

CHAPTER 158

LIBRARIES, LIBRARY SERVICES, AND ADMINISTRATION AND SCHOOL IMPROVEMENT TECHNOLOGY FUNDS

H.F. 637

AN ACT relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the library service area, and development of a biennial unified plan of service and service delivery in consultation with library service areas and area education agency media centers.

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

Section 1. Section 8D.2, subsection 5, Code 2001, is amended to read as follows:

5. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 17, a school corporation, a city library, a ~~regional~~ library service area as provided in chapter 256, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 15, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 2. Section 8D.9, subsection 1, Code 2001, is amended to read as follows:

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, ~~regional~~ library service area, county library, judicial branch, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

Sec. 3. Section 8D.11, subsection 4, Code 2001, is amended to read as follows:

4. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, a ~~regional~~ library service area as provided in chapter 256, and a county library as provided in chapter 336. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. 4. Section 12C.1, subsection 1, Code 2001, is amended to read as follows:

1. All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: for the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; for a ~~regional~~ library service area established under chapter 256, by the ~~regional~~ library service area board of ~~library~~ trustees; and for an electric power agency as defined in section 28F.2,¹ by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision or the

¹ See 2001 Iowa Acts, Extraordinary Session, chapter 4, §1 herein

designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record. This subsection does not limit the definition of "public funds" contained in subsection 2. Notwithstanding provisions of this section to the contrary, public funds of a state government deferred compensation plan established by the executive council may also be invested in the investment products authorized under section 509A.12.

Sec. 5. Section 39.11, Code 2001, is amended to read as follows:

39.11 MORE THAN ONE OFFICE PROHIBITED.

Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council, or soil and water conservation district commission, ~~or regional library board of trustees.~~

Sec. 6. Section 39.21, subsection 1, Code 2001, is amended by striking the subsection.

Sec. 7. Section 43.67, subsection 8, Code 2001, is amended to read as follows:

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, and soil and water conservation district commission, ~~and regional library board of trustees.~~

Sec. 8. Section 44.3, subsection 2, paragraph h, Code 2001, is amended to read as follows:

h. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, and soil and water conservation district commission, ~~and regional library board of trustees.~~

Sec. 9. Section 45.3, subsection 8, Code 2001, is amended to read as follows:

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, and soil and water conservation district commission, ~~and regional library board of trustees.~~

Sec. 10. Section 49.41, unnumbered paragraph 6, Code 2001, is amended to read as follows:

This section does not apply to the ~~following public offices:~~ county agricultural extension council, or the soil and water conservation district commission, ~~or regional library board of trustees.~~

Sec. 11. Section 69.2, subsection 8, Code 2001, is amended to read as follows:

8. The incumbent simultaneously holding more than one elective office at the same level of government. This subsection does not apply to the ~~following offices:~~ county agricultural extension council, or the soil and water conservation district commission, ~~or regional library board of trustees.~~

Sec. 12. Section 256.51, subsection 1, paragraphs d, e, and k, Code 2001, are amended to read as follows:

d. Develop and adopt, in conjunction with the ~~Iowa regional library system~~ service areas, long-range plans for the continued improvement of library services and which will explore or broaden the information mission in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the ~~Iowa regional library system~~ service areas at an annual meeting.

e. Develop, ~~in cooperation~~ consultation with the ~~Iowa regional library system service areas and the area education agency media centers~~, a biennial unified plan of service and service delivery for the division of libraries and information services.

k. Establish and administer standards for state agency libraries, the ~~Iowa regional library system service areas~~, and public libraries.

Sec. 13. Section 256.60, Code 2001, is amended to read as follows:

256.60 ~~REGIONAL LIBRARY SYSTEM SERVICE AREAS ESTABLISHED~~ — PURPOSES.

~~A regional library system is~~ Library service areas are established as provided in section 256.61 to provide supporting services to libraries, including, but not limited to, consulting, continuing education, and interlibrary loan and reference services, to assure consistency of service statewide, and to encourage local financial support for library services.

