

Reprinted 4/5/81

APR 1 1981

Place On Calendar

HOUSE FILE 828

BY COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 293)

Passed House, Date 4-6-81 (p 1077) Passed Senate, Date _____

Vote: Ayes 96 Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to redefine the duties of the state historical de-
 2 partment, to provide for the appointment of an executive
 3 director and a state historical board, and to provide
 4 that the Act takes effect January 1, 1982.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

828

1 Section 1. Section 64.6, subsection 19, Code 1981, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 19. Executive director of the state historical department,
5 one thousand dollars.

6 Sec. 2. Section 303.1, Code 1981, is amended by striking
7 the section and inserting in lieu thereof the following:

8 303.1 ESTABLISHMENT OF DEPARTMENT. There is established
9 the Iowa state historical department. There is established
10 a state historical board consisting of seven members appointed
11 by the governor, subject to senate confirmation. The duties
12 of the board are prescribed in section 303.6. The members
13 shall have an interest in and knowledge of Iowa history and
14 archaeology and shall be appointed from throughout the state.
15 The state historical society established in section 303.4
16 may recommend to the governor the names of persons for
17 membership on the state historical board, but the governor
18 is not bound by the recommendations.

19 The term of office of members shall commence and end as
20 provided in section 69.19 and shall be three years.

21 Sec. 3. Section 303.2, unnumbered paragraph 1, Code 1981,
22 is amended to read as follows:

23 The state historical board shall annually elect a ~~chairman~~
24 chairperson and vice ~~chairman~~ chairperson from its membership,
25 and the executive director ~~of the division of historical~~
26 ~~museum and archives~~ shall serve as secretary to the board.
27 The board shall meet as often as deemed necessary, upon the
28 call of the ~~chairman and vice chairman~~ chairperson, or at
29 the request of a majority of the members of the board.

30 Sec. 4. Section 303.3, Code 1981, is amended by striking
31 the section and inserting in lieu thereof the following:

32 303.3 EXECUTIVE DIRECTOR. The governor shall appoint
33 an executive director subject to confirmation by the senate
34 who shall serve at the pleasure of the governor and shall
35 devote full time to the duties of the executive director.

1 The governor shall appoint the executive director solely on
2 the basis of ability to administer the duties of the department
3 and without regard to political affiliation. The salary of
4 the executive director shall be set by the general assembly.

5 Sec. 5. Section 303.4, Code 1981, is amended to read as
6 follows:

7 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY. The state
8 historical board shall establish rules for membership of the
9 general public in the state historical society, including
10 rules relating to membership fees. Members shall be persons
11 who indicate an interest in the history, progress, and
12 development of the state and who pay the prescribed fee.
13 The members of the state historical society may meet at least
14 one time per year to further the understanding of the history
15 of this state. ~~The election of members of the state historical~~
16 ~~board, as provided in section 303.1, shall be by mailed ballot~~
17 ~~as provided in bylaws adopted by the society and approved~~
18 ~~by the state historical board.~~ The society may elect officers,
19 and the executive director ~~of the division~~ of the state
20 historical ~~society~~ department, or the executive director's
21 designee, shall serve as secretary to the society. The
22 officers of the society shall not determine policy for the
23 ~~division of the~~ state historical ~~society~~ department but may
24 perform functions to stimulate interest in the history of
25 this state among the general public. The society may perform
26 other activities related to history which are not contrary
27 to ~~the provisions of~~ this chapter, subject to the approval
28 of the state historical board.

29 1. ~~It is the intent of the general assembly that, as~~ As
30 used in this chapter, "state historical society" means only
31 the ~~division of the~~ Iowa state historical ~~department~~ society,
32 an agency solely of the state, ~~which is denominated the~~
33 ~~division of the state historical society.~~ It does not mean
34 or include any private entity.

35 2. ~~A corporation organized under the laws of this state~~

~~1 shall not exercise any powers or duties exercisable by law
2 by the Iowa state historical department and its divisions.
3 If a corporation exercises or attempts to exercise these
4 powers or duties, it shall be subject to an equitable suit
5 for involuntary dissolution by any interested person.~~

6 3- 2. Unless specifically designated otherwise, any a
7 gift, bequest, devise, endowment, or grant to or application
8 for membership in the state historical society shall be
9 presumed to be to or in the ~~division of the~~ state historical
10 society of the Iowa state historical department.

11 Sec. 6. Section 303.5, Code 1981, is amended by striking
12 the section and inserting in lieu thereof the following:

13 303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR. The execu-
14 tive director of the Iowa state historical department shall:

15 1. Develop and establish a comprehensive, coordinated,
16 and efficient policy to preserve, research, interpret, and
17 promote to the public an awareness and understanding of local,
18 state, and regional history.

19 2. Organize the activities of the department to provide
20 for the following: archives, museum, library services,
21 historical society, research and publication, historic
22 preservation, and public programming.

23 3. Control the historical building, the centennial
24 building, Montauk, Toolsboro mounds, the Gardner cabin, and
25 other sites under the authority of the department, and maintain
26 collections within these buildings.

27 4. Coordinate the activities of the department with fed-
28 eral, state, and local agencies.

29 5. Have authority to acquire historic properties by gift,
30 purchase, devise, or bequest; preserve, restore, transfer,
31 and administer historic properties; and charge reasonable
32 admission to historic properties.

33 6. Adopt rules subject to chapter 17A for the effective
34 and efficient operation of the department.

35 7. Have the authority to enter into appropriate agreements

1 with the university of northern Iowa, the state university
2 of Iowa, Iowa state university of science and technology,
3 or an accredited private institution as defined in section
4 261.9 to establish multi-county area research centers, which
5 are in addition to but do not duplicate archives as defined
6 in section 303.12. An area research center shall serve as
7 the depository for the archives of counties and municipalities
8 and for other unpublished original resource material of a
9 given area to be designated in the agreement.

10 8. Have the authority to loan historical articles and
11 artifacts under the control of the department for display
12 at suitable locations within the state.

13 9. Employ directors of various divisions of the department
14 who shall be exempt from chapter 19A.

15 10. Employ necessary personnel under chapter 19A.

16 11. Administer the archives of the state as defined in
17 section 303.12.

18 12. Serve as or appoint the state historic preservation
19 officer, certified by the governor pursuant to federal
20 requirements.

21 13. Conduct historical research and issue publications.

22 14. Develop, implement, and publicize a uniform system
23 of marking state historical, archeological, geological, and
24 legendary sites.

25 15. Administer monuments, memorials, and works of art
26 on the grounds and in the buildings at the seat of government
27 and make recommendations to the appropriate officer or board.

28 16. Collect, preserve, organize, classify, and exhibit
29 materials relevant to the archeology and history of the state
30 and region.

31 17. Publish matters of historical value to the public.

32 18. Coordinate the activities of, and provide technical
33 and financial assistance if federal funds are available, to
34 local historical preservation commissions and private parties
35 in accordance with the state plan and programs for historic

1 preservation.

2 19. Identify and document historic properties.

3 20. Prepare and maintain a state register of historic
4 places, including those listed on the national register of
5 historic places.

6 21. Develop standards and criteria for the acquisition
7 of historic properties and for the preservation, restoration,
8 maintenance, operation, and interpretation of properties under
9 the jurisdiction of the state historical department.

10 22. Perform other duties imposed by law.

11 Sec. 7. Section 303.6, Code 1981, is amended by striking
12 the section and inserting in lieu thereof the following:

13 303.6 BOARD--POWERS AND DUTIES. The state historical
14 board shall:

15 1. Advise the director with respect to the policies,
16 programs, and procedures of the department.

17 2. Approve the state preservation plan submitted by the
18 state historic preservation officer.

19 3. Establish rules for membership in the state historical
20 society, including rules relating to membership fees.

21 4. Submit biennially to the governor, through the board
22 chairperson, a report of the activities of the department,
23 and an evaluation of the department, its programs, and
24 policies.

25 Sec. 8. Section 303.11, unnumbered paragraph 1, Code 1981,
26 is amended to read as follows:

27 The state historical board may accept gifts and bequests
28 which shall be used in accordance with the desires of the
29 donor if expressed. ~~Funds-contained-in-an-endowment-fund
30 for-either-the-department-of-history-and-archives-or-the-state
31 historical-society-existing-on-July-17-1974-shall-remain-an
32 endowment-of-either-the-division-of-historical-museum-and
33 archives-or-the-division-of-the-state-historical-society-
34 After-July-17-1974,-gifts~~ Gifts shall be accepted only on
35 behalf of the state historical department. Funds in an

1 endowment fund may be invested by the state historical board.

2 Sec. 9. Section 303.12, Code 1981, is amended to read
3 as follows:

4 303.12 ARCHIVES. Archives means those documents, books,
5 papers, photographs, sound recordings, or similar material
6 produced or received pursuant to law in connection with
7 official government business, which no longer have
8 administrative, legal, or fiscal value to the office having
9 present custody of them, and which have been appraised by
10 the executive director of the ~~historical-museum-and-archives~~
11 state historical department as having sufficient historical,
12 research, or informational value to warrant permanent
13 preservation. The executive director of the ~~division-of~~
14 ~~historical-museum-and-archives~~ state historical department
15 is the trustee and custodian of the archives of Iowa, except
16 that archives do not include county or municipal archives
17 unless they are voluntarily deposited with the executive
18 director with the written consent of the executive director.
19 The executive director shall prescribe rules for the systematic
20 arrangement of archives as to the proper labeling to indicate
21 the contents and order of filing and the archives must be
22 so labeled before the archives may be transferred to the
23 executive director's custody.

24 Sec. 10. Section 303.13, Code 1981, is amended to read
25 as follows:

26 303.13 TRANSFER OF ARCHIVES. The ~~several~~ state, executive,
27 and administrative departments, officers or offices, councils,
28 boards, bureaus, and commissions, may transfer and deliver
29 to the state historical department archives as defined in
30 section 303.12 and as prescribed in the records management
31 manual. Before transferring archives, the office of present
32 custody shall file with the executive director a classified
33 list of the archives being transferred ~~made in such~~ detail
34 as the executive director ~~shall-prescribe~~ prescribes. If
35 the executive director, on receipt of the list, and after

1 consultation with the chief executive of the office filing
2 the classified list or with a representative designated by
3 the executive, ~~shall find~~ finds that, according to the records
4 management manual, certain classifications of the archives
5 listed are not of sufficient historical, legal or
6 administrative value to justify permanent preservation, the
7 executive director shall not accept the material for deposit
8 in the state archives.

9 Sec. 11. Section 303.14, Code 1981, is amended to read
10 as follows:

11 303.14 REMOVAL OF ORIGINAL. After any archives have been
12 received by the executive director, they shall not be removed
13 from the executive director's custody without ~~his~~ the executive
14 director's consent except in obedience to a subpoena of a
15 court of record or a written order of the state executive
16 council.

17 The executive director ~~shall~~ is not be required to preserve
18 permanently vouchers, claims, canceled or redeemed state
19 warrants, or duplicate warrant registers, ~~respectively,~~ of
20 the state comptroller and the treasurer of state but may,
21 after microfilming, destroy by burning or shredding any ~~such~~
22 warrants, having no historical value, that have been in the
23 executive director's custody for a period of one year and
24 ~~likewise to~~ may destroy by burning or shredding any vouchers,
25 claims and duplicate warrant registers which have been in
26 the director's custody for a period of one year. A properly
27 authenticated reproduction of ~~any such~~ a microfilmed record
28 ~~shall be~~ is admissible in evidence in any a court in this
29 state.

