultural-affairs education.

Sec. 8. Section 18.133, subsection 3, Code 1993, is amended to read as follows:

3. "Public agency" means a state agency, a school corporation, a city library, a regional library as provided in chapter 303B 256, and a county library as provided in chapter 336.

Sec. 9. Section 18.134, subsection 2, Code 1993, is amended to read as follows:

2. 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 regional library as provided in chapter 303B 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. 10. Section 39.21, subsection 1, Code 1993, is amended to read as follows:

1. Regional library trustees as required by section 303B-3 256.63.

Sec. 11. Section 218.22, Code 1993, 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 library division of libraries and information 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. 12. Section 256.1, Code 1993, is amended to read as follows:

256.1 DEPARTMENT ESTABLISHED.

1. The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including all of the following:

- 1 a. Public elementary and secondary schools.
- 2 b. Community colleges.
- 3 c. Area education agencies.
- 4 d. Vocational rehabilitation.
- 5 e. Educational supervision over the elementary and secondary schools under the control of a director an administrator of a division of the department of human services.
- 6 f. Nonpublic schools to the extent necessary for compliance with Iowa school laws.

2. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

3. Meet the informational needs of the three branches of state government.

4. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

5. The department shall act as an administrative, supervisory, and consultative state agency.

Sec. 13. Section 256.7, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except for the college student aid commission and the public broadcasting board and division, the state board shall:

Sec. 14. Section 256.9, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except for the college student aid commission and the public broadcasting board and division, the director shall:

Sec. 15. Section 256.9, subsections 49 and 50, Code 1993, are amended by striking the subsections.

Sec. 16. Section 256.33, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The department shall consort with school districts, area education agencies, community colleges, and colleges and universities to provide assistance to them in the use of educational technology for instruction purposes. The department shall consult with the advisory committee on the operation of the narrowcast system, established in section 303.77 256.82, the advisory committee on telecommunications, established in section 256.7, subsection 9, and other users of educational technology on the development and operation of programs under this section.

Sec. 17. NEW SECTION. 256.50 DIVISION OF LIBRARIES AND INFORMATION SERVICES -- DEFINITIONS.

As used in this section and sections 256.51 through 256.55, unless the context otherwise requires:

1. "Commission" means the commission of libraries.
2. "Division" means the division of libraries and information services of the department of education.
3. "State agency" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.
4. "State publications" means all multiple-produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:
 - a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.
 - b. Materials excluded from this definition by the commission through the adoption and enforcement of rules.

Sec. 18. NEW SECTION. 256.51 DIVISION OF LIBRARIES AND INFORMATION SERVICES -- DUTIES AND RESPONSIBILITIES.

1. The division of libraries and information services is established within the department of education. The division shall do all of the following:

- a. Determine policy for providing information service to the three branches of state government and to the legal and medical communities in this state.

b. Coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.

c. Establish and administer a program for the collection and distribution of state publications to depository libraries.

d. Develop and adopt, in conjunction with the Iowa regional library system, long-range plans for the continued improvement of library services and which will explore or broaden the information mission in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa regional library system at an annual meeting.

e. Develop in cooperation with the Iowa regional library system a biennial unified plan of service for the division of libraries and information services.

f. Establish and administer a statewide continuing education program for librarians and trustees.

g. Give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.

h. Obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

i. Establish and administer certification guidelines for librarians not covered by other accrediting agencies.

j. Foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

k. Establish and administer standards for state agency libraries, the Iowa regional library system, and public libraries.

2. The division may do all of the following:

a. Enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 256.70.

b. Receive and expend money for providing programs and services. The division may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

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 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. 19. NEW SECTION. 256.52 COMMISSION OF LIBRARIES ESTABLISHED -- DUTIES OF COMMISSION AND STATE LIBRARIAN.

1. The state commission of libraries consists of one member appointed by the supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession and five members selected at large. Not more than three of the members appointed by the governor shall be of the same gender. 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.

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Four members are a quorum for the transaction of business.

3. The commission shall appoint the state librarian who shall administer the division, and serve at the pleasure of the commission.

The state librarian shall do all of the following:

- a. Direct and organize the activities of the division.
- b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
- c. Control all property of the division.
- d. Appoint and approve the technical, professional, excepting the medical librarian and the law librarian, secretarial, and clerical staff necessary to accomplish the purposes of the division subject to chapter 19A.
- e. Perform other duties imposed by law.