Sec. 14. Section 256.61, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

256.61 LIBRARY SERVICE AREAS AND BOARDS OF TRUSTEES.

1. Seven library service areas shall serve and represent seven geographic regions consisting of the following counties:

a. The southwestern area shall serve and represent the counties of Adair, Adams, Audubon, Cass, Clarke, Decatur, Fremont, Guthrie, Harrison, Lucas, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, and Wayne.

b. The northwestern area shall serve and represent the counties of Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Ida, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury.

c. The north central area shall serve and represent the counties of Cerro Gordo, Floyd, Franklin, Hamilton, Hancock, Hardin, Humboldt, Kossuth, Mitchell, Webster, Winnebago, Worth, and Wright.

d. The central area shall serve and represent the counties of Boone, Dallas, Greene, Jasper, Madison, Marion, Marshall, Polk, Story, and Warren.

e. The southeastern area shall serve and represent the counties of Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Mahaska, Monroe, Muscatine, Scott, Van Buren, Wapello, and Washington.

f. The east central area shall serve and represent the counties of Benton, Cedar, Clinton, Iowa, Jackson, Johnson, Jones, Linn, Poweshiek, and Tama.

g. The northeastern area shall serve and represent the counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy, Howard, and Winneshiek.

2. Each area shall have a board of trustees composed of seven members, who shall be appointed as follows:

a. One member shall be appointed mutually by the area education agency media divisions located within the boundaries of the library service area.

b. One member shall be appointed mutually by the boards of trustees of the public libraries located within the boundaries of the library service area.

c. One member shall be appointed mutually by librarians employed by public libraries located within the boundaries of the library service area.

d. One member shall be appointed mutually by the boards of trustees of the community colleges located within the boundaries of the library service area.

e. One member shall be appointed by the commission of libraries to represent library patrons residing within the boundaries of the library service area.

f. Two members shall be appointed by the commission of libraries to represent the public at-large residing within the boundaries of the library service area.

3. All appointments shall comply with sections 69.16 and 69.16A.

4. The members of each library service area board shall be appointed to four-year, staggered terms of office. A term shall be effective on the first of July of the year of appointment

and a vacancy shall be filled for the unexpired term in the same manner as the original appointment.

5. The members of a board shall not receive compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. The expenses of the board members shall be paid from the appropriation to the library service areas.

6. Each board shall elect a chairperson and vice chairperson annually from among its membership. A board shall meet at the call of its chairperson or upon written request of a majority of its membership. Four members constitute a quorum. The concurrence of a majority of the members of a board is required to determine any matter relating to its duties.

7. The commission of libraries shall adopt rules providing for the coordination of appointments made to the board of trustees in accordance with this section.

Sec. 15. Section 256.66, subsections 4, 6, 8 through 10, and 13, Code 2001, are amended to read as follows:

4. May accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the ~~regional~~ library service area to accept and administer trusts deemed by the board to be beneficial to the operation of the ~~regional~~ library service area. Notwithstanding section 633.63, the board and the nonprofit foundation may act as trustees in these instances. The board shall require that moneys belonging to a nonprofit foundation be audited annually.

6. May acquire land and construct or lease facilities to carry out the provisions of ~~sections 256.60 through 256.69~~ this part.

8. Shall provide interlibrary loan and information services ~~intraregionally, but which are capable of being linked interregionally,~~ throughout the area and across area lines according to the standards developed by the commission of libraries.

9. Shall develop and adopt, in cooperation with other members of the ~~regional~~ library system service area and the director of the department of education, a long-range plan for the ~~region~~ area.

10. Shall prepare, in cooperation with all members of the ~~regional~~ library system service area and the director of the department of education, an annual plan of service.

13. May perform other acts necessary to carry out its powers and duties under ~~sections 256.60 through 256.69~~ this part.