30 Sec. 12. Section 303.15, Code 1981, is amended to read
31 as follows:

32 303.15 CERTIFIED COPIES--FEES. Upon request of any a
33 person, the executive director of the ~~division of historical~~
34 ~~museum and archives or the director of the division of the~~
35 state historical society department shall make a certified

1 copy of any document, manuscript, or record contained in the
2 archives or in the custody of the ~~division-of-the~~ state
3 historical ~~society~~ department, and when a copy is properly
4 authenticated it ~~shall-have~~ has the same legal effect as
5 though certified by the officer from whose office it was
6 obtained or by the secretary of state. The copy may be made
7 in writing, or by any a suitable photographic process. The
8 executive director shall charge and collect for ~~such~~ copies
9 the fees allowed by law to the official in whose office the
10 document originates for ~~such~~ certified copies. The executive
11 director shall charge a person requesting a search of census
12 records for the purpose of determining genealogy the actual
13 cost of performing the search.

14 Sec. 13. Section 303.20, subsection 4, Code 1981, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 4. "Department" means the Iowa state historical department.

18 Sec. 14. Section 303.21, unnumbered paragraph 1, Code
19 1981, is amended to read as follows:

20 Not less than ten percent of the eligible voters in an
21 area of asserted historical significance may petition the
22 ~~division~~ department for a referendum for the establishment
23 of a district.

24 Sec. 15. Section 303.22, Code 1981, is amended to read
25 as follows:

26 303.22 ACTION BY ~~DIVISION~~ DEPARTMENT. The ~~division~~
27 department shall hold a hearing not less than thirty days
28 or more than sixty days after the petition is received. The
29 ~~division~~ department shall publish notice of the hearing, at
30 a reasonable time before the hearing is to take place, and
31 shall post notice of the hearing in a reasonable number of
32 places within the suggested district. The cost of notification
33 shall be paid by the persons who petition for the establishment
34 of a district.

35 At the hearing the ~~division~~ department shall hear interested

1 persons, accept written presentations, and shall determine
2 whether the suggested district is an area of historical
3 significance which may properly be established as a historical
4 preservation district pursuant to the provisions of this
5 division of this chapter. The ~~division~~ department may
6 determine the boundaries which shall be established for the
7 district. The ~~division~~ department shall not include property
8 which is not included in the suggested district unless the
9 owner of ~~such~~ the property is given an opportunity to be
10 heard.

11 The ~~division~~ department, if it determines that the suggested
12 district meets the criteria for establishment as a historical
13 preservation district, shall indicate the owners of the
14 property and residents included and shall forward a list of
15 ~~such~~ owners and residents to the county commissioner of
16 elections.

17 If the ~~division~~ department determines that the suggested
18 district does not meet the criteria for establishment as a
19 historical preservation district, it shall so notify the
20 petitioners.

21 Sec. 16. Section 303.34, subsections 1 and 4, Code 1981,
22 are amended to read as follows:

23 1. An area of historical significance shall be proposed
24 by the governing body of the city on its own motion or upon
25 the receipt by the governing body of a petition signed by
26 residents of the city. The city shall submit a description
27 of the proposed area of historical significance or the petition
28 describing the proposed area, if the proposed area is a result
29 of the receipt of a petition, to ~~the-division-of-historical~~
30 ~~preservation-of~~ the Iowa state historical department which
31 shall determine if the proposed area meets the criteria
32 ~~provided~~ in subsection 2 and may make recommendations
33 concerning the proposed area. Any recommendations made by
34 the ~~division-of-historical-preservation~~ department shall be
35 made available by the city to the public for viewing during

1 normal working hours at a city government place of public
2 access.

3 4. An area shall ~~only~~ be designated an area of historical
4 significance upon enactment of an ordinance of the city.

5 Before ~~such-an~~ the ordinance ~~is-enacted~~ or an amendment ~~thereto~~
6 to it is enacted, the governing body of the city shall submit
7 ~~such~~ the ordinance or amendment to the ~~division-of-historical~~
8 ~~preservation-of-the~~ Iowa state historical department for its
9 review and recommendations.

10 Sec. 17. Section 304.3, subsection 2, Code 1981, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 2. The executive director of the Iowa state historical
14 department.

15 Sec. 18. Section 304.10, Code 1981, is amended to read
16 as follows:

17 304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL MUSEUM
18 ~~AND-ARCHIVES~~ DEPARTMENT--DUTIES. All lists and schedules
19 submitted to the commission shall be referred to the executive
20 director of the Iowa state historical ~~museum-and-archives~~
21 department, who shall determine whether the records proposed
22 for disposal have value to other agencies of the state or
23 have research or historical value. The executive director
24 ~~of-the-historical-museum-and-archives~~ shall submit the lists
25 and schedules with ~~his-er-her~~ recommendations in writing to
26 the commission and the final disposition of the records shall
27 be according to the orders of the commission.

28 Sec. 19. Section 470.5, Code 1981, is amended to read
29 as follows:

30 470.5 EXCEPTIONS. This chapter does not apply to buildings
31 currently used on January 1, 1980 by the division of adult
32 corrections of the department of social services as maximum
33 security detention facilities or to the renovation of property
34 nominated to, or entered in the national register of historic
35 places, designated by statute, or included in an established

1 list of historic places compiled by the executive director
2 of the ~~division-of-historical-preservation-of-the~~ Iowa state
3 historical department.

4 Sec. 20. Section 303.7 and 303.8, Code 1981, are repealed.

5 Sec. 21. The terms of members of the state historical
6 board serving on the effective date of this Act shall expire
7 December 31, 1981. The initial terms of members of the state
8 historical board established in section 1 of this Act shall
9 commence January 1, 1982 and be staggered so that two members
10 shall serve until April 30, 1983, two members shall serve
11 until April 30, 1984, and three members shall serve until
12 April 30, 1985.

13 The governor shall give preference in appointment of mem-
14 bers of the state historical board to members of the state
15 historical board serving on December 31, 1981.

16 Sec. 22. This Act takes effect January 1, 1982.

17 EXPLANATION

18 This bill abolishes the state historical department, the
19 state historical board, and the three divisions of the depart-
20 ment. It creates a state historical department, administered
21 by an executive director appointed by the governor with senate
22 confirmation. It also creates a seven-member board appointed
23 by the governor with senate confirmation to advise the
24 executive director.

25 The bill takes effect January 1, 1982.

26
27
28
29
30
31
32
33
34
35

H-3433

1 Amend House File 828 as follows:

2 1. Page 9, by inserting after line 20 the
3 following:

4 "Sec. ____ . Section 303.23, Code 1981, is amended
5 to read as follows:

6 303.23 REFERENDUM. Within thirty days after the
7 receipt of the list of owners of property and residents
8 within the suggested historical preservation district,
9 ~~the county-commissioner-of-elections~~ department shall
10 fix a date not more than forty-five days from the
11 receipt of the petition seeking a referendum on the
12 question of establishment of a historical preservation
13 district. The department, after consultation with
14 the county commissioner of elections, shall specify
15 the polling place within the suggested district that
16 will best serve the convenience of the voters and
17 shall appoint from residents of the proposed district
18 three judges and two clerks of election.

19 Sec. ____ . Section 303.24, Code 1981, is amended
20 to read as follows:

21 303.24 NOTICE. The department, after consultation
22 with the county commissioner of elections, shall post
23 notice of the referendum in a reasonable number of
24 places within the suggested district a reasonable
25 time before it is to take place. The notice shall
26 state the purpose of the referendum, a description
27 of the district, the date of the referendum, the
28 location of the polling place, and the hours when
29 the polls will open and close."

30 2. By numbering and renumbering sections and
31 correcting internal references as necessary.

H-3433 FILED

APRIL 1, 1981

Adopted 4/6/81 (p 1077)

BY DODERER of Johnson

LAGESCHULTE of Bremer

Sta
Ny State Government
Sch Schwengels. Chair
Sta Lura
Gallagher

mt. 4/10/81
Do Pass per 5076
2/9 (p. 249)

HOUSE FILE 828

BY COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 4-13-82 (p. 1429) Passed Senate, Date 3-30-82 (p. 956)

Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0

Approved 5-18-82
Passed Senate per House amendment 5613
4-19-82 (p. 1262)
46-0

A BILL FOR

1 An Act to redefine the duties of the state historical de-
2 partment, to provide for the appointment of an executive
3 director and a state historical board, and to provide
4 that the Act takes effect January 1, 1982.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 828

S-5613

1 Amend amendment H-5656, the Senate amendment to
2 House File 828, as follows:
3 1. Page 1, line 50, by inserting after the word
4 "senate," the words "who may be selected".

S-5613 FILED
APRIL 15, 1982

RECEIVED FROM THE HOUSE
Senate concurred 4/19 (p. 1261)

16
17
18
19
20
21
22
23
24
25

5076
1 Section 1. Section 64.6, subsection 19, Code 1981, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 19. Executive director of the state historical department,
5 one thousand dollars.

6 Sec. 2. Section 303.1, Code 1981, is amended by striking
7 the section and inserting in lieu thereof the following:

8 303.1 ESTABLISHMENT OF DEPARTMENT. There is established
9 the Iowa state historical department. There is established
10 a state historical board consisting of seven members appointed
11 by the governor, subject to senate confirmation. The duties
12 of the board are prescribed in section 303.6. The members
13 shall have an interest in and knowledge of Iowa history and
14 archaeology and shall be appointed from throughout the state.
15 The state historical society established in section 303.4
16 may recommend to the governor the names of persons for
17 membership on the state historical board, but the governor
18 is not bound by the recommendations.

19 The term of office of members shall commence and end as
20 provided in section 69.19 and shall be three years.

21 Sec. 3. Section 303.2, unnumbered paragraph 1, Code 1981,
22 is amended to read as follows:

23 The state historical board shall annually elect a ~~chairman~~
24 chairperson and vice ~~chairman~~ chairperson from its membership,
25 and the executive director ~~of the division of historical~~
26 ~~museum and archives~~ shall serve as secretary to the board.
27 The board shall meet as often as deemed necessary, upon the
28 call of the ~~chairman and vice chairman~~ chairperson, or at
29 the request of a majority of the members of the board.

30 Sec. 4. Section 303.3, Code 1981, is amended by striking
31 the section and inserting in lieu thereof the following:

32 303.3 EXECUTIVE DIRECTOR. The governor shall appoint
33 an executive director subject to confirmation by the senate
34 who shall serve at the pleasure of the governor and shall
35 devote full time to the duties of the executive director.

1 The governor shall appoint the executive director solely on
2 the basis of ability to administer the duties of the department
3 and without regard to political affiliation. The salary of
4 the executive director shall be set by the general assembly.

5 Sec. 5. Section 303.4, Code 1981, is amended to read as
6 follows:

7 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY. The state
8 historical board shall establish rules for membership of the
9 general public in the state historical society, including
10 rules relating to membership fees. Members shall be persons
11 who indicate an interest in the history, progress, and
12 development of the state and who pay the prescribed fee.
13 The members of the state historical society may meet at least
14 one time per year to further the understanding of the history
15 of this state. ~~The election of members of the state historical~~
16 ~~board, as provided in section 303.4, shall be by mailed ballot~~
17 ~~as provided in bylaws adopted by the society and approved~~
18 ~~by the state historical board.~~ The society may elect officers,
19 and the executive director ~~of the division~~ of the state
20 historical ~~society~~ department, or the executive director's
21 designee, shall serve as secretary to the society. The
22 officers of the society shall not determine policy for the
23 ~~division of the~~ state historical department but may
24 perform functions to stimulate interest in the history of
25 this state among the general public. The society may perform
26 other activities related to history which are not contrary
27 to ~~the provisions of~~ this chapter, subject to the approval
28 of the state historical board.

29 1. ~~It is the intent of the general assembly that, as~~ As
30 used in this chapter, "state historical society" means only
31 the ~~division of the~~ Iowa state historical department society,
32 an agency solely of the state, ~~which is denominated the~~
33 ~~division of the state historical society.~~ It does not mean
34 or include any private entity.

