

reprinted 3-1-89

FEB 21 1989

HOUSE FILE 367

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 100)

Passed House, Date 3-1-89 (p.610) Passed Senate, Date 4-12-89 (p.1388)  
Vote: Ayes 93 Nays 0 Vote: Ayes 46 Nays 0  
Approved May 2, 1989

A BILL FOR

1 An Act relating to the powers and duties of the state historical  
2 society and the historical division of the department of  
3 cultural affairs.

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

5  
6  
7

HOUSE FILE 367

H-3263

1 Amend House File 367 as follows:  
2 1. Page 1, by striking lines 11 through 14 and  
3 inserting the following: "of whom shall be  
4 ~~professional-historians-or-archaeologists~~ on the  
5 faculty of a college or university in the state in  
6 disciplines related to the activities of the  
7 historical society."

By BEATTY of Warren

H-3263 FILED FEBRUARY 28, 1989

ADOPTED 3-1-89 (p.609)

HF 367

18  
19  
20  
21  
22  
23

1 Section 1. Section 303.4, Code 1989, is amended to read as  
2 follows:

3 303.4 STATE HISTORICAL SOCIETY OF IOWA -- BOARD OF  
4 TRUSTEES.

5 1. A state historical society board of trustees is  
6 established consisting of seven members selected as follows:

7 i a. Three members shall be elected by the members of the  
8 state historical society according to rules established by the  
9 board of trustees.

30 2 b. Four members shall be appointed by the governor, two  
11 of whom shall be professional historians or archaeologists in  
12 disciplines related to the activities of the historical  
13 society and currently on the faculty of a college or  
14 university in the state.

15 2. The term of office of members of the board of trustees  
16 is three years commencing and ending as provided in section  
17 69.19. The terms of office of the governor's appointees are  
18 staggered so that in one year two members are appointed and in  
19 each of the next two years one member is appointed.

20 Sec. 2. NEW SECTION. 303.5 POWERS AND DUTIES OF STATE  
21 HISTORICAL SOCIETY ADMINISTRATOR.

22 The state historical society administrator may:

23 1. Make and sign any agreements and perform any acts which  
24 are necessary, desirable, or proper to carry out the purpose  
25 of the division.

26 2. Request and obtain assistance and data from any de-  
27 partment, division, board, bureau, commission, or agency of  
28 the state.

29 3. Accept any federal funds granted, by act of congress or  
30 by executive order, for all or any purposes of this  
31 subchapter.

32 Sec. 3. Section 303.7, Code 1989, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 4. Notwithstanding section 633.63, the  
35 board may enter into agreements authorizing nonprofit

1 foundations acting solely for the support of the state  
2 historical society to administer its membership program and  
3 funds.

4 Sec. 4. Section 303.8, subsection 1, paragraphs a through  
5 d, Code 1989, are amended to read as follows:

6 a. Recommend to the department state historical society a  
7 comprehensive, coordinated, and efficient policy to preserve,  
8 research, interpret, and promote to the public an awareness  
9 and understanding of local, state, and regional history.

10 b. Make recommendations to the direeter division  
11 administrator on historically related matters.

12 c. Review and recommend to the director or the director's  
13 designee policy decisions regarding the division.

14 d. Recommend to the direector state historic preservation  
15 officer for approval the state preservation plan submitted-by  
16 the-state-historic-preservation-officer.

17 Sec. 5. Section 303.9, Code 1989, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 3. Notwithstanding section 633.63, the  
20 board may authorize nonprofit foundations acting solely for  
21 the support of the state historical society of Iowa to accept  
22 and administer trusts deemed by the board to be beneficial to  
23 the division's operations. The board and the foundation may  
24 act as trustees in such instances.

