

Senate File 2432

H-8260

1 Amend Senate File 2432, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 CITY BOARDS OF HEALTH — CITY HEALTH DEPARTMENTS>

6 2. Page 2, after line 16 by inserting:

7 <DIVISION ____

8 CITY LIBRARY OVERSIGHT

9 Sec. _____. Section 8A.209, subsection 4, Code 2026, is
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. *d.* Enforces age-appropriate policies that
12 prohibit minors from accessing materials deemed inappropriate
13 for minors and allow parents access to monitor their child's
14 borrowing activity. Each eligible library shall submit to the
15 department an annual report providing proof of age-appropriate
16 policies as prescribed by the department. For purposes of this
17 paragraph, "age-appropriate" means topics and messages suitable
18 to particular ages based on developing cognitive, emotional,
19 and behavioral capacity typical for the age. "Age-appropriate"
20 does not include any material with descriptions or visual
21 depictions of a sex act as defined in section 702.17.

22 Sec. _____. NEW SECTION. **8A.212 State library — standards**
23 **and accreditation program.**

24 The state library shall provide performance measures to
25 encourage the ongoing development of high-quality public
26 library service in the state. The state library shall use the
27 most recent edition of "In Service to Iowa: Public Library
28 Measures of Quality" as the manual for the state library's
29 standards program. The use of such manual for the program does
30 not include standards relating to American library association
31 standards or Iowa library association standards. The state
32 library's standards and accreditation program shall not
33 require libraries to adhere to American library association
34 principles. Iowa's voluntary public library standards program
35 is established to give public libraries a tool to identify

1 strengths for improvement. The program shall be used to
2 document the condition of public library service in Iowa, to
3 distribute direct state aid funding, and to meet statutory
4 requirements. Program information shall be available on the
5 state library's official internet site.

6 Sec. _____. Section 8A.222, Code 2026, is amended to read as
7 follows:

8 **8A.222 Local financial support.**

9 1. Commencing July 1, 1977, each city within its corporate
10 boundaries and each county within the unincorporated area of
11 the county shall levy a tax of at least six and three-fourths
12 cents per thousand dollars of assessed value on the taxable
13 property or at least the monetary equivalent thereof when all
14 or a portion of the funds are obtained from a source other than
15 taxation, for the purpose of providing financial support to the
16 public library ~~which~~ that provides library services within the
17 respective jurisdictions.

18 2. A library shall not receive moneys collected under this
19 section if the library is in violation of the age-appropriate
20 policies described in section 8A.209.

21 Sec. _____. Section 22.7, subsection 13, Code 2026, is amended
22 to read as follows:

23 13. a. The Except as otherwise provided in paragraphs "b"
24 and "c", records of a library which that, by themselves or when
25 examined with other public records, would reveal the identity
26 of the library patron checking out or requesting an item or
27 information from the library.

28 b. The records shall be released to a criminal or
29 juvenile justice agency only pursuant to an investigation of
30 a particular person or organization suspected of committing
31 a known crime. The records shall be released only upon a
32 judicial determination that a rational connection exists
33 between the requested release of information and a legitimate
34 end and that the need for the information is cogent and
35 compelling.

1 c. The records shall be released to the parent or guardian
2 of a library patron who is a minor child upon the request of the
3 parent or guardian.

4 Sec. _____. Section 336.10, Code 2026, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3. A library shall not receive moneys from
7 this fund if the library is in violation of the age-appropriate
8 policies described in section 8A.209.

9 Sec. _____. NEW SECTION. **336.20 Age-appropriate material.**

10 1. *a.* The board of library trustees shall adopt and enforce
11 age-appropriate policies for the library, as described in
12 section 8A.209. Such policies shall apply to any mobile and
13 temporary services, events, and retailers on library property.
14 Any violations of a policy that are not remedied within thirty
15 days shall constitute a violation of law and may be referred
16 to the county attorney. A library that is in violation of
17 age-appropriate policies and requirements is not eligible to
18 receive public funds.

19 *b.* If a library enters an agreement pursuant to chapter 28E
20 for the purpose of providing library services to a school, such
21 agreement shall provide that the age-appropriate policies of
22 the school will be enforced. Parental permissions granted to
23 a minor for the library, pursuant to subsection 2, shall not
24 apply to the student during school use of the library.