35 2. --A corporation organized under the laws of this state

~~1 shall-not-exercise-any-powers-or-duties-exercisable-by-law
2 by-the-Iowa-state-historical-department-and-its-divisions-
3 If-a-corporation-exercises-or-attempts-to-exercise-these
4 powers-or-duties,-it-shall-be-subject-to-an-equitable-suit
5 for-involuntary-dissolution-by-any-interested-person-~~

6 3- 2. Unless specifically designated otherwise, any a
7 gift, bequest, devise, endowment, or grant to or application
8 for membership in the state historical society shall be
9 presumed to be to or in the ~~division-of-the~~ state historical
10 society of the Iowa state historical department.

11 Sec. 6. Section 303.5, Code 1981, is amended by striking
12 the section and inserting in lieu thereof the following:

13 303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR. The execu-
14 tive director of the Iowa state historical department shall:

15 1. Develop and establish a comprehensive, coordinated,
16 and efficient policy to preserve, research, interpret, and
17 promote to the public an awareness and understanding of local,
18 state, and regional history.

19 2. Organize the activities of the department to provide
20 for the following: archives, museum, library services,
21 historical society, research and publication, historic
22 preservation, and public programming.

23 3. Control the historical building, the centennial
24 building, Montauk, Toolsboro mounds, the Gardner cabin, and
25 other sites under the authority of the department, and maintain
26 collections within these buildings.

27 4. Coordinate the activities of the department with fed-
28 eral, state, and local agencies.

29 5. Have authority to acquire historic properties by gift,
30 purchase, devise, or bequest; preserve, restore, transfer,
31 and administer historic properties; and charge reasonable
32 admission to historic properties.

33 6. Adopt rules subject to chapter 17A for the effective
34 and efficient operation of the department.

35 7. Have the authority to enter into appropriate agreements

1 with the university of northern Iowa, the state university
2 of Iowa, Iowa state university of science and technology,
3 or an accredited private institution as defined in section
4 261.9 to establish multi-county area research centers, which
5 are in addition to but do not duplicate archives as defined
6 in section 303.12. An area research center shall serve as
7 the depository for the archives of counties and municipalities
8 and for other unpublished original resource material of a
9 given area to be designated in the agreement.

10 8. Have the authority to loan historical articles and
11 artifacts under the control of the department for display
12 at suitable locations within the state.

13 9. Employ directors of various divisions of the department
14 who shall be exempt from chapter 19A.

15 10. Employ necessary personnel under chapter 19A. .

16 11. Administer the archives of the state as defined in
17 section 303.12.

18 12. Serve as or appoint the state historic preservation
19 officer, certified by the governor pursuant to federal
20 requirements.

21 13. Conduct historical research and issue publications.

22 14. Develop, implement, and publicize a uniform system
23 of marking state historical, archeological, geological, and
24 legendary sites.

25 15. Administer monuments, memorials, and works of art
26 on the grounds and in the buildings at the seat of government
27 and make recommendations to the appropriate officer or board.

28 16. Collect, preserve, organize, classify, and exhibit
29 materials relevant to the archeology and history of the state
30 and region.

31 17. Publish matters of historical value to the public.

32 18. Coordinate the activities of, and provide technical
33 and financial assistance if federal funds are available, to
34 local historical preservation commissions and private parties
35 in accordance with the state plan and programs for historic

1 preservation.

2 19. Identify and document historic properties.

3 20. Prepare and maintain a state register of historic
4 places, including those listed on the national register of
5 historic places.

6 21. Develop standards and criteria for the acquisition
7 of historic properties and for the preservation, restoration,
8 maintenance, operation, and interpretation of properties under
9 the jurisdiction of the state historical department.

10 22. Perform other duties imposed by law.

11 Sec. 7. Section 303.6, Code 1981, is amended by striking
12 the section and inserting in lieu thereof the following:

13 303.6 BOARD--POWERS AND DUTIES. The state historical
14 board shall:

15 1. Advise the director with respect to the policies,
16 programs, and procedures of the department.

17 2. Approve the state preservation plan submitted by the
18 state historic preservation officer.

19 3. Establish rules for membership in the state historical
20 society, including rules relating to membership fees.

21 4. Submit biennially to the governor, through the board
22 chairperson, a report of the activities of the department,
23 and an evaluation of the department, its programs, and
24 policies.

25 Sec. 8. Section 303.11, unnumbered paragraph 1, Code 1981,
26 is amended to read as follows:

27 The state historical board may accept gifts and bequests
28 which shall be used in accordance with the desires of the
29 donor if expressed. ~~Funds-contained-in-an-endowment-fund~~
30 ~~for-either-the-department-of-history-and-archives-or-the-state~~
31 ~~historical-society-existing-on-July-17-1974-shall-remain-an~~
32 ~~endowment-of-either-the-division-of-historical-museum-and~~
33 ~~archives-or-the-division-of-the-state-historical-society-~~
34 ~~After-July-17-1974,-gifts~~ Gifts shall be accepted only on
35 behalf of the state historical department. Funds in an

1 endowment fund may be invested by the state historical board.

2 Sec. 9. Section 303.12, Code 1981, is amended to read
3 as follows:

4 303.12 ARCHIVES. Archives means those documents, books,
5 papers, photographs, sound recordings, or similar material
6 produced or received pursuant to law in connection with
7 official government business, which no longer have
8 administrative, legal, or fiscal value to the office having
9 present custody of them, and which have been appraised by
10 the executive director of the ~~historical-museum-and-archives~~
11 state historical department as having sufficient historical,
12 research, or informational value to warrant permanent
13 preservation. The executive director of the ~~division-of~~
14 ~~historical-museum-and-archives~~ state historical department
15 is the trustee and custodian of the archives of Iowa, except
16 that archives do not include county or municipal archives
17 unless they are voluntarily deposited with the executive
18 director with the written consent of the executive director.
19 The executive director shall prescribe rules for the systematic
20 arrangement of archives as to the proper labeling to indicate
21 the contents and order of filing and the archives must be
22 so labeled before the archives may be transferred to the
23 executive director's custody.

24 Sec. 10. Section 303.13, Code 1981, is amended to read
25 as follows:

26 303.13 TRANSFER OF ARCHIVES. The ~~several~~ state, executive,
27 and administrative departments, officers or offices, councils,
28 boards, bureaus, and commissions, may transfer and deliver
29 to the state historical department archives as defined in
30 section 303.12 and as prescribed in the records management
31 manual. Before transferring archives, the office of present
32 custody shall file with the executive director a classified
33 list of the archives being transferred made in such detail
34 as the executive director shall ~~prescribe~~ prescribes. If
35 the executive director, on receipt of the list, and after

1 consultation with the chief executive of the office filing
2 the classified list or with a representative designated by
3 the executive, ~~shall find~~ finds that, according to the records
4 management manual, certain classifications of the archives
5 listed are not of sufficient historical, legal or
6 administrative value to justify permanent preservation, the
7 executive director shall not accept the material for deposit
8 in the state archives.

9 Sec. 11. Section 303.14, Code 1981, is amended to read
10 as follows:

11 303.14 REMOVAL OF ORIGINAL. After any archives have been
12 received by the executive director, they shall not be removed
13 from the executive director's custody without ~~his~~ the executive
14 director's consent except in obedience to a subpoena of a
15 court of record or a written order of the state executive
16 council.

17 The executive director ~~shall~~ is not be required to preserve
18 permanently vouchers, claims, canceled or redeemed state
19 warrants, or duplicate warrant registers, ~~respectively,~~ of
20 the state comptroller and the treasurer of state but may,
21 after microfilming, destroy by burning or shredding any such
22 warrants, having no historical value, that have been in the
23 executive director's custody for a period of one year and
24 ~~likewise to~~ may destroy by burning or shredding any vouchers,
25 claims and duplicate warrant registers which have been in
26 the director's custody for a period of one year. A properly
27 authenticated reproduction of any ~~such~~ a microfilmed record
28 ~~shall be~~ is admissible in evidence in any a court in this
29 state.

30 Sec. 12. Section 303.15, Code 1981, is amended to read
31 as follows:

32 303.15 CERTIFIED COPIES--FEES. Upon request of any a
33 person, the executive director of the ~~division of historical~~
34 ~~museum and archives or the director of the division of the~~
35 state historical society department shall make a certified

1 copy of any document, manuscript, or record contained in the
2 archives or in the custody of the ~~division-of-the~~ state
3 ~~historical society~~ department, and when a copy is properly
4 authenticated it ~~shall-have~~ has the same legal effect as
5 though certified by the officer from whose office it was
6 obtained or by the secretary of state. The copy may be made
7 in writing, or by ~~any~~ a suitable photographic process. The
8 executive director shall charge and collect for ~~such~~ copies
9 the fees allowed by law to the official in whose office the
10 document originates for ~~such~~ certified copies. The executive
11 director shall charge a person requesting a search of census
12 records for the purpose of determining genealogy the actual
13 cost of performing the search.

14 Sec. 13. Section 303.20, subsection 4, Code 1981, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 4. "Department" means the Iowa state historical department.

18 Sec. 14. Section 303.21, unnumbered paragraph 1, Code
19 1981, is amended to read as follows:

20 Not less than ten percent of the eligible voters in an
21 area of asserted historical significance may petition the
22 ~~division~~ department for a referendum for the establishment
23 of a district.

24 Sec. 15. Section 303.22, Code 1981, is amended to read
25 as follows:

26 303.22 ACTION BY DIVISION DEPARTMENT. The ~~division~~
27 department shall hold a hearing not less than thirty days
28 or more than sixty days after the petition is received. The
29 ~~division~~ department shall publish notice of the hearing, at
30 a reasonable time before the hearing is to take place, and
31 shall post notice of the hearing in a reasonable number of
32 places within the suggested district. The cost of notification
33 shall be paid by the persons who petition for the establishment
34 of a district.

35 At the hearing the ~~division~~ department shall hear interested

1 persons, accept written presentations, and shall determine
2 whether the suggested district is an area of historical
3 significance which may properly be established as a historical
4 preservation district pursuant to the provisions of this
5 division of this chapter. The ~~division~~ department may
6 determine the boundaries which shall be established for the
7 district. The ~~division~~ department shall not include property
8 which is not included in the suggested district unless the
9 owner of ~~such~~ the property is given an opportunity to be
10 heard.

11 The ~~division~~ department, if it determines that the suggested
12 district meets the criteria for establishment as a historical
13 preservation district, shall indicate the owners of the
14 property and residents included and shall forward a list of
15 ~~such~~ owners and residents to the county commissioner of
16 elections.

17 If the ~~division~~ department determines that the suggested
18 district does not meet the criteria for establishment as a
19 historical preservation district, it shall so notify the
20 petitioners.

21 Sec. 16. Section 303.23, Code 1981, is amended to read
22 as follows:

23 303.23 REFERENDUM. Within thirty days after the receipt
24 of the list of owners of property and residents within the
25 suggested historical preservation district, the county
26 commissioner-of-elections department shall fix a date not
27 more than forty-five days from the receipt of the petition
28 seeking a referendum on the question of establishment of a
29 historical preservation district. The department, after
30 consultation with the county commissioner of elections, shall
31 specify the polling place within the suggested district that
32 will best serve the convenience of the voters and shall appoint
33 from residents of the proposed district three judges and two
34 clerks of election.

35 Sec. 17. Section 303.24, Code 1981, is amended to read

1 as follows:

2 303.24 NOTICE. The department, after consultation with
3 the county commissioner of elections, shall post notice of
4 the referendum in a reasonable number of places within the
5 suggested district a reasonable time before it is to take
6 place. The notice shall state the purpose of the referendum,
7 a description of the district, the date of the referendum,
8 the location of the polling place, and the hours when the
9 polls will open and close.

