

4/5/01 Rereferred To: Education

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SENATE FILE 477  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 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 library service areas,  
5 development of a biennial unified plan of service and service  
6 delivery in consultation with library service areas and area  
7 education agency media centers, and distribution of moneys  
8 allocated for purposes of the enrich Iowa program.

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

SF 477

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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~~ 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. NEW SECTION. 256.57 ENRICH IOWA PROGRAM FUNDS  
4 DISTRIBUTION.

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

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

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

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

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

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

1 necessary for the implementation of the enrich Iowa program.

2 b. Participates in the library resource and information  
3 sharing programs established by the state library.

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

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

9 3. Funds appropriated for purposes of the enrich Iowa  
10 program shall not be used for the costs of administration by  
11 the division.

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

19 Sec. 14. Section 256.60, Code 2001, is amended to read as  
20 follows:

21 256.60 REGIONAL LIBRARY SYSTEM SERVICE AREAS ESTABLISHED  
22 -- PURPOSES.

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

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

32 256.61 LIBRARY SERVICE AREAS AND BOARDS OF TRUSTEES.

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

35 a. The southwestern area shall serve and represent the

1 counties of Adair, Adams, Audubon, Cass, Clarke, Decatur,  
2 Fremont, Guthrie, Harrison, Lucas, Mills, Montgomery, Page,  
3 Pottawattamie, Ringgold, Shelby, Taylor, Union, and Wayne.

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

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

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

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

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

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

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

30 a. A representative of an area education agency media  
31 division.

32 b. A public library trustee.

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

34 d. A community college representative.

35 e. A person representing library patrons.

1 f. Two persons representing the public at large.

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

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

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

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

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

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

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

35 8. Shall provide interlibrary loan and information

1 services intraregionally, ~~but which are capable of being~~  
2 ~~linked interregionally,~~ throughout the area and across area  
3 lines according to the standards developed by the commission  
4 of libraries.

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

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

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

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

17 256.67 DUTIES OF THE REGIONAL AREA ADMINISTRATOR.

18 A-regional An area administrator, who shall be a state  
19 employee exempt from the merit provisions of chapter 19A,  
20 shall:

21 1. Act as administrator and executive secretary of the  
22 region in accordance with the objectives and policies adopted  
23 by the regional area board of trustees and with the intent of  
24 this chapter.

25 2. Organize ~~staff,~~ and administer the regional library  
26 service area so as to render the greatest benefit to libraries  
27 and information services in the area.

28 3. Advise and counsel with the regional area board of  
29 trustees and individual libraries in all matters pertaining to  
30 the improvement of library services in the region library  
31 service area.

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

1 in Iowa.

2 5. Carry out the policies of the regional board of  
3 trustees not inconsistent with state law.

4 6. Employ personnel as state employees as necessary to  
5 carry out the duties and responsibilities of the library  
6 service area, consistent with the merit system provisions of  
7 chapter 19A for nonprofessional employees. Professional staff  
8 of the district are exempt from the merit system provisions of  
9 chapter 19A.

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

13 256.67A LIBRARY SERVICE AREA EMPLOYEES.

14 1. ACCRUED EMPLOYEE RIGHTS. Persons who were paid  
15 salaries by a regional library immediately prior to becoming  
16 state employees in accordance with section 256.67, subsection  
17 6, shall not forfeit accrued vacation, accrued sick leave, or  
18 longevity, except as provided in this section. The commission  
19 shall prescribe rules to provide for the following:

20 a. Each person employed pursuant to this section shall  
21 have to the person's credit as a state employee commencing on  
22 the date of becoming a state employee the number of accrued  
23 vacation days and accrued days of sick leave that was credited  
24 to the person as an employee of a regional library as of the  
25 end of the day prior to becoming a state employee. However,  
26 the number of days of sick leave credited to a person under  
27 this paragraph and eligible to be taken when sick or eligible  
28 to be received upon retirement shall not respectively exceed  
29 the maximum number of days, if any, or the maximum dollar  
30 amount as provided in section 70A.23 that state employees  
31 generally are entitled to accrue or receive according to rules  
32 in effect as of the date the person becomes a state employee.

