

The clerk shall furnish the department with copies of all orders or decrees awarding support to parties having custody of minor children when such the parties are receiving welfare public assistance.

Sec. 5. Section 675.38, Code 1981, is amended to read as follows:

675.38 ~~WELFARE RECIPIENTS OF PUBLIC ASSISTANCE~~—ASSIGNMENT OF SUPPORT PAYMENTS. ~~Persons~~ A person entitled to periodic support payments pursuant to an order or judgment entered in a paternity action ~~pursuant to~~ under this chapter, who ~~are~~ is also ~~welfare recipients, shall assign their~~ a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of social services. The department shall immediately notify the clerk of court by mail when a person entitled to support payments has been determined to be eligible for public assistance. Upon notification by the department that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. The clerk of court shall forward support payments received pursuant to section 675.25, to which the department is entitled, to the department, which shall have the right to may secure support payments in default through proceedings prescribed in chapter 252A or section 675.37. The clerk shall furnish the department with copies of all orders or decrees awarding support to parties having custody of minor children when the parties are receiving welfare public assistance.

Approved May 19, 1982

CHAPTER 1238

STATE HISTORICAL DEPARTMENT

H.F. 828

AN ACT to redefine the duties of the state historical department and to provide for the appointment of an executive director and a state historical board.

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

Section 1. Section 64.6, subsection 19, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

19. Executive director of the state historical department, one thousand dollars.

Sec. 2. Section 303.1, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.1 ESTABLISHMENT OF DEPARTMENT. There is established the Iowa state historical department. There is established a state historical board consisting of seven members appointed by the governor, subject to senate confirmation. The members shall include the following:

1. One member who is an historian employed by an institution of higher learning under the control of the state board of regents.
2. One member who is an historian employed by an institution of higher learning not under the control of the state board of regents.
3. One member who is a professionally-employed archaeologist.
4. Two members selected from recommendations of officers of the state historical society.
5. Two members who represent the general public.

The duties of the board are prescribed in section 303.6.

The term of office of members of the board shall commence and end as provided in section 69.19 and shall be three years.

Sec. 3. Section 303.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state historical board shall annually elect a chairman chairperson and vice chairman chairperson from its membership, and the executive director of the division of historical museum and archives shall serve as secretary to the board. The board shall meet as often as deemed necessary, upon the call of the chairman and vice chairman chairperson, or at the request of a majority of the members of the board.

Sec. 4. Section 303.3, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.3 EXECUTIVE DIRECTOR. The governor shall appoint an executive director, subject to confirmation by the senate, who may be selected from recommendations submitted by the board. The governor shall appoint the executive director on the basis of professional training and ability to administer the duties of the department and without regard to political affiliation.

The executive director shall serve a three-year term of office commencing and ending as provided in section 69.19.

The salary of the executive director shall be set by the general assembly.

Sec. 5. Section 303.4, Code 1981, is amended to read as follows:

303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY. The state historical board shall establish rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. ~~The election of members of the state historical board, as provided in section 303.1, shall be by mailed ballot as provided in bylaws adopted by the society and approved by the state historical board.~~ The society may elect officers, and the executive director of the division of the state historical society department, or the executive director's designee, shall serve as secretary to the society. The officers of the society shall not determine policy for the division of the state historical society department but may perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to the provisions of this chapter, subject to the approval of the state historical board.

1. ~~It is the intent of the general assembly that, as As used in this chapter, "state historical society" means only the division of the Iowa state historical department society, an agency solely of the state, which is denominated the division of the state historical society located in Iowa City.~~ It does not mean or include any private entity.

2. ~~A corporation organized under the laws of this state shall not exercise any powers or duties exercisable by law by the Iowa state historical department and its divisions. If a corporation exercises or attempts to exercise these powers or duties, it shall be subject to an equitable suit for involuntary dissolution by any interested person.~~

3. ~~2.~~ Unless specifically designated otherwise, any a gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the ~~division of the state historical society of the Iowa state historical department.~~

Sec. 6. Section 303.5, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR. The executive director of the Iowa state historical department shall:

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

2. Organize the activities of the department to provide for the following: archives, museum, library services, historical society, research and publication, historic preservation, microfilming, and public services.

3. Administer and care for the historical building, the centennial building, Montauk, Toolsboro mounds, the Gardner cabin, and other sites under the authority of the department, and maintain collections within these buildings.

4. Coordinate the activities of the department with federal, state, and local agencies.

5. Encourage and assist local county and state organizations and museums devoted to historical purposes.

6. Employ necessary personnel under chapter 19A.

7. Administer the archives of the state as defined in section 303.12.

8. Serve as or appoint the state historic preservation officer, certified by the governor pursuant to federal requirements.

9. Develop, implement, and publicize a uniform system of marking state historical, archeological, geological, and legendary sites.

10. Administer, preserve, and inventory the monuments, memorials, and works of art on the grounds and in the buildings at the seat of government in consultation with the Iowa state arts council and the capitol planning commission, and make recommendations annually to the appropriate officer or board.

