Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 11—Chapter 131
"Programs and Funding"

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:

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Purpose and Summary

The purpose of this chapter is to combine rules addressing similar topics and move them from the former State Library of Iowa rules under agency number [286] to the Department of Administrative Services rules under agency number [11]. The State Library of Iowa moved to the Department of Administrative Services as part of state government alignment in 2023 Iowa Acts, Senate File 514, which has been codified in Iowa Code sections 8A.201 through 8A.234.

This new chapter addresses proposed rules for library programs. These proposed rules have been condensed from the two chapters the rules previously existed in. The chapter provides the public, local libraries, and any branch of state government information on the statewide programs and services provided by the State Library of Iowa.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

No classes of people will bear the costs other than taxpayers in their role of supporting state government. No new costs for any persons are anticipated by these proposed rules.

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

The public, local libraries, and all branches of state government benefit from rules regarding these programs.

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:

These rules set forth programs required by law that support local libraries and their customers, which consist primarily of community members. These programs are intended to support access to library materials, employment and economic development, civic engagement, and equity in access to information across Iowa's communities.

- Qualitative description of impact:

The programs and description of funding in these proposed rules outline benefits to libraries, the people who use them, and the people who administer the services. The proposed rules describe guidelines of many benefits from library program development to staff development. The programs strengthen the roles of libraries, their connection to the State Library of Iowa, and information access.

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 in administering these programs and managing grant funds.

- Anticipated effect on state revenues:

There is minimal effect on state revenues.

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:

No less intrusive methods exist because the rules provide clarity for the public and libraries across Iowa.

6. Alternative methods considered by the agency:

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

None were considered.

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

These proposed rules are the proper vehicle to lay out guidelines for State Library of Iowa programs, including descriptions of funding. The rules, as proposed, are the least bureaucratic method of implementing federal and state legal obligations.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new**11—Chapter 131:

CHAPTER 131
PROGRAMS AND FUNDING

11—131.1(8A) Purpose. The state library is charged with developing a long-range plan, known as the State Library of Iowa Library Services and Technology Act (LSTA) Five-Year Plan, for the continued improvement of library services in the state. The major outcomes of this planning effort include the maintenance of the State of Iowa Libraries Online (SILO) program; professional development and continuing education of Iowa library staff, including a voluntary endorsement program for public library staff; the development of standards for public libraries that includes a voluntary accreditation program; the IA Shares delivery service for public libraries; providing Iowans access to the publications of state government; and digital information resources.

11—131.2(8A) Financial support.

131.2(1) *Funding.* Funding for the stated outcomes is provided through both state appropriations and federal funding to the state library.

a. Funding for the Enrich Iowa program, through a state appropriation, allows the state library to implement the program as outlined in Iowa Code section 8A.209.

b. Funding from the federal government is provided through the Grants to States program from the Institute for Museum and Library Services (IMLS). The program's focus is on the following six focal areas: lifelong learning, information access, institutional capacity, employment and economic development, human services, and civic engagement. The current authorization is through the Museum and Library Services Act of 2018 (PL 115-410).

131.2(2) *Federal funding administration.* The state library administers and uses the state-based LSTA funds (in any proportion) directly or through subgrants or cooperative agreements. The actual amount, timing, and availability of funds for projects is determined by the state library in consultation with the Iowa library community. In accordance with the principles set forth in the basic guidelines of the Five-Year Plan for the use of LSTA funds, individual grants are not anticipated. However, when individual grants are deemed to be the appropriate vehicle to meet the identified needs as well as the intent of the guidelines, information on grants will be published and distributed statewide.

a. Eligibility. Eligibility of projects will be determined by the Five-Year Plan for the use of LSTA funds. The use of the funds will have a major impact on library service to Iowans; increase access to information; have a statewide benefit; foster cooperation, resource sharing, and partnerships; involve all types and sizes of libraries; encourage innovation; and emphasize evaluation. The plan is found on the state library's website: statelibraryofiowa.gov.

b. Reporting procedures. All LSTA grant recipients shall submit to the state library documentation of LSTA project-related expenses and periodic and final project reports. LSTA-funded projects are subject to on-site monitoring by state library personnel.

11—131.3(8A) Enrich Iowa.

131.3(1) *Purpose.* The Enrich Iowa program is set forth in Iowa Code section 8A.209. Enrich Iowa provides direct state assistance to public libraries, supports the open access and interlibrary loan programs, provides public libraries with an incentive to improve library services, and reduces inequities among communities in the delivery of library services. Enrich Iowa funding is intended to supplement, not replace, local funding.