Sec. 16. Section 256.66, Code 2001, is amended by adding the following new subsection: **NEW SUBSECTION.** 14. Shall assume all of the outstanding obligations of the regional library and be liable for and recognize, assume, and carry out all valid contracts and obligations of the regional library that the library service area replaces. Each regional library in existence prior to July 1, 2001, shall transfer its assets and title to any real estate owned by the regional library to the library service area that replaces the regional library.

Sec. 17. Section 256.67, Code 2001, is amended to read as follows:

256.67 DUTIES OF THE **REGIONAL AREA** ADMINISTRATOR.

~~A regional~~ An area administrator shall:

1. Act as administrator and executive secretary of the region in accordance with the objectives and policies adopted by the ~~regional~~ area board of trustees and with the intent of this chapter.

2. Organize, staff, and administer the ~~regional~~ library service area so as to render the greatest benefit to libraries and information services in the area.

3. Advise and counsel with the ~~regional~~ area board of trustees and individual libraries in all matters pertaining to the improvement of library services in the ~~region~~ library service area.

4. Cooperate with other members of the ~~regional~~ library system service area, the state library of Iowa and representatives of the Iowa library community in considering and developing plans for the improvement of library services in Iowa.

5. Carry out the policies of the ~~regional~~ board of trustees not inconsistent with state law.

Sec. 18. Section 256.67A, Code 2001, is amended to read as follows:

256.67A INSURANCE ELIGIBILITY.

Personnel employed by a ~~regional~~ library service area shall be considered state employees for purposes of eligibility for receiving employee health and dental insurance as provided to state employees by the department of personnel. If a ~~regional~~ library service area elects to participate in a state employee health and dental insurance program, the ~~regional~~ library service area shall continue to pay the costs of employee participation in a program from funds appropriated for purposes of the ~~regional libraries~~ library service areas by the general assembly.

Sec. 19. Section 256.68, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Funds appropriated for the purpose of carrying out ~~sections 256.60 through 256.69~~ this part shall be ~~allocated to regional~~ distributed equally to the library service area boards by the commission of libraries ~~as follows:~~

Sec. 20. Section 256.68, subsection 1, paragraphs a through c, Code 2001, are amended by striking the paragraphs.

Sec. 21. Section 256.68, subsection 2, Code 2001, is amended to read as follows:

2. In addition to funds received under subsection 1, a ~~regional~~ library service area board of trustees may individually or cooperatively apply to the commission of libraries for available grants.

Sec. 22. Section 256D.8, subsection 3, Code 2001, is amended to read as follows:

3. Funds received by an area education agency pursuant to section 256D.6, subsection 2, shall be expended for the costs related to supporting school districts within the area served with technology planning and equipment, including hardware and software, materials and supplies related to instructional technology and the lease or lease-purchase agreements for those items, employment of or contracting with information technology specialists to provide technical consulting and integration of technology in curriculum and instruction, and staff development and training related to instructional technology. A consortium of area education agencies may cooperatively engage in any of the activities allowed by this section.

Sec. 23. Section 273.2, subsection 4, Code 2001, is amended to read as follows:

4. The area education agency board shall provide for special education services and media services for the local school districts in the area and shall encourage and assist school districts in the area to establish programs for gifted and talented children. The board shall assist in facilitating interlibrary loans of materials between school districts and other libraries. Each area education agency shall include as a member of its media center advisory committee a library service area trustee or library service area staff member, who is appointed to the committee by the commission of libraries.

Sec. 24. Section 273.11, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Support for school district libraries in accordance with section 273.2, subsection 4.

Sec. 25. Section 304.13A, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

For purposes of this section, "public library" means a city library, a ~~regional~~ library service area as provided in chapter 256, or a ~~county~~ library district as provided in chapter 336.

Sec. 26. Section 336.2, Code 2001, is amended to read as follows:

336.2 LIBRARY DISTRICTS FORMED.

A ~~county~~ library district may be established composed of one ~~county~~ or two or more

~~adjacent counties and may include or exclude the entirety of a city partly within one of the counties, one or more cities, or any combination of cities and counties.~~

Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within ~~said the~~ district at the last general election may petition the board of supervisors of the county ~~or counties, or the city council,~~ for the establishment of ~~such county the~~ library district. ~~Said~~ The petition shall clearly designate the area to be included in the district.