25 Sec. 6. Section 303.11, unnumbered paragraph 1, Code 1989,  
26 is amended to read as follows:

27 The department division may accept gifts and bequests which  
28 shall be used in accordance with the desires of the donor if  
29 expressed. Funds contained in an endowment fund for either  
30 the department of history and archives or the state historical  
31 society existing on July 1, 1974 remain an endowment of the  
32 department division. Gifts shall be accepted only on behalf  
33 of the department division, and gifts to a part, branch, or  
34 section of the department division are presumed to be gifts to  
35 the department division.

1 Sec. 7. Section 303.12, Code 1989, is amended to read as  
2 follows:

3 303.12 ARCHIVES.

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

22 Sec. 8. Section 303.13, Code 1989, is amended to read as  
23 follows:

24 303.13 TRANSFER OF ARCHIVES.

25 The state executive and administrative departments,  
26 officers or offices, councils, boards, bureaus, and  
27 commissions, shall transfer and deliver to the department  
28 state archives as defined in section 303.12 and as prescribed  
29 in the records management manual. Before transferring  
30 archives, the office of present custody shall file with the  
31 ~~director~~ state archivist a classified list of the archives  
32 being transferred in detail as the ~~director~~ state archivist  
33 prescribes. If the ~~director~~ state archivist, on receipt of  
34 the list, and after consultation with the chief executive of  
35 the office filing the classified list or with a representative

1 designated by the executive, finds that, according to the  
2 records management manual, certain classifications of the  
3 archives listed are not of sufficient historical, legal, or  
4 administrative value to justify permanent preservation, the  
5 director state archivist shall not accept the material for  
6 deposit in the state archives.

7 Sec. 9. Section 303.14, Code 1989, is amended to read as  
8 follows:

9 303.14 REMOVAL OF ORIGINAL.

10 After archives have been received by the director state  
11 archivist, they shall not be removed from the director's state  
12 archivist's custody without the director's state archivist's  
13 consent except in obedience to a subpoena of a court of record  
14 or a written order of the state executive council.

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

27 Sec. 10. Section 303.15, Code 1989, is amended to read as  
28 follows:

29 303.15 CERTIFIED COPIES -- FEES.

30 Upon request of a person, the director-of-the-department  
31 state archivist shall make a certified copy of any document,  
32 manuscript, or record contained in the archives or in the  
33 custody of the department except if reproduction is  
34 inappropriate because of legal, curatorial, or physical  
35 considerations. If a copy is properly authenticated it has

1 the same legal effect as though certified by the officer from  
2 whose office it was obtained or by the secretary of state.  
3 The copy may be made in writing, or by a suitable photographic  
4 process. The director state archivist shall charge and  
5 collect for copies the fees allowed by law to the official in  
6 whose office the document originates for certified copies.  
7 The director state archivist shall charge a person requesting  
8 a search of census records for the purpose of determining  
9 genealogy the actual cost of performing the search.

324/10 Sec. 11. Section 303.16, subsection 5, paragraph g, Code  
11 1989, is amended to read as follows:

12 g. Grants or loans under this program may be given only  
13 after review and recommendation by the state historical  
14 society board of trustees.

15 EXPLANATION

16 This bill provides for staggered terms of the members of  
17 the state historical society board of trustees. A new section  
18 is added describing the powers and duties of the state  
19 historical society administrator. New provisions are added  
20 allowing nonprofit foundations to administer the membership  
21 program and funds of the society and to accept and administer  
22 trusts. The historical division, rather than the department  
23 of cultural affairs, is authorized to accept gifts and  
24 bequests. The bill redirects some duties and responsibilities  
25 from the director to other persons such as certain division  
26 administrators, the state historic preservation officer, and  
27 the state archivist.

28  
29  
30  
31  
32  
33  
34  
35

HOUSE FILE 367

H-3241

1 Amend House File 367 as follows:

2 1. Page 5, lines 10 and 11, by striking the  
3 following: "paragraph g, Code 1989, is amended to  
4 read as follows:" and inserting the following:  
5 "paragraphs e, f, and g, Code 1989, are amended to  
6 read as follows:

7 e. Not more than fifty one hundred thousand  
8 dollars or twenty percent of the annual appropriation,  
9 whichever is more, shall be granted to recipients  
10 within any single county in any given grant cycle.