4. The commission shall adopt rules under chapter 17A for carrying out the responsibilities of the division.

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

Sec. 20. NEW SECTION. 256.53 STATE PUBLICATIONS.

Upon issuance of a state publication in any format, a state agency shall deposit with the division at no cost to the division, seventy-five copies of the publication or a lesser number if specified by the division.

Sec. 21. NEW SECTION. 256.54 STATE LIBRARY -- MEDICAL AND LAW LIBRARIES.

The state library includes, but is not limited to, a medical library, a law library, and the state data center.

1. The medical library shall be administered by a medical librarian, appointed by the director subject to chapter 19A, who shall do all of the following:

- a. Operate the medical library which shall always be available for free use by the residents of Iowa under rules the commission adopts.
- b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school of medicine without discrimination.

c. Perform other duties imposed by law or prescribed by the rules of the commission.

2. The law library shall be administered by a law librarian appointed by the director subject to chapter 19A, who shall do all of the following:

- a. Operate the law library which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the commission adopts.
- b. Maintain, as an integral part of the law library, reports of various boards and agencies and copies of bills, journals, and other information relating to current or proposed legislation.
- c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the commission.

Sec. 22. NEW SECTION. 256.55 STATE DATA CENTER.

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

1. Manage the state data center program to make United States census data available to the residents of Iowa under rules the commission adopts.
2. Act as the state's liaison with the United States census bureau in matters relating to United States decennial, economic, and agricultural census data, and population estimates and projections.

3. Perform other duties imposed by law or prescribed by the commission.

Sec. 23. NEW SECTION. 256.60 REGIONAL LIBRARY SYSTEM ESTABLISHED -- PURPOSES.

A regional library system is established to provide supporting services to libraries and to encourage local financial support for library services.

Sec. 24. NEW SECTION. 256.61 REGIONAL LIBRARY TRUSTEES.

The regional library system shall consist of seven regional boards of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees elected to the boards in the following numbers and from the following districts:

1. To the southwestern board, two from Pottawattamie county and one from each of the following five districts:
 - a. Harrison, Shelby and Audubon counties.
 - b. Guthrie, Cass and Adair counties.
 - c. Mills, Fremont and Page counties.
 - d. Montgomery, Adams, Union and Taylor counties.
 - e. Clarke, Lucas, Ringgold, Decatur and Wayne counties.
2. To the northwestern board, two from Woodbury county and one from each of the following five districts:
 - a. Lyon, Sioux and Osceola counties.
 - b. Dickinson, Emmet, Clay and Palo Alto counties.
 - c. O'Brien, Plymouth and Cherokee counties.
 - d. Buena Vista, Pocahontas, Ida, Sac and Calhoun counties.
 - e. Monona, Crawford and Carroll counties.
3. To the north central board, two from a district composed of Hancock, Cerro Gordo and Franklin counties; two from a district composed of Humboldt, Wright and Webster counties; and one from each of the following three districts:
 - a. Kossuth and Winnebago counties.
 - b. Hamilton and Hardin counties.
 - c. Worth, Mitchell and Floyd counties.
4. To the central board, four from a district composed of Polk and Marion counties, and one from each of the following three districts:
 - a. Greene, Dallas, Madison and Warren counties.
 - b. Boone and Story counties.
 - c. Marshall and Jasper counties.
5. To the southeastern board, two from Scott county and one from each of the following five districts:
 - a. Appanoose, Davis and Wapello counties.

- b. Jefferson, Van Buren and Lee counties.
- c. Monroe, Mahaska and Keokuk counties.
- d. Henry and Des Moines counties.
- e. Muscatine, Louisa and Washington counties.
6. To the east central board, three from a district composed of Linn and Jones counties; two from a district composed of Iowa, Johnson and Cedar counties; and one from each of the following two districts:
 - a. Tama, Benton and Poweshiek counties.
 - b. Jackson and Clinton counties.
7. To the northeastern board, two from Black Hawk county; two from a district composed of Delaware and Dubuque counties; and one from each of the following three districts:
 - a. Grundy, Butler and Bremer counties.
 - b. Howard, Winneshiek, Allamakee and Chickasaw counties.
 - c. Buchanan, Payette and Clayton counties.

Sec. 25. NEW SECTION. 256.62 REGIONAL LIBRARY TRUSTEES -
- NONVOTING MEMBERS.

