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HSB 190

EDUCATION

Succeeded by
SF/HF 63

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON GRUNDBERG)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to the responsibilities and duties of the
2 department of education and the commission of libraries,
3 including the renaming of the regional library system, the
4 appointment of trustees for the unified library service
5 district, development of a biennial unified plan of service
6 and service delivery in consultation with unified library
7 service districts and area education agency media centers, and
8 distribution of moneys allocated for purposes of the enrich
9 Iowa program.

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

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1 Section 1. Section 8D.2, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. "Public agency" means a state agency, an institution
4 under the control of the board of regents, the judicial branch
5 as provided in section 8D.13, subsection 17, a school
6 corporation, a city library, a ~~regional~~ unified library
7 service district as provided in chapter 256, a county library
8 as provided in chapter 336, or a judicial district department
9 of correctional services established in section 905.2, to the
10 extent provided in section 8D.13, subsection 15, an agency of
11 the federal government, or a United States post office which
12 receives a federal grant for pilot and demonstration projects.

13 Sec. 2. Section 8D.9, subsection 1, Code 2001, is amended
14 to read as follows:

15 1. A private or public agency, other than a state agency,
16 local school district or nonpublic school, city library,
17 ~~regional~~ unified library service district, county library,
18 judicial branch, judicial district department of correctional
19 services, agency of the federal government, a hospital or
20 physician clinic, or a post office authorized to be offered
21 access pursuant to this chapter as of May 18, 1994, shall
22 certify to the commission no later than July 1, 1994, that the
23 agency is a part of or intends to become a part of the
24 network. Upon receiving such certification from an agency not
25 a part of the network on May 18, 1994, the commission shall
26 provide for the connection of such agency as soon as
27 practical. An agency which does not certify to the commission
28 that the agency is a part of or intends to become a part of
29 the network as required by this subsection shall be prohibited
30 from using the network.

31 Sec. 3. Section 8D.11, subsection 4, Code 2001, is amended
32 to read as follows:

33 4. A political subdivision receiving communications
34 services from the state as of April 1, 1986, may continue to
35 do so but communications services shall not be provided or

1 resold to additional political subdivisions other than a
2 school corporation, a city library, a ~~regional~~ unified library
3 service district as provided in chapter 256, and a county
4 library as provided in chapter 336. The rates charged to the
5 political subdivision shall be the same as the rates charged
6 to state agencies.

7 Sec. 4. Section 12C.1, subsection 1, Code 2001, is amended
8 to read as follows:

9 1. All funds held by the following officers or
10 institutions shall be deposited in one or more depositories
11 first approved by the appropriate governing body as indicated:
12 for the treasurer of state, by the executive council; for
13 judicial officers and court employees, by the supreme court;
14 for the county treasurer, recorder, auditor, and sheriff, by
15 the board of supervisors; for the city treasurer or other
16 designated financial officer of a city, by the city council;
17 for the county public hospital or merged area hospital, by the
18 board of hospital trustees; for a memorial hospital, by the
19 memorial hospital commission; for a school corporation, by the
20 board of school directors; for a city utility or combined
21 utility system established under chapter 388, by the utility
22 board; for a ~~regional~~ unified library service district
23 established under chapter 256, by the ~~regional~~ unified library
24 service district board of ~~library~~ trustees; and for an
25 electric power agency as defined in section 28F.2, by the
26 governing body of the electric power agency. However, the
27 treasurer of state and the treasurer of each political
28 subdivision or the designated financial officer of a city
29 shall invest all funds not needed for current operating
30 expenses in time certificates of deposit in approved
31 depositories pursuant to this chapter or in investments
32 permitted by section 12B.10. The list of public depositories
33 and the amounts severally deposited in the depositories are
34 matters of public record. This subsection does not limit the
35 definition of "public funds" contained in subsection 2.

1 Notwithstanding provisions of this section to the contrary,
2 public funds of a state government deferred compensation plan
3 established by the executive council may also be invested in
4 the investment products authorized under section 509A.12.

5 Sec. 5. Section 39.11, Code 2001, is amended to read as
6 follows:

7 39.11 MORE THAN ONE OFFICE PROHIBITED.

8 Statewide elected officials and members of the general
9 assembly shall not hold more than one elective office at a
10 time. All other elected officials shall not hold more than
11 one elective office at the same level of government at a time.
12 This section does not apply to the following offices: county
13 agricultural extension council, or soil and water conservation
14 district commission, ~~or regional library board of trustees.~~

15 Sec. 6. Section 39.21, subsection 1, Code 2001, is amended
16 by striking the subsection.

17 Sec. 7. Section 43.67, subsection 8, Code 2001, is amended
18 to read as follows:

19 8. A statement that the candidate is aware of the
20 prohibition in section 49.41 against being a candidate for
21 more than one office to be filled at the same election, except
22 county agricultural extension council, and soil and water
23 conservation district commission, ~~and regional library board~~
24 ~~of trustees.~~

25 Sec. 8. Section 44.3, subsection 2, paragraph h, Code
26 2001, is amended to read as follows:

27 h. A statement that the candidate is aware of the
28 prohibition in section 49.41 against being a candidate for
29 more than one office to be filled at the same election, except
30 county agricultural extension council, and soil and water
31 conservation district commission, ~~and regional library board~~
32 ~~of trustees.~~

33 Sec. 9. Section 45.3, subsection 8, Code 2001, is amended
34 to read as follows:

35 8. A statement that the candidate is aware of the

1 prohibition in section 49.41 against being a candidate for
2 more than one office to be filled at the same election, except
3 county agricultural extension council, and soil and water
4 conservation district commission, ~~and regional library board~~
5 ~~of trustees.~~

6 Sec. 10. Section 49.41, unnumbered paragraph 6, Code 2001,
7 is amended to read as follows:

8 This section does not apply to the ~~following public~~
9 ~~offices:~~ county agricultural extension council, or the soil
10 and water conservation district commission, ~~or regional~~
11 ~~library board of trustees.~~

12 Sec. 11. Section 69.2, subsection 8, Code 2001, is amended
13 to read as follows:

14 8. The incumbent simultaneously holding more than one
15 elective office at the same level of government. This
16 subsection does not apply to the ~~following offices:~~ county
17 agricultural extension council, or the soil and water
18 conservation district commission, ~~or regional library board of~~
19 ~~trustees.~~

20 Sec. 12. Section 256.51, subsection 1, paragraphs d, e,
21 and k, Code 2001, are amended to read as follows:

22 d. Develop and adopt, in conjunction with the Iowa
23 ~~regional~~ unified library system service districts, long-range
24 plans for the continued improvement of library services and
25 which will explore or broaden the information mission in the
26 state. To insure that the concerns of all types of libraries
27 are addressed, the division shall establish a long-range
28 planning committee to review and evaluate progress and report
29 findings and recommendations to the division and to the
30 trustees of the ~~Iowa regional~~ unified library system service
31 districts at an annual meeting.

32 e. Develop, in cooperation consultation with the Iowa
33 ~~regional~~ unified library system service districts and the area
34 education agency media centers, a biennial unified plan of
35 service and service delivery for the division of libraries and

1 information services.

2 k. Establish and administer standards for state agency
3 libraries, the ~~Iowa-regional~~ unified library system service
4 districts, and public libraries.

5 Sec. 13. NEW SECTION. 256.57 ENRICH IOWA PROGRAM FUNDS
6 DISTRIBUTION.

7 1. An enrich Iowa program is established to provide direct
8 state assistance to eligible libraries as an incentive to
9 improve library services and reduce inequities among
10 communities in the delivery of library services based on
11 recognized and adopted performance measures. Funds
12 appropriated by the general assembly for purposes of the
13 enrich Iowa program shall be distributed by the division of
14 libraries and information services to eligible public
15 libraries in the proportion that the number of people residing
16 within an eligible library's geographic service area for whom
17 the library provides services bears to the sum of the number
18 of people living in Iowa.

19 2. For purposes of this section, "eligible public library"
20 means a public library that meets all of the following
21 requirements:

22 a. Submits to the division a report in accordance with
23 section 256.51, subsection 1, paragraph "h".

24 b. Participates in the library resource and information
25 sharing programs established by the state library.

26 c. Is a public library established by city ordinance or a
27 library as provided in chapter 336.

28 d. Participates in the state library's open access
29 program.

30 e. Has an internet use policy in place, which may or may
31 not include internet filtering. Each eligible library shall
32 submit a report describing the library's internet use efforts
33 to the division.

34 3. Funds appropriated for purposes of the enrich Iowa
35 program shall not be used for the costs of administration by

1 the division.

2 Sec. 14. Section 256.60, Code 2001, is amended to read as
3 follows:

4 256.60 REGIONAL UNIFIED LIBRARY SYSTEM SERVICES DISTRICTS
5 ESTABLISHED -- PURPOSES.

6 ~~A-regional~~ Unified library system-is services districts are
7 established as provided in section 256.61 to provide
8 supporting services to libraries, including, but not limited
9 to, consulting, continuing education, and interlibrary loan
10 and reference services, to assure consistency of service
11 statewide, and to encourage local financial support for
12 library services.

13 Sec. 15. Section 256.61, Code 2001, is amended by striking
14 the section and inserting in lieu thereof the following:

15 256.61 UNIFIED LIBRARY SERVICES DISTRICTS AND BOARDS OF
16 TRUSTEES.

17 1. Seven unified library services districts shall serve
18 and represent seven geographic regions consisting of the
19 following counties:

20 a. The southwestern district shall serve and represent the
21 counties of Adair, Adams, Audubon, Cass, Clarke, Decatur,
22 Fremont, Guthrie, Harrison, Lucas, Mills, Montgomery, Page,
23 Ringgold, Shelby, Taylor, Union, and Wayne.

24 b. The northwestern district shall serve and represent the
25 counties of Buena Vista, Calhoun, Carroll, Cherokee, Clay,
26 Crawford, Dickinson, Emmet, Ida, Lyon, Monona, O'Brien,
27 Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and
28 Woodbury.

29 c. The north central district shall serve and represent
30 the counties of Cerro Gordo, Floyd, Franklin, Hamilton,
31 Hancock, Hardin, Humboldt, Kossuth, Mitchell, Webster,
32 Winnebago, Worth, and Wright.

33 d. The central district shall serve and represent the
34 counties of Boone, Dallas, Greene, Jasper, Madison, Marion,
35 Marshall, Polk, Story, and Warren.

1 e. The southeastern district shall serve and represent the
2 counties of Appanoose, Davis, Des Moines, Henry, Jefferson,
3 Keokuk, Lee, Louisa, Mahaska, Monroe, Muscatine, Scott, Van
4 Buren, Wapello, and Washington.

5 f. The east central district shall serve and represent the
6 counties of Benton, Cedar, Clinton, Iowa, Jackson, Johnson,
7 Jones, Linn, Poweshiek, and Tama.

8 g. The northeastern district shall serve and represent the
9 counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler,
10 Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy,
11 Howard, and Winneshiek.

12 2. Each district shall have a board of trustees composed
13 of seven members, who shall be appointed by the commission of
14 libraries, and shall include at least the following:

15 a. A representative of an area education agency media
16 division.

17 b. A public library trustee.

18 c. An individual possessing a master's of library science
19 and who is employed full-time as a librarian.

20 d. A community college representative.

21 e. A person representing the public at large.

22 3. All appointments shall comply with sections 69.16 and
23 69.16A.

24 4. The members of each unified library services district
25 board shall be appointed to four-year, staggered terms of
26 office. A term shall be effective on the first of January of
27 the year of appointment and a vacancy shall be filled for the
28 unexpired term in the same manner as the original appointment.

29 5. The members of a board shall not receive compensation,
30 but shall be reimbursed for their actual and necessary
31 expenses incurred in the performance of their official duties.

32 The expenses of the board members shall be paid from the
33 appropriation to the department of education that is allocated
34 to the state library.

35 6. Each board shall elect a chairperson and vice

1 chairperson annually from among its membership. A board shall
2 meet at the call of its chairperson or upon written request of
3 a majority of its membership. Four members constitute a
4 quorum. The concurrence of a majority of the members of a
5 board is required to determine any matter relating to its
6 duties.

7 Sec. 16. Section 256.66, subsections 4, 6, 8 through 10,
8 and 13, Code 2001, are amended to read as follows:

9 4. May accept and administer trusts and may authorize
10 nonprofit foundations acting solely for the support of the
11 ~~regional~~ unified library service district to accept and
12 administer trusts deemed by the board to be beneficial to the
13 operation of the regional library. Notwithstanding section
14 633.63, the board and the nonprofit foundation may act as
15 trustees in these instances. The board shall require that
16 moneys belonging to a nonprofit foundation be audited
17 annually.

18 6. May acquire land and construct or lease facilities to
19 carry out the provisions of ~~sections-256-60-through-256-69~~
20 this part.

21 8. Shall provide interlibrary loan and information
22 services ~~intraregionally, but which are capable of being~~
23 ~~linked interregionally,~~ throughout the district and across
24 district lines according to the standards developed by the
25 commission of libraries.

26 9. Shall develop and adopt, in cooperation with other
27 members of the ~~regional~~ unified library system service
28 district and the director of the department of education, a
29 long-range plan for the ~~region~~ district.

30 10. Shall prepare, in cooperation with all members of the
31 ~~regional~~ unified library system service district and the
32 director of the department of education, an annual plan of
33 service.

34 13. May perform other acts necessary to carry out its
35 powers and duties under ~~sections-256-60-through-256-69~~ this

1 part.

2 Sec. 17. Section 256.67, Code 2001, is amended to read as
3 follows:

4 256.67 DUTIES OF THE REGIONAL DISTRICT ADMINISTRATOR.

5 A regional district administrator shall:

6 1. Act as administrator and executive secretary of the
7 region in accordance with the objectives and policies adopted
8 by the regional district board of trustees and with the intent
9 of this chapter.

10 2. Organize ~~staff~~ and administer the regional unified
11 library service district so as to render the greatest benefit
12 to libraries and information services in the area.

13 3. Advise and counsel with the regional district board of
14 trustees and individual libraries in all matters pertaining to
15 the improvement of library services in the region unified
16 library service district.

17 4. Cooperate with other members of the regional unified
18 library system service district, the state library of Iowa and
19 representatives of the Iowa library community in considering
20 and developing plans for the improvement of library services
21 in Iowa.

22 5. Carry out the policies of the regional board of
23 trustees not inconsistent with state law.

24 6. Employ personnel as state employees as necessary to
25 carry out the duties and responsibilities of the unified
26 library services district, consistent with the merit system
27 provisions of chapter 19A for nonprofessional employees.
28 Professional staff of the district are exempt from the merit
29 system provisions of chapter 19A.

30 Sec. 18. Section 256.67A, Code 2001, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 256.67A UNIFIED LIBRARY SERVICE DISTRICT EMPLOYEES.

34 1. ACCRUED EMPLOYEE RIGHTS. Persons who were paid
35 salaries by a regional library immediately prior to becoming

1 state employees in accordance with section 256.67, subsection
2 6, shall not forfeit accrued vacation, accrued sick leave, or
3 longevity, except as provided in this section. The commission
4 shall prescribe rules to provide for the following:

5 a. Each person employed pursuant to this section shall
6 have to the person's credit as a state employee commencing on
7 the date of becoming a state employee the number of accrued
8 vacation days and accrued days of sick leave that was credited
9 to the person as an employee of a regional library as of the
10 end of the day prior to becoming a state employee. However,
11 the number of days of sick leave credited to a person under
12 this paragraph and eligible to be taken when sick or eligible
13 to be received upon retirement shall not respectively exceed
14 the maximum number of days, if any, or the maximum dollar
15 amount as provided in section 70A.23 that state employees
16 generally are entitled to accrue or receive according to rules
17 in effect as of the date the person becomes a state employee.

18 b. Commencing on the date of becoming a state employee,
19 each person employed pursuant to this section is entitled to
20 claim the person's most recent continuous period of service in
21 full-time regional library employment as full-time state
22 employment for purposes of determining the number of days of
23 vacation which the person is entitled to earn each year. The
24 actual vacation benefit, including the limitation on the
25 maximum accumulated vacation leave, shall be determined as
26 provided in section 70A.1 according to rules in effect for
27 state employees of comparable longevity, irrespective of any
28 greater or lesser benefit as a county employee.

29 2. LIFE, HEALTH, AND DISABILITY INSURANCE. Persons who
30 were covered by regional library employee life insurance and
31 accident and health insurance plans prior to becoming state
32 employees in accordance with section 256.67, subsection 6,
33 shall be permitted to apply prior to becoming state employees
34 for life insurance and health and accident insurance plans
35 that are available to state employees so that those persons do

1 not suffer a lapse of insurance coverage as a result of this
2 chapter. The commission, after consulting with the department
3 of personnel, shall prescribe rules and distribute application
4 forms and take other actions as necessary to enable those
5 persons to elect to have insurance coverage that is in effect
6 on the date of becoming state employees. Commencing on the
7 date of becoming a state employee, each person referred to in
8 this subsection is entitled to claim the person's most recent
9 continuous period of service in full-time regional library
10 employment as full-time state employment for purposes of
11 determining disability benefits as provided in section 70A.20
12 according to rules in effect for state employees of comparable
13 longevity, irrespective of any greater or lesser benefit as a
14 regional library employee.

15 Sec. 19. Section 256.68, Code 2001, is amended to read as
16 follows:

17 256.68 ALLOCATION AND ADMINISTRATION OF FUNDS.

18 1. Funds appropriated for the purpose of carrying out
19 ~~sections-256-60-through-256-69~~ this part shall be allocated to
20 ~~regional~~ the unified library services district boards by the
21 commission of libraries as follows:

22 a. Sixty percent in proportion to the population served by
23 each ~~regional~~ district board of trustees.

24 b. Twenty-five percent proportioned equally among the
25 ~~regional~~ district boards.

26 c. Fifteen percent in proportion to the geographic area
27 served by each ~~regional~~ district board.

28 2. In addition to funds received under subsection 1, a
29 ~~regional-library~~ district board of trustees may individually
30 or cooperatively apply to the commission of libraries for
31 available grants.

32 Sec. 20. Section 273.2, subsection 4, Code 2001, is
33 amended to read as follows:

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

1 school districts in the area and shall encourage and assist
 2 school districts in the area to establish programs for gifted
 3 and talented children. The board shall also provide media
 4 services center support services, including, but not limited
 5 to, consulting, continuing education, interlibrary loan, and
 6 reference services to school district libraries.

7 Sec. 21. Section 273.8, subsection 1, Code 2001, is
 8 amended to read as follows:

9 1. BOARD OF DIRECTORS. The board of directors of an area
 10 education agency shall consist of not less than five nor more
 11 than nine voting members, each a resident of and elected in
 12 the manner provided in this section from a director district
 13 that is approximately equal in population to the other
 14 director districts in the area education agency. The
 15 commission of libraries shall appoint a nonvoting member to
 16 the board of directors of an area education agency who shall
 17 also be a trustee of a unified library service district in
 18 which the area education agency is located. Each director
 19 shall serve a three-year term which commences at the
 20 organization meeting.

21 Sec. 22. Section 273.8, subsection 2, unnumbered paragraph
 22 1, Code 2001, is amended to read as follows:

23 The Except as provided in subsection 1, the board of
 24 directors of the area education agency shall be elected at
 25 director district conventions attended by members of the
 26 boards of directors of the local school districts located
 27 within the director district. The member of the area
 28 education agency board to be elected at the director district
 29 convention may be a member of a local school district board of
 30 directors and shall be an elector and a resident of the
 31 director district, other than school district employees.

32 Sec. 23. Section 273.11, subsection 2, Code 2001, is
 33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. i. Support for school district libraries
 35 in accordance with section 273.2, subsection 4.

1 Sec. 24. Section 304.13A, subsection 2, unnumbered
2 paragraph 2, Code 2001, is amended to read as follows:

3 For purposes of this section, "public library" means a city
4 library, a ~~regional~~ unified library service district as
5 provided in chapter 256, or a county library as provided in
6 chapter 336.

7 Sec. 25. Section 336.2, Code 2001, is amended to read as
8 follows:

9 336.2 LIBRARY DISTRICTS FORMED.

10 A county library district may be established composed of
11 ~~one county-or-two or more adjacent counties and-may-include-or~~
12 ~~exclude-the-entirety-of-a-city-partly-within-one-of-the~~
13 counties, one or more cities, or any combination of cities and
14 counties.

15 Eligible electors residing within the proposed district in
16 a number not less than five percent of those voting for
17 president of the United States or governor, as the case may
18 be, within ~~said~~ the district at the last general election may
19 petition the board of supervisors of the county ~~or-counties,~~
20 or the city council, for the establishment of ~~such-county the~~
21 library district. ~~Said~~ The petition shall clearly designate
22 the area to be included in the district.

23 The board of supervisors of each county and the city
24 council of each city containing area within the proposed
25 district shall submit the proposition to the registered voters
26 within their respective counties and cities at any general or
27 primary election provided said election occurs not less than
28 forty days after the filing of the petition.

29 A county library district shall be established, if a
30 majority of the electors voting on the proposition and
31 ~~residing outside-of-cities-maintaining-a-free-public~~ in the
32 proposed library district favor its establishment.

33 The result of the election within cities maintaining a free
34 public library shall be considered separately, and no city
35 shall be included within the county library district unless a

1 majority of its electors, voting on the proposition, favor its
2 inclusion. In such cases the boundaries of an established
3 district may vary from those of the proposed district.

4 After the establishment of a county library district other
5 areas may be included by mutual agreement of the board of
6 trustees of the county library district and the governing body
7 of the area sought to be included.

8 Sec. 26. Section 336.3, Code 2001, is amended to read as
9 follows:

10 336.3 GIFTS.

11 When a gift for library purposes is accepted by the a
12 county or city, its use for the county library may be enforced
13 against the board of supervisors or city council by the
14 library board by an action of mandamus or by other proper
15 action.

16 Sec. 27. Section 336.4, Code 2001, is amended to read as
17 follows:

18 336.4 LIBRARY TRUSTEES.

19 In any county-or-counties area in which a library district
20 has been established in accordance with this chapter, a board
21 of library trustees, consisting of five, seven, or nine
22 electors of the library district, shall be appointed by the
23 board or-boards of supervisors of the any county or counties
24 city comprising such the library district. Membership on the
25 library board shall be apportioned between the rural and city
26 areas of the district in proportion to the population in each
27 of such areas. In the event the library district is composed
28 of two or more counties, two or more cities, or any
29 combination of counties and cities, representation on said the
30 library board shall be equitably divided between or among said
31 the counties and cities in proportion to the population in
32 each of such the counties and cities.

33 Sec. 28. Section 336.10, Code 2001, is amended to read as
34 follows:

35 336.10 LIBRARY FUND.

1 All moneys received and set apart for the maintenance of
2 the library shall be deposited in the treasury of the county
3 or city, as determined by the board of library trustees, and
4 paid out upon warrants drawn by the county or city auditor
5 upon requisition of the board of trustees, signed by its
6 president and secretary.

7 Provided that where a free public library is maintained
8 jointly by two or more counties or cities or any combination
9 of counties and cities, the library trustees may elect a
10 library treasurer therefor, and it shall be the duty of the
11 city and county treasurers to pay over to said the library
12 treasurer any and all library taxes that may be collected by
13 them monthly.

14 Such The library treasurer shall be required to furnish a
15 bond conditioned as provided by section 64.2 in such an amount
16 as agreed upon by the participating boards of supervisors and
17 city councils and the cost thereof shall be paid by the
18 participating counties and cities.

19 Sec. 29. Section 336.11, Code 2001, is amended to read as
20 follows:

21 336.11 ANNUAL REPORT.

22 The board of trustees shall, immediately after the close of
23 each fiscal year, make submit to the board of supervisors, and
24 the city council, as appropriate, a report containing a
25 statement of the condition of the library, the number of books
26 added thereto, the number circulated, the number not returned
27 or lost, the amount of fines collected, and the amount of
28 money expended in the maintenance thereof during such year,
29 together with such further information as it may deem
30 important.

31 Sec. 30. Section 336.12, Code 2001, is amended to read as
32 follows:

33 336.12 REAL ESTATE ACQUIRED.

34 In any county or city in which a free library has been
35 established, the board of library trustees may purchase real

1 estate in the name of the county or city for the location of
2 library buildings and branch libraries, and for the purpose of
3 enlarging the grounds thereof.

4 Sec. 31. Section 336.13, Code 2001, is amended to read as
5 follows:

6 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

7 The maintenance of a county library established in
8 accordance with this chapter shall be on the basis of each
9 participating unit bearing its share of the total cost in
10 proportion to its population as compared to the total
11 population of the county library district. The board of
12 library trustees shall make an estimate of the amount
13 necessary for the maintenance of the county library, the
14 sources of direct library revenue, and the amount to be
15 contributed from taxes or other revenues by the participating
16 city or county and hold a hearing on the estimate after notice
17 of the hearing is published as provided in section 331.305 or
18 section 362.3, as appropriate. On or before January 10 of
19 each year, the board of library trustees shall transmit the
20 estimate in dollars to the board of supervisors and to the
21 cities participating in the district. The unincorporated area
22 of each county in the library district shall be considered as
23 a separate supporting unit. Each board of supervisors shall
24 review the estimate and appropriate for library purposes its
25 share in the county rural services fund budget. Each city
26 council shall review the estimate for the city and appropriate
27 for library purposes its share in the city general fund
28 budget. Each participating city or county shall contribute
29 its share from taxation or from other sources available for
30 library purposes on an equitable basis. With approval of a
31 city council, the county treasurer may withhold a reasonable
32 portion of the taxes collected for a city to meet the city's
33 contribution for library purposes and deliver a receipt to the
34 city clerk for the amount withheld.

35 Sec. 32. Section 336.14, Code 2001, is amended to read as

1 follows:

2 336.14 NOT APPLICABLE TO CONTRACT SERVICE.

3 The provisions of this chapter pertaining to the
4 establishment of a county library district shall not apply to
5 any area receiving library service from any city library,
6 unless the petition for a county library district, in addition
7 to the required signatures of electors, is signed by the
8 governing body of the area receiving library service under
9 contract.

10 Sec. 33. Section 336.15, Code 2001, is amended to read as
11 follows:

12 336.15 EXISTING CONTRACTS ASSUMED.

13 Whenever a county library district is established the in
14 accordance with this chapter, its board of trustees thereof
15 shall assume all the obligations of the existing contracts
16 made by cities, townships, school corporations or counties to
17 receive library service from free public libraries.

18 Sec. 34. Section 336.16, unnumbered paragraphs 1, 3, 4,
19 and 5, Code 2001, are amended to read as follows:

20 A city may withdraw from the county library district upon a
21 majority vote in favor of withdrawal by the electorate of the
22 city in an election held on a motion by the city council. The
23 election shall be held simultaneously with a general or city
24 election. Notice of a favorable vote to withdraw shall be
25 sent by certified mail to the board of library trustees of the
26 county library district and the county or city auditor, as
27 appropriate, prior to January 10, and the withdrawal shall be
28 effective on July 1.

29 A city or county election shall not be called until a
30 hearing has been held on the proposal to submit a proposition
31 of withdrawal to an election. A hearing may be held only
32 after public notice published as provided in section 362.3 in
33 the case of a city or section 331.305 in the case of a county.
34 A copy of the notice submitted for publication shall be mailed
35 to the county library on or before the date of publication.

1 The proposal presented at the hearing must include a plan for
 2 continuing adequate library service with or without all
 3 participants and the respective allocated costs and levels of
 4 service shall be stated. At the hearing, any interested
 5 person shall be given a reasonable time to be heard, either
 6 for or against the withdrawal or the plan to accompany it.

7 A county library district may be terminated if a majority
 8 of the electors of the unincorporated area of the county and
 9 the cities included in the county library district voting on
 10 the issue favor the termination. The election shall be held
 11 upon motion of the board of supervisors and simultaneously
 12 with a primary, general, or other county election. If the
 13 vote favors termination, the termination shall be effective on
 14 the succeeding July 1.

15 An election for withdrawal from or termination of a county
 16 library district shall not be held more than once each four
 17 years.

18 Sec. 35. Section 336.18, subsection 1, Code 2001, is
 19 amended to read as follows:

20 1. A school corporation, township, or county library
 21 district may contract for the use by its residents of a city
 22 library, ~~but if a contract is made by a county board of~~
 23 ~~supervisors or township trustees, it may only be for the~~
 24 ~~residents outside of cities.~~ A contract by a county shall
 25 supersede all contracts by townships or school corporations
 26 within the county outside of cities.

27 Sec. 36. TRANSITIONAL BOARD MEMBERSHIP. Regional library
 28 trustees elected in the most recent general election shall
 29 serve the terms for which they were elected. Vacancies shall
 30 be filled for unexpired terms as provided in section 256.61 as
 31 amended by this Act.

32 Sec. 37. UNIFIED LIBRARY SERVICES DISTRICT JOB STATUS
 33 REVIEW. The commission of libraries shall review the staffing
 34 needs of each unified library services district. Each
 35 regional library shall submit to the commission a list of

1 employees hired by the regional library between April 1, 2001,
2 and June 30, 2001. Notwithstanding section 256.67, subsection
3 6, a person on the list shall be considered a probationary
4 employee until October 1, 2001, by which date the commission
5 shall approve or deny permanent employment to the person.

6 Sec. 38. Sections 256.62 through 256.65, Code 2001, are
7 repealed.

8 EXPLANATION

9 This bill changes the name of the regional library system
10 to the unified library service districts, provides for the
11 appointment of the unified library board of trustees rather
12 than for election of the trustees, expands the duties of the
13 unified districts, requires the state board of education to
14 develop a biennial unified plan of service and service
15 delivery in consultation with the unified library service
16 districts and the area education agency media centers, and
17 provides for a means of distributing enrich Iowa program
18 moneys to eligible libraries.

19 REGIONAL LIBRARY CHANGEOVER. Current law requires regional
20 libraries to provide supporting services to libraries. The
21 bill provides that the services shall include consulting,
22 continuing education, interlibrary loan and reference
23 services, and assured consistency of service statewide. The
24 unified library trustees are chosen from geographic districts
25 drawn upon the same county lines as the regional system.
26 Currently, the trustees are elected. The bill requires the
27 commission of libraries to appoint the trustees.

28 Board membership shall include at least a representative of
29 an area education agency media division, a public library
30 trustee, a full-time librarian with a master's of library
31 science, a community college representative, and a person
32 representing the public at large. Regional library trustees
33 elected in the most recent general election shall serve the
34 terms for which they were elected, but vacancies shall be
35 filled by appointment by the commission.

1 STATE EMPLOYEES. Under the bill, district employees will
2 also be employees of the state.

3 AREA EDUCATION AGENCY MEDIA SERVICES SUPPORT TO SCHOOL
4 LIBRARIES. The bill describes the media services that area
5 education agency boards (AEA) are required to provide to local
6 school districts to include consulting, continuing education,
7 interlibrary loan, and reference services to school district
8 libraries. The bill allows the commission of libraries to
9 appoint as a nonvoting member of the board of directors of an
10 AEA a trustee of a unified library service district. The bill
11 includes support for school district libraries in standards
12 that an AEA must meet in order to receive state accreditation.

13 MULTICOUNTY, MULTICITY, OR MULTICOUNTY AND CITY LIBRARIES.
14 The bill amends the Code chapter that provides for the
15 establishment of county library districts to allow a library
16 district to be established by one or more counties, one or
17 more cities, or any combination of cities and counties.

18 ENRICH IOWA. The bill provides that any moneys allocated
19 for purposes of the enrich Iowa program shall be distributed
20 by the division of libraries and information services to
21 eligible public libraries in the proportion that the number of
22 people residing within an eligible library's geographic
23 service area for whom the library provides services bears to
24 the sum of the number of people living in Iowa.

25 An eligible public library is one that submits a report
26 showing the condition, growth, and development of services
27 provided, participates in state library resource and
28 information sharing programs, is a public library,
29 participates in the state library's open access program, and
30 has an internet use policy in place.

31 TRANSITION TO STATE EMPLOYMENT. The bill includes
32 transitional language for regional library employees who are
33 becoming state employees under the unified library services
34 district system. Employees with accrued vacation and sick
35 leave will receive credit for the accrued time and will be

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1 permitted to apply for life insurance and health and accident
2 insurance prior to becoming state employees so that they do
3 not suffer a lapse of insurance coverage. Regional library
4 employees hired between April 1, 2001, and June 30, 2001, are
5 considered probationary until October 1, 2001, by which date
6 the commission shall approve or deny permanent employment to
7 the person.

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11/15/01 Amend, re. SSB
W/ S. 3306

MAR 16 2001

Place On Calendar

HOUSE FILE 637

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 190)

Passed House, ^(P. 840) Date 3/22/01 Passed Senate, Date 5/3/01 (P. 1491)
 Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0
 Approved 5/22/01

A BILL FOR

1 An Act relating to the responsibilities and duties of the
 2 department of education, area education agencies, and the
 3 commission of libraries, including the renaming of the
 4 regional library system, the appointment of trustees for the
 5 unified library service area, and development of a biennial
 6 unified plan of service and service delivery in consultation
 7 with unified library service areas and area education agency
 8 media centers.

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

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HF 637

1 Section 1. Section 8D.2, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. "Public agency" means a state agency, an institution
4 under the control of the board of regents, the judicial branch
5 as provided in section 8D.13, subsection 17, a school
6 corporation, a city library, a ~~regional~~ unified library
7 service area as provided in chapter 256, a county library as
8 provided in chapter 336, or a judicial district department of
9 correctional services established in section 905.2, to the
10 extent provided in section 8D.13, subsection 15, an agency of
11 the federal government, or a United States post office which
12 receives a federal grant for pilot and demonstration projects.

13 Sec. 2. Section 8D.9, subsection 1, Code 2001, is amended
14 to read as follows:

15 1. A private or public agency, other than a state agency,
16 local school district or nonpublic school, city library,
17 ~~regional~~ unified library service area, county library,
18 judicial branch, judicial district department of correctional
19 services, agency of the federal government, a hospital or
20 physician clinic, or a post office authorized to be offered
21 access pursuant to this chapter as of May 18, 1994, shall
22 certify to the commission no later than July 1, 1994, that the
23 agency is a part of or intends to become a part of the
24 network. Upon receiving such certification from an agency not
25 a part of the network on May 18, 1994, the commission shall
26 provide for the connection of such agency as soon as
27 practical. An agency which does not certify to the commission
28 that the agency is a part of or intends to become a part of
29 the network as required by this subsection shall be prohibited
30 from using the network.

31 Sec. 3. Section 8D.11, subsection 4, Code 2001, is amended
32 to read as follows:

33 4. A political subdivision receiving communications
34 services from the state as of April 1, 1986, may continue to
35 do so but communications services shall not be provided or

1 resold to additional political subdivisions other than a
2 school corporation, a city library, a ~~regional~~ unified library
3 service area as provided in chapter 256, and a county library
4 as provided in chapter 336. The rates charged to the
5 political subdivision shall be the same as the rates charged
6 to state agencies.

7 Sec. 4. Section 12C.1, subsection 1, Code 2001, is amended
8 to read as follows:

9 1. All funds held by the following officers or
10 institutions shall be deposited in one or more depositories
11 first approved by the appropriate governing body as indicated:
12 for the treasurer of state, by the executive council; for
13 judicial officers and court employees, by the supreme court;
14 for the county treasurer, recorder, auditor, and sheriff, by
15 the board of supervisors; for the city treasurer or other
16 designated financial officer of a city, by the city council;
17 for the county public hospital or merged area hospital, by the
18 board of hospital trustees; for a memorial hospital, by the
19 memorial hospital commission; for a school corporation, by the
20 board of school directors; for a city utility or combined
21 utility system established under chapter 388, by the utility
22 board; for a ~~regional~~ unified library service area established
23 under chapter 256, by the ~~regional~~ unified library service
24 area board of ~~library~~ trustees; and for an electric power
25 agency as defined in section 28F.2, by the governing body of
26 the electric power agency. However, the treasurer of state
27 and the treasurer of each political subdivision or the
28 designated financial officer of a city shall invest all funds
29 not needed for current operating expenses in time certificates
30 of deposit in approved depositories pursuant to this chapter
31 or in investments permitted by section 12B.10. The list of
32 public depositories and the amounts severally deposited in the
33 depositories are matters of public record. This subsection
34 does not limit the definition of "public funds" contained in
35 subsection 2. Notwithstanding provisions of this section to

1 the contrary, public funds of a state government deferred
2 compensation plan established by the executive council may
3 also be invested in the investment products authorized under
4 section 509A.12.

5 Sec. 5. Section 39.11, Code 2001, is amended to read as
6 follows:

7 39.11 MORE THAN ONE OFFICE PROHIBITED.

8 Statewide elected officials and members of the general
9 assembly shall not hold more than one elective office at a
10 time. All other elected officials shall not hold more than
11 one elective office at the same level of government at a time.
12 This section does not apply to the following offices: county
13 agricultural extension council, or soil and water conservation
14 district commission, ~~or regional library board of trustees.~~

15 Sec. 6. Section 39.21, subsection 1, Code 2001, is amended
16 by striking the subsection.

17 Sec. 7. Section 43.67, subsection 8, Code 2001, is amended
18 to read as follows:

19 8. A statement that the candidate is aware of the
20 prohibition in section 49.41 against being a candidate for
21 more than one office to be filled at the same election, except
22 county agricultural extension council, and soil and water
23 conservation district commission, ~~and regional library board~~
24 ~~of trustees.~~

25 Sec. 8. Section 44.3, subsection 2, paragraph h, Code
26 2001, is amended to read as follows:

27 h. A statement that the candidate is aware of the
28 prohibition in section 49.41 against being a candidate for
29 more than one office to be filled at the same election, except
30 county agricultural extension council, and soil and water
31 conservation district commission, ~~and regional library board~~
32 ~~of trustees.~~

33 Sec. 9. Section 45.3, subsection 8, Code 2001, is amended
34 to read as follows:

35 8. A statement that the candidate is aware of the

1 prohibition in section 49.41 against being a candidate for
2 more than one office to be filled at the same election, except
3 county agricultural extension council, and soil and water
4 conservation district commission, ~~and regional library board~~
5 ~~of trustees.~~

6 Sec. 10. Section 49.41, unnumbered paragraph 6, Code 2001,
7 is amended to read as follows:

8 This section does not apply to the ~~following public~~
9 ~~offices:~~ county agricultural extension council, or the soil
10 and water conservation district commission, ~~or regional~~
11 ~~library board of trustees.~~

12 Sec. 11. Section 69.2, subsection 8, Code 2001, is amended
13 to read as follows:

14 8. The incumbent simultaneously holding more than one
15 elective office at the same level of government. This
16 subsection does not apply to the ~~following offices:~~ county
17 agricultural extension council, or the soil and water
18 conservation district commission, ~~or regional library board of~~
19 ~~trustees.~~

20 Sec. 12. Section 256.51, subsection 1, paragraphs d, e,
21 and k, Code 2001, are amended to read as follows:

22 d. Develop and adopt, in conjunction with the Iowa
23 ~~regional~~ unified library system service areas, long-range
24 plans for the continued improvement of library services and
25 which will explore or broaden the information mission in the
26 state. To insure that the concerns of all types of libraries
27 are addressed, the division shall establish a long-range
28 planning committee to review and evaluate progress and report
29 findings and recommendations to the division and to the
30 trustees of the ~~Iowa regional~~ unified library system service
31 areas at an annual meeting.

32 e. Develop, in cooperation consultation with the Iowa
33 ~~regional~~ unified library system service areas and the area
34 education agency media centers, a biennial unified plan of
35 service and service delivery for the division of libraries and

1 information services.

2 k. Establish and administer standards for state agency
3 libraries, the ~~Iowa-regional~~ unified library system service
4 areas, and public libraries.

5 Sec. 13. Section 256.60, Code 2001, is amended to read as
6 follows:

7 256.60 REGIONAL UNIFIED LIBRARY SYSTEM SERVICE AREAS
8 ESTABLISHED -- PURPOSES.

9 ~~A-regional~~ Unified library system-is service areas are
10 established as provided in section 256.61 to provide
11 supporting services to libraries, including, but not limited
12 to, consulting, continuing education, and interlibrary loan
13 and reference services, to assure consistency of service
14 statewide, and to encourage local financial support for
15 library services.

16 Sec. 14. Section 256.61, Code 2001, is amended by striking
17 the section and inserting in lieu thereof the following:

18 256.61 UNIFIED LIBRARY SERVICE AREAS AND BOARDS OF
19 TRUSTEES.

20 1. Seven unified library service areas shall serve and
21 represent seven geographic regions consisting of the following
22 counties:

23 a. The southwestern area shall serve and represent the
24 counties of Adair, Adams, Audubon, Cass, Clarke, Decatur,
25 Fremont, Guthrie, Harrison, Lucas, Mills, Montgomery, Page,
26 Pottawattamie, Ringgold, Shelby, Taylor, Union, and Wayne.

27 b. The northwestern area shall serve and represent the
28 counties of Buena Vista, Calhoun, Carroll, Cherokee, Clay,
29 Crawford, Dickinson, Emmet, Ida, Lyon, Monona, O'Brien,
30 Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and
31 Woodbury.

32 c. The north central area shall serve and represent the
33 counties of Cerro Gordo, Floyd, Franklin, Hamilton, Hancock,
34 Hardin, Humboldt, Kossuth, Mitchell, Webster, Winnebago,
35 Worth, and Wright.

1 d. The central area shall serve and represent the counties
2 of Boone, Dallas, Greene, Jasper, Madison, Marion, Marshall,
3 Polk, Story, and Warren.

4 e. The southeastern area shall serve and represent the
5 counties of Appanoose, Davis, Des Moines, Henry, Jefferson,
6 Keokuk, Lee, Louisa, Mahaska, Monroe, Muscatine, Scott, Van
7 Buren, Wapello, and Washington.

8 f. The east central area shall serve and represent the
9 counties of Benton, Cedar, Clinton, Iowa, Jackson, Johnson,
10 Jones, Linn, Poweshiek, and Tama.

11 g. The northeastern area shall serve and represent the
12 counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler,
13 Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy,
14 Howard, and Winneshiek.

15 2. Each area shall have a board of trustees composed of
16 seven members, who shall be appointed as follows:

17 a. One member shall be appointed mutually by the area
18 education agency media divisions located within the boundaries
19 of the unified library service area.

20 b. One member shall be appointed mutually by the boards of
21 trustees of the public libraries located within the boundaries
22 of the unified library service area.

23 c. One member shall be appointed mutually by librarians
24 employed by public libraries located within the boundaries of
25 the unified library service area.

26 d. One member shall be appointed mutually by the boards of
27 trustees of the community colleges located within the
28 boundaries of the unified library service area.

29 e. One member shall be appointed by the commission of
30 libraries to represent library patrons residing within the
31 boundaries of the unified library service area.

32 f. Two members shall be appointed by the commission of
33 libraries to represent the public at-large residing within the
34 boundaries of the unified library service area.

35 3. All appointments shall comply with section 69.16.

1 Appointments made pursuant to this section are exempt from the
2 requirements of section 69.16A.

3 4. The members of each unified library service area board
4 shall be appointed to four-year, staggered terms of office. A
5 term shall be effective on the first of July of the year of
6 appointment and a vacancy shall be filled for the unexpired
7 term in the same manner as the original appointment.

8 5. The members of a board shall not receive compensation,
9 but shall be reimbursed for their actual and necessary
10 expenses incurred in the performance of their official duties.
11 The expenses of the board members shall be paid from the
12 appropriation to the unified library service areas.

13 6. Each board shall elect a chairperson and vice
14 chairperson annually from among its membership. A board shall
15 meet at the call of its chairperson or upon written request of
16 a majority of its membership. Four members constitute a
17 quorum. The concurrence of a majority of the members of a
18 board is required to determine any matter relating to its
19 duties.

20 Sec. 15. Section 256.66, subsections 4, 6, 8 through 10,
21 and 13, Code 2001, are amended to read as follows:

22 4. May accept and administer trusts and may authorize
23 nonprofit foundations acting solely for the support of the
24 ~~regional~~ unified library service area to accept and administer
25 trusts deemed by the board to be beneficial to the operation
26 of the ~~regional~~ unified library service area. Notwithstanding
27 section 633.63, the board and the nonprofit foundation may act
28 as trustees in these instances. The board shall require that
29 moneys belonging to a nonprofit foundation be audited
30 annually.

31 6. May acquire land and construct or lease facilities to
32 carry out the provisions of ~~sections-256-60-through-256-69~~
33 this part.

34 8. Shall provide interlibrary loan and information
35 services ~~intraregionally, but which are capable of being~~

1 ~~linked-interregionally~~, throughout the area and across area
2 lines according to the standards developed by the commission
3 of libraries.

4 9. Shall develop and adopt, in cooperation with other
5 members of the ~~regional~~ unified library system service area
6 and the director of the department of education, a long-range
7 plan for the ~~region~~ area.

8 10. Shall prepare, in cooperation with all members of the
9 ~~regional~~ unified library system service area and the director
10 of the department of education, an annual plan of service.

11 13. May perform other acts necessary to carry out its
12 powers and duties under ~~sections-256.60-through-256.69~~ this
13 part.

14 Sec. 16. Section 256.67, Code 2001, is amended to read as
15 follows:

16 256.67 DUTIES OF THE ~~REGIONAL~~ AREA ADMINISTRATOR.

17 ~~A-regional~~ An area administrator shall:

18 1. Act as administrator and executive secretary of the
19 region in accordance with the objectives and policies adopted
20 by the ~~regional~~ area board of trustees and with the intent of
21 this chapter.

22 2. Organize, staff, and administer the ~~regional~~ unified
23 library service area so as to render the greatest benefit to
24 libraries and information services in the area.

25 3. Advise and counsel with the ~~regional~~ area board of
26 trustees and individual libraries in all matters pertaining to
27 the improvement of library services in the ~~region~~ unified
28 library service area.

29 4. Cooperate with other members of the ~~regional~~ unified
30 library system service area, the state library of Iowa and
31 representatives of the Iowa library community in considering
32 and developing plans for the improvement of library services
33 in Iowa.

34 5. Carry out the policies of the ~~regional~~ board of
35 trustees not inconsistent with state law.

1 Sec. 17. Section 256.68, subsection 1, unnumbered
2 paragraph 1, Code 2001, is amended to read as follows:

3 Funds appropriated for the purpose of carrying out ~~sections~~
4 ~~256-60-through-256-69~~ this part shall be ~~allocated-to-regional~~
5 distributed equally to the unified library service area boards
6 by the commission of libraries ~~as follows:~~.

7 Sec. 18. Section 256.68, subsection 1, paragraphs a
8 through c, Code 2001, are amended by striking the paragraphs.

9 Sec. 19. Section 256D.8, subsection 3, Code 2001, is
10 amended to read as follows:

11 3. Funds received by an area education agency pursuant to
12 section 256D.6, subsection 2, shall be expended for the costs
13 related to supporting school districts within the area served
14 with technology planning and equipment, including hardware and
15 software, materials and supplies related to instructional
16 technology and the lease or lease-purchase agreements for
17 those items, employment of or contracting with information
18 technology specialists to provide technical consulting and
19 integration of technology in curriculum and instruction, and
20 staff development and training related to instructional
21 technology. A consortium of area education agencies may
22 cooperatively engage in any of the activities allowed by this
23 section.

24 Sec. 20. Section 273.2, subsection 4, Code 2001, is
25 amended to read as follows:

26 4. The area education agency board shall provide for
27 special education services and media services for the local
28 school districts in the area and shall encourage and assist
29 school districts in the area to establish programs for gifted
30 and talented children. The board shall also provide media
31 services center support services in accordance with rules
32 adopted by the state board of education. The board shall
33 assist in facilitating interlibrary loans of materials between
34 school districts and other libraries. Each area education
35 agency shall include as a member of its media center advisory

1 committee a unified library service area trustee or unified
2 library service area staff member, who is appointed to the
3 committee by the commission of libraries.

4 Sec. 21. Section 273.11, subsection 2, Code 2001, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. i. Support for school district libraries
7 in accordance with section 273.2, subsection 4.

8 Sec. 22. Section 304.13A, subsection 2, unnumbered
9 paragraph 2, Code 2001, is amended to read as follows:

10 For purposes of this section, "public library" means a city
11 library, a ~~regional~~ unified library service area as provided
12 in chapter 256, or a county library district as provided in
13 chapter 336.

14 Sec. 23. Section 336.2, Code 2001, is amended to read as
15 follows:

16 336.2 LIBRARY DISTRICTS FORMED.

17 A county library district may be established composed of
18 ~~one county-or-two~~ or more adjacent counties ~~and-may-include-or~~
19 ~~exclude-the-entirety-of-a-city-partly-within-one-of-the~~
20 counties, one or more cities, or any combination of cities and
21 counties.

22 Eligible electors residing within the proposed district in
23 a number not less than five percent of those voting for
24 president of the United States or governor, as the case may
25 be, within ~~said~~ the district at the last general election may
26 petition the board of supervisors of the county ~~or-counties,~~
27 or the city council, for the establishment of ~~such-county the~~
28 library district. ~~Said~~ The petition shall clearly designate
29 the area to be included in the district.

30 The board of supervisors of each county and the city
31 council of each city containing area within the proposed
32 district shall submit the proposition to the registered voters
33 within their respective counties and cities at any general or
34 primary election provided said election occurs not less than
35 forty days after the filing of the petition.

1 A county library district shall be established, if a
2 majority of the electors voting on the proposition and
3 residing ~~outside-of-cities-maintaining-a-free-public~~ in the
4 proposed library district favor ~~it~~ its establishment.

5 The result of the election within cities maintaining a free
6 public library shall be considered separately, and no city
7 shall be included within the county library district unless a
8 majority of its electors, voting on the proposition, favor its
9 inclusion. In such cases the boundaries of an established
10 district may vary from those of the proposed district.

11 After the establishment of a county library district other
12 areas may be included by mutual agreement of the board of
13 trustees of the county library district and the governing body
14 of the area sought to be included.

15 Sec. 24. Section 336.3, Code 2001, is amended to read as
16 follows:

17 336.3 GIFTS.

18 When a gift for library purposes is accepted by the a
19 county or city, its use for the county library may be enforced
20 against the board of supervisors or city council by the
21 library board by an action of mandamus or by other proper
22 action.

23 Sec. 25. Section 336.4, Code 2001, is amended to read as
24 follows:

25 336.4 LIBRARY TRUSTEES.

26 In any ~~county-or-counties~~ area in which a library district
27 has been established in accordance with this chapter, a board
28 of library trustees, consisting of five, seven, or nine
29 electors of the library district, shall be appointed by the
30 board ~~or-boards~~ of supervisors of the any county or ~~counties~~
31 city comprising ~~such the~~ library district. Membership on the
32 library board shall be apportioned between the rural and city
33 areas of the district in proportion to the population in each
34 of such areas. In the event the library district is composed
35 of two or more counties, two or more cities, or any

1 combination of counties and cities, representation on said the
2 library board shall be equitably divided between or among said
3 the counties and cities in proportion to the population in
4 each of such the counties and cities.

5 Sec. 26. Section 336.10, Code 2001, is amended to read as
6 follows:

7 336.10 LIBRARY FUND.

8 All moneys received and set apart for the maintenance of
9 the library shall be deposited in the treasury of the county
10 or city, as determined by the board of library trustees, and
11 paid out upon warrants drawn by the county or city auditor
12 upon requisition of the board of trustees, signed by its
13 president and secretary.

14 Provided that where a free public library is maintained
15 jointly by two or more counties or cities or any combination
16 of counties and cities, the library trustees may elect a
17 library treasurer therefor, and it shall be the duty of the
18 city and county treasurers to pay over to said the library
19 treasurer any and all library taxes that may be collected by
20 them monthly.

21 Such The library treasurer shall be required to furnish a
22 bond conditioned as provided by section 64.2 in such an amount
23 as agreed upon by the participating boards of supervisors and
24 city councils and the cost thereof shall be paid by the
25 participating counties and cities.

26 Sec. 27. Section 336.11, Code 2001, is amended to read as
27 follows:

28 336.11 ANNUAL REPORT.

29 The board of trustees shall, immediately after the close of
30 each fiscal year, make submit to the board of supervisors, and
31 the city council, as appropriate, a report containing a
32 statement of the condition of the library, the number of books
33 added thereto, the number circulated, the number not returned
34 or lost, the amount of fines collected, and the amount of
35 money expended in the maintenance thereof during such year,

1 together with such further information as it may deem
2 important.

3 Sec. 28. Section 336.12, Code 2001, is amended to read as
4 follows:

5 336.12 REAL ESTATE ACQUIRED.

6 In any county or city in which a free library has been
7 established, the board of library trustees may purchase real
8 estate in the name of the county or city for the location of
9 library buildings and branch libraries, and for the purpose of
10 enlarging the grounds ~~thereof~~.

11 Sec. 29. Section 336.13, Code 2001, is amended to read as
12 follows:

13 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

14 The maintenance of a ~~county~~ library established in
15 accordance with this chapter shall be ~~on-the-basis-of-each~~
16 apportioned among the participating ~~unit-bearing-its-share-of~~
17 ~~the-total-cost~~ units in proportion to ~~its-population-as~~
18 ~~compared-to-the-total-population-of~~ the ~~county-library~~
19 ~~district~~ assessed valuation of the taxable property in each
20 participating unit. The board of library trustees shall make
21 an estimate of the amount necessary for the maintenance of the
22 ~~county~~ library, the sources of direct library revenue, and the
23 amount to be contributed from taxes or other revenues by the
24 participating city or county and hold a hearing on the
25 estimate after notice of the hearing is published as provided
26 in section 331.305 or section 362.3, as appropriate. On or
27 before January 10 of each year, the board of library trustees
28 shall transmit the estimate in dollars to the board of
29 supervisors and to the cities participating in the district.
30 The unincorporated area of each county in the library district
31 shall be considered as a separate supporting unit. Each board
32 of supervisors shall review the estimate and appropriate for
33 library purposes its share in the county rural services fund
34 budget. Each city council shall review the estimate for the
35 city and appropriate for library purposes its share in the

1 city general fund budget. Each participating city or county
2 shall contribute its share from taxation or from other sources
3 available for library purposes on an equitable basis. With
4 approval of a city council, the county treasurer may withhold
5 a reasonable portion of the taxes collected for a city to meet
6 the city's contribution for library purposes and deliver a
7 receipt to the city clerk for the amount withheld.

8 Sec. 30. Section 336.14, Code 2001, is amended to read as
9 follows:

10 336.14 NOT APPLICABLE TO CONTRACT SERVICE.

11 The provisions of this chapter pertaining to the
12 establishment of a **county** library district shall not apply to
13 any area receiving library service from any city library,
14 unless the petition for a **county** library district, in addition
15 to the required signatures of electors, is signed by the
16 governing body of the area receiving library service under
17 contract.

18 Sec. 31. Section 336.15, Code 2001, is amended to read as
19 follows:

20 336.15 EXISTING CONTRACTS ASSUMED.

21 Whenever a **county** library district is established the in
22 accordance with this chapter, its board of trustees ~~thereof~~
23 shall assume all the obligations of the existing contracts
24 made by cities, townships, school corporations or counties to
25 receive library service from free public libraries.

26 Sec. 32. Section 336.16, unnumbered paragraphs 1, 3, 4,
27 and 5, Code 2001, are amended to read as follows:

28 A city may withdraw from the **county** library district upon a
29 majority vote in favor of withdrawal by the electorate of the
30 city in an election held on a motion by the city council. The
31 election shall be held simultaneously with a general or city
32 election. Notice of a favorable vote to withdraw shall be
33 sent by certified mail to the board of library trustees of the
34 **county** library district and the county or city auditor, as
35 appropriate, prior to January 10, and the withdrawal shall be

1 effective on July 1.

2 A city or county election shall not be called until a
3 hearing has been held on the proposal to submit a proposition
4 of withdrawal to an election. A hearing may be held only
5 after public notice published as provided in section 362.3 in
6 the case of a city or section 331.305 in the case of a county.
7 A copy of the notice submitted for publication shall be mailed
8 to the **county** library on or before the date of publication.

9 The proposal presented at the hearing must include a plan for
10 continuing adequate library service with or without all
11 participants and the respective allocated costs and levels of
12 service shall be stated. At the hearing, any interested
13 person shall be given a reasonable time to be heard, either
14 for or against the withdrawal or the plan to accompany it.

15 A **county** library district may be terminated if a majority
16 of the electors of the unincorporated area of the county and
17 the cities included in the **county** library district voting on
18 the issue favor the termination. The election shall be held
19 upon motion of the board of supervisors and simultaneously
20 with a primary, general, or other county election. If the
21 vote favors termination, the termination shall be effective on
22 the succeeding July 1.

23 An election for withdrawal from or termination of a **county**
24 library district shall not be held more than once each four
25 years.

26 Sec. 33. Section 336.18, subsection 1, Code 2001, is
27 amended to read as follows:

28 1. A school corporation, township, or **county** library
29 district may contract for the use by its residents of a city
30 library, ~~but if a contract is made by a county board of~~
31 ~~supervisors or township trustees, it may only be for the~~
32 ~~residents outside of cities.~~ A contract by a county shall
33 supersede all contracts by townships or school corporations
34 within the county outside of cities.

35 Sec. 34. TRANSITIONAL BOARD MEMBERSHIP. Regional library

1 trustees holding office on the date of enactment shall serve
2 out the terms for which they were elected. The commission of
3 libraries shall coordinate the appointments made to the
4 initial appointive board pursuant to section 256.61. Members
5 shall be appointed in accordance with section 256.61 when a
6 vacancy occurs.

7 Sec. 35. Sections 256.62 through 256.65, Code 2001, are
8 repealed.

9 EXPLANATION

10 This bill changes the name of the regional library system
11 to the unified library service areas, provides for the
12 appointment of the unified library board of trustees rather
13 than for election of the trustees, expands the duties of the
14 unified areas, and requires the state board of education to
15 develop a biennial unified plan of service and service
16 delivery in consultation with the unified library service
17 areas and the area education agency media centers.

18 REGIONAL LIBRARY CHANGEOVER. Current law requires regional
19 libraries to provide supporting services to libraries. The
20 bill provides that the services shall include consulting,
21 continuing education, interlibrary loan and reference
22 services, and assured consistency of service statewide. The
23 unified library trustees are chosen from geographic districts
24 drawn upon the same county lines as the regional system.
25 Currently, the trustees are elected.

26 Board membership shall include at least a representative of
27 an area education agency media division, a public library
28 trustee, a librarian, a community college representative, a
29 person representing library patrons, and two persons
30 representing the public at large. Regional library trustees
31 elected in the most recent general election shall serve the
32 terms for which they were elected, but vacancies shall be
33 filled by appointment.

34 AREA EDUCATION AGENCY MEDIA SERVICES SUPPORT TO SCHOOL
35 LIBRARIES. The bill requires that area education agency

1 boards (AEAs) assist in facilitating interlibrary loans to
2 school districts and other libraries. The bill directs the
3 AEAs to include as a member on its media center advisory
4 committee a unified area trustee or staff member appointed by
5 the commission of libraries.

6 MULTICOUNTY, MULTICITY, OR MULTICOUNTY AND CITY LIBRARIES.

7 The bill amends the Code chapter that provides for the
8 establishment of county library districts to allow a library
9 district to be established by one or more counties, one or
10 more cities, or any combination of cities and counties. The
11 bill requires that a county pay its share of maintenance costs
12 based on the assessed valuation of property, as the cities
13 must, rather than on the basis of population.

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HOUSE FILE 637

H-1294

- 1 Amend House File 637 as follows:
2 1. Page 1, line 6, by striking the word
3 "unified".
4 2. Page 1, line 17, by striking the word
5 "unified".
6 3. Page 2, line 2, by striking the word
7 "unified".
8 4. Page 2, line 22, by striking the word
9 "unified".
10 5. Page 2, line 23, by striking the word
11 "unified".
12 6. Page 4, line 23, by striking the word
13 "unified".
14 7. Page 4, line 30, by striking the word
15 "unified".
16 8. Page 4, line 33, by striking the word
17 "unified".
18 9. Page 5, line 3, by striking the word
19 "unified".
20 10. Page 5, line 7, by striking the word
21 "UNIFIED".
22 11. Page 5, line 9, by striking the words
23 "Unified library" and inserting the following:
24 "library Library".
25 12. Page 5, line 18, by striking the word
26 "UNIFIED".
27 13. Page 5, line 20, by striking the word
28 "unified".
29 14. Page 6, line 19, by striking the word
30 "unified".
31 15. Page 6, line 22, by striking the word
32 "unified".
33 16. Page 6, line 25, by striking the word
34 "unified".
35 17. Page 6, line 28, by striking the word
36 "unified".
37 18. Page 6, line 31, by striking the word
38 "unified".
39 19. Page 6, line 34, by striking the word
40 "unified".
41 20. Page 7, line 3, by striking the word
42 "unified".
43 21. Page 7, line 12, by striking the word
44 "unified".
45 22. Page 7, line 24, by striking the word
46 "unified".
47 23. Page 7, line 26, by striking the word
48 "unified".
49 24. Page 8, line 5, by striking the word
50 "unified".

H-1294

-1-

H-1294

Page 2

- 1 25. Page 8, line 9, by striking the word
- 2 "unified".
- 3 26. Page 8, line 22, by striking the word
- 4 "unified".
- 5 27. Page 8, line 27, by striking the word
- 6 "unified".
- 7 28. Page 8, line 29, by striking the word
- 8 "unified".
- 9 29. Page 9, line 5, by striking the word
- 10 "unified".
- 11 30. Page 9, by striking lines 30 through 32 and
- 12 inserting the following: "and talented children. The
- 13 board shall".
- 14 31. Page 10, by striking line 1 and inserting the
- 15 following: "committee a library service area trustee
- 16 or".
- 17 32. Page 10, line 11, by striking the word
- 18 "unified".
- 19 33. Page 11, line 7, by striking the word
- 20 "county" and inserting the following: "~~county~~".
- 21 34. Title page, line 5, by striking the word
- 22 "unified".
- 23 35. Title page, line 7, by striking the word
- 24 "unified".
- 25 36. By renumbering as necessary.

By BOAL of Polk

H-1294 FILED MARCH 21, 2001

A. D. P. T. E. D.
3/22/01
(P. 840)

HOUSE FILE 637

H-1307

1 Amend the amendment, H-1294, to House File 637, as
2 follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "___". Page 8, by inserting after line 35 the
6 following:

7 "Sec. ____. Section 256.67A, Code 2001, is amended
8 to read as follows:

9 256.67A INSURANCE ELIGIBILITY.

10 Personnel employed by a ~~regional~~ library service
11 area shall be considered state employees for purposes
12 of eligibility for receiving employee health and
13 dental insurance as provided to state employees by the
14 department of personnel. If a ~~regional~~ library
15 service area elects to participate in a state employee
16 health and dental insurance program, the ~~regional~~
17 library service area shall continue to pay the costs
18 of employee participation in a program from funds
19 appropriated for purposes of the ~~regional libraries~~
20 library service areas by the general assembly.""

21 2. Page 2, by inserting after line 10 the
22 following:

23 "___". Page 9, by inserting after line 8 the
24 following:

25 "Sec. ____. Section 256.68, subsection 2, Code
26 2001, is amended to read as follows:

27 2. In addition to funds received under subsection
28 1, a ~~regional~~ library service area board of trustees
29 may individually or cooperatively apply to the
30 commission of libraries for available grants.""

31 3. By renumbering as necessary.

By BOAL of Polk

H-1307 FILED MARCH 22, 2001

Adopted
3/22/01
(p. 839)

S. 4/5/01 Do Pass

S. 4/12/01 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 637
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 190)

(As Amended and Passed by the House March 22, 2001)

Re - Passed House, Date 5/7/01 (p.1950) Passed Senate, Date 5/3/01 (p.1491)
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0
Approved 5/22/01

A BILL FOR

1 An Act relating to the responsibilities and duties of the
2 department of education, area education agencies, and the
3 commission of libraries, including the renaming of the
4 regional library system, the appointment of trustees for the
*5 library service area, and development of a biennial unified
6 plan of service and service delivery in consultation with
*7 library service areas and area education agency media centers.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 8D.2, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. "Public agency" means a state agency, an institution
4 under the control of the board of regents, the judicial branch
5 as provided in section 8D.13, subsection 17, a school
*6 corporation, a city library, a ~~regional~~ library service area
7 as provided in chapter 256, a county library as provided in
8 chapter 336, or a judicial district department of correctional
9 services established in section 905.2, to the extent provided
10 in section 8D.13, subsection 15, an agency of the federal
11 government, or a United States post office which receives a
12 federal grant for pilot and demonstration projects.

13 Sec. 2. Section 8D.9, subsection 1, Code 2001, is amended
14 to read as follows:

15 1. A private or public agency, other than a state agency,
16 local school district or nonpublic school, city library,
*17 ~~regional~~ library service area, county library, judicial
18 branch, judicial district department of correctional services,
19 agency of the federal government, a hospital or physician
20 clinic, or a post office authorized to be offered access
21 pursuant to this chapter as of May 18, 1994, shall certify to
22 the commission no later than July 1, 1994, that the agency is
23 a part of or intends to become a part of the network. Upon
24 receiving such certification from an agency not a part of the
25 network on May 18, 1994, the commission shall provide for the
26 connection of such agency as soon as practical. An agency
27 which does not certify to the commission that the agency is a
28 part of or intends to become a part of the network as required
29 by this subsection shall be prohibited from using the network.

30 Sec. 3. Section 8D.11, subsection 4, Code 2001, is amended
31 to read as follows:

32 4. A political subdivision receiving communications
33 services from the state as of April 1, 1986, may continue to
34 do so but communications services shall not be provided or
35 resold to additional political subdivisions other than a

*1 school corporation, a city library, a ~~regional~~ library service
2 area as provided in chapter 256, and a county library as
3 provided in chapter 336. The rates charged to the political
4 subdivision shall be the same as the rates charged to state
5 agencies.

6 Sec. 4. Section 12C.1, subsection 1, Code 2001, is amended
7 to read as follows:

8 1. All funds held by the following officers or
9 institutions shall be deposited in one or more depositories
10 first approved by the appropriate governing body as indicated:
11 for the treasurer of state, by the executive council; for
12 judicial officers and court employees, by the supreme court;
13 for the county treasurer, recorder, auditor, and sheriff, by
14 the board of supervisors; for the city treasurer or other
15 designated financial officer of a city, by the city council;
16 for the county public hospital or merged area hospital, by the
17 board of hospital trustees; for a memorial hospital, by the
18 memorial hospital commission; for a school corporation, by the
19 board of school directors; for a city utility or combined
20 utility system established under chapter 388, by the utility
*21 board; for a ~~regional~~ library service area established under
*22 chapter 256, by the ~~regional~~ library service area board of
23 ~~library~~ trustees; and for an electric power agency as defined
24 in section 28F.2, by the governing body of the electric power
25 agency. However, the treasurer of state and the treasurer of
26 each political subdivision or the designated financial officer
27 of a city shall invest all funds not needed for current
28 operating expenses in time certificates of deposit in approved
29 depositories pursuant to this chapter or in investments
30 permitted by section 12B.10. The list of public depositories
31 and the amounts severally deposited in the depositories are
32 matters of public record. This subsection does not limit the
33 definition of "public funds" contained in subsection 2.
34 Notwithstanding provisions of this section to the contrary,
35 public funds of a state government deferred compensation plan

1 established by the executive council may also be invested in
2 the investment products authorized under section 509A.12.

3 Sec. 5. Section 39.11, Code 2001, is amended to read as
4 follows:

5 39.11 MORE THAN ONE OFFICE PROHIBITED.

6 Statewide elected officials and members of the general
7 assembly shall not hold more than one elective office at a
8 time. All other elected officials shall not hold more than
9 one elective office at the same level of government at a time.
10 This section does not apply to the following offices: county
11 agricultural extension council, or soil and water conservation
12 district commission, ~~or regional library board of trustees.~~

13 Sec. 6. Section 39.21, subsection 1, Code 2001, is amended
14 by striking the subsection.

15 Sec. 7. Section 43.67, subsection 8, Code 2001, is amended
16 to read as follows:

17 8. A statement that the candidate is aware of the
18 prohibition in section 49.41 against being a candidate for
19 more than one office to be filled at the same election, except
20 county agricultural extension council, and soil and water
21 conservation district commission, ~~and regional library board~~
22 ~~of trustees.~~

23 Sec. 8. Section 44.3, subsection 2, paragraph h, Code
24 2001, is amended to read as follows:

25 h. A statement that the candidate is aware of the
26 prohibition in section 49.41 against being a candidate for
27 more than one office to be filled at the same election, except
28 county agricultural extension council, and soil and water
29 conservation district commission, ~~and regional library board~~
30 ~~of trustees.~~

31 Sec. 9. Section 45.3, subsection 8, Code 2001, is amended
32 to read as follows:

33 8. A statement that the candidate is aware of the
34 prohibition in section 49.41 against being a candidate for
35 more than one office to be filled at the same election, except

1 county agricultural extension council, and soil and water
 2 conservation district commission, ~~and regional library board~~
 3 ~~of trustees.~~

4 Sec. 10. Section 49.41, unnumbered paragraph 6, Code 2001,
 5 is amended to read as follows:

6 This section does not apply to the ~~following public~~
 7 ~~offices:~~ county agricultural extension council, or the soil
 8 and water conservation district commission, ~~or regional~~
 9 ~~library board of trustees.~~

10 Sec. 11. Section 69.2, subsection 8, Code 2001, is amended
 11 to read as follows:

12 8. The incumbent simultaneously holding more than one
 13 elective office at the same level of government. This
 14 subsection does not apply to the ~~following offices:~~ county
 15 agricultural extension council, or the soil and water
 16 conservation district commission, ~~or regional library board of~~
 17 ~~trustees.~~

18 Sec. 12. Section 256.51, subsection 1, paragraphs d, e,
 19 and k, Code 2001, are amended to read as follows:

20 d. Develop and adopt, in conjunction with the ~~Iowa~~
 * 21 ~~regional~~ library ~~system~~ service areas, long-range plans for
 22 the continued improvement of library services and which will
 23 explore or broaden the information mission in the state. To
 24 insure that the concerns of all types of libraries are
 25 addressed, the division shall establish a long-range planning
 26 committee to review and evaluate progress and report findings
 27 and recommendations to the division and to the trustees of the
 * 28 ~~Iowa-regional~~ library ~~system~~ service areas at an annual
 29 meeting.

30 e. Develop, in cooperation consultation with the ~~Iowa~~
 * 31 ~~regional~~ library ~~system~~ service areas and the area education
 32 agency media centers, a biennial unified plan of service and
 33 service delivery for the division of libraries and information
 34 services.

35 k. Establish and administer standards for state agency

*1 libraries, the ~~Iowa-regional~~ library system service areas, and
2 public libraries.

3 Sec. 13. Section 256.60, Code 2001, is amended to read as
4 follows:

*5 256.60 REGIONAL LIBRARY SYSTEM SERVICE AREAS ESTABLISHED
6 -- PURPOSES.

*7 ~~A-regional-library~~ Library system-is service areas are
8 established as provided in section 256.61 to provide
9 supporting services to libraries, including, but not limited
10 to, consulting, continuing education, and interlibrary loan
11 and reference services, to assure consistency of service
12 statewide, and to encourage local financial support for
13 library services.

14 Sec. 14. Section 256.61, Code 2001, is amended by striking
15 the section and inserting in lieu thereof the following:

*16 256.61 LIBRARY SERVICE AREAS AND BOARDS OF TRUSTEES.

*17 1. Seven library service areas shall serve and represent
18 seven geographic regions consisting of the following counties:

19 a. The southwestern area shall serve and represent the
20 counties of Adair, Adams, Audubon, Cass, Clarke, Decatur,
21 Fremont, Guthrie, Harrison, Lucas, Mills, Montgomery, Page,
22 Pottawattamie, Ringgold, Shelby, Taylor, Union, and Wayne.

23 b. The northwestern area shall serve and represent the
24 counties of Buena Vista, Calhoun, Carroll, Cherokee, Clay,
25 Crawford, Dickinson, Emmet, Ida, Lyon, Monona, O'Brien,
26 Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and
27 Woodbury.

28 c. The north central area shall serve and represent the
29 counties of Cerro Gordo, Floyd, Franklin, Hamilton, Hancock,
30 Hardin, Humboldt, Kossuth, Mitchell, Webster, Winnebago,
31 Worth, and Wright.

32 d. The central area shall serve and represent the counties
33 of Boone, Dallas, Greene, Jasper, Madison, Marion, Marshall,
34 Polk, Story, and Warren.

35 e. The southeastern area shall serve and represent the

1 counties of Appanoose, Davis, Des Moines, Henry, Jefferson,
2 Keokuk, Lee, Louisa, Mahaska, Monroe, Muscatine, Scott, Van
3 Buren, Wapello, and Washington.

4 f. The east central area shall serve and represent the
5 counties of Benton, Cedar, Clinton, Iowa, Jackson, Johnson,
6 Jones, Linn, Poweshiek, and Tama.

7 g. The northeastern area shall serve and represent the
8 counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler,
9 Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy,
10 Howard, and Winneshiek.

11 2. Each area shall have a board of trustees composed of
12 seven members, who shall be appointed as follows:

13 a. One member shall be appointed mutually by the area
14 education agency media divisions located within the boundaries
*15 of the library service area.

16 b. One member shall be appointed mutually by the boards of
17 trustees of the public libraries located within the boundaries
*18 of the library service area.

19 c. One member shall be appointed mutually by librarians
20 employed by public libraries located within the boundaries of
*21 the library service area.

22 d. One member shall be appointed mutually by the boards of
23 trustees of the community colleges located within the
*24 boundaries of the library service area.

25 e. One member shall be appointed by the commission of
26 libraries to represent library patrons residing within the
*27 boundaries of the library service area.

28 f. Two members shall be appointed by the commission of
29 libraries to represent the public at-large residing within the
*30 boundaries of the library service area.

31 3. All appointments shall comply with section 69.16.

32 Appointments made pursuant to this section are exempt from the
33 requirements of section 69.16A.

*34 4. The members of each library service area board shall be
35 appointed to four-year, staggered terms of office. A term

1 shall be effective on the first of July of the year of
2 appointment and a vacancy shall be filled for the unexpired
3 term in the same manner as the original appointment.

4 5. The members of a board shall not receive compensation,
5 but shall be reimbursed for their actual and necessary
6 expenses incurred in the performance of their official duties.
7 The expenses of the board members shall be paid from the
* 8 appropriation to the library service areas.

9 6. Each board shall elect a chairperson and vice
10 chairperson annually from among its membership. A board shall
11 meet at the call of its chairperson or upon written request of
12 a majority of its membership. Four members constitute a
13 quorum. The concurrence of a majority of the members of a
14 board is required to determine any matter relating to its
15 duties.

16 Sec. 15. Section 256.66, subsections 4, 6, 8 through 10,
17 and 13, Code 2001, are amended to read as follows:

18 4. May accept and administer trusts and may authorize
19 nonprofit foundations acting solely for the support of the
* 20 ~~regional~~ library service area to accept and administer trusts
21 deemed by the board to be beneficial to the operation of the
* 22 ~~regional~~ library service area. Notwithstanding section
23 633.63, the board and the nonprofit foundation may act as
24 trustees in these instances. The board shall require that
25 moneys belonging to a nonprofit foundation be audited
26 annually.

27 6. May acquire land and construct or lease facilities to
28 carry out the provisions of ~~sections-256-60-through-256-69~~
29 this part.

30 8. Shall provide interlibrary loan and information
31 services ~~intraregionally, but which are capable of being~~
32 ~~linked-interregionally,~~ throughout the area and across area
33 lines according to the standards developed by the commission
34 of libraries.

35 9. Shall develop and adopt, in cooperation with other

* 1 members of the regional library system service area and the
2 director of the department of education, a long-range plan for
3 the region area.

4 10. Shall prepare, in cooperation with all members of the
* 5 regional library system service area and the director of the
6 department of education, an annual plan of service.

7 13. May perform other acts necessary to carry out its
8 powers and duties under ~~sections-256-60-through-256-69~~ this
9 part.

10 Sec. 16. Section 256.67, Code 2001, is amended to read as
11 follows:

12 256.67 DUTIES OF THE REGIONAL AREA ADMINISTRATOR.

13 ~~A-regional~~ An area administrator shall:

14 1. Act as administrator and executive secretary of the
15 region in accordance with the objectives and policies adopted
16 by the regional area board of trustees and with the intent of
17 this chapter.

* 18 2. Organize, staff, and administer the regional library
19 service area so as to render the greatest benefit to libraries
20 and information services in the area.

21 3. Advise and counsel with the regional area board of
22 trustees and individual libraries in all matters pertaining to
* 23 the improvement of library services in the region library
24 service area.

* 25 4. Cooperate with other members of the regional library
26 system service area, the state library of Iowa and
27 representatives of the Iowa library community in considering
28 and developing plans for the improvement of library services
29 in Iowa.

30 5. Carry out the policies of the regional board of
31 trustees not inconsistent with state law.

32 Sec. 17. Section 256.67A, Code 2001, is amended to read as
33 follows:

34 256.67A INSURANCE ELIGIBILITY.

35 Personnel employed by a regional library service area shall

1 be considered state employees for purposes of eligibility for
2 receiving employee health and dental insurance as provided to
3 state employees by the department of personnel. If a regional
4 library service area elects to participate in a state employee
5 health and dental insurance program, the regional library
6 service area shall continue to pay the costs of employee
7 participation in a program from funds appropriated for
8 purposes of the regional-libraries library service areas by
9 the general assembly.

10 Sec. 18. Section 256.68, subsection 1, unnumbered
11 paragraph 1, Code 2001, is amended to read as follows:

12 Funds appropriated for the purpose of carrying out sections
13 256-60-through-256-69 this part shall be allocated-to-regional
* 14 distributed equally to the library service area boards by the
15 commission of libraries as-follows-.

16 Sec. 19. Section 256.68, subsection 1, paragraphs a
17 through c, Code 2001, are amended by striking the paragraphs.

18 Sec. 20. Section 256.68, subsection 2, Code 2001, is
19 amended to read as follows:

20 2. In addition to funds received under subsection 1, a
21 regional library service area board of trustees may
22 individually or cooperatively apply to the commission of
23 libraries for available grants.

24 Sec. 21. Section 256D.8, subsection 3, Code 2001, is
25 amended to read as follows:

26 3. Funds received by an area education agency pursuant to
27 section 256D.6, subsection 2, shall be expended for the costs
28 related to supporting school districts within the area served
29 with technology planning and equipment, including hardware and
30 software, materials and supplies related to instructional
31 technology and the lease or lease-purchase agreements for
32 those items, employment of or contracting with information
33 technology specialists to provide technical consulting and
34 integration of technology in curriculum and instruction, and
35 staff development and training related to instructional

1 technology. A consortium of area education agencies may
2 cooperatively engage in any of the activities allowed by this
3 section.

4 Sec. 22. Section 273.2, subsection 4, Code 2001, is
5 amended to read as follows:

6 4. The area education agency board shall provide for
7 special education services and media services for the local
8 school districts in the area and shall encourage and assist
9 school districts in the area to establish programs for gifted
10 and talented children. The board shall assist in facilitating
11 interlibrary loans of materials between school districts and
12 other libraries. Each area education agency shall include as
13 a member of its media center advisory committee a library
14 service area trustee or library service area staff member, who
15 is appointed to the committee by the commission of libraries.

16 Sec. 23. Section 273.11, subsection 2, Code 2001, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. i. Support for school district libraries
19 in accordance with section 273.2, subsection 4.

20 Sec. 24. Section 304.13A, subsection 2, unnumbered
21 paragraph 2, Code 2001, is amended to read as follows:

22 For purposes of this section, "public library" means a city
* 23 library, a ~~regional~~ library service area as provided in
24 chapter 256, or a ~~county~~ library district as provided in
25 chapter 336.

26 Sec. 25. Section 336.2, Code 2001, is amended to read as
27 follows:

28 336.2 LIBRARY DISTRICTS FORMED.

29 A ~~county~~ library district may be established composed of
30 one ~~county-or-two~~ or more adjacent counties ~~and-may-include-or~~
31 ~~exclude-the-entirety-of-a-city-partly-within-one-of-the~~
32 counties, one or more cities, or any combination of cities and
33 counties.

34 Eligible electors residing within the proposed district in
35 a number not less than five percent of those voting for

1 president of the United States or governor, as the case may
2 be, within ~~said~~ the district at the last general election may
3 petition the board of supervisors of the county ~~or-counties,~~
4 or the city council, for the establishment of ~~such-county~~ the
5 library district. ~~Said~~ The petition shall clearly designate
6 the area to be included in the district.

7 The board of supervisors of each county and the city
8 council of each city containing area within the proposed
9 district shall submit the proposition to the registered voters
10 within their respective counties and cities at any general or
11 primary election provided said election occurs not less than
12 forty days after the filing of the petition.

13 A county library district shall be established, if a
14 majority of the electors voting on the proposition and
15 residing ~~outside-of-cities-maintaining-a-free-public~~ in the
16 proposed library district favor ~~it~~ its establishment.

17 The result of the election within cities maintaining a free
18 public library shall be considered separately, and no city
19 shall be included within the county library district unless a
20 majority of its electors, voting on the proposition, favor its
21 inclusion. In such cases the boundaries of an established
22 district may vary from those of the proposed district.

23 After the establishment of a county library district other
24 areas may be included by mutual agreement of the board of
25 trustees of the county library district and the governing body
26 of the area sought to be included.

27 Sec. 26. Section 336.3, Code 2001, is amended to read as
28 follows:

29 336.3 GIFTS.

30 When a gift for library purposes is accepted by the a
31 county or city, its use for the county library may be enforced
32 against the board of supervisors or city council by the
33 library board by an action of mandamus or by other proper
34 action.

35 Sec. 27. Section 336.4, Code 2001, is amended to read as

1 follows:

2 336.4 LIBRARY TRUSTEES.

3 In any ~~county-or-counties~~ area in which a library district
4 has been established in accordance with this chapter, a board
5 of library trustees, consisting of five, seven, or nine
6 electors of the library district, shall be appointed by the
7 board ~~or-boards~~ of supervisors of the any county or counties
8 city comprising such the library district. Membership on the
9 library board shall be apportioned between the rural and city
10 areas of the district in proportion to the population in each
11 of such areas. In the event the library district is composed
12 of two or more counties, two or more cities, or any
13 combination of counties and cities, representation on said the
14 library board shall be equitably divided between or among said
15 the counties and cities in proportion to the population in
16 each of such the counties and cities.

17 Sec. 28. Section 336.10, Code 2001, is amended to read as
18 follows:

19 336.10 LIBRARY FUND.

20 All moneys received and set apart for the maintenance of
21 the library shall be deposited in the treasury of the county
22 or city, as determined by the board of library trustees, and
23 paid out upon warrants drawn by the county or city auditor
24 upon requisition of the board of trustees, signed by its
25 president and secretary.

26 Provided that where a free public library is maintained
27 jointly by two or more counties or cities or any combination
28 of counties and cities, the library trustees may elect a
29 library treasurer therefor, and it shall be the duty of the
30 city and county treasurers to pay over to said the library
31 treasurer any and all library taxes that may be collected by
32 them monthly.

33 Such The library treasurer shall be required to furnish a
34 bond conditioned as provided by section 64.2 in such an amount
35 as agreed upon by the participating boards of supervisors and

1 city councils and the cost thereof shall be paid by the
2 participating counties and cities.

3 Sec. 29. Section 336.11, Code 2001, is amended to read as
4 follows:

5 336.11 ANNUAL REPORT.

6 The board of trustees shall, immediately after the close of
7 each fiscal year, make submit to the board of supervisors, and
8 the city council, as appropriate, a report containing a
9 statement of the condition of the library, the number of books
10 added thereto, the number circulated, the number not returned
11 or lost, the amount of fines collected, and the amount of
12 money expended in the maintenance thereof during such year,
13 together with such further information as it may deem
14 important.

15 Sec. 30. Section 336.12, Code 2001, is amended to read as
16 follows:

17 336.12 REAL ESTATE ACQUIRED.

18 In any county or city in which a free library has been
19 established, the board of library trustees may purchase real
20 estate in the name of the county or city for the location of
21 library buildings and branch libraries, and for the purpose of
22 enlarging the grounds thereof.

23 Sec. 31. Section 336.13, Code 2001, is amended to read as
24 follows:

25 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

26 The maintenance of a county library established in
27 accordance with this chapter shall be ~~on-the-basis-of-each~~
28 apportioned among the participating ~~unit-bearing-its-share-of~~
29 ~~the-total-cost~~ units in proportion to ~~its-population-as~~
30 ~~compared-to-the-total-population-of~~ the county-library
31 ~~district~~ assessed valuation of the taxable property in each
32 participating unit. The board of library trustees shall make
33 an estimate of the amount necessary for the maintenance of the
34 county library, the sources of direct library revenue, and the
35 amount to be contributed from taxes or other revenues by the

1 participating city or county and hold a hearing on the
2 estimate after notice of the hearing is published as provided
3 in section 331.305 or section 362.3, as appropriate. On or
4 before January 10 of each year, the board of library trustees
5 shall transmit the estimate in dollars to the board of
6 supervisors and to the cities participating in the district.
7 The unincorporated area of each county in the library district
8 shall be considered as a separate supporting unit. Each board
9 of supervisors shall review the estimate and appropriate for
10 library purposes its share in the county rural services fund
11 budget. Each city council shall review the estimate for the
12 city and appropriate for library purposes its share in the
13 city general fund budget. Each participating city or county
14 shall contribute its share from taxation or from other sources
15 available for library purposes on an equitable basis. With
16 approval of a city council, the county treasurer may withhold
17 a reasonable portion of the taxes collected for a city to meet
18 the city's contribution for library purposes and deliver a
19 receipt to the city clerk for the amount withheld.

20 Sec. 32. Section 336.14, Code 2001, is amended to read as
21 follows:

22 336.14 NOT APPLICABLE TO CONTRACT SERVICE.

23 The provisions of this chapter pertaining to the
24 establishment of a county library district shall not apply to
25 any area receiving library service from any city library,
26 unless the petition for a county library district, in addition
27 to the required signatures of electors, is signed by the
28 governing body of the area receiving library service under
29 contract.

30 Sec. 33. Section 336.15, Code 2001, is amended to read as
31 follows:

32 336.15 EXISTING CONTRACTS ASSUMED.

33 Whenever a county library district is established the in
34 accordance with this chapter, its board of trustees thereof
35 shall assume all the obligations of the existing contracts

1 made by cities, townships, school corporations or counties to
2 receive library service from free public libraries.

3 Sec. 34. Section 336.16, unnumbered paragraphs 1, 3, 4,
4 and 5, Code 2001, are amended to read as follows:

5 A city may withdraw from the county library district upon a
6 majority vote in favor of withdrawal by the electorate of the
7 city in an election held on a motion by the city council. The
8 election shall be held simultaneously with a general or city
9 election. Notice of a favorable vote to withdraw shall be
10 sent by certified mail to the board of library trustees of the
11 county library district and the county or city auditor, as
12 appropriate, prior to January 10, and the withdrawal shall be
13 effective on July 1.

14 A city or county election shall not be called until a
15 hearing has been held on the proposal to submit a proposition
16 of withdrawal to an election. A hearing may be held only
17 after public notice published as provided in section 362.3 in
18 the case of a city or section 331.305 in the case of a county.
19 A copy of the notice submitted for publication shall be mailed
20 to the county library on or before the date of publication.
21 The proposal presented at the hearing must include a plan for
22 continuing adequate library service with or without all
23 participants and the respective allocated costs and levels of
24 service shall be stated. At the hearing, any interested
25 person shall be given a reasonable time to be heard, either
26 for or against the withdrawal or the plan to accompany it.

27 A county library district may be terminated if a majority
28 of the electors of the unincorporated area of the county and
29 the cities included in the county library district voting on
30 the issue favor the termination. The election shall be held
31 upon motion of the board of supervisors and simultaneously
32 with a primary, general, or other county election. If the
33 vote favors termination, the termination shall be effective on
34 the succeeding July 1.

35 An election for withdrawal from or termination of a county

1 library district shall not be held more than once each four
2 years.

3 Sec. 35. Section 336.18, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. A school corporation, township, or county library
6 district may contract for the use by its residents of a city
7 library, ~~but if a contract is made by a county board of~~
8 ~~supervisors or township trustees, it may only be for the~~
9 ~~residents outside of cities.~~ A contract by a county shall
10 supersede all contracts by townships or school corporations
11 within the county outside of cities.

12 Sec. 36. TRANSITIONAL BOARD MEMBERSHIP. Regional library
13 trustees holding office on the date of enactment shall serve
14 out the terms for which they were elected. The commission of
15 libraries shall coordinate the appointments made to the
16 initial appointive board pursuant to section 256.61. Members
17 shall be appointed in accordance with section 256.61 when a
18 vacancy occurs.

19 Sec. 37. Sections 256.62 through 256.65, Code 2001, are
20 repealed.

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HOUSE FILE 637

S-3306

1 Amend House File 637, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 2, the
4 following:

5 "Sec. ____ . NEW SECTION. 256.57 ENRICH IOWA
6 PROGRAM FUNDS DISTRIBUTION.

7 1. An enrich Iowa program is established to
8 provide direct state assistance to eligible public
9 libraries as an incentive to improve library services
10 and reduce inequities among communities in the
11 delivery of library services based on recognized and
12 adopted performance measures. Funds appropriated by
13 the general assembly for purposes of the enrich Iowa
14 program shall be distributed by the division of
15 libraries and information services to eligible public
16 libraries that are in compliance with performance
17 measures adopted by rule by the commission. The
18 amount distributed to each eligible public library
19 shall be based upon the following:

20 a. The level of compliance by the eligible public
21 library with the performance measures adopted by rule
22 by the commission.

23 b. The number of people residing within an
24 eligible public library's geographic service area for
25 whom the library provides services.

26 c. The amount of other funding the eligible public
27 library received in the previous fiscal year for
28 providing services to rural residents and to
29 contracting communities.

30 2. For purposes of this section, "eligible public
31 library" means a public library that meets all of the
32 following requirements:

33 a. Submits to the division a report in accordance
34 with section 256.51, subsection 1, paragraph "h", an
35 application and accreditation report, in a format
36 approved by the commission, that provides evidence of
37 the library's compliance with at least one level of
38 the standards established in accordance with section
39 256.51, subsection 1, paragraph "k", and any other
40 application or report the division deems necessary for
41 the implementation of the enrich Iowa program.

42 b. Participates in the library resource and
43 information sharing programs established by the state
44 library.

45 c. Is a public library established by city
46 ordinance or a library as provided in chapter 336.

47 d. Has an internet use policy in place, which may
48 or may not include internet filtering, and submits a
49 report describing the library's internet use efforts
50 to the division.

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Page 2

1 3. Funds appropriated for purposes of the enrich
2 Iowa program shall not be used for the costs of
3 administration by the division.

4 4. Moneys received by an eligible public library
5 pursuant to this section shall be used to supplement,
6 not supplant, any other funding received by the
7 library. Each eligible public library shall maintain
8 a separate listing within its budget for payments
9 received and expenditures made pursuant to this
10 section, and shall annually submit the listing to the
11 division."

12 2. Page 5, by striking line 7, and inserting the
13 following: "~~A regional library system is~~ Library
14 service areas are".

15 3. Page 8, by inserting after line 9, the
16 following:

17 "Sec. ____ . Section 256.66, Code 2001, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 14. Shall assume all of the
20 outstanding obligations of the regional library and be
21 liable for and recognize, assume, and carry out all
22 valid contracts and obligations of the regional
23 library that the library service area replaces. Each
24 regional library in existence prior to July 1, 2001,
25 shall transfer its assets and title to any real estate
26 owned by the regional library to the library service
27 area that replaces the regional library."

28 4. Page 16, by inserting after line 11, the
29 following:

30 "Sec. ____ . Section 669.2, subsection 5, Code 2001,
31 is amended to read as follows:

32 5. "State agency" includes all executive
33 departments, agencies, boards, bureaus, and
34 commissions of the state of Iowa, and corporations
35 whose primary function is to act as, and while acting
36 as, instrumentalities or agencies of the state of
37 Iowa, whether or not authorized to sue and be sued in
38 their own names. This definition does not include a
39 contractor with the state of Iowa. Soil and water
40 conservation districts as defined in section 161A.3,
41 subsection 6, judicial district departments of
42 correctional services as established in section 905.2,
43 and ~~regional library service area~~ boards of library
44 trustees as defined established in chapter 256, are
45 state agencies for purposes of this chapter.

46 Sec. ____ . DEPARTMENT OF MANAGEMENT STUDY. The
47 department of management shall coordinate a study of
48 city and county support of public library funding.
49 The department, in cooperation with the commission of
50 libraries, the Iowa league of cities, and the Iowa

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Page 3

1 state association of counties, shall determine whether
2 cities and counties are in compliance with section
3 256.69 requirements for support of public libraries,
4 identify inequities between city and county funding,
5 and determine the adequacy of the current minimum
6 levy. The department shall develop a plan to provide
7 those support functions and services more effectively
8 and efficiently. The department shall submit a report
9 of its findings and recommendations to the
10 chairpersons and ranking members of the senate and
11 house standing committees on education and the joint
12 appropriations subcommittee on education."
13 5. By renumbering as necessary.

By COMMITTEE ON EDUCATION
NANCY BOETTGER, CHAIRPERSON

S-3306 FILED APRIL 5, 2001

Adopted as amended 5/3/01 (p.1491)

HOUSE FILE 637**S-3629**

1 Amend House File 637, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by striking lines 26 through 32 and
4 inserting the following:
5 "The maintenance of a ~~county~~ library established in
6 accordance with this chapter shall be on the basis of
7 each participating unit bearing its share of the total
8 cost in proportion to its population as compared to
9 the total population of the ~~county~~ library district.
10 The board of library trustees shall make".
11 2. Page 14, by inserting after line 19, the
12 following:
13 "This section shall not affect the taxing authority
14 provided under section 256.69."

By KITTY REHBERG

S-3629 FILED MAY 3, 2001ADOPTED *(p.1491)*

HOUSE FILE 637

S-3313

- 1 Amend House File 637, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 31, by striking the word and
4 figure "section 69.16" and inserting the following:
5 "sections 69.16 and 69.16A".
6 2. Page 6, by striking lines 32 and 33.

By PATRICIA HARPER
JOHNIE HAMMOND
ROBERT E. DVORSKY
MATT McCOY
STEVEN D. HANSEN
BILL FINK
EUGENE S. FRAISE
JOHN P. KIBBIE
BETTY A. SOUKUP
E. THURMAN GASKILL
JACK HOLVECK
MARY LOU FREEMAN
MARY A. LUNDBY
WALLY E. HORN

MIKE CONNOLLY
MERLIN E. BARTZ
MARK SHEARER
MICHAEL E. GRONSTAL
DICK L. DEARDEN
DERRYL McLAREN
O. GENE MADDOX
THOMAS FIEGEN
TOM FLYNN
DENNIS H. BLACK
PATRICK J. DELUHERY
JOE BOLKCOM
MAGGIE TINSMAN

S-3313 FILED APRIL 9, 2001
Adopted 5/3/01 (p. 1491)

HOUSE FILE 637

S-3598

- 1 Amend the amendment, S-3306, to House File 637, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 3 through page 2,
5 line 11.
6 2. Page 2, by inserting after line 14 the
7 following:
8 "____. Page 7, by inserting after line 15 the
9 following:
10 "____. The commission of libraries shall adopt
11 rules providing for the coordination of appointments
12 made to the board of trustees in accordance with this
13 section.""
14 3. Page 3, by inserting after line 12 the
15 following:
16 "____. Page 16, by striking lines 12 through 18
17 and inserting the following:
18 "Sec. ____ REGIONAL LIBRARY TERM EXPIRATION DATE.
19 Notwithstanding any provision to the contrary, the
20 terms of the regional library trustees elected in a
21 general election shall expire on July 1, 2001.""
22 4. By renumbering as necessary.

By KITTY REHBERG

S-3598 FILED MAY 1, 2001
Adopted 5/3/01 (p. 1491)

SENATE AMENDMENT TO HOUSE FILE 637

H-1984

1 Amend House File 637, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by striking line 7, and inserting the
4 following: "~~A regional library system is~~ Library
5 service areas are".

6 2. Page 6, line 31, by striking the word and
7 figure "section 69.16" and inserting the following:
8 "sections 69.16 and 69.16A".

9 3. Page 6, by striking lines 32 and 33.

10 4. Page 7, by inserting after line 15 the
11 following:

12 "____. The commission of libraries shall adopt
13 rules providing for the coordination of appointments
14 made to the board of trustees in accordance with this
15 section."

16 5. Page 8, by inserting after line 9, the
17 following:

18 "Sec. _____. Section 256.66, Code 2001, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 14. Shall assume all of the
21 outstanding obligations of the regional library and be
22 liable for and recognize, assume, and carry out all
23 valid contracts and obligations of the regional
24 library that the library service area replaces. Each
25 regional library in existence prior to July 1, 2001,
26 shall transfer its assets and title to any real estate
27 owned by the regional library to the library service
28 area that replaces the regional library."

29 6. Page 13, by striking lines 26 through 32 and
30 inserting the following:

31 "The maintenance of a county library established in
32 accordance with this chapter shall be on the basis of
33 each participating unit bearing its share of the total
34 cost in proportion to its population as compared to
35 the total population of the county library district.
36 The board of library trustees shall make".

37 7. Page 14, by inserting after line 19, the
38 following:

39 "This section shall not affect the taxing authority
40 provided under section 256.69."

41 8. Page 16, by inserting after line 11, the
42 following:

43 "Sec. _____. Section 669.2, subsection 5, Code 2001,
44 is amended to read as follows:

45 5. "State agency" includes all executive
46 departments, agencies, boards, bureaus, and
47 commissions of the state of Iowa, and corporations
48 whose primary function is to act as, and while acting
49 as, instrumentalities or agencies of the state of
50 Iowa, whether or not authorized to sue and be sued in

H-1984

SENATE AMENDMENT TO HOUSE FILE 637

H-1984

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2 reprinted by the House, as follows:

3 1. Page 5, by striking line 7, and inserting the
4 following: "~~A regional library system is~~ Library
5 service areas are".

6 2. Page 6, line 31, by striking the word and
7 figure "section 69.16" and inserting the following:
8 "sections 69.16 and 69.16A".

9 3. Page 6, by striking lines 32 and 33.

10 4. Page 7, by inserting after line 15 the
11 following:

12 "____. The commission of libraries shall adopt
13 rules providing for the coordination of appointments
14 made to the board of trustees in accordance with this
15 section."

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21 outstanding obligations of the regional library and be
22 liable for and recognize, assume, and carry out all
23 valid contracts and obligations of the regional
24 library that the library service area replaces. Each
25 regional library in existence prior to July 1, 2001,
26 shall transfer its assets and title to any real estate
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32 accordance with this chapter shall be on the basis of
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34 cost in proportion to its population as compared to
35 the total population of the ~~county~~ library district.
36 The board of library trustees shall make".

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40 provided under section 256.69."

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46 departments, agencies, boards, bureaus, and
47 commissions of the state of Iowa, and corporations
48 whose primary function is to act as, and while acting
49 as, instrumentalities or agencies of the state of
50 Iowa, whether or not authorized to sue and be sued in

H-1984

HOUSE FILE 637

AN ACT

RELATING TO THE RESPONSIBILITIES AND DUTIES OF THE DEPARTMENT OF EDUCATION, AREA EDUCATION AGENCIES, AND THE COMMISSION OF LIBRARIES, INCLUDING THE RENAMING OF THE REGIONAL LIBRARY SYSTEM, THE APPOINTMENT OF TRUSTEES FOR THE LIBRARY SERVICE AREA, AND DEVELOPMENT OF A BIENNIAL UNIFIED PLAN OF SERVICE AND SERVICE DELIVERY IN CONSULTATION WITH LIBRARY SERVICE AREAS AND AREA EDUCATION AGENCY MEDIA CENTERS.

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

Section 1. Section 8D.2, subsection 5, Code 2001, is amended to read as follows:

5. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 17, a school corporation, a city library, a regional library service area as provided in chapter 256, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 15, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 2. Section 8D.9, subsection 1, Code 2001, is amended to read as follows:

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library service area, county library, judicial branch, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to

the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

Sec. 3. Section 8D.11, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 4. Section 12C.1, subsection 1, Code 2001, is amended to read as follows:

1. All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: for the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; for a regional library service area established under

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

Sec. 5. Section 39.11, Code 2001, is amended to read as follows:

39.11 MORE THAN ONE OFFICE PROHIBITED.

Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council, or soil and water conservation district commission, ~~or regional library board of trustees.~~

Sec. 6. Section 39.21, subsection 1, Code 2001, is amended by striking the subsection.

Sec. 7. Section 43.67, subsection 8, Code 2001, is amended to read as follows:

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, and soil and water conservation district commission, ~~and regional library board of trustees.~~

Sec. 8. Section 44.3, subsection 2, paragraph h, Code 2001, is amended to read as follows:

h. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, and soil and water conservation district commission, ~~and regional library board of trustees.~~

Sec. 9. Section 45.3, subsection 8, Code 2001, is amended to read as follows:

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, and soil and water conservation district commission, ~~and regional library board of trustees.~~

Sec. 10. Section 49.41, unnumbered paragraph 6, Code 2001, is amended to read as follows:

This section does not apply to the following ~~public~~ offices: county agricultural extension council, or the soil and water conservation district commission, ~~or regional library board of trustees.~~

Sec. 11. Section 69.2, subsection 8, Code 2001, is amended to read as follows:

8. The incumbent simultaneously holding more than one elective office at the same level of government. This subsection does not apply to the following ~~offices~~: county agricultural extension council, or the soil and water conservation district commission, ~~or regional library board of trustees.~~

Sec. 12. Section 256.51, subsection 1, paragraphs d, e, and k, Code 2001, are amended to read as follows:

d. Develop and adopt, in conjunction with the ~~Iowa regional library system~~ service areas, long-range plans for the continued improvement of library services and which will

explore or broaden the information mission in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa-regional library system service areas at an annual meeting.

e. Develop, in cooperation consultation with the Iowa regional library system service areas and the area education agency media centers, a biennial unified plan of service and service delivery for the division of libraries and information services.

k. Establish and administer standards for state agency libraries, the Iowa-regional library system service areas, and public libraries.

Sec. 13. Section 256.60, Code 2001, is amended to read as follows:

256.60 REGIONAL LIBRARY SYSTEM SERVICE AREAS ESTABLISHED
-- PURPOSES.

A-regional-library-system-is Library service areas are established as provided in section 256.61 to provide supporting services to libraries, including, but not limited to, consulting, continuing education, and interlibrary loan and reference services, to assure consistency of service statewide, and to encourage local financial support for library services.

Sec. 14. Section 256.61, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

256.61 LIBRARY SERVICE AREAS AND BOARDS OF TRUSTEES.

1. Seven library service areas shall serve and represent seven geographic regions consisting of the following counties:

a. The southwestern area shall serve and represent the counties of Adair, Adams, Audubon, Cass, Clarke, Decatur, Fremont, Guthrie, Harrison, Lucas, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, and Wayne.

b. The northwestern area shall serve and represent the counties of Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Ida, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury.

c. The north central area shall serve and represent the counties of Cerro Gordo, Floyd, Franklin, Hamilton, Hancock, Hardin, Humboldt, Kossuth, Mitchell, Webster, Winnebago, Worth, and Wright.

d. The central area shall serve and represent the counties of Boone, Dallas, Greene, Jasper, Madison, Marion, Marshall, Polk, Story, and Warren.

e. The southeastern area shall serve and represent the counties of Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Mahaska, Monroe, Muscatine, Scott, Van Buren, Wapello, and Washington.

f. The east central area shall serve and represent the counties of Benton, Cedar, Clinton, Iowa, Jackson, Johnson, Jones, Linn, Poweshiek, and Tama.

g. The northeastern area shall serve and represent the counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy, Howard, and Winneshiek.

2. Each area shall have a board of trustees composed of seven members, who shall be appointed as follows:

a. One member shall be appointed mutually by the area education agency media divisions located within the boundaries of the library service area.

b. One member shall be appointed mutually by the boards of trustees of the public libraries located within the boundaries of the library service area.

c. One member shall be appointed mutually by librarians employed by public libraries located within the boundaries of the library service area.

d. One member shall be appointed mutually by the boards of trustees of the community colleges located within the boundaries of the library service area.

e. One member shall be appointed by the commission of libraries to represent library patrons residing within the boundaries of the library service area.

f. Two members shall be appointed by the commission of libraries to represent the public at-large residing within the boundaries of the library service area.

3. All appointments shall comply with sections 69.16 and 69.16A.

4. The members of each library service area board shall be appointed to four-year, staggered terms of office. A term shall be effective on the first of July of the year of appointment and a vacancy shall be filled for the unexpired term in the same manner as the original appointment.

5. The members of a board shall not receive compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. The expenses of the board members shall be paid from the appropriation to the library service areas.

6. Each board shall elect a chairperson and vice chairperson annually from among its membership. A board shall meet at the call of its chairperson or upon written request of a majority of its membership. Four members constitute a quorum. The concurrence of a majority of the members of a board is required to determine any matter relating to its duties.

7. The commission of libraries shall adopt rules providing for the coordination of appointments made to the board of trustees in accordance with this section.

Sec. 15. Section 256.66, subsections 4, 6, 8 through 10, and 13, Code 2001, are amended to read as follows:

4. May accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the

~~regional~~ library service area to accept and administer trusts deemed by the board to be beneficial to the operation of the ~~regional~~ library service area. Notwithstanding section 633.63, the board and the nonprofit foundation may act as trustees in these instances. The board shall require that moneys belonging to a nonprofit foundation be audited annually.

6. May acquire land and construct or lease facilities to carry out the provisions of ~~sections-256-60-through-256-69~~ this part.

8. Shall provide interlibrary loan and information services ~~intraregionally, but which are capable of being linked interregionally,~~ throughout the area and across area lines according to the standards developed by the commission of libraries.

9. Shall develop and adopt, in cooperation with other members of the ~~regional~~ library system service area and the director of the department of education, a long-range plan for the ~~region~~ area.

10. Shall prepare, in cooperation with all members of the ~~regional~~ library system service area and the director of the department of education, an annual plan of service.

13. May perform other acts necessary to carry out its powers and duties under ~~sections-256-60-through-256-69~~ this part.

Sec. 16. Section 256.66, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Shall assume all of the outstanding obligations of the regional library and be liable for and recognize, assume, and carry out all valid contracts and obligations of the regional library that the library service area replaces. Each regional library in existence prior to July 1, 2001, shall transfer its assets and title to any real estate owned by the regional library to the library service area that replaces the regional library.

Sec. 17. Section 256.67, Code 2001, is amended to read as follows:

256.67 DUTIES OF THE REGIONAL AREA ADMINISTRATOR.

A-regional An area administrator shall:

1. Act as administrator and executive secretary of the region in accordance with the objectives and policies adopted by the regional area board of trustees and with the intent of this chapter.
2. Organize, staff, and administer the regional library service area so as to render the greatest benefit to libraries and information services in the area.
3. Advise and counsel with the regional area board of trustees and individual libraries in all matters pertaining to the improvement of library services in the region library service area.
4. Cooperate with other members of the regional library system service area, the state library of Iowa and representatives of the Iowa library community in considering and developing plans for the improvement of library services in Iowa.
5. Carry out the policies of the regional board of trustees not inconsistent with state law.

Sec. 18. Section 256.67A, Code 2001, is amended to read as follows:

256.67A INSURANCE ELIGIBILITY.

Personnel employed by a regional library service area shall be considered state employees for purposes of eligibility for receiving employee health and dental insurance as provided to state employees by the department of personnel. If a regional library service area elects to participate in a state employee health and dental insurance program, the regional library service area shall continue to pay the costs of employee participation in a program from funds appropriated for purposes of the regional ~~libraries~~ library service areas by the general assembly.

Sec. 19. Section 256.68, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Funds appropriated for the purpose of carrying out sections ~~256.60-through-256.69~~ this part shall be allocated to regional distributed equally to the library service area boards by the commission of libraries ~~as follows~~.

Sec. 20. Section 256.68, subsection 1, paragraphs a through c, Code 2001, are amended by striking the paragraphs.

Sec. 21. Section 256.68, subsection 2, Code 2001, is amended to read as follows:

2. In addition to funds received under subsection 1, a regional library service area board of trustees may individually or cooperatively apply to the commission of libraries for available grants.

Sec. 22. Section 256D.8, subsection 3, Code 2001, is amended to read as follows:

3. Funds received by an area education agency pursuant to section 256D.6, subsection 2, shall be expended for the costs related to supporting school districts within the area served with technology planning and equipment, including hardware and software, materials and supplies related to instructional technology and the lease or lease-purchase agreements for those items, employment of or contracting with information technology specialists to provide technical consulting and integration of technology in curriculum and instruction, and staff development and training related to instructional technology. A consortium of area education agencies may cooperatively engage in any of the activities allowed by this section.

Sec. 23. Section 273.2, subsection 4, Code 2001, is amended to read as follows:

4. The area education agency board shall provide for special education services and media services for the local school districts in the area and shall encourage and assist school districts in the area to establish programs for gifted

and talented children. The board shall assist in facilitating interlibrary loans of materials between school districts and other libraries. Each area education agency shall include as a member of its media center advisory committee a library service area trustee or library service area staff member, who is appointed to the committee by the commission of libraries.

Sec. 24. Section 273.11, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. Support for school district libraries in accordance with section 273.2, subsection 4.

Sec. 25. Section 304.13A, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

For purposes of this section, "public library" means a city library, a regional library service area as provided in chapter 256, or a county library district as provided in chapter 336.

Sec. 26. Section 336.2, Code 2001, is amended to read as follows:

336.2 LIBRARY DISTRICTS FORMED.

A county library district may be established composed of one county ~~or two~~ or more adjacent counties ~~and may include or exclude the entirety of a city partly within one of the counties, one or more cities, or any combination of cities and counties.~~

Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within said the district at the last general election may petition the board of supervisors of the county ~~or counties,~~ or the city council, for the establishment of such-county the library district. Said The petition shall clearly designate the area to be included in the district.

The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the proposition to the registered voters

within their respective counties and cities at any general or primary election provided said election occurs not less than forty days after the filing of the petition.

A county library district shall be established, if a majority of the electors voting on the proposition and residing ~~outside-of-cities-maintaining-a-free-public~~ in the proposed library district favor it its establishment.

The result of the election within cities maintaining a free public library shall be considered separately, and no city shall be included within the county library district unless a majority of its electors, voting on the proposition, favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.

After the establishment of a county library district other areas may be included by mutual agreement of the board of trustees of the county library district and the governing body of the area sought to be included.

Sec. 27. Section 336.3, Code 2001, is amended to read as follows:

336.3 GIFTS.

When a gift for library purposes is accepted by the a county or city, its use for the county library may be enforced against the board of supervisors or city council by the library board by an action of mandamus or by other proper action.

Sec. 28. Section 336.4, Code 2001, is amended to read as follows:

336.4 LIBRARY TRUSTEES.

In any county ~~or counties~~ area in which a library district has been established in accordance with this chapter, a board of library trustees, consisting of five, seven, or nine electors of the library district, shall be appointed by the board ~~or boards~~ of supervisors of the any county or counties city comprising such the library district. Membership on the library board shall be apportioned between the rural and city

areas of the district in proportion to the population in each of such areas. In the event the library district is composed of two or more counties, two or more cities, or any combination of counties and cities, representation on said the library board shall be equitably divided between or among said the counties and cities in proportion to the population in each of such the counties and cities.

Sec. 29. Section 336.10, Code 2001, is amended to read as follows:

336.10 LIBRARY FUND.

All moneys received and set apart for the maintenance of the library shall be deposited in the treasury of the county or city, as determined by the board of library trustees, and paid out upon warrants drawn by the county or city auditor upon requisition of the board of trustees, signed by its president and secretary.

Provided that where a free public library is maintained jointly by two or more counties or cities or any combination of counties and cities, the library trustees may elect a library treasurer therefor, and it shall be the duty of the city and county treasurers to pay over to said the library treasurer any and all library taxes that may be collected by them monthly.

Such The library treasurer shall be required to furnish a bond conditioned as provided by section 64.2 in such an amount as agreed upon by the participating boards of supervisors and city councils and the cost thereof shall be paid by the participating counties and cities.

Sec. 30. Section 336.11, Code 2001, is amended to read as follows:

336.11 ANNUAL REPORT.

The board of trustees shall, immediately after the close of each fiscal year, make submit to the board of supervisors, and the city council, as appropriate, a report containing a statement of the condition of the library, the number of books

added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as it may deem important.

Sec. 31. Section 336.12, Code 2001, is amended to read as follows:

336.12 REAL ESTATE ACQUIRED.

In any county or city in which a free library has been established, the board of library trustees may purchase real estate in the name of the county or city for the location of library buildings and branch libraries, and for the purpose of enlarging the grounds thereof.

Sec. 32. Section 336.13, Code 2001, is amended to read as follows:

336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

The maintenance of a county library established in accordance with this chapter shall be on the basis of each participating unit bearing its share of the total cost in proportion to its population as compared to the total population of the county library district. The board of library trustees shall make an estimate of the amount necessary for the maintenance of the county library, the sources of direct library revenue, and the amount to be contributed from taxes or other revenues by the participating city or county and hold a hearing on the estimate after notice of the hearing is published as provided in section 331.305 or section 362.3, as appropriate. On or before January 10 of each year, the board of library trustees shall transmit the estimate in dollars to the board of supervisors and to the cities participating in the district. The unincorporated area of each county in the library district shall be considered as a separate supporting unit. Each board of supervisors shall review the estimate and appropriate for library purposes its share in the county rural services fund budget. Each city

council shall review the estimate for the city and appropriate for library purposes its share in the city general fund budget. Each participating city or county shall contribute its share from taxation or from other sources available for library purposes on an equitable basis. With approval of a city council, the county treasurer may withhold a reasonable portion of the taxes collected for a city to meet the city's contribution for library purposes and deliver a receipt to the city clerk for the amount withheld.

This section shall not affect the taxing authority provided under section 256.69.

Sec. 33. Section 336.14, Code 2001, is amended to read as follows:

336.14 NOT APPLICABLE TO CONTRACT SERVICE.

The provisions of this chapter pertaining to the establishment of a county library district shall not apply to any area receiving library service from any city library, unless the petition for a county library district, in addition to the required signatures of electors, is signed by the governing body of the area receiving library service under contract.

Sec. 34. Section 336.15, Code 2001, is amended to read as follows:

336.15 EXISTING CONTRACTS ASSUMED.

Whenever a county library district is established the in accordance with this chapter, its board of trustees thereof shall assume all the obligations of the existing contracts made by cities, townships, school corporations or counties to receive library service from free public libraries.

Sec. 35. Section 336.16, unnumbered paragraphs 1, 3, 4, and 5, Code 2001, are amended to read as follows:

A city may withdraw from the county library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city

election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the county library district and the county or city auditor, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the county library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

A county library district may be terminated if a majority of the electors of the unincorporated area of the county and the cities included in the county library district voting on the issue favor the termination. The election shall be held upon motion of the board of supervisors and simultaneously with a primary, general, or other county election. If the vote favors termination, the termination shall be effective on the succeeding July 1.

An election for withdrawal from or termination of a county library district shall not be held more than once each four years.

Sec. 36. Section 336.18, subsection 1, Code 2001, is amended to read as follows:

1. A school corporation, township, or county library district may contract for the use by its residents of a city library, ~~but if a contract is made by a county board of supervisors or township trustees, it may only be for the~~

residents-outside-of-cities. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.

Sec. 37. Section 669.2, subsection 5, Code 2001, is amended to read as follows:

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

Sec. 38. DEPARTMENT OF MANAGEMENT STUDY. The department of management shall coordinate a study of city and county support of public library funding. The department, in cooperation with the commission of libraries, the Iowa league of cities, and the Iowa state association of counties, shall determine whether cities and counties are in compliance with section 256.69 requirements for support of public libraries, identify inequities between city and county funding, and determine the adequacy of the current minimum levy. The department shall develop a plan to provide those support functions and services more effectively and efficiently. The department shall submit a report of its findings and recommendations to the chairpersons and ranking members of the senate and house standing committees on education and the joint appropriations subcommittee on education.

Sec. 39. REGIONAL LIBRARY TERM EXPIRATION DATE. Notwithstanding any provision to the contrary, the terms of

the regional library trustees elected in a general election shall expire on July 1, 2001.

Sec. 40. Sections 256.62 through 256.65, Code 2001, are repealed.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 637, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/22, 2001

THOMAS J. VILSACK
Governor