

Senate File 2088

H-8066

1 Amend Senate File 2088, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 198, after line 24 by inserting:

4 <DIVISION  
5 LIBRARY SERVICE AREAS

6 Sec. \_\_\_\_\_. Section 8A.454, subsection 2, Code  
7 Supplement 2009, is amended to read as follows:

8 2. A monthly per contract administrative charge  
9 shall be assessed by the department on all health  
10 insurance plans administered by the department in which  
11 the contract holder has a state employer to pay the  
12 charge. The amount of the administrative charge shall  
13 be established by the general assembly. The department  
14 shall collect the administrative charge from each  
15 department utilizing the centralized payroll system and  
16 shall deposit the proceeds in the fund. In addition,  
17 the state board of regents, ~~all library service~~  
18 ~~areas,~~ the state fair board, the state department of  
19 transportation, and each judicial district department  
20 of correctional services shall remit the administrative  
21 charge on a monthly basis to the department and shall  
22 submit a report to the department containing the number  
23 and type of health insurance contracts held by each of  
24 its employees whose health insurance is administered by  
25 the department.

26 Sec. \_\_\_\_\_. Section 8D.2, subsection 5, paragraph a,  
27 Code 2009, is amended to read as follows:

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

40 Sec. \_\_\_\_\_. Section 8D.9, subsection 1, Code 2009, is  
41 amended to read as follows:

42 1. A private or public agency, other than a state  
43 agency, local school district or nonpublic school, city  
44 library, ~~library service area,~~ county library, judicial  
45 branch, judicial district department of correctional  
46 services, agency of the federal government, a hospital  
47 or physician clinic, or a post office authorized to be  
48 offered access pursuant to this chapter as of May 18,  
49 1994, shall certify to the commission no later than  
50 July 1, 1994, that the agency is a part of or intends

1 to become a part of the network. Upon receiving such  
2 certification from an agency not a part of the network  
3 on May 18, 1994, the commission shall provide for the  
4 connection of such agency as soon as practical. An  
5 agency which does not certify to the commission that  
6 the agency is a part of or intends to become a part of  
7 the network as required by this subsection shall be  
8 prohibited from using the network.

9 Sec. \_\_\_\_\_. Section 8D.11, subsection 4, Code 2009,  
10 is amended to read as follows:

11 4. A political subdivision receiving communications  
12 services from the state as of April 1, 1986, may  
13 continue to do so but communications services shall  
14 not be provided or resold to additional political  
15 subdivisions other than a school corporation, a city  
16 library, ~~a library service area as provided in chapter~~  
17 ~~256,~~ and a county library as provided in chapter 336.  
18 The rates charged to the political subdivision shall be  
19 the same as the rates charged to state agencies.

20 Sec. \_\_\_\_\_. Section 256.51, subsection 1, paragraphs  
21 a, d, and j, Code 2009, are amended to read as follows:

22 a. Determine policy for providing information  
23 service to the three branches of state government and  
24 to the legal and medical ~~communities~~ community in this  
25 state.

26 ~~d. Develop, in consultation with the library~~  
27 ~~service areas and the area education agency media~~  
28 ~~centers,~~ a biennial unified plan of service and service  
29 delivery for the division of libraries and information  
30 services.

31 j. Establish and administer standards for state  
32 agency libraries, ~~the library service areas,~~ and public  
33 libraries.

34 Sec. \_\_\_\_\_. Section 256.51, subsection 1, Code 2009,  
35 is amended by adding the following new paragraph:

36 NEW PARAGRAPH. k. Provide supporting services to  
37 libraries, including but not limited to consulting,  
38 continuing education, and interlibrary loan and  
39 references services to assure consistency of service  
40 statewide and to encourage local financial support for  
41 library services.

42 Sec. \_\_\_\_\_. Section 256.52, subsection 1, Code 2009,  
43 is amended to read as follows:

44 1. The state commission of libraries consists of  
45 one member appointed by the supreme court, the director  
46 of the department of education, or the director's  
47 designee, and six members appointed by the governor to  
48 serve four-year terms beginning and ending as provided  
49 in section 69.19. ~~Of the~~ The governor's appointees,  
50 ~~one member shall be from the medical profession and~~

1 ~~five members~~ selected at large. ~~Not more than three of~~  
2 ~~the members appointed by the governor shall be of the~~  
3 ~~same gender.~~ The members shall be reimbursed for their  
4 actual expenditures necessitated by their official  
5 duties. Members may also be eligible for compensation  
6 as provided in section 7E.6.

