Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 11—subrules 1.4(7) and 111.2(12) and Chapter 130
"Organization and Operation; State Library of Iowa"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.203(3) as amended by 2024 Iowa Acts, Senate File 2385

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.201 through 8A.234

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 24, 2024	Room 310—Library Conference Room
1 p.m.	Ola Babcock Miller Building

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Administrative Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The intended purpose of these proposed rules is to provide the public, local libraries, and any branch of state government with a framework for the organization of the State Library of Iowa. The State Library of Iowa became a part of the Department of Administrative Services through the state government alignment bill, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A. These proposed rules are being moved under agency number [11].

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

People who use the State Library of Iowa may incur some costs for information delivery or photocopying charges if they choose to use those services.

- Classes of persons that will benefit from the proposed rulemaking:

Stakeholders, including local libraries, community members, state employees, and other library patrons, benefit from the structure of organization and rules setting forth guidelines on the use of the State Library of Iowa's governance, resources, and collections.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

The approximately 543 libraries in the state and their patrons benefit from the structure of these proposed organizational rules.

- Qualitative description of impact:

Patrons of the State Library of Iowa receive the benefit of accessing archival, historical, legal and other resources not necessarily available in local libraries.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are personnel costs to the State Library of Iowa.

- Anticipated effect on state revenues:

There is minimal effect on state revenues as a result of these rules.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Not applicable.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Proposed rules outlining organization and use of the State Library of Iowa provide a platform for clarity and consistency for all patrons and local libraries.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** subrule 1.4(7):

1.4(7) *State library of Iowa.* The state librarian, appointed by the director, administers the operations of the state library of Iowa. The state librarian also works with the commission of libraries. The state library of Iowa is located at 1112 East Grand Avenue, Des Moines, Iowa 50319. Information regarding the library can be found at statelibraryofiowa.gov.

ITEM 2. Adopt the following **new** subrule 111.2(12):

111.2(12) *Disposal of library materials.* Disposal of library materials under the control of the state library of Iowa shall be undertaken by the state librarian only as a means of strengthening and benefiting the mission of the state library. Materials may be deaccessioned from the collections of the state library if they are no longer deemed relevant and appropriate to the mission of the state library or if they have deteriorated beyond repair and usefulness. Revenue from the disposition of any books or other library materials under the control of the state library of Iowa shall be credited to the state library fund established by the treasurer of state, and proceeds shall be used solely for the purchase of books and other information resources for the state library. Notwithstanding Iowa Code section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. This subrule implements Iowa Code section 8A.204(2)*"c."*

ITEM 3. Reserve **11—Chapter 122** to **129**.

ITEM 4. Adopt the following **new**11—Chapter 130:

CHAPTER 130
STATE LIBRARY OF IOWA

11—130.1(8A) Definitions. The definitions used in Iowa Code chapters 8A and 17A will apply for terms used throughout this chapter. In addition, the following definitions will apply:

"Circulating materials" means items that may be loaned and used outside the library.

"Deaccession" means permanent removal of materials from the state library's collections.

"Department" means the department of administrative services.

"Director" means the director of the department of administrative services.

"Holds" means patron requests to reserve items checked out to other patrons. Materials may be placed on hold through the library's online catalog using a library card. When an item on hold becomes available, the patron placing the hold will be contacted and given five days to pick up the item(s) or make arrangements for receipt of items.

"Individual library card" means a card distributed by the state library that allows a patron to access the library's collections, reference assistance, and online resources.

"Library materials" includes but is not limited to books, journals, documents, audiovisuals, and software in any format.

"Proof of identity and state residence" means a government-issued form of identification with a photo and indication of Iowa residency, including but not limited to a driver's license, a passport, a nonoperator's identification card, or a military identification card; or, for minors, a school identification card.

"Resident" means a person who lives in Iowa or pays property taxes in Iowa.

"State employee library card" means a card distributed by the state library that allows a state employee to access the library's collections, reference assistance, online resources, and interlibrary loan services.

"State librarian" means the chief operating officer of the state library.

"State library" means the library agency within the department of administrative services.

11—130.2(8A) Organization and mission. The state library of Iowa exists to improve library services in Iowa and deliver specialized information services to state government and Iowans. The state librarian, appointed by the director, heads the state library of Iowa. The state library consists of the following three units: the library support network (includes the LSTA Grant Program, public library accreditation, library staff endorsement, Enrich Iowa, continuing education and consulting), specialized library services (includes state documents, the state publications depository program, special collections, the state law library, and technical services), and the state data center. Additionally, the commission of libraries advises the department and the state librarian concerning library services.

130.2(1) *Commission of libraries.* The commission of libraries consists of nine members as defined in Iowa Code section 8A.203. The commission shall meet at a time and place specified by the chairperson. All meetings are open to the public, and public notice of all meetings shall be posted in accordance with Iowa Code chapter 21. The current and archived minutes are accessible on the state library's website: statelibraryofiowa.gov.

130.2(2) *State library advisory panel.* The library services advisory panel consists of no fewer than 11 members as defined in Iowa Code section 8A.221. The advisory panel shall meet at a time and place specified by the chairperson. All meetings are open to the public, and public notice of all meetings shall be posted in accordance with Iowa Code chapter 21.

11—130.3(8A) Operations. The state library provides information services to the three branches of government and the general public in accordance with Iowa Code section 8A.211. Services include information delivery and collection access. In-person services are provided at the state capitol building in the state law library, located on the second floor. Digital access to services is available through the state library's website: statelibraryofiowa.gov.

130.3(1) *Information delivery.* Library staff, in conjunction with the patron needs, will determine the best method to process the materials for delivery. Processing fees may be applicable and will be posted on the state library's website: statelibraryofiowa.gov.

130.3(2) *Collection access.* The state library's collections are housed in the Ola Babcock Miller state office building, 1112 East Grand Avenue, Des Moines, and in the state capitol building. Primary research and study areas of the library's two locations are accessible to the disabled; however, upper tiers are generally closed to all public access. Staff will retrieve materials requested by library users or may authorize access on a case-by-case basis.

a. Library cards. A resident of Iowa may obtain an individual library card by providing proof of identity and state residence in person, by mail, or online. A state employee may obtain a state employee library card by providing proof of identity, state residence, and state employment in person, by mail, or online. Cards expire regularly but can be reactivated. Library privileges will be suspended or canceled when a patron's library card has expired.

b. Circulation of library materials. Circulating library materials are able to be checked out to library card holders and may be renewed. Patrons may renew materials in person, by contacting the state library, or through the library's online catalog.

c. Fines and fees. Fines are not assessed for overdue materials. Lost, unreturned or damaged materials may incur replacement costs. Replacement copies will not be accepted. Library privileges will be suspended or canceled when a patron has outstanding debt to the library.

d. Library records confidential. Library records are confidential pursuant to Iowa Code section 22.7(13). The state librarian is the custodian of the library's records.

e. Collection policy of the library. The purpose of this policy is to define the intended coverage and clientele; establish collection management and selection policies; provide staff with the means to ensure consistency, responsiveness, and wise use of funds in collection building; assist in development of performance measures; establish priorities to guide budget allocations and cataloging and preservation decisions; and document the library's commitment to intellectual freedom. The collection policy shall be developed and made available on the state library's website: statelibraryofiowa.gov.

These rules are intended to implement Iowa Code sections 8A.202, 8A.203, 8A.210, 8A.211, and 8A.221.