

FILED FEB 14 1973

State Court 2/15/73, Pass 2/23/73

Shaw, Chairman
Hansen
Glenn

State Court 3/7, Pass 4/25

Senate File 196
Ferguson, Chairman
Harper

Passed by State Court Harvey Date 3-2-73 (483)

SENATE FILE 196

By HULTMAN, LAMBORN, RABEDEAUX,
SHAW, MURRAY, CURTIS, COLEMAN,
PALMER and GRIFFIN

Passed House, Date 5-29-73 (1580)

Vote: Ayes 39 Nays 4 Vote: Ayes 70 Nays 27

Approved 6-20-73

Passed Senate per House amendment

6-8-73
40-5

A BILL FOR

1 An Act relating to state libraries and providing for
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act, unless the context otherwise requires:

3 1. "Department" means the Iowa library department.

4 2. "Commission" means the state library commission.

5 Sec. 2. NEW SECTION. LIBRARY DEPARTMENT. There is created
6 the Iowa library department. The executive head of the
7 department shall be the state librarian. The state librarian
8 shall be appointed by the governor, with the approval of two-
9 thirds of the members of the senate, and shall serve at the
10 pleasure of the governor. The state librarian shall be
11 appointed on the basis of library and administrative
12 experience.

13 Sec. 3. NEW SECTION. LIBRARY COMMISSION. There is created
14 a state library commission. The commission shall consist
15 of five members appointed by the governor and serving at his
16 pleasure. Membership on the commission shall consist of one
17 member of the legal profession, one member of the medical
18 profession and three members selected at large, each based
19 on their qualifications to serve as commission members.

20 Members of the commission shall receive forty dollars per
21 diem while engaged in their official duties. They shall be
22 paid their actual and necessary travel and other official
23 expenditures necessitated by their official duties.

24 The commission shall elect one of its members as chairman.
25 It shall meet at such time and place as shall be specified
26 by call of the chairman. At least one meeting shall be held
27 bimonthly. All meetings shall be open to the public. Notice
28 of each meeting shall be given in writing to each member at
29 least three days in advance of the meeting. Three commis-
30 sioners shall constitute a quorum for the transaction of busi-
31 ness.

32 Sec. 4. NEW SECTION. DUTIES OF COMMISSION. The state
33 library commission shall:

34 1. Adopt and enforce rules and regulations necessary for
35 the exercise of the powers and duties granted by this Act

1 and proper administration of the department.

2 2. Adopt rules providing penalties for injuring, defacing,
3 destroying, or losing books or materials under the control
4 of the commission. All fines, penalties, and forfeitures
5 imposed by these rules may be recovered in an action in the
6 name of the state and deposited in the general fund.

7 3. Develop and adopt plans to provide more adequate li-
8 brary service to all residents of the state.

9 4. Charge no fee for the use of libraries under its con-
10 trol or for the circulation of material from libraries, except
11 where transportation costs are incurred in making materials
12 available to users. The costs may be used as a basis for
13 determining a fee to be charged to users.

14 5. Give advice and counsel to all public libraries in
15 the state and to all political subdivisions which may propose
16 to establish libraries.

17 6. Print lists and circulars of information and instruction
18 as it deems necessary.

19 7. Continuously survey the needs of libraries throughout
20 the state, and ascertain the requirements for additional li-
21 braries and for improving existing libraries to provide ade-
22 quate service to all residents of the state.

23 8. Obtain from all public libraries reports showing the
24 condition, growth, development and manner of conducting these
25 libraries and at its discretion, obtain reports from other
26 libraries in the state and make these facts known to the
27 citizens of Iowa.

28 9. Encourage the implementation of the county library
29 law, and of countywide library service through contracts with
30 the boards of supervisors pursuant to chapter three hundred
31 seventy-eight (378) of the Code.

32 Sec. 5. NEW SECTION. DUTIES OF STATE LIBRARIAN. The
33 state librarian shall:

34 1. Appoint the technical, professional, secretarial, and
35 clerical staff necessary, within the limits of available

1 funds, to accomplish the purposes of this Act subject to the
2 provisions of chapter nineteen A (19A) of the Code.

3 2. Act as secretary to the commission, keeping accurate
4 records of the proceeding of the commission.

5 3. Keep accurate accounts of all financial transactions
6 of the department.

7 4. Supervise all activities of the Iowa library depart-
8 ment.

9 5. Provide technical assistance in organizing new libraries
10 and improving those already established.

11 6. Perform such other library duties as may be assigned
12 to him by the commission.

13 Sec. 6. NEW SECTION. DEPARTMENT DIVISIONS. The Iowa
14 library department shall include but not be limited to the
15 medical library division and the law library division.