25 2. The library board shall review all library materials to
26 determine if the materials are age-appropriate, as defined in
27 section 8A.209, subsection 4, paragraph "d". Material deemed
28 inappropriate for minors shall not be accessible to minors
29 unless parental approval has been given for each specific item.

30 3. The board shall establish a procedure for a citizen
31 residing in the library's service area to challenge the board's
32 determination that an item is age-appropriate. If a hearing is
33 held, the board must allow three minutes of public comment for
34 each person wishing to speak and up to thirty minutes total of
35 public comment.

1 Sec. ____ . NEW SECTION. 336.21 Transparency — publication
2 of library information.

3 1. The board of library trustees shall publish all of the
4 following information related to the board's oversight of the
5 library on the library's internet site:

6 a. A detailed explanation of the procedures or policies in
7 effect for the parent or guardian of a library patron who is
8 a minor to request the removal of material that is available
9 to the patron in the library. Each library shall prominently
10 display the detailed explanation on the library's internet
11 site.

12 b. A detailed explanation of the procedures or policies in
13 effect to request the review of decisions made by the board
14 of trustees of the library, including the appeal process
15 established pursuant to section 336.22.

16 2. The board of library trustees shall adopt a policy
17 describing the procedures for the parent or guardian of a
18 library patron who is a minor or a citizen residing in the
19 library's service area to review the age-appropriate materials
20 available in the library. The policy shall include a process
21 for a minor's parent or guardian to request that the minor
22 not have access to certain materials. The policy shall be
23 prominently displayed on the library's internet site and the
24 board of library trustees shall, at least annually, provide
25 a written or electronic copy of the policy to the parent or
26 guardian of each library patron who is a minor.

27 3. The identity of a parent or guardian who requests the
28 removal of material that is available to library patrons who
29 are minors pursuant to subsection 1, paragraph "a", shall
30 be confidential and shall not be a public record subject to
31 disclosure under chapter 22.

32 4. This section shall not be construed to require the board
33 of library trustees to distribute any materials in a manner
34 that would infringe on the intellectual property rights of any
35 person.

1 Sec. _____. NEW SECTION. 336.22 Appeal — governing body
2 meeting agenda — public comment.

3 1. Upon appeal of a decision of the board of trustees of
4 the library filed with the governing body, the governing body
5 shall place the library board decision specified in the appeal
6 on the agenda of the next regular meeting of the governing body
7 or on the agenda of the governing body meeting held within
8 thirty days of receipt of the appeal filed in accordance with
9 this subsection. If the decision relates to age-appropriate
10 material, the governing body may halt access to the subject
11 materials until the governing body holds the meeting at which
12 the decision is presented and discussed. The meeting notice
13 shall include a brief description of the decision.

14 2. The governing body shall provide sufficient time to
15 receive public comment on the decision. The governing body
16 shall allow each interested member of the public to speak at
17 the meeting regarding the decision, but may impose a time limit
18 on the amount of time a member of the public is allowed to speak
19 if the time limit is the same for each speaker and necessary
20 due to the amount of people wishing to speak.

21 Sec. _____. NEW SECTION. 395.1 City libraries — oversight by
22 city council.

23 1. The city council has all administrative, financial,
24 oversight, and policy authority of any city library under the
25 city's jurisdiction.

26 2. The city shall enter an agreement pursuant to chapter
27 28E with any friends of the library group or similar nonprofit
28 organization existing in the city. The purpose of the
29 agreement is to assist the library in ensuring enforcement of
30 policies of the library.

31 3. The city council may appoint a library director. A
32 candidate for library director shall submit an application. A
33 candidate's application shall be a public record. A public
34 hearing shall be held on the potential hiring before the city
35 council votes to appoint a library director.

1 Sec. ____ . NEW SECTION. **395.2 City library board.**

2 1. The city council may create an advisory library board of
3 trustees or dissolve an existing library board of trustees with
4 a two-thirds vote of the city council. Any existing library
5 board shall be reconstituted or redesigned as an advisory
6 board, serving solely in an advisory capacity to the city
7 council, until the city council votes to amend the makeup or
8 dissolve the board.

9 2. The library board of trustees shall be appointed by
10 the city council. Appointees shall submit applications as
11 prescribed by the city council. A candidate's application
12 shall be a public record. A public hearing on the potential
13 appointment shall take place before the city council may vote
14 to confirm the appointment. A library board shall comply with
15 section 4A.12.

16 3. Library boards shall serve an advisory role to the
17 city council to provide recommendations on library services,
18 programs, budgeting priorities, and long-range planning, and
19 may submit reports to the city council as requested.