In addition to the members of the seven regional boards of library trustees provided in section 256.61, the director of education shall appoint to each of the seven regional boards of library trustees the following nonvoting members:

1. A representative from an area education agency.
2. A representative who serves as a member on the board of directors for a community college.

The nonvoting members shall serve at the pleasure of the director. The appointed members shall cease to be members if they no longer are employed by an area education agency or no longer serve as a member on a community college board of directors. Sections 256.63 and 256.64 do not apply to the appointed nonvoting members of the regional boards of library trustees.

Sec. 26. NEW SECTION. 256.63 ELECTION.

A trustee of a regional board shall be elected without regard to political affiliation at the general election by the vote of the electors of the trustee's district from a list of nominees, the names of which have been taken from nomination

papers filed in accordance with chapter 45 in all respects except that they shall be signed by not less than twenty-five eligible electors of the respective district. The election shall be administered by the commissioner who has jurisdiction under section 47.2.

The votes cast in the election shall be canvassed and abstracts of the votes cast shall be promptly certified by the commissioner to the commissioner of elections who is responsible under section 47.2 for conducting elections for that regional library board district. In each county whose commissioner of elections is responsible under section 47.2 for conducting elections held for a regional library board district, the county board of supervisors shall convene at nine a.m. on the third Monday in November, canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected.

Sec. 27. NEW SECTION. 256.64 TERMS.

Regional library trustees shall take office on the first day of January following the general election and shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the next general election by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during the trustee's term of office as a regional library trustee.

Sec. 28. NEW SECTION. 256.65 COMPENSATION.

Regional trustees shall be reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties, but shall receive no compensation for services.

Sec. 29. NEW SECTION. 256.66 POWERS AND DUTIES OF REGIONAL TRUSTEES.

In carrying out the purposes of section 256.60, each board of trustees:

1. Shall appoint and evaluate a qualified administrator who shall have a master's degree in librarianship from a program of study accredited by the American library association and who may be terminated for good cause.

2. Subject to the approval of the annual plan of service by the director of the department of education, may receive and expend state appropriated funds.

3. May receive and expend other funds and receive and expend gifts of real property, personal property or mixed property, and devises and bequests including trust funds; may take title to the property; may execute deeds and bills of sale for the conveyance of the property; and may expend the funds received from the gifts.

4. May accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the regional library to accept and administer trusts deemed by the board to be beneficial to the operation of the regional library. Notwithstanding section 633.63, the board and the nonprofit foundation may act as trustees in these instances. The board shall require that moneys belonging to a nonprofit foundation be audited annually.

5. May contract with libraries, library agencies, private corporations or individuals to improve library service.

6. May acquire land and construct or lease facilities to carry out the provisions of sections 256.60 through 256.69.

7. Shall provide consultation and educational programs for library staff and trustees concerning all facets of library management and operation.

8. Shall provide interlibrary loan and information services intraregionally, but which are capable of being linked interregionally, according to the standards developed by the commission of libraries.

9. Shall develop and adopt, in cooperation with other members of the regional library system and the director of the department of education, a long-range plan for the region.

10. Shall prepare, in cooperation with all members of the regional library system and the director of the department of education, an annual plan of service.

11. Shall provide data and prepare reports as directed by the director of the department of education.

12. Shall encourage governmental subdivisions to maintain local financial support for the operating expenses of local libraries.

13. May perform other acts necessary to carry out its powers and duties under sections 256.60 through 256.69.

Sec. 30. NEW SECTION. 256.67 DUTIES OF THE REGIONAL ADMINISTRATOR.

A regional administrator shall:

1. Act as administrator and executive secretary of the region in accordance with the objectives and policies adopted by the regional board and with the intent of this chapter.
2. Organize, staff, and administer the regional library so as to render the greatest benefit to libraries and information services in the area.
3. Advise and counsel with the regional board of trustees and individual libraries in all matters pertaining to the improvement of library services in the region.
4. Cooperate with other members of the regional library system, the state library of Iowa and representatives of the Iowa library community in considering and developing plans for the improvement of library services in Iowa.
5. Carry out the policies of the regional board of trustees not inconsistent with state law.

Sec. 31. NEW SECTION. 256.68 ALLOCATION AND ADMINISTRATION OF FUNDS.