16 1. The medical library division shall be headed by a medi-
17 cal librarian, appointed by the state librarian, subject to
18 the provisions of chapter nineteen A (19A) of the Code. The
19 medical librarian shall:

20 a. Operate the medical library division which shall always
21 be available for free use by the residents of Iowa under such
22 reasonable rules as the commission may adopt.

23 b. Give no preference to any school of medicine and shall
24 secure books, periodicals, and pamphlets for every legally
25 recognized school without discrimination.

26 c. Perform such other duties as may be imposed by law
27 or prescribed by the rules of the commission.

28 2. The law library division shall be headed by a law li-
29 brarian, appointed by the state librarian, subject to the
30 provisions of chapter nineteen A (19A) of the Code. The law
31 librarian shall:

32 a. Operate the law library division which shall be main-
33 tained in the capitol or elsewhere in rooms convenient to
34 the supreme court and which shall always be available for
35 free use by the residents of Iowa under such reasonable rules

1 as the commission may adopt.

2 b. Maintain as an integral part of the law library reports
3 of various boards and agencies and copies of bills, journals
4 and other information relating to current or proposed legisla-
5 tion.

6 c. Arrange to make exchanges of all printed material pub-
7 lished by the several states and the government of the United
8 States.

9 d. Perform such other duties as may be imposed by law
10 or by the rules of the commission.

11 Sec. 7. NEW SECTION. MONEY GRANTS. The commission is
12 authorized and empowered to receive, accept, and administer
13 any money or moneys appropriated or granted to it, separate
14 and apart from the general library fund, by the federal gov-
15 ernment or by any other public or private agencies.

16 The fund shall be administered by the commission, which
17 shall frame bylaws, rules, and regulations for the allocation
18 and administration of this fund.

19 The fund shall be used to increase, improve, stimulate,
20 and equalize library service to the people of the whole state,
21 and for adult education and shall be allocated among the
22 cities, counties, and regions of the state, taking into con-
23 sideration local needs, area and population to be served,
24 local interest as evidenced by local appropriations, and such
25 other facts as may affect the state program of library ser-
26 vice.

27 Any gift or grant from the federal government or other
28 sources shall become a part of the fund, to be used as part
29 of the state fund, or may be invested in such securities in
30 which the state sinking fund may be invested as in the dis-
31 cretion of the commission may be deemed advisable, the income
32 to be used for the promotion of libraries.

33 Sec. 8. Section three hundred three point one (303.1),
34 Code 1973, is amended to read as follows:

35 303.1 ~~STATE-LIBRARIES--~~HISTORICAL HISTORY AND ARCHIVES

1 DEPARTMENT. There is established:

2 ~~1.---The~~ the Iowa state department of history and archives.

3 ~~2.---The-Iowa-state-law-library.~~

4 ~~3.---The-Iowa-state-medical-library.~~

5 Sec. 9. Section three hundred three point two (303.2),
6 Code 1973, is amended to read as follows:

7 303.2 BOARD OF TRUSTEES. The Iowa state department of
8 history and archives, ~~the-Iowa-state-law-library, and the~~
9 ~~Iowa-state-medical-library~~ shall be under the control of a
10 board of trustees consisting of the governor, a member of
11 the supreme court to be designated from time to time by the
12 court, and the superintendent of public instruction.

13 Sec. 10. Section three hundred three point three (303.3),
14 Code 1973, is amended by striking subsections three (3), four
15 (4), eight (8), nine (9), ten (10), and eleven (11).

16 Sec. 11. Section three hundred three point three (303.3),
17 subsections five (5), seven (7), and twelve (12), Code 1973,
18 are amended to read as follows:

19 5. Appoint, after consultation with the curator, the
20 ~~librarian-of-the-state-law-library, and the-state-medical~~
21 ~~librarian,~~ such qualified assistants as the board may deem
22 necessary to carry on the work of the department of history
23 and archives, ~~the-state-traveling-library, the-state-law~~
24 ~~library-and-the-state-medical-library.~~

25 7. Have control of the historical building and assign
26 space therein to be occupied by the department of history
27 and archives, and the Iowa state-traveling-library, and the
28 ~~Iowa-state-medical-library~~ library department.

29 12. Report in writing to the governor semiannually all
30 matters pertaining to the ~~Iowa-state-law-library, the Iowa~~
31 ~~state department of history and archives, and the-Iowa-state~~
32 ~~medical-library.~~

33 Sec. 12. Section three hundred three point four (303.4),
34 unnumbered paragraph one (1), Code 1973, is amended to read
35 as follows:

1 The board of trustees is hereby authorized and empowered
2 to receive, accept, and administer any money or moneys appro-
3 priated or granted to it, separate and apart from the general
4 ~~library~~ fund:

5 Sec. 13. Section three hundred three point four (303.4),
6 Code 1973, is amended by striking unnumbered paragraphs three
7 (3) and four (4).

