

Senate File 410 - Introduced

SENATE FILE 410
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 163)

(COMPANION TO HF 103 BY
WINCKLER)

A BILL FOR

1 An Act relating to the duties and operations of the state
2 commission of libraries, the division of libraries and
3 information services, and the library service areas.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.454, subsection 2, Code 2011, is
2 amended to read as follows:

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

19 Sec. 2. Section 8D.2, subsection 5, paragraph a, Code 2011,
20 is amended to read as follows:

21 a. "Public agency" means a state agency, an institution
22 under the control of the board of regents, the judicial
23 branch as provided in section 8D.13, subsection 16, a school
24 corporation, a city library, ~~a library service area as provided~~
25 ~~in chapter 256~~, a county library as provided in chapter 336,
26 or a judicial district department of correctional services
27 established in section 905.2, to the extent provided in section
28 8D.13, subsection 14, an agency of the federal government, or a
29 United States post office which receives a federal grant for
30 pilot and demonstration projects.

31 Sec. 3. Section 8D.9, subsection 1, Code 2011, is amended
32 to read as follows:

33 1. A private or public agency, other than a state agency,
34 local school district or nonpublic school, city library,
35 ~~library service area~~, county library, judicial branch, judicial

1 district department of correctional services, agency of the
2 federal government, a hospital or physician clinic, or a
3 post office authorized to be offered access pursuant to this
4 chapter as of May 18, 1994, shall certify to the commission
5 no later than July 1, 1994, that the agency is a part of or
6 intends to become a part of the network. Upon receiving such
7 certification from an agency not a part of the network on May
8 18, 1994, the commission shall provide for the connection of
9 such agency as soon as practical. An agency which does not
10 certify to the commission that the agency is a part of or
11 intends to become a part of the network as required by this
12 subsection shall be prohibited from using the network.

13 Sec. 4. Section 8D.11, subsection 4, Code 2011, is amended
14 to read as follows:

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

23 Sec. 5. Section 12C.1, subsection 1, Code 2011, is amended
24 to read as follows:

25 1. All funds held by the following officers or institutions
26 shall be deposited in one or more depositories first approved
27 by the appropriate governing body as indicated: for the
28 treasurer of state, by the executive council; for judicial
29 officers and court employees, by the supreme court; for the
30 county treasurer, recorder, auditor, and sheriff, by the board
31 of supervisors; for the city treasurer or other designated
32 financial officer of a city, by the city council; for the
33 county public hospital or merged area hospital, by the board
34 of hospital trustees; for a memorial hospital, by the memorial
35 hospital commission; for a school corporation, by the board

1 of school directors; for a city utility or combined utility
2 system established under chapter 388, by the utility board;
3 ~~for a library service area established under chapter 256,~~
4 ~~by the library service area board of trustees;~~ and for an
5 electric power agency as defined in section 28F.2 or 390.9,
6 by the governing body of the electric power agency. However,
7 the treasurer of state and the treasurer of each political
8 subdivision or the designated financial officer of a city shall
9 invest all funds not needed for current operating expenses in
10 time certificates of deposit in approved depositories pursuant
11 to this chapter or in investments permitted by section 12B.10.
12 The list of public depositories and the amounts severally
13 deposited in the depositories are matters of public record.
14 This subsection does not limit the definition of "public funds"
15 contained in subsection 2. Notwithstanding provisions of this
16 section to the contrary, public funds of a state government
17 deferred compensation plan established by the executive council
18 may also be invested in the investment products authorized
19 under section 509A.12.

20 Sec. 6. Section 218.22, Code 2011, is amended to read as
21 follows:

22 **218.22 Record privileged.**

23 Except with the consent of the administrator in charge
24 of an institution, or on an order of a court of record, the
25 record provided in section 218.21 shall be accessible only
26 to the administrator of the division of the department of
27 human services in control of such institution, the director
28 of the department of human services and to assistants and
29 proper clerks authorized by such administrator or the
30 administrator's director. The administrator of the division
31 of such institution is authorized to permit the division of
32 ~~libraries and information~~ library services of the department
33 of education and the historical division of the department of
34 cultural affairs to copy or reproduce by any photographic,
35 photostatic, microfilm, microcard or other process which

1 accurately reproduces a durable medium for reproducing the
2 original and to destroy in the manner described by law such
3 records of residents designated in section 218.21.