11 f. Not more than twenty-five one hundred thousand  
12 dollars or ten percent of the annual appropriation,  
13 whichever is more, may be granted or loaned to any  
14 single recipient within a single fiscal year."

15 2. Page 5, by inserting after line 14 the  
16 following:

17 "Sec. \_\_\_\_ . Section 303.16, subsection 8, paragraph  
18 a, Code 1989, is amended to read as follows:

19 a. The department may establish a historical  
20 resource revolving loan fund composed of any money  
21 appropriated by the general assembly for that purpose,  
22 and of any other moneys available to and obtained or  
23 accepted by the department from the federal government  
24 or private sources for placement in that fund. Each  
25 loan made under this section shall be for a period not  
26 to exceed ten years, shall bear interest at a rate  
27 determined by the state historical board, and shall be  
28 repayable to the revolving loan fund in equal yearly  
29 installments due March 1 of each year the loan is in  
30 effect. The interest rate upon loans for which  
31 payment is delinquent shall accelerate immediately to  
32 the current legal usury limit. Applicants ~~shall be~~  
33 are eligible for no not more than twenty-five one  
34 hundred thousand dollars in loans outstanding at any  
35 time under this program."

By GRONINGA of Cerro Gordo

H-3241 FILED FEBRUARY 27, 1989

ADOPTED 3-1-89 (p. 609)

Sen. State Gov.  
3-21-89 - DO pass (p. 955)

HOUSE FILE 367  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 100)

(As Amended and Passed by the House March 1, 1989)

Passed House, Date \_\_\_\_\_ Passed Senate, Date 4-2-89 (p. 1388)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 46 Nays 0  
Approved 5-2-89 (p. 2326)

A BILL FOR

1 An Act relating to the powers and duties of the state historical  
2 society and the historical division of the department of  
3 cultural affairs.

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

House Amendments \_\_\_\_\_

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

1 Section 1. Section 303.4, Code 1989, is amended to read as  
2 follows:

3 303.4 STATE HISTORICAL SOCIETY OF IOWA -- BOARD OF  
4 TRUSTEES.

5 1. A state historical society board of trustees is  
6 established consisting of seven members selected as follows:

7 a. Three members shall be elected by the members of the  
8 state historical society according to rules established by the  
9 board of trustees.

10 b. Four members shall be appointed by the governor, two  
11 of whom shall be professional-historians-or-archaeologists on  
12 the faculty of a college or university in the state in  
13 disciplines related to the activities of the historical  
14 society.

15 2. The term of office of members of the board of trustees  
16 is three years commencing and ending as provided in section  
17 69.19. The terms of office of the governor's appointees are  
18 staggered so that in one year two members are appointed and in  
19 each of the next two years one member is appointed.

20 Sec. 2. NEW SECTION. 303.5 POWERS AND DUTIES OF STATE  
21 HISTORICAL SOCIETY ADMINISTRATOR.

22 The state historical society administrator may:

23 1. Make and sign any agreements and perform any acts which  
24 are necessary, desirable, or proper to carry out the purpose  
25 of the division.

26 2. Request and obtain assistance and data from any  
27 department, division, board, bureau, commission, or agency of  
28 the state.

29 3. Accept any federal funds granted, by act of congress or  
30 by executive order, for all or any purposes of this  
31 subchapter.

32 Sec. 3. Section 303.7, Code 1989, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 4. Notwithstanding section 633.63, the  
35 board may enter into agreements authorizing nonprofit

1 foundations acting solely for the support of the state  
2 historical society to administer its membership program and  
3 funds.

4 Sec. 4. Section 303.8, subsection 1, paragraphs a through  
5 d, Code 1989, are amended to read as follows:

6 a. Recommend to the department state historical society a  
7 comprehensive, coordinated, and efficient policy to preserve,  
8 research, interpret, and promote to the public an awareness  
9 and understanding of local, state, and regional history.