20 Sec. ____ . NEW SECTION. **395.3 Age-appropriate material.**

21 1. *a.* The city council shall adopt and enforce
22 age-appropriate policies for the library, as described in
23 section 8A.209. Such policies shall apply to any mobile and
24 temporary services, events, and retailers on library property.
25 Any violations of a policy that are not remedied within thirty
26 days shall constitute a violation of law and may be referred
27 to the county attorney. A city library that is in violation of
28 age-appropriate policies and requirements is not eligible to
29 receive public funds.

30 *b.* If a library enters an agreement pursuant to chapter 28E
31 for the purpose of providing library services to a school, such
32 agreement shall provide that the age-appropriate policies of
33 the school will be enforced. Parental permissions granted to
34 a minor for the library, pursuant to subsection 2, shall not
35 apply to the student during school use of the library.

1 2. The library board shall review all library materials to
2 determine if the materials are age-appropriate, as defined in
3 section 8A.209, subsection 4, paragraph "d". Material deemed
4 inappropriate for minors shall not be accessible to minors
5 unless parental approval has been given for each specific item.

6 3. The board shall establish a procedure for a citizen
7 residing in the library's service area to challenge the board's
8 determination that an item is age-appropriate. If a hearing is
9 held, the board must allow three minutes of public comment for
10 each person wishing to speak and up to thirty minutes total of
11 public comment.

12 Sec. ____ . NEW SECTION. 395.4 Transparency — publication of
13 city library information.

14 1. The city council shall publish all of the following
15 information related to the council's oversight of the library
16 on the library's internet site:

17 a. A detailed explanation of the procedures or policies in
18 effect for the parent or guardian of a library patron who is
19 a minor to request the removal of material that is available
20 to the patron in the library. Each library shall prominently
21 display the detailed explanation on the library's internet
22 site.

23 b. A detailed explanation of the procedures or policies in
24 effect to request the review of decisions made by the board
25 of trustees of the library, including the appeal process
26 established pursuant to section 395.5.

27 2. The city council shall adopt a policy describing the
28 procedures for the parent or guardian of a library patron who
29 is a minor or a citizen residing in the library's service
30 area to review the age-appropriate materials available in the
31 library. The policy shall include a process for a minor's
32 parent or guardian to request that the minor not have access to
33 certain materials. The policy shall be prominently displayed
34 on the library's internet site and the city council shall, at
35 least annually, provide a written or electronic copy of the

1 policy to the parent or guardian of each library patron who is
2 a minor.

3 3. The identity of a parent or guardian who requests the
4 removal of material that is available to library patrons who
5 are minors pursuant to subsection 1, paragraph "a", shall
6 be confidential and shall not be a public record subject to
7 disclosure under chapter 22.

8 4. This section shall not be construed to require the city
9 council to distribute any materials in a manner that would
10 infringe on the intellectual property rights of any person.

11 Sec. ____ . NEW SECTION. 395.5 Appeal — city council meeting
12 agenda — public comment.

13 1. Upon appeal of a decision of the board of trustees of
14 the library filed with the city council, the city council shall
15 place the library board decision specified in the appeal on
16 the agenda of the next regular meeting of the city council
17 or on the agenda of the city council meeting held within
18 thirty days of receipt of the appeal filed in accordance with
19 this subsection. If the decision relates to age-appropriate
20 material, the city council may halt access to the subject
21 materials until the city council holds the council meeting at
22 which the decision is presented and discussed. The meeting
23 notice shall include a brief description of the decision.

24 2. The city council shall provide sufficient time to receive
25 public comment on the decision. The council shall allow
26 each interested member of the public to speak at the meeting
27 regarding the decision, but may impose a time limit on the
28 amount of time a member of the public is allowed to speak if the
29 time limit is the same for each speaker and necessary due to
30 the amount of people wishing to speak.

31 Sec. ____ . REPEAL. Section 392.5, Code 2026, is repealed.>

32 3. Page 2, before line 17 by inserting:

33 <DIVISION ____
34 EFFECTIVE DATE>

35 4. Title page, by striking lines 1 through 3 and inserting

1 <An Act relating to city governance, including the elimination
2 of a city's ability to create a city board of health or city
3 health department, and city library oversight, and including
4 effective date provisions.>
5 5. By renumbering as necessary.

WHEELER of Sioux