4 Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011,
5 is amended to read as follows:

6 Except for the college student aid commission, the
7 commission of libraries and division of library services, and
8 the public broadcasting board and division, the state board
9 shall:

10 Sec. 8. Section 256.7, subsection 17, Code 2011, is amended
11 to read as follows:

12 17. Receive and review the budget and unified plan of
13 service submitted by the division of ~~libraries and information~~
14 library services.

15 Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011,
16 is amended to read as follows:

17 Except for the college student aid commission, the
18 commission of libraries and division of library services, and
19 the public broadcasting board and division, the director shall:

20 Sec. 10. Section 256.50, subsection 2, Code 2011, is amended
21 to read as follows:

22 2. "*Division*" means the division of ~~libraries and~~
23 information library services of the department of education.

24 Sec. 11. Section 256.51, subsection 1, unnumbered paragraph
25 1, Code 2011, is amended to read as follows:

26 The division of ~~libraries and information~~ library services
27 is ~~established within~~ attached to the department of education
28 for administrative purposes. The state librarian shall be
29 responsible for the division's budgeting and related management
30 functions in accordance section 256.52, subsection 3. The
31 division shall do all of the following:

32 Sec. 12. Section 256.51, subsection 1, Code 2011, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *0a.* Provide support services to libraries,
35 including but not limited to consulting, continuing education,

1 interlibrary loan services, and references services to assure
2 consistency of service statewide and to encourage local
3 financial support for library services.

4 Sec. 13. Section 256.51, subsection 1, paragraph d, Code
5 2011, is amended to read as follows:

6 *d.* Develop, in consultation with the ~~library service areas~~
7 ~~and the area education agency media centers,~~ a biennial unified
8 plan of service and service delivery for the division of
9 ~~libraries and information~~ library services.

10 Sec. 14. Section 256.51, subsection 1, paragraph j, Code
11 2011, is amended to read as follows:

12 *j.* Establish and administer standards for state agency
13 ~~libraries, the library service areas,~~ and public libraries.

14 Sec. 15. Section 256.51, subsection 1, paragraph k, Code
15 2011, is amended by striking the paragraph.

16 Sec. 16. Section 256.51, subsection 2, paragraph c, Code
17 2011, is amended to read as follows:

18 *c.* Accept gifts, contributions, bequests, endowments,
19 or other moneys, including but not limited to the Westgate
20 endowment fund, for any or all purposes of the division.
21 Interest earned on moneys accepted under this paragraph
22 shall be credited to the fund or funds to which the gifts,
23 contributions, bequests, endowments, or other moneys have been
24 deposited, and is available for any or all purposes of the
25 division. The division shall report annually to the ~~director~~
26 commission and the general assembly regarding the gifts,
27 contributions, bequests, endowments, or other moneys accepted
28 pursuant to this paragraph and the interest earned on them.

29 Sec. 17. Section 256.52, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. *a.* The state commission of libraries consists of one
32 member appointed by the supreme court, the director of the
33 department of education, or the director's designee, and ~~six~~
34 the following seven members who shall be appointed by the
35 governor to serve four-year terms beginning and ending as

1 provided in section 69.19. ~~The governor's appointees shall~~

2 (1) Two members shall be employed in the state as public
3 librarians.

4 (2) One member shall be a public library trustee.

5 (3) One member shall be employed in this state as an
6 academic librarian.

7 (4) One member shall be employed as a librarian by a school
8 district or area education agency.

9 (5) Two members shall be selected at large.

10 b. The members shall be reimbursed for their actual
11 expenditures necessitated by their official duties. Members
12 may also be eligible for compensation as provided in section
13 7E.6.

14 Sec. 18. Section 256.52, subsection 3, paragraph b,
15 subparagraphs (1) and (4), Code 2011, are amended to read as
16 follows:

17 ~~(1) Direct and organize the activities of~~ Organize, staff,
18 and administer the division so as to render the greatest
19 benefit to libraries in the state.