1. Funds appropriated for the purpose of carrying out sections 256.60 through 256.69 shall be allocated to regional boards by the commission of libraries as follows:
 - a. Sixty percent in proportion to the population served by each regional board.
 - b. Twenty-five percent proportioned equally among the regional boards.
 - c. Fifteen percent in proportion to the geographic area served by each regional board.
2. In addition to funds received under subsection 1, a regional library board may individually or cooperatively apply to the commission of libraries for available grants.

Sec. 32. NEW SECTION. 256.69 LOCAL FINANCIAL SUPPORT.

Commencing July 1, 1977, each city within its corporate boundaries and each county within the unincorporated area of the county shall levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on the taxable property or at least the monetary equivalent thereof when all or a portion of the funds are obtained from a source other than taxation, for the purpose of providing financial support to the public library which provides library services within the respective jurisdictions.

Sec. 33. NEW SECTION. 256.70 LIBRARY COMPACT AUTHORIZED.

The division of libraries and information 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.

The contracting states agree that:

ARTICLE I -- PURPOSE

Because the desire for the services provided by public libraries transcends governmental boundaries and can be provided most effectively by giving such services to communities of people regardless of jurisdictional lines, it is the policy of the states who are parties to this compact to cooperate and share their responsibilities in providing joint and cooperative library services in areas where the distribution of population makes the provision of library service on an interstate basis the most effective way to provide adequate and efficient services.

ARTICLE II -- PROCEDURE

The appropriate state library officials and agencies having comparable powers with those of the Iowa commission of libraries of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the cooperative or joint conduct of library services when they shall find that the execution of agreements to that end as provided herein will facilitate library services.

ARTICLE III -- CONTENT

Any such agreement for the cooperative or joint establishment, operation or use of library services, facilities, personnel, equipment, materials or other items not excluded because of failure to enumerate shall, as among the parties of the agreement:

1. Detail the specific nature of the services, facilities, properties or personnel to which it is applicable;
2. Provide for the allocation of costs and other financial responsibilities;
3. Specify the respective rights, duties, obligations and liabilities;
4. Stipulate the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of said agreement.

ARTICLE IV -- CONFLICT OF LAWS

Nothing in this compact or in any agreement entered into hereunder shall alter, or otherwise impair any obligation imposed on any public library by otherwise applicable laws, or be constituted to supersede.

ARTICLE V -- ADMINISTRATOR

Each state shall designate a compact administrator with whom copies of all agreements to which the state or any subdivision thereof is party shall be filed. The administrator shall have such powers as may be conferred by the laws of the administrator's state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact.

ARTICLE VI -- EFFECTIVE DATE

This compact shall become operative when entered in by two or more entities having the powers enumerated herein.

ARTICLE VII -- RENUNCIATION

This compact shall continue in force and remain binding upon each party state until six months after any such state has given notice of repeal by the legislature. Such

withdrawal shall not be construed to relieve any party to an agreement authorized by Articles II and III of the compact from the obligation of that agreement prior to the end of its stipulated period of duration.

ARTICLE VIII -- SEVERABILITY -- CONSTRUCTION

The provisions of this compact shall be severable. It is intended that the provisions of this compact be reasonably and liberally construed.

Sec. 34. NEW SECTION. 256.71 ADMINISTRATOR.

The administrator of the division of libraries and information 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 co-operate with the compact administrators of other party states.

Sec. 35. NEW SECTION. 256.72 AGREEMENTS.

The compact administrator and the chief executive of a county, city, or library board may enter into agreements with other states or their political subdivisions pursuant to the compact. The agreements made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. The agreements made on behalf of a political subdivision shall be made after due notice to and consultation with the compact administrator.

Sec. 36. NEW SECTION. 256.73 ENFORCEMENT.

The agencies and officers of this state and its subdivisions shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdiction.

Sec. 37. NEW SECTION. 256.80 DEFINITIONS.

As used in this section and sections 256.81 through 256.90 unless the context otherwise requires:

1. "Administrator" means the administrator of the public broadcasting division of the department of education.
2. "Board" means the Iowa public broadcasting board.
3. "Broadcast" means communications through a system that is receivable by the general public with programming designed for a large group of users.
4. "Narrowcast" means communications through systems that are directed toward a narrowly defined audience.
5. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 38. NEW SECTION. 256.81 PUBLIC BROADCASTING DIVISION CREATED -- ADMINISTRATOR -- DUTIES.