The board of supervisors of each county ~~and the city council of each city~~ containing area within the proposed district shall submit the proposition to the registered voters within their respective counties ~~and cities~~ at any general or primary election provided said election occurs not less than forty days after the filing of the petition.

A ~~county~~ library district shall be established; if a majority of the electors voting on the proposition and residing ~~outside of cities maintaining a free public~~ in the proposed library district favor ~~its establishment.~~

The result of the election within cities maintaining a free public library shall be considered separately, and no city shall be included within the ~~county~~ library district unless a majority of its electors, voting on the proposition, favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.

After the establishment of a ~~county~~ library district other areas may be included by mutual agreement of the board of trustees of the ~~county~~ library district and the governing body of the area sought to be included.

Sec. 27. Section 336.3, Code 2001, is amended to read as follows:

336.3 GIFTS.

When a gift for library purposes is accepted by ~~the a~~ county ~~or city,~~ its use for the ~~county~~ library may be enforced against the board of supervisors ~~or city council~~ by the library board by an action of mandamus or by other proper action.

Sec. 28. Section 336.4, Code 2001, is amended to read as follows:

336.4 LIBRARY TRUSTEES.

In any ~~county or counties~~ area in which a library district has been established in accordance with this chapter, a board of library trustees, consisting of five, seven, or nine electors of the library district, shall be appointed by the board ~~or boards~~ of supervisors of ~~the any~~ county or ~~counties~~ city comprising ~~such the~~ library district. Membership on the library board shall be apportioned between the rural and city areas of the district in proportion to the population in each of such areas. In the event the library district is composed of two or more counties, two or more cities, or any combination of counties and cities, representation on ~~said the~~ library board shall be equitably divided between or among ~~said the~~ counties and cities in proportion to the population in each of ~~such the~~ counties and cities.

Sec. 29. Section 336.10, Code 2001, is amended to read as follows:

336.10 LIBRARY FUND.

All moneys received and set apart for the maintenance of the library shall be deposited in the treasury of the county ~~or city,~~ as determined by the board of library trustees, and paid out upon warrants drawn by the county ~~or city~~ auditor upon requisition of the board of trustees, signed by its president and secretary.

Provided that where a free public library is maintained jointly by two or more counties ~~or cities or any combination of counties and cities,~~ the library trustees may elect a library treasurer ~~therefor,~~ and it shall be the duty of the city and county treasurers to pay over to ~~said the~~ library treasurer any and all library taxes that may be collected by them monthly.

~~Such~~ The library treasurer shall be required to furnish a bond conditioned as provided by section 64.2 in ~~such an~~ amount as agreed upon by the participating boards of supervisors ~~and city councils~~ and the cost ~~thereof~~ shall be paid by the participating counties ~~and cities.~~

Sec. 30. Section 336.11, Code 2001, is amended to read as follows:

336.11 ANNUAL REPORT.

The board of trustees shall, immediately after the close of each fiscal year, ~~make submit~~ to the board of supervisors, and the city council, as appropriate, a report containing a statement of the condition of the library, the number of books added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as it may deem important.

Sec. 31. Section 336.12, Code 2001, is amended to read as follows:

336.12 REAL ESTATE ACQUIRED.

In any county or city in which a free library has been established, the board of library trustees may purchase real estate in the name of the county or city for the location of library buildings and branch libraries, and for the purpose of enlarging the grounds ~~thereof~~.