33 b. Commencing on the date of becoming a state employee,  
34 each person employed pursuant to this section is entitled to  
35 claim the person's most recent continuous period of service in

1 regional library employment as state employment for purposes  
2 of determining the number of days of vacation which the person  
3 is entitled to earn each year. The actual vacation benefit,  
4 including the limitation on the maximum accumulated vacation  
5 leave, shall be determined as provided in section 70A.1  
6 according to rules in effect for state employees of comparable  
7 longevity, irrespective of any greater or lesser benefit as a  
8 regional library employee.

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

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

32 Funds appropriated for the purpose of carrying out sections  
33 ~~256:68-through-256:69~~ this part shall be ~~allocated to regional~~  
34 distributed equally to the library service area boards by the  
35 commission of libraries ~~as follows:~~

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

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

5 2. In addition to funds received under subsection 1, a  
6 ~~regional-library~~ district board of trustees may individually  
7 or cooperatively apply to the commission of libraries for  
8 available grants.

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

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

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

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

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

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

33 Sec. 25. Section 336.2, Code 2001, is amended to read as  
34 follows:

35 336.2 LIBRARY DISTRICTS FORMED.

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

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

14 The board of supervisors of each county and the city  
15 council of each city containing area within the proposed  
16 district shall submit the proposition to the registered voters  
17 within their respective counties and cities at any general or  
18 primary election provided said election occurs not less than  
19 forty days after the filing of the petition.

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

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

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

34 Sec. 26. Section 336.3, Code 2001, is amended to read as  
35 follows:

1 336.3 GIFTS.

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

7 Sec. 27. Section 336.4, Code 2001, is amended to read as  
8 follows:

9 336.4 LIBRARY TRUSTEES.

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

24 Sec. 28. Section 336.10, Code 2001, is amended to read as  
25 follows:

26 336.10 LIBRARY FUND.

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

33 Provided that where a free public library is maintained  
34 jointly by two or more counties or cities or any combination  
35 of counties and cities, the library trustees may elect a

1 library treasurer therefor, and it shall be the duty of the  
2 city and county treasurers to pay over to ~~said~~ the library  
3 treasurer any and all library taxes that may be collected by  
4 them monthly.

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

10 Sec. 29. Section 336.11, Code 2001, is amended to read as  
11 follows:

12 336.11 ANNUAL REPORT.

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

22 Sec. 30. Section 336.12, Code 2001, is amended to read as  
23 follows:

24 336.12 REAL ESTATE ACQUIRED.

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

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

32 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

33 The maintenance of a county library established in  
34 accordance with this chapter shall be ~~on-the-basis-of-each~~  
35 apportioned among the participating ~~unit-bearing-its-share-of~~

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

27 Sec. 32. Section 336.14, Code 2001, is amended to read as  
28 follows:

29 336.14 NOT APPLICABLE TO CONTRACT SERVICE.

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

1 contract.

2 Sec. 33. Section 336.15, Code 2001, is amended to read as  
3 follows:

4 336.15 EXISTING CONTRACTS ASSUMED.

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

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

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

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

34 A county library district may be terminated if a majority  
35 of the electors of the unincorporated area of the county and

1 the cities included in the county library district voting on  
2 the issue favor the termination. The election shall be held  
3 upon motion of the board of supervisors and simultaneously  
4 with a primary, general, or other county election. If the  
5 vote favors termination, the termination shall be effective on  
6 the succeeding July 1.

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

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

12 1. A school corporation, township, or county library  
13 district may contract for the use by its residents of a city  
14 library, ~~but if a contract is made by a county board of~~  
15 ~~supervisors or township trustees, it may only be for the~~  
16 ~~residents outside of cities.~~ A contract by a county shall  
17 supersede all contracts by townships or school corporations  
18 within the county outside of cities.

19 Sec. 36. DEPARTMENT OF MANAGEMENT STUDY. The department  
20 of management shall coordinate a study of city and county  
21 support of public library funding. The department, in  
22 cooperation with the commission of libraries, the Iowa league  
23 of cities, and the Iowa state association of counties, shall  
24 determine whether cities and counties are in compliance with  
25 section 256.69 requirements for support of public libraries,  
26 identify inequities between city and county funding, and  
27 determine the adequacy of the current minimum levy. The  
28 department shall develop a plan to provide those support  
29 functions and services more effectively and efficiently. The  
30 department shall submit a report of its findings and  
31 recommendations to the chairpersons and ranking members of the  
32 senate and house standing committees on education and the  
33 joint appropriations subcommittee on education.