10 Sec. 18. Section 303.34, subsections 1 and 4, Code 1981,
11 are amended to read as follows:

12 1. An area of historical significance shall be proposed
13 by the governing body of the city on its own motion or upon
14 the receipt by the governing body of a petition signed by
15 residents of the city. The city shall submit a description
16 of the proposed area of historical significance or the petition
17 describing the proposed area, if the proposed area is a result
18 of the receipt of a petition, to ~~the division of historical~~
19 ~~preservation of~~ the Iowa state historical department which
20 shall determine if the proposed area meets the criteria
21 ~~provided~~ in subsection 2 and may make recommendations
22 concerning the proposed area. Any recommendations made by
23 ~~the division of historical preservation~~ department shall be
24 made available by the city to the public for viewing during
25 normal working hours at a city government place of public
26 access.

27 4. An area shall ~~only~~ be designated an area of historical
28 significance upon enactment of an ordinance of the city.
29 ~~Before such an~~ the ordinance ~~is enacted~~ or an amendment thereto
30 to it is enacted, the governing body of the city shall submit
31 ~~such~~ the ordinance or amendment to the ~~division of historical~~
32 ~~preservation of the~~ Iowa state historical department for its
33 review and recommendations.

34 Sec. 19. Section 304.3, subsection 2, Code 1981, is amended
35 by striking the subsection and inserting in lieu thereof the

1 following:

2 2. The executive director of the Iowa state historical
3 department.

4 Sec. 20. Section 304.10, Code 1981, is amended to read
5 as follows:

6 304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL MUSEUM
7 AND-ARCHIVES DEPARTMENT--DUTIES. All lists and schedules
8 submitted to the commission shall be referred to the executive
9 director of the Iowa state historical museum-and-archives
10 department, who shall determine whether the records proposed
11 for disposal have value to other agencies of the state or
12 have research or historical value. The executive director
13 ~~of-the-historical-museum-and-archives~~ shall submit the lists
14 and schedules with ~~his-er-her~~ recommendations in writing to
15 the commission and the final disposition of the records shall
16 be according to the orders of the commission.

17 Sec. 21. Section 470.5, Code 1981, is amended to read
18 as follows:

19 470.5 EXCEPTIONS. This chapter does not apply to buildings
20 ~~currently~~ used on January 1, 1980 by the division of adult
21 corrections of the department of social services as maximum
22 security detention facilities or to the renovation of property
23 nominated to, or entered in the national register of historic
24 places, designated by statute, or included in an established
25 list of historic places compiled by the executive director
26 of the ~~division-of-historical-preservation-of-the~~ Iowa state
27 historical department.

28 Sec. 22. Section 303.7 and 303.8, Code 1981, are repealed.

29 Sec. 23. The terms of members of the state historical
30 board serving on the effective date of this Act shall expire
31 December 31, 1981. The initial terms of members of the state
32 historical board established in section 1 of this Act shall
33 commence January 1, 1982 and be staggered so that two members
34 shall serve until April 30, 1983, two members shall serve
35 until April 30, 1984, and three members shall serve until

1 April 30, 1985.

2 The governor shall give preference in appointment of mem-
3 bers of the state historical board to members of the state
4 historical board serving on December 31, 1981.

5 Sec. 24. This Act takes effect January 1, 1982.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

S-5076

1 Amend House File 828, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 64.6, subsection 19, Code
6 1981, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 19. Executive director of the state historical
9 department, one thousand dollars.

10 Sec. 2. Section 303.1, Code 1981, is amended by
11 striking the section and inserting in lieu thereof
12 the following:

13 303.1 ESTABLISHMENT OF DEPARTMENT. There is
14 established the Iowa state historical department.
15 There is established a state historical board
16 consisting of seven members appointed by the governor,
17 subject to senate confirmation. The members shall
18 include the following:

19 1. One member who is an historian employed by
20 an institution of higher learning under the control
21 of the state board of regents.

22 2. One member who is an historian employed by
23 an institution of higher learning not under the control
24 of the state board of regents.

25 3. One member who is a professionally-employed
26 archaeologist.

27 4. Two members selected from recommendations of
28 officers of the state historical society.

29 5. Two members who represent the general public.

30 The duties of the board are prescribed in section
31 303.6.

32 The term of office of members of the board shall
33 commence and end as provided in section 69.19 and
34 shall be three years.

35 Sec. 3. Section 303.2, unnumbered paragraph 1,
36 Code 1981, is amended to read as follows:

37 The state historical board shall annually elect
38 a ~~chairman~~ chairperson and vice ~~chairman~~ chairperson
39 from its membership, and the executive director of
40 ~~the division of historical museum and archives~~ shall
41 serve as secretary to the board. The board shall
42 meet as often as deemed necessary, upon the call of
43 the ~~chairman and vice-chairman~~ chairperson, or at
44 the request of a majority of the members of the board.

45 Sec. 4. Section 303.3, Code 1981, is amended by
46 striking the section and inserting in lieu thereof
47 the following:

48 303.3 EXECUTIVE DIRECTOR. The governor shall
49 appoint an executive director, subject to confirmation
50 by the senate, from recommendations submitted by the

S-5076
Page 2

1 board. The governor shall appoint the executive
2 director on the basis of professional training and
3 ability to administer the duties of the department
4 and without regard to political affiliation.

5 The executive director shall serve a three-year
6 term of office commencing and ending as provided in
7 section 69.19.

8 The salary of the executive director shall be set
9 by the general assembly.

10 Sec. 5. Section 303.4, Code 1981, is amended to
11 read as follows:

12 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.
13 The state historical board shall establish rules for
14 membership of the general public in the state
15 historical society, including rules relating to
16 membership fees. Members shall be persons who indicate
17 an interest in the history, progress, and development
18 of the state and who pay the prescribed fee. The
19 members of the state historical society may meet at
20 least one time per year to further the understanding
21 of the history of this state. ~~The election of members~~
22 ~~of the state historical board, as provided in section~~
23 ~~303.17, shall be by mailed ballot as provided in bylaws~~
24 ~~adopted by the society and approved by the state~~
25 ~~historical board.~~ The society may elect officers,
26 and the executive director of the division of the
27 state historical society department, or the executive
28 director's designee, shall serve as secretary to the
29 society. The officers of the society shall not
30 determine policy for the ~~division of the~~ state
31 historical society department but may perform functions
32 to stimulate interest in the history of this state
33 among the general public. The society may perform
34 other activities related to history which are not
35 contrary to ~~the provisions of~~ this chapter, subject
36 to the approval of the state historical board.

37 1. ~~It is the intent of the general assembly that,~~
38 as As used in this chapter, "state historical society"
39 means only the division of the Iowa state historical
40 department society, an agency solely of the state,
41 ~~which is denominated the division of the state~~
42 ~~historical society located in Iowa City.~~ It does
43 not mean or include any private entity.

44 2. ~~A corporation organized under the laws of this~~
45 ~~state shall not exercise any powers or duties~~
46 ~~exercisable by law by the Iowa state historical~~
47 ~~department and its divisions.~~ ~~If a corporation~~
48 ~~exercises or attempts to exercise these powers or~~
49 ~~duties, it shall be subject to an equitable suit for~~
50 ~~involuntary dissolution by any interested person.~~

1 3- 2. Unless specifically designated otherwise,
2 any a gift, bequest, devise, endowment, or grant to
3 or application for membership in the state historical
4 society shall be presumed to be to or in the ~~division~~
5 ~~of the~~ state historical society of the Iowa state
6 historical department.

7 Sec. 6. Section 303.5, Code 1981, is amended by
8 striking the section and inserting in lieu thereof
9 the following:

10 303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR.
11 The executive director of the Iowa state historical
12 department shall:

13 1. Develop a comprehensive, coordinated, and
14 efficient policy to preserve, research, interpret,
15 and promote to the public an awareness and
16 understanding of local, state, and regional history.

17 2. Organize the activities of the department to
18 provide for the following: archives, museum, library
19 services, historical society, research and publication,
20 historic preservation, microfilming, and public
21 services.

22 3. Administer and care for the historical building,
23 the centennial building, Montauk, Toolsboro mounds,
24 the Gardner cabin, and other sites under the authority
25 of the department, and maintain collections within
26 these buildings.

27 4. Coordinate the activities of the department
28 with federal, state, and local agencies.

29 5. Encourage and assist local county and state
30 organizations and museums devoted to historical
31 purposes.

32 6. Employ necessary personnel under chapter 19A.

33 7. Administer the archives of the state as defined
34 in section 303.12.

35 8. Serve as or appoint the state historic
36 preservation officer, certified by the governor
37 pursuant to federal requirements.

38 9. Develop, implement, and publicize a uniform
39 system of marking state historical, archeological,
40 geological, and legendary sites.

41 10. Administer, preserve, and inventory the
42 monuments, memorials, and works of art on the grounds
43 and in the buildings at the seat of government in
44 consultation with the Iowa state arts council and
45 the capitol planning commission, and make
46 recommendations annually to the appropriate officer
47 or board.

48 11. Collect, preserve, organize, classify,
49 interpret, and exhibit materials relevant to the
50 archeology and history of the state and region.

1 Duties prescribed under this subsection will not
2 affect the duties of the state archaeologist as defined
3 in chapter 305A.

4 12. Publish matters of historical value to the
5 public, and pursue historical, architectural, and
6 archaeological research and development which may
7 include but shall not be limited to continuing surveys,
8 excavation, scientific recording, interpretation,
9 and publication of the historical, architectural,
10 archaeological, and cultural sites, buildings, and
11 structures in the state.

12 13. Coordinate the activities of, and provide
13 technical and financial assistance if federal funds
14 are available, to local historical preservation
15 commissions and private parties in accordance with
16 the state plan and programs for historic preservation.

17 14. Identify and document historic properties.

18 15. Prepare and maintain a state register of
19 historic places, including those listed on the national
20 register of historic places.

21 16. Develop standards and criteria for the
22 acquisition of historic properties and for the
23 preservation, restoration, maintenance, operation,
24 and interpretation of properties under the jurisdiction
25 of the state historical department.

26 17. Perform other duties imposed by law or
27 prescribed by rules of the board.

28 Sec. 7. Section 303.6, Code 1981, is amended by
29 striking the section and inserting in lieu thereof
30 the following:

31 303.6 BOARD--POWERS AND DUTIES. The state
32 historical board shall:

33 1. Adopt a comprehensive, coordinated, and
34 efficient policy to preserve, research, interpret,
35 and promote to the public an awareness and
36 understanding of local, state, and regional history.

37 2. Have authority to acquire by fee simple title
38 historic properties by gift, purchase, devise, or
39 bequest; preserve, restore, transfer, and administer
40 historic properties; and charge reasonable admission
41 to historic properties.

42 3. Adopt rules under chapter 17A for the effective
43 and efficient operation of the department.

44 4. Maintain research centers in Des Moines and
45 Iowa City.

46 5. Have authority to enter into appropriate
47 agreements with the university of northern Iowa, the
48 state university of Iowa, Iowa state university of
49 science and technology, or an accredited private
50 institution as defined in section 261.9 to establish

1 multi-county area research centers, which are in
2 addition to but do not duplicate archives as defined
3 in section 303.12. An area research center shall
4 serve as the depository for the archives of counties
5 and cities and for other unpublished original resource
6 material of a given area to be designated in the
7 agreement.

8 6. Control all property of the department.

9 7. Authorize the loan of historical materials
10 and artifacts for display and research at suitable
11 locations within the state.

12 8. Advise the director with respect to the
13 policies, programs, and procedures of the department.

14 9. Approve the state preservation plan submitted
15 by the state historic preservation officer.

16 10. Establish rules for membership in the state
17 historical society, including rules relating to
18 membership fees.

19 11. Submit biennially to the governor, through
20 the board chairperson, a report of the activities
21 of the department, and an evaluation of the department,
22 its programs, and policies.

23 12. Perform other functions prescribed by law
24 to further historically-related matters in the state.

25 Sec. 8. Section 303.9, Code 1981, as amended by
26 Acts of the Sixty-ninth General Assembly, 1981 Session,
27 chapter 10, section 11, is amended to read as follows:

28 303.9 FUNDS RECEIVED BY STATE HISTORICAL
29 DEPARTMENT.