10 b. Make recommendations to the director division  
11 administrator on historically related matters.

12 c. Review and recommend to the director or the director's  
13 designee policy decisions regarding the division.

14 d. Recommend to the director state historic preservation  
15 officer for approval the state preservation plan submitted by  
16 ~~the-state-historic-preservation-officer.~~

17 Sec. 5. Section 303.9, Code 1989, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 3. Notwithstanding section 633.63, the  
20 board may authorize nonprofit foundations acting solely for  
21 the support of the state historical society of Iowa to accept  
22 and administer trusts deemed by the board to be beneficial to  
23 the division's operations. The board and the foundation may  
24 act as trustees in such instances.

25 Sec. 6. Section 303.11, unnumbered paragraph 1, Code 1989,  
26 is amended to read as follows:

27 The department division may accept gifts and bequests which  
28 shall be used in accordance with the desires of the donor if  
29 expressed. Funds contained in an endowment fund for either  
30 the department of history and archives or the state historical  
31 society existing on July 1, 1974 remain an endowment of the  
32 department division. Gifts shall be accepted only on behalf  
33 of the department division, and gifts to a part, branch, or  
34 section of the department division are presumed to be gifts to  
35 the department division.

1 Sec. 7. Section 303.12, Code 1989, is amended to read as  
2 follows:

3 303.12 ARCHIVES.

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

22 Sec. 8. Section 303.13, Code 1989, is amended to read as  
23 follows:

24 303.13 TRANSFER OF ARCHIVES.

25 The state executive and administrative departments,  
26 officers or offices, councils, boards, bureaus, and  
27 commissions, shall transfer and deliver to the ~~department~~  
28 state archives as defined in section 303.12 and as prescribed  
29 in the records management manual. Before transferring  
30 archives, the office of present custody shall file with the  
31 ~~director~~ state archivist a classified list of the archives  
32 being transferred in detail as the ~~director~~ state archivist  
33 prescribes. If the ~~director~~ state archivist, on receipt of  
34 the list, and after consultation with the chief executive of  
35 the office filing the classified list or with a representative

1 designated by the executive, finds that, according to the  
2 records management manual, certain classifications of the  
3 archives listed are not of sufficient historical, legal, or  
4 administrative value to justify permanent preservation, the  
5 director state archivist shall not accept the material for  
6 deposit in the state archives.

7 Sec. 9. Section 303.14, Code 1989, is amended to read as  
8 follows:

9 303.14 REMOVAL OF ORIGINAL.

10 After archives have been received by the director state  
11 archivist, they shall not be removed from the director's state  
12 archivist's custody without the director's state archivist's  
13 consent except in obedience to a subpoena of a court of record  
14 or a written order of the state executive council.

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

27 Sec. 10. Section 303.15, Code 1989, is amended to read as  
28 follows:

29 303.15 CERTIFIED COPIES -- FEES.

30 Upon request of a person, the director-of-the-department  
31 state archivist shall make a certified copy of any document,  
32 manuscript, or record contained in the archives or in the  
33 custody of the department except if reproduction is  
34 inappropriate because of legal, curatorial, or physical  
35 considerations. If a copy is properly authenticated it has

1 the same legal effect as though certified by the officer from  
2 whose office it was obtained or by the secretary of state.  
3 The copy may be made in writing, or by a suitable photographic  
4 process. The director state archivist shall charge and  
5 collect for copies the fees allowed by law to the official in  
6 whose office the document originates for certified copies.  
7 The director state archivist shall charge a person requesting  
8 a search of census records for the purpose of determining  
9 genealogy the actual cost of performing the search.

10 Sec. 11. Section 303.16, subsection 5, paragraphs e, f,  
11 and g, Code 1989, are amended to read as follows:

12 e. Not more than fifty one hundred thousand dollars or  
13 twenty percent of the annual appropriation, whichever is more,  
14 shall be granted to recipients within any single county in any  
15 given grant cycle.