11. Collect, preserve, organize, classify, interpret, and exhibit materials relevant to the archeology and history of the state and region. Duties prescribed under this subsection will not affect the duties of the state archaeologist as defined in chapter 305A.

12. Publish matters of historical value to the public, and pursue historical, architectural, and archaeological research and development which may include but shall not be limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

13. Coordinate the activities of, and provide technical and financial assistance if federal funds are available, to local historical preservation commissions and private parties in accordance with the state plan and programs for historic preservation.

14. Identify and document historic properties.

15. Prepare and maintain a state register of historic places, including those listed on the national register of historic places.

16. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the state historical department.

17. Perform other duties imposed by law or prescribed by rules of the board.

Sec. 7. Section 303.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.6 BOARD—POWERS AND DUTIES. The state historical board shall:

1. Adopt a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

2. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

3. Adopt rules under chapter 17A for the effective and efficient operation of the department.

4. Maintain research centers in Des Moines and Iowa City.

5. Have authority to enter into appropriate agreements with the university of northern Iowa, the state university of Iowa, Iowa state university of science and technology, or an accredited private institution as defined in section 261.9 to establish multi-county area research centers, which are in addition to but do not duplicate archives as defined in section 303.12. An area research center shall serve as the depository for the archives of counties and cities and for other unpublished original resource material of a given area to be designated in the agreement.

6. Control all property of the department.

7. Authorize the loan of historical materials and artifacts for display and research at suitable locations within the state.

8. Advise the director with respect to the policies, programs, and procedures of the department.

9. Approve the state preservation plan submitted by the state historic preservation officer.

10. Establish rules for membership in the state historical society, including rules relating to membership fees.

11. Submit biennially to the governor, through the board chairperson, a report of the activities of the department, and an evaluation of the department, its programs, and policies.

12. Perform other functions prescribed by law to further historically-related matters in the state.

Sec. 8. Section 303.9, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 11, is amended to read as follows:

303.9 FUNDS RECEIVED BY STATE HISTORICAL DEPARTMENT.

1. All funds received by the state historical department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the state historical department and are appropriated to the state historical department to be invested or used for programs and purposes under the authority of the state historical board. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the state historical department under this section.

2. The department may sell mementos and other items relating to Iowa history and historic sites on the premises of property under control of the department and at the state capitol. The department is not a retailer under chapter 422 and the sale of such items is not a retail sale under chapter 422 and is exempt from the sales tax.

Sec. 9. Section 303.11, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state historical board may accept gifts and bequests which shall be used in accordance with the desires of the donor if expressed. Funds contained in an endowment fund for either the department of history and archives or the state historical society existing on July 1, 1974 shall remain an endowment of ~~either the division of historical museum and archives or the division of the state historical society~~ the department. ~~After July 1, 1974, gifts~~ Gifts shall be accepted only on behalf of the state historical department, and gifts to a division, branch, or section of the department are presumed to be gifts to the department. ~~Funds in an endowment fund may be invested by the state historical board.~~

Sec. 10. Section 303.12, Code 1981, is amended to read as follows:

303.12 ARCHIVES. Archives means those documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the executive director of the historical museum and archives state historical department as having sufficient historical, research, or informational value to warrant permanent preservation. The executive director of the division of historical museum and archives state historical department is the trustee and custodian of the archives of Iowa, except that archives do not include county or municipal archives unless they are voluntarily deposited with the executive director with the written consent of the executive director. The executive director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be so labeled before the archives may be transferred to the executive director's custody.

Sec. 11. Section 303.13, Code 1981, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES. The ~~several~~ state, executive, and administrative departments, officers or offices, councils, boards, bureaus, and commissions, may transfer and deliver to the state historical department archives as defined in section 303.12 and as prescribed in the records management manual. Before transferring archives, the office of present custody shall file with the executive director a classified list of the archives being transferred ~~made in such detail as the executive director shall prescribe~~ prescribes. If the executive director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, ~~shall find~~ finds that, according to the records management manual, certain classifications of the archives listed are not of sufficient historical, legal or administrative value to justify permanent preservation, the executive director shall not accept the material for deposit in the state archives.

Sec. 12. Section 303.14, Code 1981, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL. After ~~any~~ archives have been received by the executive director, they shall not be removed from the executive director's custody without his ~~the executive director's~~ consent except in obedience to a subpoena of a court of record or a written order of the state executive council.

The executive director ~~shall is not be~~ required to preserve permanently vouchers, claims, canceled or redeemed state warrants, or duplicate warrant registers, ~~respectively~~, of the state comptroller and the treasurer of state but may, after microfilming, destroy by burning or shredding any ~~such~~ warrants, having no historical value, that have been in the executive director's custody for a period of one year and ~~likewise to~~ may destroy by burning or shredding any vouchers, claims and duplicate warrant registers which have been in the director's custody for a period of one year. A properly authenticated reproduction of ~~any such~~ a microfilmed record ~~shall be is~~ is admissible in evidence in ~~any~~ a court in this state.