30 1. All funds received by the state historical
31 department, including but not limited to gifts,
32 endowments, funds from the sale of memberships in
33 the state historical society, funds from the sale
34 of mementos and other items relating to Iowa history
35 as authorized under subsection 2, interest generated
36 by the life membership trust fund, and fees, except
37 entrance fees for the Montauk governor's mansion,
38 shall be credited to the account of the state
39 historical department and are appropriated to the
40 state historical department to be invested or used
41 for programs and purposes under the authority of the
42 state historical board. Interest earned on funds
43 credited to the department, except funds appropriated
44 to the department from the general fund of the state,
45 shall be credited to the department. Section 8.33
46 does not apply to funds credited to the state
47 historical department under this section.

48 2. The department may sell mementos and other
49 items relating to Iowa history and historic sites
50 on the premises of property under control of the

1 department and at the state capitol. The department
2 is not a retailer under chapter 422 and the sale of
3 such items is not a retail sale under chapter 422
4 and is exempt from the sales tax.

5 Sec. 9. Section 303.11, unnumbered paragraph 1,
6 Code 1981, is amended to read as follows:

7 The state historical board may accept gifts and
8 bequests which shall be used in accordance with the
9 desires of the donor if expressed. Funds contained
10 in an endowment fund for either the department of
11 history and archives or the state historical society
12 existing on July 1, 1974 shall remain an endowment
13 ~~of either the division of historical museum and~~
14 ~~archives or the division of the state historical~~
15 ~~society~~ the department. ~~After July 1, 1974, gifts~~
16 Gifts shall be accepted only on behalf of the state
17 historical department, and gifts to a division, branch,
18 or section of the department are presumed to be gifts
19 to the department. ~~Funds in an endowment fund may~~
20 ~~be invested by the state historical board.~~

21 Sec. 10. Section 303.12, Code 1981, is amended
22 to read as follows:

23 303.12 ARCHIVES. Archives means those documents,
24 books, papers, photographs, sound recordings, or
25 similar material produced or received pursuant to
26 law in connection with official government business,
27 which no longer have administrative, legal, or fiscal
28 value to the office having present custody of them,
29 and which have been appraised by the executive director
30 ~~of the historical museum and archives~~ state historical
31 department as having sufficient historical, research,
32 or informational value to warrant permanent
33 preservation. The executive director of the ~~division~~
34 ~~of historical museum and archives~~ state historical
35 department is the trustee and custodian of the archives
36 of Iowa, except that archives do not include county
37 or municipal archives unless they are voluntarily
38 deposited with the executive director with the written
39 consent of the executive director. The executive
40 director shall prescribe rules for the systematic
41 arrangement of archives as to the proper labeling
42 to indicate the contents and order of filing and the
43 archives must be so labeled before the archives may
44 be transferred to the executive director's custody.

45 Sec. 11. Section 303.13, Code 1981, is amended
46 to read as follows:

47 303.13 TRANSFER OF ARCHIVES. The ~~several~~ state,
48 executive, and administrative departments, officers
49 or offices, councils, boards, bureaus, and commissions,
50 may transfer and deliver to the state historical

1 department archives as defined in section 303.12 and
2 as prescribed in the records management manual.
3 Before transferring archives, the office of present
4 custody shall file with the executive director a
5 classified list of the archives being transferred
6 made in such detail as the executive director shall
7 ~~prescribe~~ prescribes. If the executive director,
8 on receipt of the list, and after consultation with
9 the chief executive of the office filing the classified
10 list or with a representative designated by the
11 executive, ~~shall-find~~ finds that, according to the
12 records management manual, certain classifications
13 of the archives listed are not of sufficient
14 historical, legal or administrative value to justify
15 permanent preservation, the executive director shall
16 not accept the material for deposit in the state
17 archives.

18 Sec. 12. Section 303.14, Code 1981, is amended
19 to read as follows:

20 303.14 REMOVAL OF ORIGINAL. After any archives
21 have been received by the executive director, they
22 shall not be removed from the executive director's
23 custody without ~~his~~ the executive director's consent
24 except in obedience to a subpoena of a court of record
25 or a written order of the state executive council.

26 The executive director shall ~~is not be~~ required
27 to preserve permanently vouchers, claims, canceled
28 or redeemed state warrants, or duplicate warrant
29 registers, ~~respectively,~~ of the state comptroller
30 and the treasurer of state but may, after microfilming,
31 destroy by burning or shredding any ~~such~~ warrants,
32 having no historical value, that have been in the
33 executive director's custody for a period of one year
34 and ~~likewise to~~ may destroy by burning or shredding
35 any vouchers, claims and duplicate warrant registers
36 which have been in the director's custody for a period
37 of one year. A properly authenticated reproduction
38 of ~~any-such~~ a microfilmed record shall ~~be~~ is admissible
39 in evidence ~~in any~~ a court in this state.

40 Sec. 13. Section 303.15, Code 1981, is amended
41 to read as follows:

42 303.15 CERTIFIED COPIES--FEES. Upon request of
43 any a person, the executive director of the ~~division~~
44 ~~of-historical-museum-and-archives-of-the-director~~
45 ~~of-the-division-of-the~~ state historical ~~society~~
46 department shall make a certified copy of any document,
47 manuscript, or record contained in the archives or
48 in the custody of the ~~division-of-the~~ state historical
49 ~~society,-and-when~~ department except where reproduction
50 is inappropriate because of legal, curatorial, or

1 physical considerations. When a copy is properly
2 authenticated it ~~shall~~-have has the same legal effect
3 as though certified by the officer from whose office
4 it was obtained or by the secretary of state. The
5 copy may be made in writing, or by any a suitable
6 photographic process. The executive director shall
7 charge and collect for ~~such~~ copies the fees allowed
8 by law to the official in whose office the document
9 originates for ~~such~~ certified copies. The executive
10 director shall charge a person requesting a search
11 of census records for the purpose of determining
12 genealogy the actual cost of performing the search.

13 Sec. 14. Section 303.20, subsection 4, Code 1981,
14 is amended by striking the subsection and inserting
15 in lieu thereof the following:

16 4. "Department" means the Iowa state historical
17 department.

18 Sec. 15. Section 303.21, unnumbered paragraph
19 1, Code 1981, is amended to read as follows:

20 Not less than ten percent of the eligible voters
21 in an area of asserted historical significance may
22 petition the ~~division~~ department for a referendum
23 for the establishment of a district.

24 Sec. 16. Section 303.22, Code 1981, is amended
25 to read as follows:

26 303.22 ACTION BY DIVISION DEPARTMENT. The division
27 department shall hold a hearing not less than thirty
28 days or more than sixty days after the petition is
29 received. The division department shall publish
30 notice of the hearing, at a reasonable time before
31 the hearing is to take place, and shall post notice
32 of the hearing in a reasonable number of places within
33 the suggested district. The cost of notification
34 shall be paid by the persons who petition for the
35 establishment of a district.

36 At the hearing the division department shall hear
37 interested persons, accept written presentations,
38 and shall determine whether the suggested district
39 is an area of historical significance which may
40 properly be established as a historical preservation
41 district pursuant to the provisions of this division
42 of this chapter. The division department may determine
43 the boundaries which shall be established for the
44 district. The division department shall not include
45 property which is not included in the suggested
46 district unless the owner of ~~such~~ the property is
47 given an opportunity to be heard.

48 The division department, if it determines that
49 the suggested district meets the criteria for
50 establishment as a historical preservation district,

1 shall indicate the owners of the property and residents
2 included and shall forward a list of such owners and
3 residents to the county commissioner of elections.

4 If the ~~division~~ department determines that the
5 suggested district does not meet the criteria for
6 establishment as a historical preservation district,
7 it shall so notify the petitioners.

8 Sec. 17. Section 303.23, Code 1981, is amended
9 to read as follows:

10 303.23 REFERENDUM. Within thirty days after the
11 receipt of the list of owners of property and residents
12 within the suggested historical preservation district,
13 the ~~county-commissioner-of-elections~~ department shall
14 fix a date not more than forty-five days from the
15 receipt of the petition seeking a referendum on the
16 question of establishment of a historical preservation
17 district. The department, after consultation with
18 the county commissioner of elections, shall specify
19 the polling place within the suggested district that
20 will best serve the convenience of the voters and
21 shall appoint from residents of the proposed district
22 three judges and two clerks of election.

23 Sec. 18. Section 303.24, Code 1981, is amended
24 to read as follows:

25 303.24 NOTICE. The department, after consultation
26 with the county commissioner of elections, shall post
27 notice of the referendum in a reasonable number of
28 places within the suggested district a reasonable
29 time before it is to take place. The notice shall
30 state the purpose of the referendum, a description
31 of the district, the date of the referendum, the
32 location of the polling place, and the hours when
33 the polls will open and close.

34 Sec. 19. Section 303.34, subsections 1 and 4,
35 Code 1981, are amended to read as follows:

36 1. An area of historical significance shall be
37 proposed by the governing body of the city on its
38 own motion or upon the receipt by the governing body
39 of a petition signed by residents of the city. The
40 city shall submit a description of the proposed area
41 of historical significance or the petition describing
42 the proposed area, if the proposed area is a result
43 of the receipt of a petition, to the ~~division-of~~
44 ~~historical-preservation-of~~ the Iowa state historical
45 department which shall determine if the proposed area
46 meets the criteria provided in subsection 2 and may
47 make recommendations concerning the proposed area.
48 Any recommendations made by the ~~division-of-historical~~
49 ~~preservation~~ department shall be made available by
50 the city to the public for viewing during normal

1 working hours at a city government place of public
2 access.

3 4. An area shall ~~only~~ be designated an area of
4 historical significance upon enactment of an ordinance
5 of the city. Before ~~such-an~~ the ordinance is enacted
6 or an amendment ~~thereto~~ to it is enacted, the governing
7 body of the city shall submit ~~such~~ the ordinance or
8 amendment to the ~~division-of-historical-preservation~~
9 ~~of-the~~ Iowa state historical department for its review
10 and recommendations.

11 Sec. 20. Section 304.3, subsection 2, Code 1981,
12 is amended by striking the subsection and inserting
13 in lieu thereof the following:

14 2. The executive director of the Iowa state
15 historical department.

16 Sec. 21. Section 304.10, Code 1981, is amended
17 to read as follows:

18 304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL
19 MUSEUM-AND-ARCHIVES DEPARTMENT--DUTIES. All lists
20 and schedules submitted to the commission shall be
21 referred to the executive director of the Iowa state
22 historical museum-and-archives department, who shall
23 determine whether the records proposed for disposal
24 have value to other agencies of the state or have
25 research or historical value. The executive director
26 ~~of-the-historical-museum-and-archives~~ shall submit
27 the lists and schedules with ~~his-her~~ recommendations
28 in writing to the commission and the final disposition
29 of the records shall be according to the orders of
30 the commission.

31 Sec. 22. Section 470.5, Code 1981, is amended
32 to read as follows:

33 470.5 EXCEPTIONS. This chapter does not apply
34 to buildings ~~currently~~ used on January 1, 1980 by
35 the division of adult corrections of the department
36 of social services as maximum security detention
37 facilities or to the renovation of property nominated
38 to, or entered in the national register of historic
39 places, designated by statute, or included in an
40 established list of historic places compiled by the
41 executive director of the ~~division-of-historical~~
42 ~~preservation-of-the~~ Iowa state historical department.

43 Sec. 23. Sections 303.7 and 303.8, Code 1981,
44 are repealed.

45 Sec. 24. The terms of members of the state
46 historical board serving on the effective date of
47 this Act shall expire June 30, 1982. The initial
48 terms of members of the state historical board
49 established in section 1 of this Act shall commence
50 July 1, 1982 and be staggered so that two members

1 shall serve until April 30, 1983, two members shall
2 serve until April 30, 1984, and three members shall
3 serve until April 30, 1985.