8 Sec. 14. Section three hundred three point twenty-four
9 (303.24), unnumbered paragraph one (1), Code 1973, is amended
10 to read as follows:

11 ~~Iowa-state-traveling-library~~ The state library commis-
12 sion is hereby authorized to enter into interstate library
13 compacts on behalf of the state of Iowa with any state border-
14 ing on Iowa which legally joins therein in substantially the
15 following form.

16 Sec. 15. Section three hundred three point twenty-five
17 (303.25), Code 1973, is amended to read as follows:

18 303.25 ADMINISTRATOR. ~~The director-of-the-Iowa~~ state
19 ~~traveling-library~~ librarian shall be the compact administrator.
20 The compact administrator shall receive copies of all
21 agreements entered into by the state or its political
22 subdivisions and other states or political subdivisions; con-
23 sult with, advise and aid such governmental units in the for-
24 mulation of such agreements; make such recommendations to
25 the governor, legislature, governmental agencies and units
26 as he deems desirable to effectuate the purposes of this
27 compact and consult and co-operate with the compact
28 administrators of other party states.

29 Sec. 16. Sections three hundred three point five (303.5),
30 three hundred three point thirteen (303.13), three hundred
31 three point fifteen (303.15), three hundred three point six-
32 teen (303.16), three hundred three point seventeen (303.17),
33 three hundred three point eighteen (303.18), three hundred
34 three point nineteen (303.19), three hundred three point
35 twenty-one (303.21), and three hundred three point twenty-

1 three (303.23), Code 1973, are repealed.

2 EXPLANATION

3 This bill provides for the creation of a state library
4 department headed by the state librarian who is appointed
5 by the governor with senate confirmation.

6 The bill also provides for a state library commission ap-
7 pointed by the governor.

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1 Amend Senate File 196 as follows:

- 2 1. Page 4, line 15, by striking the words "and the
3 law library division".
4 2. Page 4, by striking lines 28 through 35, inclusive.
5 3. Page 5, by striking lines 1 through 10, inclusive.
6 4. Page 6, line 1, by adding after the word "DEPART-
7 MENT" the words "STATE LAW LIBRARY".
8 5. Page 6, line 2, by adding after the word "archives"
9 the words "and the Iowa state law library".
10 6. Page 6, line 8, by striking the words "~~7-the-Iowa~~
11 ~~state-law-library~~" and inserting in lieu thereof the
12 words "7 and the Iowa state law library".
13 7. Page 5, line 14, by striking the word and numeral
14 "three (3)".
15 8. Page 6, line 15, by striking the words and numer-
16 als "eight (8), nine (9)".
17 9. Page 6, by striking lines 16 through 32, inclusive,
18 and inserting in lieu thereof the following:
19 "Sec. 11. Section three hundred three point three
20 (303.3), subsections five (5), seven (7), eight (8),
21 nine (9), and twelve (12), Code 1973, are amended to read
22 as follows:
23 5. Appoint, after consultation with the curator, the
24 librarian of the state law library, ~~and the state medical~~
25 ~~librarian,~~ and such qualified assistants as the board may

Page 2

- 1 deem necessary to carry on the work of the department
2 of history and archives, ~~the state traveling library,~~
3 and the state law library and the state medical library.
4 7. Have control of the historical building and assign
5 space therein to be occupied by the department of history
6 and archives, and the Iowa state traveling library, and
7 the Iowa state medical library library department.
8 8. Adopt rules providing for the loaning of books in
9 the Iowa state law library ~~and the Iowa state medical~~
10 ~~library.~~
11 9. Adopt reasonable rules providing penalties for
12 injuring, defacing, destroying, or losing books in the
13 Iowa state law library ~~and the Iowa state medical library.~~
14 All fines, penalties, and forfeitures imposed by the
15 rules of the board for any violation may be recovered in
16 an action in the name of the state and applied to the use
17 of the ~~libraries, under the direction of the board~~ Iowa
18 state law library.
19 12. Report in writing to the governor semiannually
20 all matters pertaining to the Iowa state law library, and
21 the Iowa state department of history and archives, ~~and~~
22 ~~the Iowa state medical library.~~
23 10. Page 7, line 29, by striking the words and numeral
24 "three hundred three point five (303.5)".
25 11. Renumber and reletter any subsections and para-

Page 3

- 1 graphs as may be required.

Filed - *Lost 3/2*
March 1, 1973

By McCARTNEY

S-195

- 1 Amend Senate File 196, page 4, line 30, by inserting after
- 2 the word "Code" the following: ", except that the law
- 3 librarian in office on July 1, 1973, shall be exempt from
- 4 the provisions of chapter nineteen A (19A)".