Sec. 13. Section 303.15, Code 1981, is amended to read as follows:

303.15 CERTIFIED COPIES—FEES. Upon request of any a person, the executive director of the division of historical museum and archives or the director of the division of the state historical society department shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the division of the state historical society, and when department except where reproduction is inappropriate because of legal, curatorial, or physical considerations. When a copy is properly authenticated it shall have has the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. The copy may be made in writing, or by any a suitable photographic process. The executive director shall charge and collect for such copies the fees allowed by law to the official in whose office the document originates for such certified copies. The executive director shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 14. Section 303.20, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Department" means the Iowa state historical department.

Sec. 15. Section 303.21, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Not less than ten percent of the eligible voters in an area of asserted historical significance may petition the division department for a referendum for the establishment of a district.

Sec. 16. Section 303.22, Code 1981, is amended to read as follows:

303.22 ACTION BY DIVISION DEPARTMENT. The division department shall hold a hearing not less than thirty days or more than sixty days after the petition is received. The division department shall publish notice of the hearing, at a reasonable time before the hearing is to take place, and shall post notice of the hearing in a reasonable number of places within the suggested district. The cost of notification shall be paid by the persons who petition for the establishment of a district.

At the hearing the division department shall hear interested persons, accept written presentations, and shall determine whether the suggested district is an area of historical significance which may properly be established as a historical preservation district pursuant to the provisions of this division of this chapter. The division department may determine the boundaries which shall be established for the district. The division department shall not include property which is not included in the suggested district unless the owner of such the property is given an opportunity to be heard.

The division department, if it determines that the suggested district meets the criteria for establishment as a historical preservation district, shall indicate the owners of the property and residents included and shall forward a list of such owners and residents to the county commissioner of elections.

If the division department determines that the suggested district does not meet the criteria for establishment as a historical preservation district, it shall so notify the petitioners.

Sec. 17. Section 303.23, Code 1981, is amended to read as follows:

303.23 REFERENDUM. Within thirty days after the receipt of the list of owners of property and residents within the suggested historical preservation district, the county commissioner of elections department shall fix a date not more than forty-five days from the receipt of the petition seeking a referendum on the question of establishment of a historical preservation district. The department, after consultation with the county commissioner of elections, shall specify the polling place within the suggested district that will best serve the convenience of the voters and shall appoint from residents of the proposed district three judges and two clerks of election.

Sec. 18. Section 303.24, Code 1981, is amended to read as follows:

303.24 NOTICE. The department, after consultation with the county commissioner of elections, shall post notice of the referendum in a reasonable number of places within the suggested district a reasonable time before it is to take place. The notice shall state the purpose of the referendum, a description of the district, the date of the referendum, the location of the polling place, and the hours when the polls will open and close.

Sec. 19. Section 303.34, subsections 1 and 4, Code 1981, are amended to read as follows:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the division of historical preservation of the Iowa state historical department which shall determine if the proposed area meets the criteria provided in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the division of historical preservation department shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

4. An area shall only be designated an area of historical significance upon enactment of an ordinance of the city. Before such an the ordinance is enacted or an amendment thereto to it is enacted, the governing body of the city shall submit such the ordinance or amendment to the division of historical preservation of the Iowa state historical department for its review and recommendations.

Sec. 20. Section 304.3, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. The executive director of the Iowa state historical department.

Sec. 21. Section 304.10, Code 1981, is amended to read as follows:

304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL MUSEUM AND ARCHIVES DEPARTMENT – DUTIES. All lists and schedules submitted to the commission shall be referred to the executive director of the Iowa state historical museum and archives department, who shall determine whether the records proposed for disposal have value to other agencies of the state or have research or historical value. The executive director of the historical museum and archives shall submit the lists and schedules with his or her recommendations in writing to the commission and the final disposition of the records shall be according to the orders of the commission.

Sec. 22. Section 470.5, Code 1981, is amended to read as follows:

470.5 EXCEPTIONS. This chapter does not apply to buildings currently used on January 1, 1980 by the division of adult corrections of the department of social services as maximum security detention facilities or to the renovation of property nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of historic places compiled by the executive director of the division of historical preservation of the Iowa state historical department.

Sec. 23. Sections 303.7 and 303.8, Code 1981, are repealed.

Sec. 24. The terms of members of the state historical board serving on the effective date of this Act shall expire June 30, 1982. The initial terms of members of the state historical board established in section 1 of this Act shall commence July 1, 1982 and be staggered so that two members shall serve until April 30, 1983, two members shall serve until April 30, 1984, and three members shall serve until April 30, 1985.

The governor shall give preference in appointment of members of the state historical board to members of the state historical board serving on June 30, 1982.

The initial term of office of the executive director shall end April 30, 1985.