4 The governor shall give preference in appointment
5 of members of the state historical board to members
6 of the state historical board serving on June 30,
7 1982.

8 The initial term of office of the executive director
9 shall end April 30, 1985."

10 2. Amend the title, line 2, by striking the word
11 ", to" and inserting in lieu thereof the words "and
12 to".

13 3. Amend the title, lines 3 and 4, by striking
14 the words ", and to provide that the Act takes effect
15 January 1, 1982".

S-5076 FILED

FEBRUARY 9, 1982

Adopted 3/30 (p. 955)

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

HOUSE FILE 828

S-3480

1 Amend House File 828 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 4, by striking line 25 and inserting in
4 lieu thereof the following:

5 "15. Administer monuments and memorials".

6 2. Page 4, by inserting after line 27 the
7 following:

8 " . In cooperation with the Iowa state arts
9 council, administer, preserve, and inventory the
10 works of art on the grounds and in the buildings
11 at the seat of government."

12 3. By renumbering and correcting internal
13 references as necessary.

S-3480 FILED

APRIL 13, 1981

Classed out of order 3/30/82 (p. 956)

BY JOHN S. MURRAY

SENATE AMENDMENT TO HOUSE FILE 828

56

1 Amend House File 828, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 64.6, subsection 19, Code
6 1981, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 19. Executive director of the state historical
9 department, one thousand dollars.

10 Sec. 2. Section 303.1, Code 1981, is amended by
11 striking the section and inserting in lieu thereof
12 the following:

13 303.1 ESTABLISHMENT OF DEPARTMENT. There is
14 established the Iowa state historical department.
15 There is established a state historical board
16 consisting of seven members appointed by the governor,
17 subject to senate confirmation. The members shall
18 include the following:

19 1. One member who is an historian employed by
20 an institution of higher learning under the control
21 of the state board of regents.

22 2. One member who is an historian employed by
23 an institution of higher learning not under the control
24 of the state board of regents.

25 3. One member who is a professionally-employed
26 archaeologist.

27 4. Two members selected from recommendations of
28 officers of the state historical society.

29 5. Two members who represent the general public.

30 The duties of the board are prescribed in section
31 303.6.

32 The term of office of members of the board shall
33 commence and end as provided in section 69.19 and
34 shall be three years.

35 Sec. 3. Section 303.2, unnumbered paragraph 1,
36 Code 1981, is amended to read as follows:

37 The state historical board shall annually elect
38 a chairman chairperson and vice chairman chairperson
39 from its membership, and the executive director of
40 the-division-of-historical-museum-and-archives shall
41 serve as secretary to the board. The board shall
42 meet as often as deemed necessary, upon the call of
43 the chairman-and-vice-chairman chairperson, or at
44 the request of a majority of the members of the board.

45 Sec. 4. Section 303.3, Code 1981, is amended by
46 striking the section and inserting in lieu thereof
47 the following:

48 303.3 EXECUTIVE DIRECTOR. The governor shall
49 appoint an executive director, subject to confirmation
by the senate, from recommendations submitted by the

H-5656
Page Two

1 board. The governor shall appoint the executive
2 director on the basis of professional training and
3 ability to administer the duties of the department
4 and without regard to political affiliation.

5 The executive director shall serve a three-year
6 term of office commencing and ending as provided in
7 section 69.19.

8 The salary of the executive director shall be set
9 by the general assembly.

10 Sec. 5. Section 303.4, Code 1981, is amended to
11 read as follows:

12 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.
13 The state historical board shall establish rules for
14 membership of the general public in the state
15 historical society, including rules relating to
16 membership fees. Members shall be persons who indicate
17 an interest in the history, progress, and development
18 of the state and who pay the prescribed fee. The
19 members of the state historical society may meet at
20 least one time per year to further the understanding
21 of the history of this state. ~~The election of members~~
22 ~~of the state historical board, as provided in section~~
23 ~~303.17 shall be by mailed ballot as provided in bylaws~~
24 ~~adopted by the society and approved by the state~~
25 ~~historical board.~~ The society may elect officers,
26 and the executive director of the division of the
27 state historical society department, or the executive
28 director's designee, shall serve as secretary to the
29 society. The officers of the society shall not
30 determine policy for the ~~division of the state~~
31 historical society department but may perform functions
32 to stimulate interest in the history of this state
33 among the general public. The society may perform
34 other activities related to history which are not
35 contrary to ~~the provisions of~~ this chapter, subject
36 to the approval of the state historical board.

37 1. ~~It is the intent of the general assembly that,~~
38 As used in this chapter, "state historical society"
39 means only the division of the Iowa state historical
40 department society, an agency solely of the state,
41 which is denominated the division of the state
42 historical society located in Iowa City. It does
43 not mean or include any private entity.

44 2. ~~A corporation organized under the laws of this~~
45 ~~state shall not exercise any powers or duties~~
46 ~~exercisable by law by the Iowa state historical~~
47 ~~department and its divisions. If a corporation~~
48 ~~exercises or attempts to exercise these powers or~~
49 ~~duties, it shall be subject to an equitable suit for~~
50 ~~involuntary dissolution by any interested person.~~

April 1, 1982

56

Page Three

1 3- 2. Unless specifically designated otherwise,
2 any a gift, bequest, devise, endowment, or grant to
3 or application for membership in the state historical
4 society shall be presumed to be to or in the ~~division~~
5 ~~of-the~~ state historical society of the Iowa state
6 historical department.

7 Sec. 6. Section 303.5, Code 1981, is amended by
8 striking the section and inserting in lieu thereof
9 the following:

10 303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR.

11 The executive director of the Iowa state historical
12 department shall:

13 1. Develop a comprehensive, coordinated, and
14 efficient policy to preserve, research, interpret,
15 and promote to the public an awareness and
16 understanding of local, state, and regional history.

17 2. Organize the activities of the department to
18 provide for the following: archives, museum, library
19 services, historical society, research and publication,
20 historic preservation, microfilming, and public
21 services.

22 3. Administer and care for the historical building,
23 the centennial building, Montauk, Toolsboro mounds,
24 the Gardner cabin, and other sites under the authority
25 of the department, and maintain collections within
26 these buildings.

27 4. Coordinate the activities of the department
28 with federal, state, and local agencies.

29 5. Encourage and assist local county and state
30 organizations and museums devoted to historical
31 purposes.

32 6. Employ necessary personnel under chapter 19A.

33 7. Administer the archives of the state as defined
34 in section 303.12.

35 8. Serve as or appoint the state historic
36 preservation officer, certified by the governor
37 pursuant to federal requirements.

38 9. Develop, implement, and publicize a uniform
39 system of marking state historical, archeological,
40 geological, and legendary sites.

41 10. Administer, preserve, and inventory the
42 monuments, memorials, and works of art on the grounds
43 and in the buildings at the seat of government in
44 consultation with the Iowa state arts council and
45 the capitol planning commission, and make
46 recommendations annually to the appropriate officer
47 or board.

48 11. Collect, preserve, organize, classify,
49 interpret, and exhibit materials relevant to the
50 archeology and history of the state and region.

1 Duties prescribed under this subsection will not
2 affect the duties of the state archaeologist as defined
3 in chapter 305A.

4 12. Publish matters of historical value to the
5 public, and pursue historical, architectural, and
6 archaeological research and development which may
7 include but shall not be limited to continuing surveys,
8 excavation, scientific recording, interpretation,
9 and publication of the historical, architectural,
10 archaeological, and cultural sites, buildings, and
11 structures in the state.

12 13. Coordinate the activities of, and provide
13 technical and financial assistance if federal funds
14 are available, to local historical preservation
15 commissions and private parties in accordance with
16 the state plan and programs for historic preservation.

17 14. Identify and document historic properties.

18 15. Prepare and maintain a state register of
19 historic places, including those listed on the national
20 register of historic places.

21 16. Develop standards and criteria for the
22 acquisition of historic properties and for the
23 preservation, restoration, maintenance, operation,
24 and interpretation of properties under the jurisdiction
25 of the state historical department.

26 17. Perform other duties imposed by law or
27 prescribed by rules of the board.

28 Sec. 7. Section 303.6, Code 1981, is amended by
29 striking the section and inserting in lieu thereof
30 the following:

31 303.6 BOARD--POWERS AND DUTIES. The state
32 historical board shall:

33 1. Adopt a comprehensive, coordinated, and
34 efficient policy to preserve, research, interpret,
35 and promote to the public an awareness and
36 understanding of local, state, and regional history.

37 2. Have authority to acquire by fee simple title
38 historic properties by gift, purchase, devise, or
39 bequest; preserve, restore, transfer, and administer
40 historic properties; and charge reasonable admission
41 to historic properties.

42 3. Adopt rules under chapter 17A for the effective
43 and efficient operation of the department.

44 4. Maintain research centers in Des Moines and
45 Iowa City.

46 5. Have authority to enter into appropriate
47 agreements with the university of northern Iowa, the
48 state university of Iowa, Iowa state university of
49 science and technology, or an accredited private
50 institution as defined in section 261.9 to establish

H-5656
Page Five

multi-county area research centers, which are in addition to but do not duplicate archives as defined in section 303.12. An area research center shall serve as the depository for the archives of counties and cities and for other unpublished original resource material of a given area to be designated in the agreement.

6. Control all property of the department.

7. Authorize the loan of historical materials and artifacts for display and research at suitable locations within the state.

8. Advise the director with respect to the policies, programs, and procedures of the department.

9. Approve the state preservation plan submitted by the state historic preservation officer.

10. Establish rules for membership in the state historical society, including rules relating to membership fees.

11. Submit biennially to the governor, through the board chairperson, a report of the activities of the department, and an evaluation of the department, its programs, and policies.

12. Perform other functions prescribed by law to further historically-related matters in the state.

Sec. 8. Section 303.9, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 11, is amended to read as follows:

303.9 FUNDS RECEIVED BY STATE HISTORICAL DEPARTMENT.

1. All funds received by the state historical department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the state historical department and are appropriated to the state historical department to be invested or used for programs and purposes under the authority of the state historical board. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the state historical department under this section.

2. The department may sell mementos and other items relating to Iowa history and historic sites on the premises of property under control of the

H-5656
Page Six

1 department and at the state capitol. The department
2 is not a retailer under chapter 422 and the sale of
3 such items is not a retail sale under chapter 422
4 and is exempt from the sales tax.

5 Sec. 9. Section 303.11, unnumbered paragraph 1,
6 Code 1981, is amended to read as follows:

7 The state historical board may accept gifts and
8 bequests which shall be used in accordance with the
9 desires of the donor if expressed. Funds contained
10 in an endowment fund for either the department of
11 history and archives or the state historical society
12 existing on July 1, 1974 shall remain an endowment
13 ~~of either the division of historical museum and~~
14 ~~archives or the division of the state historical~~
15 ~~society~~ the department. ~~After July 1, 1974, gifts~~
16 Gifts shall be accepted only on behalf of the state
17 historical department, and gifts to a division, branch,
18 or section of the department are presumed to be gifts
19 to the department. ~~Funds in an endowment fund may~~
20 ~~be invested by the state historical board.~~

21 Sec. 10. Section 303.12, Code 1981, is amended
22 to read as follows:

23 303.12 ARCHIVES. Archives means those documents,
24 books, papers, photographs, sound recordings, or
25 similar material produced or received pursuant to
26 law in connection with official government business,
27 which no longer have administrative, legal, or fiscal
28 value to the office having present custody of them,
29 and which have been appraised by the executive director
30 of the ~~historical museum and archives~~ state historical
31 department as having sufficient historical, research,
32 or informational value to warrant permanent
33 preservation. The executive director of the ~~division~~
34 ~~of historical museum and archives~~ state historical
35 department is the trustee and custodian of the archives
36 of Iowa, except that archives do not include county
37 or municipal archives unless they are voluntarily
38 deposited with the executive director with the written
39 consent of the executive director. The executive
40 director shall prescribe rules for the systematic
41 arrangement of archives as to the proper labeling
42 to indicate the contents and order of filing and the
43 archives must be so labeled before the archives may
44 be transferred to the executive director's custody.