Sec. 32. Section 336.13, Code 2001, is amended to read as follows:

336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

The maintenance of a ~~county~~ library established in accordance with this chapter shall be on the basis of each participating unit bearing its share of the total cost in proportion to its population as compared to the total population of the ~~county~~ library district. The board of library trustees shall make an estimate of the amount necessary for the maintenance of the ~~county~~ library, the sources of direct library revenue, and the amount to be contributed from taxes or other revenues by the participating city or county and hold a hearing on the estimate after notice of the hearing is published as provided in section 331.305 or section 362.3, as appropriate. On or before January 10 of each year, the board of library trustees shall transmit the estimate in dollars to the board of supervisors and to the cities participating in the district. The unincorporated area of each county in the library district shall be considered as a separate supporting unit. Each board of supervisors shall review the estimate and appropriate for library purposes its share in the county rural services fund budget. Each city council shall review the estimate for the city and appropriate for library purposes its share in the city general fund budget. Each participating city or county shall contribute its share from taxation or from other sources available for library purposes on an equitable basis. With approval of a city council, the county treasurer may withhold a reasonable portion of the taxes collected for a city to meet the city's contribution for library purposes and deliver a receipt to the city clerk for the amount withheld.

This section shall not affect the taxing authority provided under section 256.69.

Sec. 33. Section 336.14, Code 2001, is amended to read as follows:

336.14 NOT APPLICABLE TO CONTRACT SERVICE.

The provisions of this chapter pertaining to the establishment of a ~~county~~ library district shall not apply to any area receiving library service from any city library, unless the petition for a ~~county~~ library district, in addition to the required signatures of electors, is signed by the governing body of the area receiving library service under contract.

Sec. 34. Section 336.15, Code 2001, is amended to read as follows:

336.15 EXISTING CONTRACTS ASSUMED.

Whenever a ~~county~~ library district is established the in accordance with this chapter, its board of trustees ~~thereof~~ shall assume all the obligations of the existing contracts made by cities, townships, school corporations or counties to receive library service from free public libraries.

Sec. 35. Section 336.16, unnumbered paragraphs 1, 3, 4, and 5, Code 2001, are amended to read as follows:

A city may withdraw from the ~~county~~ library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favor-

able vote to withdraw shall be sent by certified mail to the board of library trustees of the ~~county~~ library district and the county or city auditor, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the ~~county~~ library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

A ~~county~~ library district may be terminated if a majority of the electors of the unincorporated area of the county and the cities included in the ~~county~~ library district voting on the issue favor the termination. The election shall be held upon motion of the board of supervisors and simultaneously with a primary, general, or other county election. If the vote favors termination, the termination shall be effective on the succeeding July 1.

An election for withdrawal from or termination of a ~~county~~ library district shall not be held more than once each four years.

Sec. 36. Section 336.18, subsection 1, Code 2001, is amended to read as follows:

1. A school corporation, township, or ~~county~~ library district may contract for the use by its residents of a city library, ~~but if a contract is made by a county board of supervisors or township trustees, it may only be for the residents outside of cities.~~ A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.

Sec. 37. Section 669.2, subsection 5, Code 2001, is amended to read as follows:

5. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition does not include a contractor with the state of Iowa. Soil and water conservation districts as defined in section 161A.3, subsection 6, judicial district departments of correctional services as established in section 905.2, and ~~regional library service area~~ boards of library trustees as ~~defined~~ established in chapter 256, are state agencies for purposes of this chapter.

Sec. 38. DEPARTMENT OF MANAGEMENT STUDY. The department of management shall coordinate a study of city and county support of public library funding. The department, in cooperation with the commission of libraries, the Iowa league of cities, and the Iowa state association of counties, shall determine whether cities and counties are in compliance with section 256.69 requirements for support of public libraries, identify inequities between city and county funding, and determine the adequacy of the current minimum levy. The department shall develop a plan to provide those support functions and services more effectively and efficiently. The department shall submit a report of its findings and recommendations to the chairpersons and ranking members of the senate and house standing committees on education and the joint appropriations subcommittee on education.

Sec. 39. REGIONAL LIBRARY TERM EXPIRATION DATE. Notwithstanding any provision to the contrary, the terms of the regional library trustees elected in a general election shall expire on July 1, 2001.

Sec. 40. Sections 256.62 through 256.65, Code 2001, are repealed.