131.3(2) *Eligibility.* All Iowa libraries are eligible to participate in the Enrich Iowa program. Direct State Aid funding is limited to public libraries meeting Tier 1 requirements or higher. Open

Access funding is limited to public libraries meeting Tier 1 requirements or higher and academic libraries. Interlibrary loan reimbursement funding is available to all public, academic, AEA, institutional, school, and special libraries. To participate in the Enrich Iowa program, an Iowa library must sign an agreement from the state library that outlines the general provisions and assurances. Information, including forms for signature, terms of agreement, and program reporting requirements are made available on the state library's website: statelibraryofiowa.gov.

11—131.4(8A) State of Iowa Libraries Online (SILO). Pursuant to Iowa Code section 8A.202, the state library provides resource sharing services, including the Iowa Locator, the statewide union catalog used to locate library items, and the SILO Interlibrary Loan System to all types of libraries in Iowa. SILO also offers hosted services including DNS, email lists, and web hosting to any public library.

11—131.5(8A) Standards and accreditation program. Pursuant to Iowa Code section 8A.202, the state library provides performance measures to encourage the ongoing development of high-quality public library service in the state. "In Service to Iowa: Public Library Standards" is the manual for the state library of Iowa's standards program. Iowa's voluntary public library standards program was established to give public libraries a tool to identify strengths and areas for improvement. It is also used to document the condition of public library service in Iowa, to distribute Direct State Aid funding, and to meet statutory requirements. Program information can be found on the state library's website: statelibraryofiowa.gov.

This rule is intended to implement Iowa Code section 8A.202(1)*"k."*

11—131.6(8A) Endorsement program for the Iowa public library community. Pursuant to Iowa Code section 8A.202, the state library improves library service in Iowa by developing the skills of public library directors and staff, providing recognition for public librarians, enhancing the public image of librarians and libraries, and providing guidelines that public library boards may use in developing staff hiring policies. Program information can be found on the state library's website: statelibraryofiowa.gov.

11—131.7(8A) Summer library program. Pursuant to Iowa Code section 8A.202, the state library aids public libraries in planning summer reading programs by working with an outside vendor for promotional and programming materials, which are locally adaptable, to help improve library service to youth in Iowa and to improve skills of librarians. Program information can be found on the state library's website: statelibraryofiowa.gov.

11—131.8(8A) State publications depository program. Pursuant to Iowa Code sections 8A.202 and 8A.208, the state publications depository program is established within the state library for the collection and distribution of publications issued by state agencies to designated depository libraries around the state and maintains a digital repository for electronic government publications. The program shall be administered by the state librarian and coordinated through the library's specialized library services unit. The state library shall serve as the last copy depository for predepository state information products and for those products never deposited with the center since its 1979 inception. Both print and digital materials are collected for the program.

131.8(1) *Definitions.*

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

"State publications" are defined as any multiply produced informational products or materials regardless of format, method of reproduction, or source, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency. The definition incorporates those publications that may or may not be financed by state funds but are released by

private bodies such as research and consultant firms under contract with or supervision of any state agency. State information products specifically include but are not limited to public documents appearing as reports, directories, statistical compendiums, bibliographies, lists, state plans, statutes, codes, laws and bills, rules, regulations, transcripts of public hearings, journals, newsletters, bulletins, periodicals, books, pamphlets, brochures, charts, maps, surveys, other printed matter, audiovisual materials, microfilm, microfiche, and all electronic information sources in all electronic formats. State information products do not include correspondence and memoranda intended solely for internal use within the agency or between agencies, materials designated by law as being confidential, materials excluded from this definition by the department through the adoption and enforcement of rules, and materials determined by the depository library center staff to be exempt.

131.8(2) *State agency requirements.* Pursuant to Iowa Code section 8A.205, upon issuance of a state publication in any format, a state agency shall provide the state library an electronic version of the publication at no cost to the state library. The publication will be deposited into Iowa Publications Online, publications.iowa.gov, a digital repository of documents produced by Iowa state agencies. Print documents are accepted. It shall be the responsibility of the issuing state agency to create duplicate copies of publications in limited supply to meet the minimal copy requirements of the depository program as specified by the state library.

131.8(3) *Depository libraries.* The state library and the University of Iowa shall be designated as the two permanent depositories for Iowa state publications. The Library of Congress shall receive one copy of each state publication collected. Depository status shall be determined by the state librarian. Information about the depository libraries program can be found on the state library's website: statelibraryofiowa.gov.

11—131.9(8A) IA Shares. A statewide delivery service program has been established in the state library to provide a method of sending and receiving library materials between public libraries and the state library. Program information can be found on the state library's website: statelibraryofiowa.gov.

11—131.10(8A) People's law library of Iowa. The state library, in conjunction with the University of Iowa law library, provides an easy-to-understand, basic information website about the law. The people's law library of Iowa is available at: www.peopleslawiowa.org.

These rules are intended to implement Iowa Code sections 8A.202, 8A.205, 8A.208, and 8A.209.