

LIBRARIES AND INFORMATION SERVICES DIVISION[286]

Notice of Intended Action

Proposing rule making related to the definition of “public library” and providing an opportunity for public comment

The Commission of Libraries hereby proposes to amend Chapter 1, “Organization and Operation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.52(4).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 256.50.

Purpose and Summary

Rule 286—1.1(256) includes definitions for the State Library’s purposes. The proposed amendment adds the definition of a “public library,” which determines a library’s eligibility to receive funding and consulting services from the State Library and to participate in its programs.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 286—Chapter 10.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the State Library no later than 4:30 p.m. on September 3, 2019. Comments should be directed to:

Michael Scott
State Librarian
State Library of Iowa
Ola Babcock Miller State Office Building
1112 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.242.5062
Email: michael.scott@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 286—1.1(256) as follows:

286—1.1(256) Definitions. The definitions used in Iowa Code chapters 17A and 256 ~~will~~ apply for terms used throughout ~~this chapter~~ these rules. In addition, the following definitions ~~will~~ apply:

“ADA” means the Americans with Disabilities Act of 1990.

“Administrator” means the state librarian, who shall serve as the administrator of the division of libraries of the department of education.

“Department” means the department of education.

“Director” means the director of the department of education.

“LSTA” means the Library Services and Technology Act Grant Program as defined by P.L. 104-208 (1997).

“Public library,” for the state library's purposes, is defined as an entity which meets all of the following criteria:

1. It is a city library established by municipal ordinance pursuant to Iowa Code section 392.1, or it is a county or district library established pursuant to Iowa Code chapter 336.

• A city library's ordinance shall be on file with the state library.

• A county or district library's abstract of votes from the county auditor's office shall be on file with the state library.

2. It shall be operated and maintained, in whole or in part, with local financial support derived from the city pursuant to Iowa Code section 256.69.

3. It shall have an organized collection of print or digital resources, or a combination of such resources, suitable to persons of all ages and accessible to the public.

4. It shall have paid staff to provide and interpret such resources as required to meet the informational, cultural, recreational, and educational needs of the public.

5. It shall have regularly scheduled hours during which it is open to the public.

6. It shall have the facilities necessary to support such a collection, staff, and schedule. The library may provide services through a single public outlet or through any combination of outlets.

Public libraries in Iowa meeting the criteria in this definition are eligible to receive consulting services from the state library and participate in its programs.

To be eligible to receive funding from the state library, public libraries in Iowa must participate in the state library's enrich Iowa program, which provides direct state aid and offers interlibrary loan reimbursement and open access to users.

“State librarian” means the chief operating officer of the state library.

“State library” means the library agency within the division of libraries of the department of education.