

- c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.
 - d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.
 - e. Assistance in the providing of capital formation in order to comply with state and federal regulations.
2. a. An advisory committee to the center is established, consisting of a representative of each of the following organizations:
 - (1) The Iowa department of economic development.
 - (2) The small business development commission.
 - (3) The University of Northern Iowa.
 - (4) The State University of Iowa.
 - (5) Iowa State University of science and technology.
 - (6) The department of natural resources.
 - b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.
3. Information obtained or compiled by the center shall be disseminated directly to the Iowa department of economic development, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.
 4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.
 5. This section does not do any of the following:
 - a. Relieve a person receiving assistance under this section of any duties or liabilities otherwise created or imposed upon the person by law.
 - b. Transfer to the state, the University of Northern Iowa, or an employee of the state or the university, a duty or liability otherwise imposed by law on a person receiving assistance under this section.
 - c. Create a liability to the state, the University of Northern Iowa, or an employee of the state or the university for an act or omission arising from the providing of assistance or advice in cleaning up, handling, or disposal of hazardous waste. However, an individual may be liable if the act or omission results from intentional wrongdoing or gross negligence.

Approved May 1, 1989

CHAPTER 78

STATE HISTORICAL SOCIETY AND STATE ARCHIVIST

H.F. 367

AN ACT relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs.

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

Section 1. Section 303.4, Code 1989, is amended to read as follows:

303.4 STATE HISTORICAL SOCIETY OF IOWA — BOARD OF TRUSTEES.

1. A state historical society board of trustees is established consisting of seven members selected as follows:

‡ a. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

2 b. Four members shall be appointed by the governor, two of whom shall be ~~professional historians or archaeologists~~ on the faculty of a college or university in the state in disciplines related to the activities of the historical society.

2. The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19. The terms of office of the governor's appointees are staggered so that in one year two members are appointed and in each of the next two years one member is appointed.

Sec. 2. NEW SECTION. 303.5 POWERS AND DUTIES OF STATE HISTORICAL SOCIETY ADMINISTRATOR.

The state historical society administrator may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.
2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.
3. Accept any federal funds granted, by act of congress or by executive order, for all or any purposes of this subchapter.

Sec. 3. Section 303.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 633.63, the board may enter into agreements authorizing nonprofit foundations acting solely for the support of the state historical society to administer its membership program and funds.

Sec. 4. Section 303.8, subsection 1, paragraphs a through d, Code 1989, are amended to read as follows:

a. Recommend to the ~~department~~ state historical society 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.

b. Make recommendations to the ~~director~~ division administrator on historically related matters.

c. Review and recommend to the director or the director's designee policy decisions regarding the division.

d. Recommend to the ~~director~~ state historic preservation officer for approval the state preservation plan ~~submitted by the state historic preservation officer.~~

Sec. 5. Section 303.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 633.63, the board may authorize nonprofit foundations acting solely for the support of the state historical society of Iowa to accept and administer trusts deemed by the board to be beneficial to the division's operations. The board and the foundation may act as trustees in such instances.

Sec. 6. Section 303.11, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The ~~department~~ division 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 remain an endowment of the ~~department~~ division. Gifts shall be accepted only on behalf of the ~~department~~ division, and gifts to a part, branch, or section of the ~~department~~ division are presumed to be gifts to the ~~department~~ division.

Sec. 7. Section 303.12, Code 1989, is amended to read as follows:

303.12 ARCHIVES.

"Archives" means 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 ~~director of the department~~ state archivist

as having sufficient historical, research, or informational value to warrant permanent preservation. The ~~director of the department~~ state archivist is the trustee and custodian of the archives of Iowa, except that county or municipal archives are not included unless they are voluntarily deposited with the ~~director~~ state archivist with the written consent of the ~~director~~ state archivist. The ~~director~~ state archivist 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 labeled before the archives may be transferred to the ~~director's~~ state archivist's custody.

Sec. 8. Section 303.13, Code 1989, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES.

The state executive and administrative departments, officers or offices, councils, boards, bureaus, and commissions, shall transfer and deliver to the ~~department~~ state 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 ~~director~~ state archivist a classified list of the archives being transferred in detail as the ~~director~~ state archivist prescribes. If the ~~director~~ state archivist, 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, 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 ~~director~~ state archivist shall not accept the material for deposit in the state archives.

Sec. 9. Section 303.14, Code 1989, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL.

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

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

Sec. 10. Section 303.15, Code 1989, is amended to read as follows:

303.15 CERTIFIED COPIES — FEES.

Upon request of a person, the ~~director of the department~~ state archivist shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the department except if reproduction is inappropriate because of legal, curatorial, or physical considerations. If a copy is properly authenticated it 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 a suitable photographic process. The ~~director~~ state archivist shall charge and collect for copies the fees allowed by law to the official in whose office the document originates for certified copies. The ~~director~~ state archivist shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 11. Section 303.16, subsection 5, paragraphs e, f, and g, Code 1989, are amended to read as follows:

e. Not more than ~~fifty~~ one hundred thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted to recipients within any single county in any given grant cycle.

f. Not more than ~~twenty-five~~ one hundred thousand dollars or ten percent of the annual appropriation, whichever is more, may be granted or loaned to any single recipient within a single fiscal year.

g. Grants or loans under this program may be given only after review and recommendation by the state historical society board of trustees.

Sec. 12. Section 303.16, subsection 8, paragraph a, Code 1989, is amended to read as follows:

a. The department may establish a historical resource revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants ~~shall be~~ are eligible for ~~no~~ not more than ~~twenty-five~~ one hundred thousand dollars in loans outstanding at any time under this program.

Approved May 1, 1989

CHAPTER 79

FORECLOSURE MORATORIUM EXTENDED

S.F. 174

AN ACT relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

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

Section 1. FORECLOSURE MORATORIUM EXTENDED. Notwithstanding section 654.15, subsection 2, the declaration of economic emergency made by the governor on October 1, 1985, is in effect until March 30, 1990. Any person eligible to file an application under section 654.15, subsection 2, must file for the continuance by March 30, 1990. Notwithstanding the provisions of the declaration of economic emergency made by the governor on October 1, 1985, real estate used for small business is eligible for a moratorium continuance.

Sec. 2. APPLICABILITY AND EFFECTIVE DATE.

1. If this Act is enacted on or after March 30, 1989, the Act is retroactive to March 30, 1989, and is applicable on and after that date.

2. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 1989