1. The public broadcasting division of the department of education is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor shall set the division administrator's salary unless otherwise provided by law. Educational programming shall be the highest priority of the division. The director of the department of education and the state board of education are not liable for the activities of the division of public broadcasting.

2. The administrator shall do all of the following:
 - a. Direct and organize the activities of the division.
 - b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
 - c. Control all property of the division.
 - d. Perform other duties imposed by law.

Sec. 39. NEW SECTION. 256.82 BOARD -- ADVISORY COMMITTEES.

1. The Iowa public broadcasting board is created to plan, establish, and operate educational radio and television facilities and other telecommunications services including narrowcast and broadcast systems to serve the educational needs of the state. The board shall be composed of nine members selected in the following manner:

a. Four members shall be appointed by the governor so that the portion of the board membership appointed under this paragraph includes two male board members and two female board members at all times:

(1) One member shall be appointed from the business community other than the commercial broadcasting industry and the telecommunications industry.

(2) One member shall be appointed from the commercial broadcast industry.

(3) One member shall be appointed from the membership of a fund-raising nonprofit organization financially assisting the Iowa public broadcasting division.

(4) One member shall represent the general public.

b. Five members shall be selected in the manner provided in this paragraph and the gender balance of the membership shall be coordinated among the associations and boards making the appointments so that not more than three members serving under this paragraph at the same time are of the same gender.

(1) One member shall be appointed by the state association of private colleges and universities.

(2) One member shall be appointed jointly by the superintendents of the community colleges created by chapter 260C.

(3) One member shall be appointed jointly by the administrators of the area education agencies created by chapter 273.

(4) One member who is knowledgeable about telecommunications shall be appointed by the state board of regents.

(5) One member shall be appointed by the state board of education.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and

file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. The board shall appoint at least two advisory committees, each of which has no more than a simple majority of members of the same gender, as follows:

a. Advisory committee on the operation of the narrowcast system. The advisory committee shall be composed of members from among the users of the narrowcast system including representatives of institutions under the state board of regents, community colleges, area education agencies, classroom teachers, school district administrators, school district boards of directors, the department of economic development, the department of education, and private colleges and universities.

b. Advisory committee on journalistic and editorial integrity. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

Duties of the advisory committees, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 40. NEW SECTION. 256.83 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses incurred in performing their official duties.

Sec. 41. NEW SECTION. 256.84 POWERS -- FACILITIES -- RULES.

1. The board may purchase, lease, and improve property, equipment, and services for educational telecommunications including the broadcast and narrowcast systems, and may dispose of property and equipment when not necessary for its purposes. The board and division administrator may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as necessary for the performance of the board's duties.

3. This section does not prohibit institutions under the state board of regents and community colleges under the department of education from owning, operating, improving, maintaining, and restructuring educational radio and television stations and transmitters now in existence or other educational narrowcast telecommunications systems and services. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board shall adopt and update a design plan for educational telecommunications systems and services in this state. The design plan shall be updated at least every two years. Copies of the design plan and updated design plan shall be made available to the governor and members of the general assembly upon request. The plan shall include a list of public utilities and private telecommunications companies being utilized by the educational telecommunications system; the cost of the system; the fees or charges established for the system; and information on areas where construction is required because facilities are not available from private telecommunications companies.

6. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the

credit of the division. Any interest earned on these receipts, and revenues generated under subsection 7, shall be retained and may be expended by the division subject to the approval of the board.

7. The board may make and execute agreements, contracts, and other instruments with any public or private entity and may retain revenues generated from these contracts. State departments and agencies, other public agencies, and governmental subdivisions and private entities including but not limited to institutions of higher education and nonpublic schools may enter into contracts and otherwise cooperate with the board.

8. The board may contract with engineers, attorneys, accountants, financial experts, and other advisors upon the recommendation of the administrator. The board may enter into contracts or agreements for such services with local, state, or federal governmental agencies.

9. The board may adopt rules to implement and administer the programs of the division.

10. The decision of the board is final agency action under chapter 17A.

Sec. 42. NEW SECTION. 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

The public broadcasting division of the department of education may use the state of Iowa facilities improvement corporation to purchase energy efficiency packages for its ultrahigh frequency transmitters.

Sec. 43. NEW SECTION. 256.86 COMPETITION WITH PRIVATE SECTOR.