45 Sec. 11. Section 303.13, Code 1981, is amended
46 to read as follows:

47 303.13 TRANSFER OF ARCHIVES. The ~~several~~ state,
48 executive, and administrative departments, officers
49 or offices, councils, boards, bureaus, and commissions,
50 may transfer and deliver to the state historical

H. 5656
Seven

1 department archives as defined in section 303.12 and
2 as prescribed in the records management manual.
3 Before transferring archives, the office of present
4 custody shall file with the executive director a
5 classified list of the archives being transferred
6 made in ~~such~~ detail as the executive director ~~shall~~
7 ~~prescribe~~ prescribes. If the executive director,
8 on receipt of the list, and after consultation with
9 the chief executive of the office filing the classified
10 list or with a representative designated by the
11 executive, ~~shall find~~ finds that, according to the
12 records management manual, certain classifications
13 of the archives listed are not of sufficient
14 historical, legal or administrative value to justify
15 permanent preservation, the executive director shall
16 not accept the material for deposit in the state
17 archives.

18 Sec. 12. Section 303.14, Code 1981, is amended
19 to read as follows:

20 303.14 REMOVAL OF ORIGINAL. After any archives
21 have been received by the executive director, they
22 shall not be removed from the executive director's
23 custody without ~~his~~ the executive director's consent
except in obedience to a subpoena of a court of record
or a written order of the state executive council.

26 The executive director ~~shall~~ is not be required
27 to ~~preserve~~ permanently vouchers, claims, canceled
28 or redeemed state warrants, or duplicate warrant
29 registers, ~~respectively,~~ of the state comptroller
30 and the treasurer of state but may, after microfilming,
31 destroy by burning or shredding any ~~such~~ warrants,
32 having no historical value, that have been in the
33 executive director's custody for a period of one year
34 ~~and likewise to~~ may destroy by burning or shredding
35 any vouchers, claims and duplicate warrant registers
36 which have been in the director's custody for a period
37 of one year. A properly authenticated reproduction
38 of ~~any such~~ a microfilmed record ~~shall be~~ is admissible
39 in evidence in any a court in this state.

40 Sec. 13. Section 303.15, Code 1981, is amended
41 to read as follows:

42 303.15 CERTIFIED COPIES--FEES. Upon request of
43 any a person, the executive director of the ~~division~~
44 ~~of historical museum and archives or the director~~
45 ~~of the division of the~~ state historical society
46 department shall make a certified copy of any document,
47 manuscript, or record contained in the archives or
48 in the custody of the ~~division of the~~ state historical
49 ~~society, and when~~ department except where reproduction
is inappropriate because of legal, curatorial, or

1 physical considerations. When a copy is properly
2 authenticated it ~~shall have~~ has the same legal effect
3 as though certified by the officer from whose office
4 it was obtained or by the secretary of state. The
5 copy may be made in writing, or by ~~any~~ a suitable
6 photographic process. The executive director shall
7 charge and collect for ~~such~~ copies the fees allowed
8 by law to the official in whose office the document
9 originates for ~~such~~ certified copies. The executive
10 director shall charge a person requesting a search
11 of census records for the purpose of determining
12 genealogy the actual cost of performing the search.
13 Sec. 14. Section 303.20, subsection 4, Code 1981,
14 is amended by striking the subsection and inserting
15 in lieu thereof the following:

16 4. "Department" means the Iowa state historical
17 department.

18 Sec. 15. Section 303.21, unnumbered paragraph
19 1, Code 1981, is amended to read as follows:

20 Not less than ten percent of the eligible voters
21 in an area of asserted historical significance may
22 petition the ~~division~~ department for a referendum
23 for the establishment of a district.

24 Sec. 16. Section 303.22, Code 1981, is amended
25 to read as follows:

26 303.22 ACTION BY ~~DIVISION~~ DEPARTMENT. The ~~division~~
27 department shall hold a hearing not less than thirty
28 days or more than sixty days after the petition is
29 received. The ~~division~~ department shall publish
30 notice of the hearing, at a reasonable time before
31 the hearing is to take place, and shall post notice
32 of the hearing in a reasonable number of places within
33 the suggested district. The cost of notification
34 shall be paid by the persons who petition for the
35 establishment of a district.

36 At the hearing the ~~division~~ department shall hear
37 interested persons, accept written presentations,
38 and shall determine whether the suggested district
39 is an area of historical significance which may
40 properly be established as a historical preservation
41 district pursuant to the provisions of this division
42 of this chapter. The ~~division~~ department may determine
43 the boundaries which shall be established for the
44 district. The ~~division~~ department shall not include
45 property which is not included in the suggested
46 district unless the owner of ~~such~~ the property is
47 given an opportunity to be heard.

48 The ~~division~~ department, if it determines that
49 the suggested district meets the criteria for
50 establishment as a historical preservation district,

H-5656
Page Nine

shall indicate the owners of the property and residents
2 included and shall forward a list of such owners and
3 residents to the county commissioner of elections.

4 If the ~~division~~ department determines that the
5 suggested district does not meet the criteria for
6 establishment as a historical preservation district,
7 it shall so notify the petitioners.

8 Sec. 17. Section 303.23, Code 1981, is amended
9 to read as follows:

10 303.23 REFERENDUM. Within thirty days after the
11 receipt of the list of owners of property and residents
12 within the suggested historical preservation district,
13 the ~~county-commissioner-of-elections~~ department shall
14 fix a date not more than forty-five days from the
15 receipt of the petition seeking a referendum on the
16 question of establishment of a historical preservation
17 district. The department, after consultation with
18 the county commissioner of elections, shall specify
19 the polling place within the suggested district that
20 will best serve the convenience of the voters and
21 shall appoint from residents of the proposed district
22 three judges and two clerks of election.

23 Sec. 18. Section 303.24, Code 1981, is amended
24 to read as follows:

25 303.24 NOTICE. The department, after consultation
26 with the county commissioner of elections, shall post
27 notice of the referendum in a reasonable number of
28 places within the suggested district a reasonable
29 time before it is to take place. The notice shall
30 state the purpose of the referendum, a description
31 of the district, the date of the referendum, the
32 location of the polling place, and the hours when
33 the polls will open and close.

34 Sec. 19. Section 303.34, subsections 1 and 4,
35 Code 1981, are amended to read as follows:

36 1. An area of historical significance shall be
37 proposed by the governing body of the city on its
38 own motion or upon the receipt by the governing body
39 of a petition signed by residents of the city. The
40 city shall submit a description of the proposed area
41 of historical significance or the petition describing
42 the proposed area, if the proposed area is a result
43 of the receipt of a petition, to ~~the division of~~
44 ~~historical-preservation-of~~ the Iowa state historical
45 department which shall determine if the proposed area
46 meets the criteria ~~provided~~ in subsection 2 and may
47 make recommendations concerning the proposed area.
48 Any recommendations made by the ~~division-of-historical~~
49 ~~preservation~~ department shall be made available by
50 the city to the public for viewing during normal

1 working hours at a city government place of public
2 access.

3 4. An area shall ~~only~~ be designated an area of
4 historical significance upon enactment of an ordinance
5 of the city. Before ~~such-an~~ the ordinance is enacted
6 or an amendment ~~thereto to it is enacted~~, the governing
7 body of the city shall submit such the ordinance or
8 amendment to the ~~division-of-historical-preservation~~
9 ~~of-the~~ Iowa state historical department for its review
10 and recommendations.

11 Sec. 20. Section 304.3, subsection 2, Code 1981,
12 is amended by striking the subsection and inserting
13 in lieu thereof the following:

14 2. The executive director of the Iowa state
15 historical department.

16 Sec. 21. Section 304.10, Code 1981, is amended
17 to read as follows:

18 304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL
19 MUSEUM-AND-ARCHIVES DEPARTMENT--DUTIES. All lists
20 and schedules submitted to the commission shall be
21 referred to the executive director of the Iowa state
22 historical museum-and-archives department, who shall
23 determine whether the records proposed for disposal
24 have value to other agencies of the state or have
25 research or historical value. The executive director
26 ~~of-the-historical-museum-and-archives~~ shall submit
27 the lists and schedules with ~~his-or-her~~ recommendations
28 in writing to the commission and the final disposition
29 of the records shall be according to the orders of
30 the commission.

31 Sec. 22. Section 470.5, Code 1981, is amended
32 to read as follows:

33 470.5 EXCEPTIONS. This chapter does not apply
34 to buildings currently used on January 1, 1980 by
35 the division of adult corrections of the department
36 of social services as maximum security detention
37 facilities or to the renovation of property nominated
38 to, or entered in the national register of historic
39 places, designated by statute, or included in an
40 established list of historic places compiled by the
41 executive director of the division-of-historical
42 preservation-of-the Iowa state historical department.

43 Sec. 23. Sections 303.7 and 303.8, Code 1981,
44 are repealed.

45 Sec. 24. The terms of members of the state
46 historical board serving on the effective date of
47 this Act shall expire June 30, 1982. The initial
48 terms of members of the state historical board
49 established in section 1 of this Act shall commence
50 July 1, 1982 and be staggered so that two members

H-5656
Page Eleven

1 shall serve until April 30, 1983, two members shall
2 serve until April 30, 1984, and three members shall
3 serve until April 30, 1985.

4 The governor shall give preference in appointment
5 of members of the state historical board to members
6 of the state historical board serving on June 30,
7 1982.

8 The initial term of office of the executive director
9 shall end April 30, 1985."

10 2. Amend the title, line 2, by striking the word
11 ", to" and inserting in lieu thereof the words "and
12 to".

13 3. Amend the title, lines 3 and 4, by striking
14 the words ", and to provide that the Act takes effect
15 January 1, 1982".

H-5656 FILED MARCH 31, 1982

RECEIVED FROM THE SENATE

House amended & concurred 4/18 (p 1429)

HOUSE FILE 828

H-5825

- 1 Amend amendment H-5656, the Senate amendment to
- 2 House File 828, as follows:
- 3 1. Page 1, line 50, by inserting after the word
- 4 "senate," the words "who may be selected".

H-5825 FILED APRIL 13, 1982 BY DODERER of Johnson
SMALLEY of Polk LAGESCHULTE of Bremer

Adopted 4/13 (p. 1429)

HOUSE FILE 828

AN ACT

TO REDEFINE THE DUTIES OF THE STATE HISTORICAL DEPARTMENT
AND TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DI-
RECTOR AND A STATE HISTORICAL BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 64.6, subsection 19, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

19. Executive director of the state historical department, one thousand dollars.

Sec. 2. Section 303.1, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.1 ESTABLISHMENT OF DEPARTMENT. There is established the Iowa state historical department. There is established a state historical board consisting of seven members appointed by the governor, subject to senate confirmation. The members shall include the following:

1. One member who is an historian employed by an institution of higher learning under the control of the state board of regents.
2. One member who is an historian employed by an institution of higher learning not under the control of the state board of regents.
3. One member who is a professionally-employed archaeologist.
4. Two members selected from recommendations of officers of the state historical society.
5. Two members who represent the general public.

The duties of the board are prescribed in section 303.6. The term of office of members of the board shall commence and end as provided in section 69.19 and shall be three years.

Sec. 3. Section 303.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state historical board shall annually elect a ~~chairman~~ chairperson and vice ~~chairman~~ chairperson from its membership, and the executive ~~director of the division of historical museum and archives~~ shall serve as secretary to the board. The board shall meet as often as deemed necessary, upon the call of the ~~chairman and vice-chairman~~ chairperson, or at the request of a majority of the members of the board.