16 f. Not more than twenty-five one hundred thousand dollars  
17 or ten percent of the annual appropriation, whichever is more,  
18 may be granted or loaned to any single recipient within a  
19 single fiscal year.

20 g. Grants or loans under this program may be given only  
21 after review and recommendation by the state historical  
22 society board of trustees.

23 Sec. 12. Section 303.16, subsection 8, paragraph a, Code  
24 1989, is amended to read as follows:

25 a. The department may establish a historical resource  
26 revolving loan fund composed of any money appropriated by the  
27 general assembly for that purpose, and of any other moneys  
28 available to and obtained or accepted by the department from  
29 the federal government or private sources for placement in  
30 that fund. Each loan made under this section shall be for a  
31 period not to exceed ten years, shall bear interest at a rate  
32 determined by the state historical board, and shall be  
33 repayable to the revolving loan fund in equal yearly  
34 installments due March 1 of each year the loan is in effect.  
35 The interest rate upon loans for which payment is delinquent

1 shall accelerate immediately to the current legal usury limit.  
2 Applicants shall-be are eligible for no not more than twenty-  
3 five one hundred thousand dollars in loans outstanding at any  
4 time under this program.

5

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

NSB 100

STATE GOVERNMENT

*1945*

HOUSE FILE 367

BY (PROPOSED DEPARTMENT OF  
CULTURAL AFFAIRS BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the powers and duties of the state historical  
2 society and the historical division of the department of  
3 cultural affairs.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 303.4, subsection 2, unnumbered  
2 paragraph 2, Code 1989, is amended to read as follows:

3 The term of office of members of the board of trustees is  
4 three years, with terms staggered so that two members are  
5 appointed one year and one member is appointed in each of the  
6 next two years, commencing and ending as provided in section  
7 69.19.

8 Sec. 2. NEW SECTION. 303.5 POWERS AND DUTIES OF STATE  
9 HISTORICAL SOCIETY ADMINISTRATOR.

10 The state historical society administrator, the director of  
11 cultural affairs, or the director's designee may:

12 1. Make and sign any agreements and perform any acts which  
13 are necessary, desirable, or proper to carry out the purpose  
14 of the division.

15 2. Request and obtain assistance and data from any de-  
16 partment, division, board, bureau, commission, or agency of  
17 the state.

18 3. Accept any federal funds granted, by act of congress or  
19 by executive order, for all or any purposes of this  
20 subchapter, and receive and disburse as the official agent of  
21 the state any funds made available by the national endowment  
22 for the arts.

23 4. Accept gifts, contributions, endowments, bequests, or  
24 other moneys available for all or any of the purposes of the  
25 division. Interest earned on the gifts, contributions,  
26 endowments, bequests, or other moneys accepted under this  
27 subsection shall be credited to the fund or funds to which the  
28 gifts, contributions, endowments, bequests, or other moneys  
29 have been deposited, and is available for all or any of the  
30 purposes of the division.

31 Sec. 3. Section 303.7, Code 1989, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 4. Notwithstanding section 633.63, the  
34 board may enter into agreements authorizing nonprofit  
35 foundations acting solely for the support of the state

1 historical society to administer its membership program and  
2 funds.

3 Sec. 4. Section 303.8, subsection 1, paragraphs a through  
4 d, Code 1989, are amended to read as follows:

5 a. Recommend to the department state historical society a  
6 comprehensive, coordinated, and efficient policy to preserve,  
7 research, interpret, and promote to the public an awareness  
8 and understanding of local, state, and regional history.

9 b. Make recommendations to the director or the director's  
10 designee on historically related matters.

11 c. Review and recommend to the director or the director's  
12 designee policy decisions regarding the division.

13 d. Recommend to the director or the director's designee  
14 for approval the state preservation plan submitted by the  
15 state historic preservation officer.