It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 44. NEW SECTION. 256.87 COSTS AND FEES -- CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. The board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations, and may collect the costs of providing the services from the public agency, corporation, association, or organization, plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the capital equipment replacement revolving fund. The board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 45. NEW SECTION. 256.88 TRUSTS.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of educational telecommunications including the broadcast and narrowcast systems to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 46. NEW SECTION. 256.89 STATE PLAN.

The board shall cause to be developed and adopt a state educational telecommunications design plan. Any agency of the state and any political subdivision of the state shall submit plans for the development of educational telecommunications systems to the board to be coordinated with the state educational telecommunications design plan adopted by the board. Private institutions and entities may submit educational telecommunications proposals for coordination.

Sec. 47. NEW SECTION. 256.90 NARROWCAST OPERATIONS.

The board shall not use, permit use, or permit resale of its telecommunications narrowcast system for other than educational purposes. The board, in the establishment and operation of its telecommunications narrowcast system, shall use facilities and services of the private telecommunications industry companies to the greatest extent possible and is prohibited from constructing telecommunications facilities unless comparable facilities are not available from the private telecommunications industry at comparable quality and price.

Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the board.

Sec. 48. Section 303.1, Code 1993, is amended to read as follows:

303.1 DEPARTMENT OF CULTURAL AFFAIRS.

1. The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.

2. The department has primary responsibility for development of the state's interest in the areas of the arts, history, ~~libraries,~~ and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by ~~the state library commission,~~ the state historical society and its board of trustees, and the Iowa arts council, ~~the Terrace Hill commission, and the Iowa public broadcasting board.~~

The department shall:

a. Develop a comprehensive, co-ordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

~~b. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.~~

~~c. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.~~

~~d. Implement tourism-related art and history projects as directed by the general assembly.~~

~~e. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.~~

~~f. Meet the informational needs of the three branches of state government.~~

~~g. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.~~

3. The department shall consist of the following:

a. Historical division.

b. ~~Library division.~~

~~c. Arts division.~~

~~d. Public broadcasting division.~~

~~e. Other divisions created by rule.~~

~~f. Administrative section.~~

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule ~~except for those matters prescribed by sections 303.75 through 303.85.~~

5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.

6. The divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. ~~However, the administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board and the~~

~~administrator of the library division shall be appointed by and serve at the pleasure of the library commission. The administrators shall:~~

- a. Organize the activities of the division.
- b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
- c. Control all property of the division.
- d. Perform other duties imposed by law.

Sec. 49. Section 303.1A, unnumbered paragraphs 1, 2, and 3, Code 1993, are amended to read as follows:

~~Except for those matters prescribed by sections 303.75 through 303.85, the~~ The duties of the director shall include, but are not limited to, the following:

The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director, in the director's absence. ~~The~~

The director may delegate the powers and duties of that office to the administrators. ~~The director is not liable for the activities of the division of public broadcasting.~~

Sec. 50. Section 303.2, subsection 1, Code 1993, is amended to read as follows:

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the directory ~~except for those matters prescribed by sections 303.75 through 303.85. The administrative services section may provide services to the public broadcasting division.~~

Sec. 51. Section 303.2, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 52. Section 331.381, subsection 11, Code 1993, is amended to read as follows:

11. Enforce the interstate library compact in accordance with sections ~~303A:9 to 303A:11~~ 256.70 through 256.73.

Sec. 53. Section 669.2, subsection 5, Code 1993, 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 5, judicial district departments of correctional services as established in section 905.2, and regional boards of library trustees as defined in chapter ~~303B~~ 256, are state agencies for purposes of this chapter.

Sec. 54. Section 904.601, unnumbered paragraph 1, Code 1993, 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 ~~library division of libraries and information 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. 55. Sections 256.22, 303.2A, 303.17, 303.75 through 303.85, 303.91 through 303.94, Code 1993, are repealed.

Sec. 56. Chapters 303A and 303B, Code 1993, are repealed.

Sec. 57. The Code editor shall divide chapter 256 into subchapters.

Sec. 58. TERRACE HILL COMMISSION FUNDING. On the effective date of this Act, the director of revenue and finance shall allocate to the department of general services

any funds appropriated to the office of the governor for the fiscal year beginning July 1, 1993, and ending June 30, 1994, for the purposes of the Terrace Hill commission.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 225, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1993

TERRY E. BRANSTAD
Governor

SF 225