7 Sec. \_\_\_\_\_. Section 256.52, subsection 3, paragraph  
8 d, Code 2009, is amended to read as follows:

9 d. Appoint and approve the technical, professional,  
10 ~~excepting the medical librarian and the law librarian,~~  
11 ~~secretarial, and clerical staff necessary to accomplish~~  
12 ~~the purposes of the division subject to chapter 8A,~~  
13 ~~subchapter IV.~~

14 Sec. \_\_\_\_\_. Section 256.52, subsection 3, Code 2009,  
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. *Oe.* Assume all of the outstanding  
17 obligations of the library service areas and be liable  
18 for and recognize, assume, and carry out all valid  
19 contracts and obligations of the library service  
20 areas that are consolidated under the commission  
21 and administered by the division of libraries and  
22 information services effective beginning July 1, 2010.  
23 Each library service area shall transfer, prior to  
24 July 1, 2010, its state-funded assets and title to any  
25 state-funded real estate owned by the library service  
26 area to the commission.

27 Sec. \_\_\_\_\_. Section 256.54, unnumbered paragraph 1,  
28 Code 2009, is amended to read as follows:

29 The state library includes, but is not limited to,  
30 ~~a medical library,~~ a law library, and the state data  
31 center.

32 Sec. \_\_\_\_\_. Section 256.54, subsection 1, Code 2009,  
33 is amended by striking the subsection.

34 Sec. \_\_\_\_\_. Section 273.2, subsection 4, Code  
35 Supplement 2009, is amended to read as follows:

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

48 Sec. \_\_\_\_\_. Section 669.2, subsection 5, Code 2009,  
49 is amended to read as follows:

50 5. "State agency" includes all executive

1 departments, agencies, boards, bureaus, and commissions  
2 of the state of Iowa, and corporations whose  
3 primary function is to act as, and while acting as,  
4 instrumentalities or agencies of the state of Iowa,  
5 whether or not authorized to sue and be sued in  
6 their own names. This definition does not include  
7 a contractor with the state of Iowa. Soil and  
8 water conservation districts as defined in section  
9 161A.3, subsection 6, judicial district departments  
10 of correctional services as established in section  
11 905.2, and ~~library service area boards of trustees~~  
12 ~~as established in chapter 256~~ are state agencies for  
13 purposes of this chapter.

14 Sec. \_\_\_\_\_. REPEAL. Sections 256.60, 256.61, 256.66,  
15 256.67, ~~256.67A~~, 256.68, Code 2009, are repealed.

16 Sec. \_\_\_\_\_. LIBRARY SERVICE AREA EMPLOYEES — LENGTH  
17 OF SERVICE — TRANSFER OF PERSONNEL RECORDS.

18 1. The length of service of a permanent full-time  
19 employee of a library service area who is employed by a  
20 library service area on June 30, 2010, and who is hired  
21 by the division of libraries and information services  
22 on or after July 1, 2010, shall be credited as state  
23 employment service for purposes of vacation and sick  
24 leave accrual.

25 2. The area administrator of each library service  
26 area shall submit to the division of libraries and  
27 information services the personnel records of each  
28 permanent full-time employee of the library service  
29 area by July 1, 2010.

30 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
31 of this Act, being deemed of immediate importance,  
32 takes effect upon enactment.

#### 33 DIVISION \_\_\_\_\_

#### 34 LIBRARY DISTRICTS

35 Sec. \_\_\_\_\_. Section 336.2, unnumbered paragraphs 2  
36 and 6, Code 2009, are amended to read as follows:

37 Eligible electors residing within the proposed  
38 district in a number not less than five percent of  
39 those voting for president of the United States or  
40 governor, as the case may be, within the district at  
41 the last general election may petition the board of  
42 supervisors of the county, or the city council, for the  
43 establishment of the library district. The petition  
44 shall clearly designate the area to be included in the  
45 district, the total number of board members, and how  
46 representation on the board shall be divided among the  
47 jurisdictions.

48 After the establishment of a library district other  
49 areas may be included ~~by mutual agreement~~ subject to  
50 the approval of the board of trustees of the library

1 district and the governing body passage of a referendum  
2 by the electors of the area sought to be included.

3 Sec. \_\_\_\_\_. Section 336.4, Code 2009, is amended to  
4 read as follows:

5 **336.4 Library trustees.**

6 In any area in which a library district has been  
7 established in accordance with this chapter, a board  
8 of library trustees, consisting of five, seven, or  
9 nine electors of members who resident within the  
10 library district, shall be appointed by the board of  
11 supervisors of any county or city governing bodies of  
12 the jurisdictions comprising the library district.  
13 Membership on the library board shall be apportioned  
14 between the rural and city areas of the district in  
15 proportion to the population in each of such areas. In  
16 the event the library district is composed of two or  
17 more counties, two or more cities, or any combination  
18 of counties and cities, representation on the library  
19 board shall be equitably divided between or among the  
20 counties and cities in proportion to the population in  
21 each of the counties and cities.

22 Sec. \_\_\_\_\_. Section 336.5, Code 2009, is amended to  
23 read as follows:

24 **336.5 Terms — vacancies.**

25 1. Of said the trustees so appointed in accordance  
26 with section 336.4 on boards to consist consisting of  
27 nine members, three shall hold office for two years,  
28 three for four years, and three for six years;  
29 on boards to consist consisting of seven members,  
30 two shall hold office for two years, two for four  
31 years, and three for six years; and on boards to  
32 consist consisting of five members, one shall hold  
33 office for two years, two for four years, and two  
34 for six years, from the first day of July following  
35 their appointment in each case. At their the first  
36 meeting they of the board, members shall cast lots for  
37 their respective terms, reporting the result of such  
38 lot to the board of supervisors the governing body of  
39 each jurisdiction forming the library district. All  
40 subsequent appointments, whatever the size of the  
41 board, shall be for terms of six years each.

42 2. A vacancy exists when a member ceases to be a  
43 resident of the jurisdiction the member represents or  
44 is absent for six consecutive regular meetings of the  
45 board.

46 3. Vacancies shall be filled for unexpired terms  
47 by the governing body of the taxing unit of the  
48 district jurisdiction represented by the retiring  
49 member vacancy.

50 Sec. \_\_\_\_\_. Section 336.8, Code 2009, is amended to

1 read as follows:

2 **336.8 Powers.**

3 ~~Said~~ The board of library trustees shall have and  
4 exercise the following powers:

5 1. To meet and ~~organize by the election of one~~  
6 ~~of their number as~~ elect from among its members  
7 a president of the board, and by the election of a  
8 secretary and such other officers as the board may deem  
9 necessary.

10 2. To direct and control all affairs of the library  
11 district, as well as to have charge, and supervision of  
12 the public library, and its rooms, appurtenances, and  
13 fixtures, and rooms containing the same, directing and  
14 controlling all the affairs of such library.

15 3. To employ a librarian, and authorize the  
16 librarian to employ such assistants and employees  
17 as may be necessary for the proper management of  
18 said the library, and district. The board shall fix  
19 their the compensation, but, prior of such employees.  
20 Prior to such employment, the compensation of

21 such the librarian, assistants, and employees shall be  
22 fixed for the term of employment by a majority of the  
23 members of said the board voting in favor thereof.

24 4. To remove such, by a two-thirds vote of the  
25 board, the librarian, and provide procedures for  
26 the removal of assistants, or employees by a vote of  
27 two-thirds of such board for misdemeanor, incompetency,  
28 or inattention to the duties of such employment duty.

29 5. To authorize the librarian to select and  
30 make purchases of books, pamphlets, magazines,  
31 periodicals, papers, maps, journals, furniture,  
32 fixtures, stationery technology, and supplies for  
33 such the library district.

34 6. To authorize the use of such libraries by school  
35 corporations or the public library by nonresidents of  
36 the area which is taxed to support such libraries the  
37 public library and to fix charges therefor for library  
38 services.

39 7. To make and adopt, amend, modify, or repeal  
40 bylaws, rules, and regulations, not inconsistent with  
41 law, for the care, use, government, and management  
42 of such the public library and the business of  
43 said the board, fixing and enforcing penalties for the  
44 violation thereof violations. The board shall keep a  
45 record of its proceedings.

46 8. To have exclusive control of the  
47 expenditures all funds allocated for public library  
48 purposes, as provided by law, and of the expenditures  
49 of all moneys available by gift or otherwise for the  
50 erection of public library buildings, and all other

1 moneys belonging to the public library, including  
2 finances and rental fees collected, under the rules  
3 of the board. The board shall keep a record of its  
4 proceedings.

5 9. To accept gifts of any real property,  
6 personal property, or mixed property, and devises  
7 and bequests, including trust funds; to take the  
8 title to said the property in the name of said the  
9 public library; to execute deeds and bills of sale for  
10 the conveyance of said the property; and to expend the  
11 funds received by them generated from such the gifts,  
12 for the improvement of said the public library.

13 10. To make agreements with local county historical  
14 associations to set apart the necessary room and to  
15 care for articles that come into the possession of  
16 the association. The board may purchase necessary  
17 receptacles and materials for the preservation and  
18 protection of articles which are of an historical and  
19 educational nature.

20 Sec. \_\_\_\_\_. Section 336.10, Code 2009, is amended to  
21 read as follows:

22 **336.10 Library fund.**

23 1. All moneys received and set apart appropriated  
24 or received for the maintenance of the public library  
25 shall be deposited in the treasury of the county or  
26 city, as determined by the board of library trustees,  
27 and paid out upon warrants drawn by the county or city  
28 auditor upon requisition of expenditures shall be paid  
29 by the treasurer of the county or city in which the  
30 moneys are deposited on warrants ordered by the board  
31 of trustees, signed by its the board's president and  
32 secretary.

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

40 2. The library treasurer of the county or city in  
41 which the public library moneys are deposited pursuant  
42 to subsection 1 shall be required to furnish a bond  
43 conditioned as provided by section 64.2 in an amount as  
44 agreed upon by the participating boards of supervisors  
45 and city councils and the cost shall be paid by the  
46 participating counties and cities.

47 Sec. \_\_\_\_\_. Section 336.11, Code 2009, is amended to  
48 read as follows:

49 **336.11 Annual report.**

50 The board of library trustees shall, immediately

1 ~~after~~ within ninety days after the close of each  
2 fiscal year, submit a report to the board of  
3 supervisors, and the city council, as appropriate, a  
4 report containing governing bodies of the respective  
5 jurisdictions comprising the library district. The  
6 report shall contain a statement of the condition  
7 of the library, the number of books and other  
8 resources added thereto, the number of books and  
9 other resources circulated, the number of books and  
10 other resources not returned or lost, the amount of  
11 finer collected, and the amount of money expended in  
12 the maintenance thereof of the public library during  
13 such the preceding fiscal year, together with such  
14 further any other information as it may deem the board  
15 deems important.

16 Sec. \_\_\_\_. Section 336.12, Code 2009, is amended to  
17 read as follows:

18 **336.12 Real estate acquired.**

19 ~~In any county or city in which a free library~~  
20 ~~has been established, the~~ The board of library  
21 trustees may purchase real estate in the name of the  
22 county or city library district for the location of  
23 public library buildings and branch libraries, and for  
24 the purpose of enlarging the grounds.

25 Sec. \_\_\_\_. Section 336.13, Code 2009, is amended to  
26 read as follows:

27 **336.13 Maintenance expense on proportionate basis.**

28 1. The maintenance of a public library established  
29 in accordance with this chapter shall be on the basis  
30 of each participating unit bearing its share of the  
31 total cost in proportion to its population as compared  
32 to the total population of the library district.

33 2. The board of library trustees shall make an  
34 estimate of the amount necessary for the maintenance  
35 of the library, the sources of direct library revenue,  
36 and the amount to be contributed from taxes or other  
37 revenues by the participating city or county and  
38 hold a hearing on the estimate after notice of the  
39 hearing is published as provided in section 331.305 or  
40 section 362.3, as appropriate. On or before January  
41 10 of each year, the board of library trustees shall  
42 transmit the estimate in dollars to the ~~board of~~  
43 ~~supervisors and to the cities governing bodies of the~~  
44 jurisdictions participating in the library district.

45 ~~The unincorporated area of each county in the library~~  
46 ~~district shall be considered as a separate supporting~~  
47 ~~unit. Each board of supervisors participating shall~~  
48 ~~review the estimate and appropriate for library~~  
49 ~~purposes its share in from the county rural services~~  
50 ~~fund budget. Each city council participating shall~~

1 review the estimate for the city and appropriate for  
2 library purposes its share ~~in~~ from the city general  
3 fund budget. Each participating city or county  
4 shall contribute its share from taxation or from  
5 other sources available for library purposes on an  
6 equitable basis. With approval of a city council, the  
7 county treasurer may withhold a reasonable portion  
8 of the taxes collected for a city to meet the city's  
9 contribution for library purposes and deliver a receipt  
10 to the city clerk for the amount withheld.

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

13 Sec. \_\_\_\_\_. Section 336.15, Code 2009, is amended to  
14 read as follows:

15 **336.15 Existing contracts assumed.**

16 Whenever a library district is established in  
17 accordance with this chapter, its board of trustees  
18 shall assume all the obligations of the existing  
19 library service contracts made by cities, townships,  
20 school corporations, or counties to receive library  
21 service from free public libraries jurisdictions  
22 participating in the library district.

23 Sec. \_\_\_\_\_. Section 336.16, Code 2009, is amended to  
24 read as follows:

25 **336.16 Withdrawal from district — termination.**

26 1. A city may withdraw from the library district  
27 upon a majority vote in favor of withdrawal by the  
28 electorate of the city in an election held on a  
29 motion by the city council. The election shall be  
30 held simultaneously with a general or city election.  
31 Notice of a favorable vote to withdraw shall be sent by  
32 certified mail to the board of library trustees of the  
33 library district and the county auditor or city clerk,  
34 as appropriate, prior to January 10, and the withdrawal  
35 shall be effective on July 1.

36 2. A county may withdraw from the district after a  
37 majority of the voters of the unincorporated area of  
38 the county voting on the issue favor the withdrawal.  
39 The board of supervisors shall call for the election  
40 which shall be held at the next general election.

41 3. A city or county election shall not be called  
42 until a hearing has been held on the proposal to submit  
43 a proposition of withdrawal to an election. A hearing  
44 may be held only after public notice published as  
45 provided in section 362.3 in the case of a city or  
46 section 331.305 in the case of a county. A copy of the  
47 notice submitted for publication shall be mailed to the  
48 public library on or before the date of publication.  
49 The proposal presented at the hearing must include a  
50 plan for continuing adequate library service with or

1 without all participants and the respective allocated  
2 costs and levels of service shall be stated. At  
3 the hearing, any interested person shall be given a  
4 reasonable time to be heard, either for or against the  
5 withdrawal or the plan to accompany it.

6 4. A library district may be terminated if a  
7 majority of the electors of the unincorporated area  
8 of the county and the cities included in the library  
9 district voting on the issue favor the termination.  
10 ~~The election shall be held upon motion of the board of~~  
11 ~~supervisors and simultaneously with a general or other~~  
12 ~~county election.~~ If the vote favors termination, the  
13 termination shall be effective on the succeeding July  
14 1.

15 5. An election for withdrawal from or termination  
16 of a library district shall not be held more than once  
17 each four years.

18 Sec. \_\_\_\_\_. Section 336.18, subsection 4, paragraphs  
19 c and d, Code 2009, are amended to read as follows:

20 *c.* If a majority of those voting upon the question  
21 favors it, the board of supervisors shall ~~within thirty~~  
22 ~~days appoint a board of library trustees from residents~~  
23 ~~of the petitioning area. Vacancies shall be filled by~~  
24 ~~the board.~~

25 ~~*d.* The board of trustees may contract with~~  
26 ~~any a library for library use or service for the~~  
27 ~~benefit of the residents and area represented by it.~~

28 Sec. \_\_\_\_\_. **NEW SECTION. 336.19 Contracts for use**  
29 **of public library.**

30 1. *Contracting.* The board of library trustees may  
31 contract with any other board of trustees of a free  
32 public library or any other city, school corporation,  
33 institution of higher learning, township, or county, or  
34 with the trustees of any county library district for  
35 the use of the library by their respective residents.

36 2. *Termination.* A contract entered into pursuant  
37 to subsection 1 may be terminated as follows:

38 *a.* By mutual consent of the contracting parties.

39 *b.* By a majority vote of the electors represented  
40 by either of the contracting parties. Upon a written  
41 petition of a number of eligible electors equaling five  
42 percent or more of the number of electors voting at the  
43 last general election within the jurisdiction of the  
44 contracting party, a termination proposition shall be  
45 submitted to the electors by the governing body of the  
46 contracting party. The petition shall be presented  
47 to the governing body not less than forty days prior  
48 to the next general election or special election held  
49 throughout the jurisdiction of the party seeking to  
50 terminate the contract. The proposition shall be

1 submitted at the next general election or next special  
2 election held throughout the jurisdiction of the party  
3 seeking to terminate the contract.

4 Sec. \_\_\_\_ . REPEAL. Sections 336.6, 336.9, and  
5 336.17, Code 2009, are repealed.>

6 2. By renumbering as necessary.

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MASCHER of Johnson