16 Sec. 5. Section 303.9, Code 1989, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 3. Notwithstanding section 633.63, the  
19 board may authorize nonprofit foundations acting solely for  
20 the support of the state historical society of Iowa to accept  
21 and administer trusts deemed by the board to be beneficial to  
22 the division's operations. The board and the foundations may  
23 act as trustees in such instances.

24 Sec. 6. Section 303.11, unnumbered paragraph 1, Code 1989,  
25 is amended to read as follows:

26 The department division may accept gifts and bequests which  
27 shall be used in accordance with the desires of the donor if  
28 expressed. Funds contained in an endowment fund for either  
29 the department of history and archives or the state historical  
30 society existing on July 1, 1974 remain an endowment of the  
31 department division. Gifts shall be accepted only on behalf  
32 of the department division, and gifts to a part, branch, or  
33 section of the department division are presumed to be gifts to  
34 the department division.

35 Sec. 7. Section 303.12, Code 1989, is amended to read as

1 follows:

2 303.12 ARCHIVES.

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

22 Sec. 8. Section 303.13, Code 1989, is amended to read as  
23 follows:

24 303.13 TRANSFER OF ARCHIVES.

25 The state executive and administrative departments,  
26 officers or offices, councils, boards, bureaus, and  
27 commissions, shall transfer and deliver to the ~~department~~  
28 state archives as defined in section 303.12 and as prescribed  
29 in the records management manual. Before transferring  
30 archives, the office of present custody shall file with the  
31 director or the director's designee a classified list of the  
32 archives being transferred in detail as the director or the  
33 director's designee prescribes. If the director or the  
34 director's designee, on receipt of the list, and after  
35 consultation with the chief executive of the office filing the

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

8 Sec. 9. Section 303.14, Code 1989, is amended to read as  
9 follows:

10 303.14 REMOVAL OF ORIGINAL.

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

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

28 Sec. 10. Section 303.15, Code 1989, is amended to read as  
29 follows:

30 303.15 CERTIFIED COPIES -- FEES.

31 Upon request of a person, the director ~~of the department~~ or  
32 the director's designee shall make a certified copy of any  
33 document, manuscript, or record contained in the archives or  
34 in the custody of the department except if reproduction is  
35 inappropriate because of legal, curatorial, or physical

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

12 Sec. 11. Section 303.16, subsection 5, paragraph g, Code  
13 1989, is amended to read as follows:

14 g. Grants or loans under this program may be given only  
15 after review and recommendation by the state historical  
16 society board of trustees.

17 Sec. 12. Section 303.16, subsection 7, Code 1989, is  
18 amended to read as follows:

19 7. The department may use ten percent of the amount  
20 appropriated to the department, but in no event more than  
21 seventy-five thousand dollars or less than twenty-five  
22 thousand dollars, for administration of the grant and loan  
23 program.

#### 24 EXPLANATION

25 This bill provides for staggered terms of the members of  
26 the state historical society board of trustees. A new section  
27 is added describing the powers and duties of the state  
28 historical society administrator, the director of cultural  
29 affairs, or the director's designee. New provisions are added  
30 allowing nonprofit foundations to administer the membership  
31 program and funds of the society and to accept and administer  
32 trusts. The bill provides for amending the term "director" to  
33 include "director or the director's designee". The bill  
34 provides that the historical division may use ten percent of  
35 its appropriation, up to seventy-five thousand dollars, but in

1 no event less than twenty-five thousand dollars, for the  
2 administration of the grant and loan program.

3 BACKGROUND STATEMENT

4 SUBMITTED BY THE AGENCY

5 The State Historical Society of Iowa, and the Historical  
6 Division of the Department of Cultural Affairs, requests the  
7 proposed legislative changes for the reasons noted below:

8 (1) Section 303.4(2): In the recent reorganization of  
9 state government the Board of Trustees of the State Historical  
10 Society was modified to combine the Board of the State  
11 Historical Department and the Board of Trustees of the State  
12 Historical Society. The combined Board includes three members  
13 elected by members of the Society and four members appointed  
14 by the Governor. The terms of office for the elected members  
15 are staggered by rules filed by the Society. However, the  
16 Code presently permits the four appointed members to be  
17 appointed in the same year. In the interest of maintaining  
18 continuity of Board experience and knowledge the requested  
19 change requires staggered terms. This change is in compliance  
20 with section 69.19.

21 (2) Section 303.5: In the recent reorganization the  
22 Department of Cultural Affairs was created by combining the  
23 Arts Council, State Library, Iowa Public Television, and the  
24 State Historical Department. This proposed change provides  
25 the same powers for the administrator of the State Historical  
26 Society as exists for the administrator of the Arts division.

27 (3) Sections 303.7(4) and 303.9(3): The State Historical  
28 Society of Iowa has been supported by several private  
29 foundations (Iowa Historical Museum Foundation, Iowa  
30 Historical Foundation) organized for the purpose of supporting  
31 the Society. The proposed Code change clarifies the  
32 relationship between the Board of Trustees of the State  
33 Historical Society of Iowa and the nonprofit foundations.  
34 This action covers both the membership program and funds.

35 (4) Sections 303.8(1), 303.12, 303.13, 303.14, and 303.15:

1 In the recent reorganization of state government the powers  
2 and duties of the Director of the Department of Cultural  
3 Affairs, Administrator of the State Historical Society, and  
4 the State Archivist stated in the Code were confused by  
5 inconsistency in language. These proposed changes clarify the  
6 powers and duties of all officers by specifying the powers and  
7 duties of the Director of the Department of Cultural Affairs  
8 or his designee throughout. The subsequent delegation by the  
9 Director of the Department of Cultural Affairs will clarify  
10 the lines of responsibility. These changes are believed to be  
11 in keeping with the original spirit of state government  
12 reorganization.

13 (5) Section 303.11: Prior to state government reor-  
14 ganization the State Historical Department and the State  
15 Historical Society had the power to accept gifts and maintain  
16 endowment funds. In the reorganization the language of 303.11  
17 was not changed to reflect the change from department to  
18 division of the State Historical Department and the State  
19 Historical Society. This proposed change corrects the Code to  
20 reflect the current divisional status of the State Historical  
21 Society.

22 (6) Section 303.16(5): As noted above the State His-  
23 torical Society Board of Trustees was reorganized during the  
24 recent reorganization of state government. This proposed  
25 change corrects the language to place the review power for  
26 Historical Resource Development Grants in the currently  
27 existing Board of Trustees of the State Historical Society  
28 Board of Trustees. The State Historical Board as noted in  
29 this section was eliminated.

30 (7) Section 303.16(7): This proposed change modifies the  
31 current Code section to provide reasonable funding for ad-  
32 ministration of the Historical Resource Development Grants  
33 when the program is funded. The minimum amount of \$25,000  
34 provides salary and operating expenses for a program person if  
35 the program receives minimal funding. The \$75,000 or 10% of

1 the appropriated amount is the maximum that the Society  
2 believes necessary to administer the program when the funding  
3 becomes substantial.

- 4
- 5
- 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

HOUSE FILE 367

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE STATE HISTORICAL SOCIETY AND THE HISTORICAL DIVISION OF THE DEPARTMENT OF CULTURAL AFFAIRS.

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

Section 1. Section 303.4, Code 1989, is amended to read as follows:

303.4 STATE HISTORICAL SOCIETY OF IOWA -- BOARD OF TRUSTEES.

1. A state historical society board of trustees is established consisting of seven members selected as follows:

1 a. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

2 b. Four members shall be appointed by the governor, two of whom shall be professional-historians-or-archaeologists on the faculty of a college or university in the state in disciplines related to the activities of the historical society.

2. The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19. The terms of office of the governor's appointees are staggered so that in one year two members are appointed and in each of the next two years one member is appointed.

Sec. 2. NEW SECTION. 303.5 POWERS AND DUTIES OF STATE HISTORICAL SOCIETY ADMINISTRATOR.

The state historical society administrator may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.

2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.

3. Accept any federal funds granted, by act of congress or by executive order, for all or any purposes of this subchapter.

Sec. 3. Section 303.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 633.63, the board may enter into agreements authorizing nonprofit foundations acting solely for the support of the state historical society to administer its membership program and funds.

Sec. 4. Section 303.8, subsection 1, paragraphs a through d, Code 1989, are amended to read as follows:

a. Recommend to the department state historical society 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.

b. Make recommendations to the director division administrator on historically related matters.

c. Review and recommend to the director or the director's designee policy decisions regarding the division.

d. Recommend to the director state historic preservation officer for approval the state preservation plan submitted by the state-historic-preservation-officer.

Sec. 5. Section 303.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 633.63, the board may authorize nonprofit foundations acting solely for the support of the state historical society of Iowa to accept and administer trusts deemed by the board to be beneficial to the division's operations. The board and the foundation may act as trustees in such instances.

Sec. 6. Section 303.11, unnumbered paragraph 1, Code 1989, is amended to read as follows:

HF 367

The department division 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 or the state historical society existing on July 1, 1974 remain an endowment of the department division. Gifts shall be accepted only on behalf of the department division, and gifts to a part, branch, or section of the department division are presumed to be gifts to the department division.

Sec. 7. Section 303.12, Code 1989, is amended to read as follows:

303.12 ARCHIVES.

"Archives" means 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 director-of-the-department state archivist as having sufficient historical, research, or informational value to warrant permanent preservation. The director-of-the-department state archivist is the trustee and custodian of the archives of Iowa, except that county or municipal archives are not included unless they are voluntarily deposited with the director state archivist with the written consent of the director state archivist. The director state archivist 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 labeled before the archives may be transferred to the director's state archivist's custody.

Sec. 8. Section 303.13, Code 1989, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES.

The state executive and administrative departments, officers or offices, councils, boards, bureaus, and commissions, shall transfer and deliver to the department

state 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 director state archivist a classified list of the archives being transferred in detail as the director state archivist prescribes. If the director state archivist, 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, 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 director state archivist shall not accept the material for deposit in the state archives.

Sec. 9. Section 303.14, Code 1989, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL.

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

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

Sec. 10. Section 303.15, Code 1989, is amended to read as follows:

303.15 CERTIFIED COPIES -- FEES.

Upon request of a person, the ~~director of the department~~ state archivist shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the department except if reproduction is inappropriate because of legal, curatorial, or physical considerations. If a copy is properly authenticated it 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 a suitable photographic process. The director state archivist shall charge and collect for copies the fees allowed by law to the official in whose office the document originates for certified copies. The director state archivist shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 11. Section 303.16, subsection 5, paragraphs e, f, and g, Code 1989, are amended to read as follows:

e. Not more than fifty one hundred thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted to recipients within any single county in any given grant cycle.

f. Not more than twenty-five one hundred thousand dollars or ten percent of the annual appropriation, whichever is more, may be granted or loaned to any single recipient within a single fiscal year.

g. Grants or loans under this program may be given only after review and recommendation by the state historical society board of trustees.

Sec. 12. Section 303.16, subsection 8, paragraph a, Code 1989, is amended to read as follows:

a. The department may establish a historical resource revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a

period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants shall be are eligible for no not more than twenty-five one hundred thousand dollars in loans outstanding at any time under this program.

---

DONALD D. AVENSON  
Speaker of the House

---

JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 367, Seventy-third General Assembly.

---

JOSEPH O'HERN  
Chief Clerk of the House

Approved May 2, 1989

---

TERRY E. BRANSTAD  
Governor