Filed and adopted *a amended by S/2 A-196* By DODERER
March 2, 1973

S-196

- 1 Amend Doderer amendment S-195 filed March 2, 1973 to
- 2 Senate File 196, line 3, by striking "July 1" and
inserting
- 3 in lieu thereof "June 30".

Filed and adopted By DODERER
March 2, 1973

S-194

- 1 Amend Senate File 196 as follows:
- 2 1. Page 2, lines 15 and 16, by striking the words
- 3 "at his pleasure" and inserting in lieu thereof the
- 4 words "five-year terms".
- 5 2. Page 2, by inserting the following after line 19:
- 6 "The first members of the commission shall be
appointed
- 7 for terms of one, two, three, four and five years and
- 8 all subsequent appointments shall be for the full five-
- 9 year term."

Filed and adopted By HULTMAN
March 2, 1973

S-192

- 1 Amend Senate File 196, page 2, by striking lines 11
- 2 and 12 and inserting in lieu thereof the following "a
- 3 person upon whom a master's degree in library science
has
- 4 been conferred as a result of completing a program of
- 5 study accredited by the American Library Association."

Filed - *adopted 3/2*
March 1, 1973

By DODERER and HULTMAN

HOUSE AMENDMENT TO SENATE FILE 196

1 Amend Senate File 196, as amended and passed by the
2 Senate, as follows:
3 1. Page 2, line 8, by striking the word "governor"
4 and inserting in lieu thereof the words "state library
5 commission".
6 2. Page 2, line 10, by striking the word "governor"
7 and inserting in lieu thereof the words "state library
8 commission".
9 3. Page 2, by striking all of lines 16 through 24
10 and inserting in lieu thereof the following:
11 "of the supreme court administrator, and four
12 members appointed by the governor and serving four-
13 year terms, one member of which shall be from the
14 medical profession and three members selected at large,
15 each based on their qualifications to serve as
16 commission members. The appointed members of the
17 commission shall be appointed for terms of one, two,
18 three and four years and all subsequent appointments
19 shall be for the full four-year term."
20 4. Page 4, line 17, by inserting after the second
21 word "librarian" the following: "with the approval
22 of the state library commission".
23 5. Page 4, line 29, by inserting after the word
24 "librarian" the following: "with the approval of
25 the state library commission and the Iowa supreme court".

Received from the House
May 31, 1973

Senate concurred 6/8

H-161

1 Amend Senate File 196, as amended and passed by the
2 Senate, as follows:
3 1. Page 2, line 8, by striking the word "governor"
4 and inserting in lieu thereof the words "state library
5 commission".
6 2. Page 2, line 10, by striking the word "governor"
7 and inserting in lieu thereof the words "state library
8 commission".

H-161 Filed - *Adopted 5/29*
March 19, 1973

By HANSEN of O'Brien
EDELLEN of Emmet

H-550

1 Amend Senate File 196 as passed by the Senate
2 as follows:
3 1. Page 4, line 17, by inserting after the
4 second word "librarian" the following: "with the
5 approval of the state library commission".
6 2. Page 4, line 29, by inserting after the
7 word "librarian" the following: "with the approval
8 of the state library commission and the Iowa supreme
9 court".

H-550 Filed - *Adopted 5/29*
May 21, 1973

By FERGUSON of Carroll
HARVEY of Scott
HARPER of Davis
FISHER of Greene
McELROY of Fremont

H-569

1 Amend Senate File 196 as amended and passed by
2 the Senate by striking all of lines 16 through 24
3 on page two and inserting in lieu thereof the
4 following:
5 "of the supreme court administrator, and four
6 members appointed by the governor and serving four-
7 year terms, one member of which shall be from the
8 medical profession and three members selected at
9 large, each based on their qualifications to serve
10 as commission members. The appointed members of the
11 commission shall be appointed for terms of one, two,
12 three and four years and all subsequent appointments
13 shall be for the full four-year term."

H-569 Filed - *Adopted 5/29*
May 22, 1973

By OAKLEY of Clinton

H-596A

1 Amend Senate File 196, as passed by the Senate,
2 as follows;
3 1. Page 3, by striking all of lines 23 through
4 27.

H-596B

5 2. By renumbering the subsequent numbered
6 paragraph.

Amendment H-596A lost
Amendment H-596B withdrawn
May 29, 1973

By BRANSTAD of Winnebago

H-598

1 Amend Senate File 196, as passed by the Senate,
2 page 3, by striking lines 28 through 31.

H-598 Filed and lost
May 29, 1973

By BRANSTAD of Winnebago