20 (4) Appoint and approve the technical, professional,
21 ~~excepting the law librarian,~~ secretarial, and clerical staff
22 necessary to accomplish the purposes of the division subject
23 to chapter 8A, subchapter IV.

24 Sec. 19. Section 256.52, subsection 3, paragraph b, Code
25 2011, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding
27 obligations of the library service areas and be liable for
28 and recognize, assume, and carry out all valid contracts and
29 obligations of the library service areas that are consolidated
30 under the commission and administered by the division effective
31 beginning July 1, 2011. Each library service area shall
32 transfer, prior to July 1, 2011, its state-funded assets and
33 title to any state-funded real estate owned by the library
34 service area to the state librarian.

35 (b) This subparagraph is repealed July 1, 2015.

1 Sec. 20. Section 256.52, subsection 5, Code 2011, is amended
2 to read as follows:

3 5. The commission shall receive and approve the budget and
4 unified plan of service submitted by the division ~~of libraries~~
5 ~~and information services.~~

6 Sec. 21. Section 256.54, subsection 1, Code 2011, is amended
7 to read as follows:

8 1. The state library includes but is not limited to a ~~law~~
9 library the library support network, the specialized library
10 services unit, and the state data center. The law library
11 shall be under the direction of the specialized library
12 services unit.

13 Sec. 22. Section 256.54, subsection 2, unnumbered paragraph
14 1, Code 2011, is amended to read as follows:

15 The law library shall be administered by a law librarian
16 appointed by the ~~director~~ state librarian subject to chapter
17 8A, subchapter IV, who shall do all of the following:

18 Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011,
19 is amended to read as follows:

20 A state data center is established in the ~~department~~
21 ~~of education~~ division. The state data center shall be
22 administered by the state data center coordinator, who shall
23 do all of the following:

24 Sec. 24. NEW SECTION. 256.58 Library support network.

25 1. A library support network is established in the division
26 to offer services and programs for libraries, including but not
27 limited to individualized, locally delivered consulting and
28 training, and to facilitate resource sharing and innovation
29 through the use of technology, administer enrich Iowa programs,
30 advocate for libraries, promote excellence and innovation
31 in library services, encourage governmental subdivisions to
32 provide local financial support for local libraries, and ensure
33 the consistent availability of quality service to all libraries
34 throughout the state, regardless of location or size.

35 2. The organizational structure to deliver library support

1 network services shall include district offices. The district
2 offices shall serve as a basis for providing field services
3 to local libraries in the counties comprising the district.
4 The division shall determine which counties are served by each
5 district office.

6 Sec. 25. NEW SECTION. **256.59 Specialized library services.**

7 The specialized library services unit is established in the
8 division to provide information services to the three branches
9 of state government and to offer focused information services
10 to the general public in the areas of Iowa law, Iowa state
11 documents, and Iowa history and culture.

12 Sec. 26. NEW SECTION. **256.62 Library services advisory
13 panel.**

14 1. The state librarian shall convene a library services
15 advisory panel to advise and recommend to the commission and
16 the division evidence-based best practices, to assist the
17 commission and division to determine service priorities and
18 launch programs, articulate the needs and interests of Iowa
19 librarians, and share research and professional development
20 information.

21 2. The library services advisory panel shall consist of no
22 fewer than eleven members representing libraries of all sizes
23 and types, and various population levels and geographic regions
24 of the state. A simple majority of the members appointed
25 shall be appointed by the executive board of the Iowa library
26 association and the remaining members shall be appointed by
27 the state librarian. Terms of members shall begin and end
28 as provided in section 69.19. Any vacancy shall be filled
29 in the same manner as regular appointments are made for the
30 unexpired portion of the regular term. Members shall serve
31 four-year terms which are staggered at the discretion of the
32 state librarian. A member is eligible for reappointment for
33 three successive terms. The members shall elect a chairperson
34 annually.

35 3. The library services advisory panel shall meet at least

1 twice annually and shall submit its recommendations in a
2 report to the commission and the state librarian at least once
3 annually. The report shall be timely submitted to allow for
4 consideration of the recommendations prior to program planning
5 and budgeting for the following fiscal year.