Sec. 4. Section 303.3, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.3 EXECUTIVE DIRECTOR. The governor shall appoint an executive director, subject to confirmation by the senate, who may be selected from recommendations submitted by the board. The governor shall appoint the executive director on the basis of professional training and ability to administer the duties of the department and without regard to political affiliation.

The executive director shall serve a three-year term of office commencing and ending as provided in section 69.19.

The salary of the executive director shall be set by the general assembly.

Sec. 5. Section 303.4, Code 1981, is amended to read as follows:

303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY. The state historical board shall establish rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history

of this state. ~~The election of members of the state historical board, as provided in section 303.17, shall be by mailed ballot as provided in bylaws adopted by the society and approved by the state historical board.~~ The society may elect officers, and the executive director of the division of the state historical society department, or the executive director's designee, shall serve as secretary to the society. The officers of the society shall not determine policy for the ~~division of the state historical society department~~ but may perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to ~~the provisions of~~ this chapter, subject to the approval of the state historical board.

1. ~~It is the intent of the general assembly that, as~~ As used in this chapter, "state historical society" means only the division of the Iowa state historical department society, an agency ~~society of the state, which is denominated the division of the state historical society located in Iowa City.~~ It does not mean or include any private entity.

~~2. A corporation organized under the laws of this state shall not exercise any powers or duties exercisable by law by the Iowa state historical department and its divisions. If a corporation exercises or attempts to exercise these powers or duties, it shall be subject to an equitable suit for involuntary dissolution by any interested person.~~

3- 2. Unless ~~specifically~~ designated otherwise, any a gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the ~~division of the~~ state historical society of the Iowa state historical department.

Sec. 6. Section 303.5, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR. The executive director of the Iowa state historical department shall:

1. Develop a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

2. Organize the activities of the department to provide for the following: archives, museum, library services, historical society, research and publication, historic preservation, microfilming, and public services.

3. Administer and care for the historical building, the centennial building, Montauk, Toolsboro mounds, the Gardner cabin, and other sites under the authority of the department, and maintain collections within these buildings.

4. Coordinate the activities of the department with federal, state, and local agencies.

5. Encourage and assist local county and state organizations and museums devoted to historical purposes.

6. Employ necessary personnel under chapter 19A.

7. Administer the archives of the state as defined in section 303.12.

8. Serve as or appoint the state historic preservation officer, certified by the governor pursuant to federal requirements.

9. Develop, implement, and publicize a uniform system of marking state historical, archeological, geological, and legendary sites.

10. Administer, preserve, and inventory the monuments, memorials, and works of art on the grounds and in the buildings at the seat of government in consultation with the Iowa state arts council and the capitol planning commission, and make recommendations annually to the appropriate officer or board.

11. Collect, preserve, organize, classify, interpret, and exhibit materials relevant to the archeology and history of the state and region. Duties prescribed under this subsection will not affect the duties of the state archaeologist as defined in chapter 305A.

12. Publish matters of historical value to the public, and pursue historical, architectural, and archaeological research and development which may include but shall not be limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

13. Coordinate the activities of, and provide technical and financial assistance if federal funds are available, to local historical preservation commissions and private parties in accordance with the state plan and programs for historic preservation.

14. Identify and document historic properties.

15. Prepare and maintain a state register of historic places, including those listed on the national register of historic places.

16. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the state historical department.

17. Perform other duties imposed by law or prescribed by rules of the board.

Sec. 7. Section 303.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.6 BOARD--POWERS AND DUTIES. The state historical board shall:

1. Adopt a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

2. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

3. Adopt rules under chapter 17A for the effective and efficient operation of the department.

4. Maintain research centers in Des Moines and Iowa City.

5. Have authority to enter into appropriate agreements with the university of northern Iowa, the state university of Iowa, Iowa state university of science and technology, or an accredited private institution as defined in section 261.9 to establish multi-county area research centers, which are in addition to but do not duplicate archives as defined in section 303.12. An area research center shall serve as the depository for the archives of counties and cities and for other unpublished original resource material of a given area to be designated in the agreement.

6. Control all property of the department.

7. Authorize the loan of historical materials and artifacts for display and research at suitable locations within the state.

8. Advise the director with respect to the policies, programs, and procedures of the department.

9. Approve the state preservation plan submitted by the state historic preservation officer.

10. Establish rules for membership in the state historical society, including rules relating to membership fees.

11. Submit biennially to the governor, through the board chairperson, a report of the activities of the department, and an evaluation of the department, its programs, and policies.

12. Perform other functions prescribed by law to further historically-related matters in the state.

Sec. 8. Section 303.9, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 11, is amended to read as follows:

303.9 FUNDS RECEIVED BY STATE HISTORICAL DEPARTMENT.

1. All funds received by the state historical department, including but not limited to gifts, endowments, funds from

the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the state historical department and are appropriated to the state historical department to be invested or used for programs and purposes under the authority of the state historical board. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 9.33 does not apply to funds credited to the state historical department under this section.

2. The department may sell mementos and other items relating to Iowa history and historic sites on the premises of property under control of the department and at the state capitol. The department is not a retailer under chapter 422 and the sale of such items is not a retail sale under chapter 422 and is exempt from the sales tax.

Sec. 9. Section 303.11, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state historical board may accept gifts and bequests which shall be used in accordance with the desires of the donor if expressed. Funds contained in an endowment fund for either the department of history and archives of the state historical society existing on July 1, 1974 shall remain an endowment of ~~either the division of historical museum and archives or the division of the state historical society~~ the department. ~~After July 1, 1974, gifts shall be accepted only on behalf of the state historical department, and gifts to a division, branch, or section of the department are presumed to be gifts to the department. Funds in an endowment fund may be invested by the state historical board.~~

Sec. 10. Section 303.12, Code 1981, is amended to read as follows:

303.12 ARCHIVES. Archives means those documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the executive director of the ~~historical museum and archives~~ state historical department as having sufficient historical, research, or informational value to warrant permanent preservation. The executive director of the ~~division of historical museum and archives~~ state historical department is the trustee and custodian of the archives of Iowa, except that archives do not include county or municipal archives unless they are voluntarily deposited with the executive director with the written consent of the executive director. The executive director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be so labeled before the archives may be transferred to the executive director's custody.

Sec. 11. Section 303.13, Code 1981, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES. The ~~several~~ state, executive, and administrative departments, officers or offices, councils, boards, bureaus, and commissions, may transfer and deliver to the state historical department archives as defined in section 303.12 and as prescribed in the records management manual. Before transferring archives, the office of present custody shall file with the executive director a classified list of the archives being transferred ~~made in such detail as the executive director shall prescribe~~. If the executive director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, ~~shall find~~ finds that, according to the records

management manual, certain classifications of the archives listed are not of sufficient historical, legal or administrative value to justify permanent preservation, the executive director shall not accept the material for deposit in the state archives.

Sec. 12. Section 303.14, Code 1981, is amended to read as follows:

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

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

Sec. 13. Section 303.15, Code 1981, is amended to read as follows:

303.15 CERTIFIED COPIES--FEES. Upon request of any a person, the executive director of the ~~division of historical museums and archives or the director of the division of the state historical society~~ department shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the ~~division of the state historical society, and when~~ department except where

reproduction is inappropriate because of legal, curatorial, or physical considerations. When a copy is properly authenticated it ~~shall have~~ has the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. The copy may be made in writing, or by any a suitable photographic process. The executive director shall charge and collect for ~~such~~ copies the fees allowed by law to the official in whose office the document originates for ~~such~~ certified copies. The executive director shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 14. Section 303.20, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Department" means the Iowa state historical department.

Sec. 15. Section 303.21, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Not less than ten percent of the eligible voters in an area of asserted historical significance may petition the ~~division~~ department for a referendum for the establishment of a district.

Sec. 16. Section 303.22, Code 1981, is amended to read as follows:

303.22 ACTION BY ~~DIVISION~~ DEPARTMENT. The ~~division~~ department shall hold a hearing not less than thirty days or more than sixty days after the petition is received. The ~~division~~ department shall publish notice of the hearing, at a reasonable time before the hearing is to take place, and shall post notice of the hearing in a reasonable number of places within the suggested district. The cost of notification shall be paid by the persons who petition for the establishment of a district.

At the hearing the ~~division~~ department shall hear interested persons, accept written presentations, and shall determine

whether the suggested district is an area of historical significance which may properly be established as a historical preservation district pursuant to the provisions of this division of this chapter. The ~~division~~ department may determine the boundaries which shall be established for the district. The ~~division~~ department shall not include property which is not included in the suggested district unless the owner of such the property is given an opportunity to be heard.

The division department, if it determines that the suggested district meets the criteria for establishment as a historical preservation district, shall indicate the owners of the property and residents included and shall forward a list of such owners and residents to the county commissioner of elections.

If the ~~division~~ department determines that the suggested district does not meet the criteria for establishment as a historical preservation district, it shall so notify the petitioners.

Sec. 17. Section 303.23, Code 1981, is amended to read as follows:

303.23 REFERENDUM. Within thirty days after the receipt of the list of owners of property and residents within the suggested historical preservation district, the ~~county commissioner-of-elections~~ department shall fix a date not more than forty-five days from the receipt of the petition seeking a referendum on the question of establishment of a historical preservation district. The department, after consultation with the county commissioner of elections, shall specify the polling place within the suggested district that will best serve the convenience of the voters and shall appoint from residents of the proposed district three judges and two clerks of election.

Sec. 18. Section 303.24, Code 1981, is amended to read as follows:

303.24 NOTICE. The department, after consultation with the county commissioner of elections, shall post notice of the referendum in a reasonable number of places within the suggested district a reasonable time before it is to take place. The notice shall state the purpose of the referendum, a description of the district, the date of the referendum, the location of the polling place, and the hours when the polls will open and close.

Sec. 19. Section 303.34, subsections 1 and 4, Code 1981, are amended to read as follows:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to ~~the division of historical preservation of~~ the Iowa state historical department which shall determine if the proposed area meets the criteria provided in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the ~~division of historical preservation~~ department shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

4. An area shall only be designated an area of historical significance upon enactment of an ordinance of the city. Before such-an the ordinance is-enacted or an amendment thereto to it is enacted, the governing body of the city shall submit such the ordinance or amendment to the ~~division of historical preservation of the~~ Iowa state historical department for its review and recommendations.

Sec. 20. Section 304.3, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. The executive director of the Iowa state historical department.

Sec. 21. Section 304.10, Code 1981, is amended to read as follows:

304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL MUSEUM AND-ARCHIVES DEPARTMENT--DUTIES. All lists and schedules submitted to the commission shall be referred to the executive director of the Iowa state historical museum-and-archives department, who shall determine whether the records proposed for disposal have value to other agencies of the state or have research or historical value. The executive director of-the-historical-museum-and-archives shall submit the lists and schedules with his-or-her recommendations in writing to the commission and the final disposition of the records shall be according to the orders of the commission.

Sec. 22. Section 470.5, Code 1981, is amended to read as follows:

470.5 EXCEPTIONS. This chapter does not apply to buildings currently used on January 1, 1980 by the division of adult corrections of the department of social services as maximum security detention facilities or to the renovation of property nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of historic places compiled by the executive director of the division-of-historical-preservation-of-the Iowa state historical department.

Sec. 23. Sections 303.7 and 303.8, Code 1981, are repealed.

Sec. 24. The terms of members of the state historical board serving on the effective date of this Act shall expire June 30, 1982. The initial terms of members of the state historical board established in section 1 of this Act shall commence July 1, 1982 and be staggered so that two members shall serve until April 30, 1983, two members shall serve until April 30, 1984, and three members shall serve until April 30, 1985.

The governor shall give preference in appointment of members of the state historical board to members of the state historical board serving on June 30, 1982.

The initial term of office of the executive director shall end April 30, 1985.

DELWYN STROMER
Speaker of the House

TERRY F. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 828, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor