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SENATE FILE
BY REHBERG

423

Passed Senate, Date _____ Passed House, 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 areas,
5 development of a biennial unified plan of service and service
6 delivery in consultation with unified library service areas
7 and area education agency media centers, and distribution of
8 moneys allocated for purposes of the enrich Iowa program.

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

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SF 423
EDUCATION

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. 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 public libraries as an incentive
9 to 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 that are in compliance with performance measures
16 adopted by rule by the commission. The amount distributed to
17 each eligible public library shall be based upon the
18 following:

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

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

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

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

31 a. Submits to the division a report in accordance with
32 section 256.51, subsection 1, paragraph "h", an application
33 and accreditation report, in a format approved by the
34 commission, that provides evidence of the library's compliance
35 with at least one level of the standards established in

1 accordance with section 256.51, subsection 1, paragraph "k",
2 and any other application or report the division deems
3 necessary for the implementation of the enrich Iowa program.

4 b. Participates in the library resource and information
5 sharing programs established by the state library.

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

8 d. Participates in the state library's open access
9 program.

10 e. Has an internet use policy in place, which may or may
11 not include internet filtering, and submits a report
12 describing the library's internet use efforts to the division.

13 3. Funds appropriated for purposes of the enrich Iowa
14 program shall not be used for the costs of administration by
15 the division.

16 4. Moneys received by an eligible public library pursuant
17 to this section shall be used to supplement, not supplant, any
18 other funding received by the library. Each eligible public
19 library shall maintain a separate listing within its budget
20 for payments received and expenditures made pursuant to this
21 section, and shall annually submit the listing to the
22 division.

23 Sec. 14. Section 256.60, Code 2001, is amended to read as
24 follows:

25 256.60 REGIONAL UNIFIED LIBRARY SYSTEM SERVICE AREAS
26 ESTABLISHED -- PURPOSES.

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

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

1 256.61 UNIFIED LIBRARY SERVICE AREAS AND BOARDS OF
2 TRUSTEES.

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

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

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

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

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

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

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

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

33 2. Each area shall have a board of trustees composed of
34 seven members, who shall be appointed by the commission of
35 libraries, and shall include at least the following:

1 a. A representative of an area education agency media
2 division.

3 b. A public library trustee.

4 c. An individual who is employed as a librarian.

5 d. A community college representative.

6 e. A person representing library patrons.

7 f. Two persons representing the public at large.

8 3. All appointments shall comply with sections 69.16 and
9 69.16A.

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

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

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

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

29 4. May accept and administer trusts and may authorize
30 nonprofit foundations acting solely for the support of the
31 ~~regional~~ unified library service area to accept and administer
32 trusts deemed by the board to be beneficial to the operation
33 of the ~~regional~~ unified library service area. Notwithstanding
34 section 633.63, the board and the nonprofit foundation may act
35 as trustees in these instances. The board shall require that

1 moneys belonging to a nonprofit foundation be audited
2 annually.

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

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

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

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

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

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

23 256.67 DUTIES OF THE ~~REGIONAL~~ AREA ADMINISTRATOR.

24 ~~A-regional~~ An area administrator, who shall be a state
25 employee exempt from the merit provisions of chapter 19A,
26 shall:

27 1. Act as administrator and executive secretary of the
28 region in accordance with the objectives and policies adopted
29 by the ~~regional~~ area board of trustees and with the intent of
30 this chapter.

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

34 3. Advise and counsel with the ~~regional~~ area board of
35 trustees and individual libraries in all matters pertaining to

1 the improvement of library services in the region unified
2 library service area.

3 4. Cooperate with other members of the regional unified
4 library system service area, the state library of Iowa and
5 representatives of the Iowa library community in considering
6 and developing plans for the improvement of library services
7 in Iowa.

8 5. Carry out the policies of the regional board of
9 trustees not inconsistent with state law.

10 6. Employ personnel as state employees as necessary to
11 carry out the duties and responsibilities of the unified
12 library service area, consistent with the merit system
13 provisions of chapter 19A for nonprofessional employees.
14 Professional staff of the district are exempt from the merit
15 system provisions of chapter 19A.

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

19 256.67A UNIFIED LIBRARY SERVICE AREA EMPLOYEES.

20 1. ACCRUED EMPLOYEE RIGHTS. Persons who were paid
21 salaries by a regional library immediately prior to becoming
22 state employees in accordance with section 256.67, subsection
23 6, shall not forfeit accrued vacation, accrued sick leave, or
24 longevity, except as provided in this section. The commission
25 shall prescribe rules to provide for the following:

26 a. Each person employed pursuant to this section shall
27 have to the person's credit as a state employee commencing on
28 the date of becoming a state employee the number of accrued
29 vacation days and accrued days of sick leave that was credited
30 to the person as an employee of a regional library as of the
31 end of the day prior to becoming a state employee. However,
32 the number of days of sick leave credited to a person under
33 this paragraph and eligible to be taken when sick or eligible
34 to be received upon retirement shall not respectively exceed
35 the maximum number of days, if any, or the maximum dollar

1 amount as provided in section 70A.23 that state employees
2 generally are entitled to accrue or receive according to rules
3 in effect as of the date the person becomes a state employee.

4 b. Commencing on the date of becoming a state employee,
5 each person employed pursuant to this section is entitled to
6 claim the person's most recent continuous period of service in
7 regional library employment as state employment for purposes
8 of determining the number of days of vacation which the person
9 is entitled to earn each year. The actual vacation benefit,
10 including the limitation on the maximum accumulated vacation
11 leave, shall be determined as provided in section 70A.1
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 2. LIFE, HEALTH, AND DISABILITY INSURANCE. Persons who
16 were covered by regional library employee life insurance and
17 accident and health insurance plans prior to becoming state
18 employees in accordance with section 256.67, subsection 6,
19 shall be permitted to apply prior to becoming state employees
20 for life insurance and health and accident insurance plans
21 that are available to state employees so that those persons do
22 not suffer a lapse of insurance coverage as a result of this
23 chapter. The commission, after consulting with the department
24 of personnel, shall prescribe rules and distribute application
25 forms and take other actions as necessary to enable those
26 persons to elect to have insurance coverage that is in effect
27 on the date of becoming state employees. Commencing on the
28 date of becoming a state employee, each person referred to in
29 this subsection is entitled to claim the person's most recent
30 continuous period of service in full-time regional library
31 employment as full-time state employment for purposes of
32 determining disability benefits as provided in section 70A.20
33 according to rules in effect for state employees of comparable
34 longevity, irrespective of any greater or lesser benefit as a
35 regional library employee.

1 Sec. 19. 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 ~~256-68-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. 20. Section 256.68, subsection 1, paragraphs a
8 through c, Code 2001, are amended by striking the paragraphs.

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

11 2. In addition to funds received under subsection 1, a
12 ~~regional-library~~ district board of trustees may individually
13 or cooperatively apply to the commission of libraries for
14 available grants.

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

17 4. The area education agency board shall provide for
18 special education services and media services for the local
19 school districts in the area and shall encourage and assist
20 school districts in the area to establish programs for gifted
21 and talented children. The board shall also provide media
22 services center support services in accordance with rules
23 adopted by the state board of education. The board shall
24 assist in facilitating interlibrary loans of materials between
25 school districts and other libraries. Each area education
26 agency shall include as a member of its media center advisory
27 committee a unified library service area trustee who is
28 appointed to the committee by the commission of libraries.

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

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

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

35 For purposes of this section, "public library" means a city

1 library, a ~~regional~~ unified library service area as provided
2 in chapter 256, or a ~~county~~ library district as provided in
3 chapter 336.

4 Sec. 25. Section 336.2, Code 2001, is amended to read as
5 follows:

6 336.2 LIBRARY DISTRICTS FORMED.

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

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

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

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

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

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

5 Sec. 26. Section 336.3, Code 2001, is amended to read as
6 follows:

7 336.3 GIFTS.

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

13 Sec. 27. Section 336.4, Code 2001, is amended to read as
14 follows:

15 336.4 LIBRARY TRUSTEES.

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

30 Sec. 28. Section 336.10, Code 2001, is amended to read as
31 follows:

32 336.10 LIBRARY FUND.

33 All moneys received and set apart for the maintenance of
34 the library shall be deposited in the treasury of the county
35 or city, as determined by the board of library trustees, and

1 paid out upon warrants drawn by the county or city auditor
2 upon requisition of the board of trustees, signed by its
3 president and secretary.

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

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

16 Sec. 29. Section 336.11, Code 2001, is amended to read as
17 follows:

18 336.11 ANNUAL REPORT.

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

28 Sec. 30. Section 336.12, Code 2001, is amended to read as
29 follows:

30 336.12 REAL ESTATE ACQUIRED.

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

1 Sec. 31. Section 336.13, Code 2001, is amended to read as
2 follows:

3 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

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

33 Sec. 32. Section 336.14, Code 2001, is amended to read as
34 follows:

35 336.14 NOT APPLICABLE TO CONTRACT SERVICE.

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

8 Sec. 33. Section 336.15, Code 2001, is amended to read as
9 follows:

10 336.15 EXISTING CONTRACTS ASSUMED.

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

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

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

27 A city or county election shall not be called until a
28 hearing has been held on the proposal to submit a proposition
29 of withdrawal to an election. A hearing may be held only
30 after public notice published as provided in section 362.3 in
31 the case of a city or section 331.305 in the case of a county.
32 A copy of the notice submitted for publication shall be mailed
33 to the **county** library on or before the date of publication.
34 The proposal presented at the hearing must include a plan for
35 continuing adequate library service with or without all

1 participants and the respective allocated costs and levels of
2 service shall be stated. At the hearing, any interested
3 person shall be given a reasonable time to be heard, either
4 for or against the withdrawal or the plan to accompany it.

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

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

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

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

25 Sec. 36. DEPARTMENT OF MANAGEMENT STUDY. The department
26 of management shall coordinate a study of city and county
27 support of public library funding. The department, in
28 cooperation with the commission of libraries, the Iowa league
29 of cities, and the Iowa state association of counties, shall
30 determine whether cities and counties are in compliance with
31 section 256.69 requirements for support of public libraries,
32 identify inequities between city and county funding, and
33 determine the adequacy of the current minimum levy. The
34 department shall develop a plan to provide those support
35 functions and services more effectively and efficiently. The

1 department shall submit a report of its findings and
2 recommendations to the chairpersons and ranking members of the
3 senate and house standing committees on education and the
4 joint appropriations subcommittee on education.

5 Sec. 37. EXPIRATION OF BOARD MEMBERSHIP. Notwithstanding
6 any provision to the contrary, the terms of the regional
7 library trustees elected in a general election shall expire on
8 July 1, 2001.

9 Sec. 38. UNIFIED LIBRARY SERVICE AREA JOB STATUS REVIEW.
10 The commission of libraries shall review the staffing needs of
11 each unified library service area. Each regional library
12 shall submit to the commission a list of employees hired by
13 the regional library between April 1, 2001, and June 30, 2001.
14 Notwithstanding section 256.67, subsection 6, a person on the
15 list shall be considered a probationary employee until October
16 1, 2001, by which date the commission shall approve or deny
17 permanent employment to the person.

18 Sec. 39. Sections 256.62 through 256.65, Code 2001, are
19 repealed.

20 EXPLANATION

21 This bill changes the name of the regional library system
22 to the unified library service areas, provides for the
23 appointment of the unified library board of trustees rather
24 than for election of the trustees, expands the duties of the
25 unified areas, requires the state board of education to
26 develop a biennial unified plan of service and service
27 delivery in consultation with the unified library service
28 areas and the area education agency media centers, and
29 provides for a statutory means of distributing enrich Iowa
30 program moneys to eligible libraries.

31 REGIONAL LIBRARY CHANGEOVER. Current law requires regional
32 libraries to provide supporting services to libraries. The
33 bill provides that the services shall include consulting,
34 continuing education, interlibrary loan and reference
35 services, and assured consistency of service statewide. The

1 unified library trustees are chosen from geographic areas
2 drawn upon the same county lines as the regional system.
3 Currently, the trustees are elected. The bill requires the
4 commission of libraries to appoint the trustees.

5 Board membership shall include at least a representative of
6 an area education agency media division, a public library
7 trustee, a librarian, a community college representative, a
8 person representing library patrons, and two persons
9 representing the public at large. The terms of regional
10 library trustees elected in a general election expire on July
11 1, 2001.

12 STATE EMPLOYEES. Under the bill, unified library service
13 area employees will be employees of the state.

14 AREA EDUCATION AGENCY MEDIA SERVICES SUPPORT TO SCHOOL
15 LIBRARIES. The bill describes the media services that area
16 education agency boards (AEA) are required to provide to local
17 school districts to include interlibrary loan libraries. The
18 bill allows the commission of libraries to appoint as a member
19 of an AEA media services advisory committee a trustee of a
20 unified library service area. The bill includes support for
21 school district libraries in standards that an AEA must meet
22 in order to receive state accreditation.

23 MULTICOUNTY, MULTICITY, OR MULTICOUNTY AND CITY LIBRARIES.
24 The bill amends the Code chapter that provides for the
25 establishment of county library districts to allow a library
26 district to be established by one or more counties, one or
27 more cities, or any combination of cities and counties.

28 ENRICH IOWA. The bill places in statute the formula used
29 to distribute moneys appropriated by the general assembly for
30 purposes of the enrich Iowa program.

31 To the formula used to distribute enrich Iowa moneys in
32 previous years, the bill adds the requirement that an eligible
33 library participates in the state library's open access
34 program.

35 DEPARTMENT OF MANAGEMENT STUDY. The bill directs the

1 department of management to coordinate a study of city and
2 county support of public library funding.

3 TRANSITION TO STATE EMPLOYMENT. The bill includes
4 transitional language for regional library employees who are
5 becoming state employees under the unified library service
6 area system. Employees with accrued vacation and sick leave
7 will receive credit for the accrued time and will be permitted
8 to apply for life insurance and health and accident insurance
9 prior to becoming state employees so that they do not suffer a
10 lapse of insurance coverage. Regional library employees hired
11 between April 1, 2001, and June 30, 2001, are considered
12 probationary until October 1, 2001, by which date the
13 commission shall approve or deny permanent employment to the
14 person.

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