6 4. Members of the library services advisory panel shall
7 receive actual and necessary expenses incurred in the
8 performance of their duties. Expenses shall be paid from funds
9 appropriated to the department for purposes of the division.

10 Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011,
11 is amended to read as follows:

12 The division of ~~libraries and information~~ library services
13 of the department of education is hereby authorized to enter
14 into interstate library compacts on behalf of the state of Iowa
15 with any state bordering on Iowa which legally joins therein
16 in substantially the following form and the contracting states
17 agree that:

18 Sec. 28. Section 256.71, Code 2011, is amended to read as
19 follows:

20 **256.71 Administrator.**

21 The administrator of the division of ~~libraries and~~
22 ~~information~~ library services shall be the compact
23 administrator. The compact administrator shall receive copies
24 of all agreements entered into by the state or its political
25 subdivisions and other states or political subdivisions;
26 consult with, advise and aid such governmental units in the
27 formulation of such agreements; make such recommendations to
28 the governor, legislature, governmental agencies and units as
29 the administrator deems desirable to effectuate the purposes
30 of this compact and consult and ~~co-operate~~ cooperate with the
31 compact administrators of other party states.

32 Sec. 29. Section 273.2, subsection 4, Code 2011, is amended
33 to read as follows:

34 4. The area education agency board shall provide for special
35 education services and media services for the local school

1 districts in the area and shall encourage and assist school
2 districts in the area to establish programs for gifted and
3 talented children. The board shall assist in facilitating
4 interlibrary loans of materials between school districts and
5 other libraries. ~~Each area education agency shall include
6 as a member of its media center advisory committee a library
7 service area trustee or library service area staff member, who
8 is appointed to the committee by the commission of libraries.~~

9 Sec. 30. Section 669.2, subsection 5, Code 2011, is amended
10 to read as follows:

11 5. "*State agency*" includes all executive departments,
12 agencies, boards, bureaus, and commissions of the state of
13 Iowa, and corporations whose primary function is to act as, and
14 while acting as, instrumentalities or agencies of the state of
15 Iowa, whether or not authorized to sue and be sued in their
16 own names. This definition does not include a contractor with
17 the state of Iowa. Soil and water conservation districts
18 as defined in section 161A.3, subsection 6, and judicial
19 district departments of correctional services as established in
20 section 905.2, ~~and library service area boards of trustees as
21 established in chapter 256~~ are state agencies for purposes of
22 this chapter.

23 Sec. 31. Section 904.601, unnumbered paragraph 1, Code
24 2011, is amended to read as follows:

25 The director shall keep the following record of every person
26 committed to any of the department's institutions: Name,
27 residence, sex, age, place of birth, occupation, civil
28 condition, date of entrance or commitment, date of discharge,
29 whether a discharge is final, condition of the person when
30 discharged, the name of the institutions from which and to
31 which the person has been transferred, and if the person is
32 dead, the date and cause of death. The director may permit
33 the division of ~~libraries and information~~ library services of
34 the department of education and the historical division of
35 the department of cultural affairs to copy or reproduce by

1 any photographic, photostatic, microfilm, microcard, or other
2 process which accurately reproduces in a durable medium and to
3 destroy in the manner described by law the records of inmates
4 required by this paragraph.

5 Sec. 32. REPEAL. Sections 256.60, 256.61, 256.66 through
6 256.68, Code 2011, are repealed.

7 Sec. 33. TRANSITION PROVISION. A governor's appointee
8 serving on the state commission of libraries on the effective
9 date of this Act shall continue to serve as a member of the
10 commission until the appointee's term expires.

11 Sec. 34. LIBRARY SERVICE AREA EMPLOYEES — LENGTH OF SERVICE
12 — TRANSFER OF PERSONNEL RECORDS.

13 1. The length of service of a permanent employee of a
14 library service area who is employed by a library service area
15 on June 30, 2011, and who is hired by the division of library
16 services on or after July 1, 2011, shall be prorated and
17 credited as state employment service for purposes of vacation
18 and sick leave accrual.

19 2. The area administrator of each library service area
20 shall submit to the division of library services the personnel
21 records of each permanent full-time employee of the library
22 service area by July 1, 2011.

23 EXPLANATION

24 This bill changes the name of the division of libraries and
25 information services within the department of education to the
26 division of library services, establishes that the division is
27 attached to the department for administrative purposes only,
28 establishes within the division a library support network and
29 a specialized library services unit, expands the membership
30 of the commission of libraries, directs the state librarian
31 to convene a library services advisory panel, and eliminates
32 the library service areas effective July 1, 2011, transfers
33 their duties to the division, and directs the state librarian
34 to assume all of the outstanding obligations of the library
35 service areas.

1 The state librarian is made responsible for the division's
2 budgeting and related management functions, and is directed to
3 organize, staff, and administer the division so as to render
4 the greatest benefit to libraries in the state.

5 Each library service area is directed to transfer, prior
6 to July 1, 2011, its state-funded assets and title to any
7 state-funded real estate owned by the library service area to
8 the state librarian, who currently controls all property of the
9 division.

10 The division is directed to provide support services to
11 libraries, including but not limited to consulting, continuing
12 education, and interlibrary loan and references services to
13 assure consistency of service statewide and to encourage local
14 financial support for library services.

15 The commission of libraries membership is increased by one
16 member. Currently, members are appointed by the governor
17 and are appointed on an at-large basis. Under the bill, the
18 members include public librarians, a public library trustee,
19 an academic librarian, a school district or area education
20 agency librarian, and two members appointed on an at-large
21 basis. A governor's appointee serving on the state commission
22 of libraries on the effective date of the bill shall continue
23 to serve as a member of the commission until the appointee's
24 term expires.

25 The bill provides that the law librarian be appointed by the
26 state librarian, rather than the director of the department of
27 education.

28 A library support network is established in the division
29 to offer services and programs for libraries, including
30 individualized, locally delivered consulting services and
31 training, and to facilitate resource sharing and innovation
32 through the use of technology, administer enrich Iowa programs,
33 advocate for libraries throughout the state, provide support
34 for information technology, seek and offer opportunities
35 to libraries throughout the state, promote excellence and

1 innovation in library services, encourage governmental
2 subdivisions to provide local financial support for local
3 libraries, and ensure the consistent availability of quality
4 service to all libraries throughout the state, regardless of
5 location or size.

6 The specialized library services unit is established in the
7 division to provide information services to the three branches
8 of state government and to offer focused information services
9 to the general public in the areas of Iowa law, Iowa state
10 documents, and Iowa history and culture.

11 The library services advisory panel is tasked with
12 advising and recommending to the commission and the division
13 evidence-based best practices, assisting the commission and
14 division to determine service priorities and launch programs,
15 articulating the needs and interests of Iowa librarians, and
16 sharing research and professional development information.
17 The library services advisory panel consists of at least 11
18 members representing libraries of all sizes and types, and
19 various population levels and geographic regions of the state.
20 A simple majority of the members shall be appointed by the
21 executive board of the Iowa library association, with the state
22 librarian appointing the remaining members. Members shall
23 serve four-year terms which are staggered at the discretion of
24 the state librarian. A member is eligible for reappointment
25 for three successive terms. The members shall elect a
26 chairperson annually. Members of the library services advisory
27 panel shall receive actual and necessary expenses incurred in
28 the performance of their duties. Expenses are paid from funds
29 appropriated to the department for purposes of the division.

30 The library services advisory panel shall meet at least
31 twice annually and shall submit its recommendations in a
32 report to the commission and the state librarian at least once
33 annually in time to allow for consideration prior to program
34 planning and budgeting for the following fiscal year.

35 The length of service of a permanent full-time employee of a

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1 library service area who is employed by a library service area
2 on June 30, 2011, and who is hired by the division on or after
3 July 1, 2011, shall be credited as state employment service
4 for purposes of vacation and sick leave accrual. The area
5 administrator of each library service area shall submit to the
6 division of libraries and information services the personnel
7 records of each permanent full-time employee of the library
8 service area by July 1, 2011.