34 Sec. 37. EXPIRATION OF BOARD MEMBERSHIP. Notwithstanding  
35 any provision to the contrary, the terms of the regional

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

3 Sec. 38. LIBRARY SERVICE AREA JOB STATUS REVIEW. The  
4 commission of libraries shall review the staffing needs of  
5 each library service area. Each regional library shall submit  
6 to the commission a list of employees hired by the regional  
7 library between April 1, 2001, and June 30, 2001.

8 Notwithstanding section 256.67, subsection 6, a person on the  
9 list shall be considered a probationary employee until October  
10 1, 2001, by which date the commission shall approve or deny  
11 permanent employment to the person.

12 Sec. 39. Sections 256.62 through 256.65, Code 2001, are  
13 repealed.

14 EXPLANATION

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

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

33 Board membership shall include at least a representative of  
34 an area education agency media division, a public library  
35 trustee, a librarian, a community college representative, a

1 person representing library patrons, and two persons  
2 representing the public at large. The terms of regional  
3 library trustees elected in a general election expire on July  
4 1, 2001.

5 STATE EMPLOYEES. Under the bill, library service area  
6 employees will be employees of the state.

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

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

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

24 To the formula used to distribute enrich Iowa moneys in  
25 previous years, the bill adds the requirement that an eligible  
26 library participates in the state library's open access  
27 program.

28 DEPARTMENT OF MANAGEMENT STUDY. The bill directs the  
29 department of management to coordinate a study of city and  
30 county support of public library funding.

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

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

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**SENATE FILE 477  
FISCAL NOTE**

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A fiscal note for **Senate File 477** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 477 renames the regional library system and creates Library Service Areas. The Bill eliminates the election of regional library boards of trustees. The Bill requires the Commission of Libraries to appoint a seven-member board of trustees for each Library Service Area and requires representation of various interests. The Bill also requires that any appropriation to the Library Service Areas be allocated equally among the seven areas. The Bill codifies the Enrich Iowa Program, including the current formula for distribution of the annual appropriation to local public libraries. Currently, the Program and distribution formula are established in the FY 2001 Education Appropriations Act.

The Bill includes Area Education Agency media centers in the development of a biennial plan of service for the Division of Libraries and Information Services. The Bill requires Area Education Agency boards to provide media services center support services to school districts and to include Library Service Area trustees on media center advisory committees. The Bill provides that a library district may be established composed of one or more counties, one or more cities, or any combination of cities and counties. The Bill also provides that maintenance expense of a library shall be apportioned among participating units based on assessed valuation of taxable property, rather than population. The Bill requires the Department of Management to coordinate a study of city and county support of public library funding.

Sections 17, 18, and 38 of the Bill pertain to Library Service Area employees and the transfer of such personnel to State employment:

1. Section 17 of the Bill amends Section 256.67, Code of Iowa, to provide that the area administrator for each Library Service Area shall be a State employee exempt from the merit provisions of Chapter 19A, Code of Iowa. The Bill authorizes the area administrator to employ personnel as State employees, consistent with the merit system provisions of Chapter 19A, Code of Iowa, for nonprofessional employees. The Bill provides that professional staff shall be exempt from the merit system provisions.
2. Section 18 of the Bill amends Section 256.67A, Code of Iowa, by striking it and inserting in lieu thereof provisions for accrued employee rights. The Bill provides that persons employed by the regional libraries shall not forfeit accrued vacation, accrued sick leave, or longevity upon becoming State employees, except that the number of days of sick leave credited shall not exceed the maximum number of days or the maximum dollar amount allowed State employees. The number of days of vacation each employee shall be entitled to earn each year is to be based upon the person's most recent continuous period of service in the employ of the

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regional libraries. The Bill further provides that persons covered by regional library employee life, accident, and health insurance plans shall be permitted to apply for such State employee Benefits prior to becoming State employees so they do not suffer a lapse of insurance coverage. Disability benefits under State employment will be determined based on the regional library employee's most recent continuous period of service and according to rules in effect for State employees of comparable longevity.

3. Section 36 of the Bill requires the State Commission of Libraries to review the staffing needs of each Library Service Area. The Bill requires each regional library to submit to the Commission a list of employees hired between April 1 and June 30, 2001, and directs that such employees shall be considered probationary employees until October 1, 2001, by which date the Commission shall approve or deny permanent employment to a probationary employee.

#### ASSUMPTIONS

1. Salaries of regional library personnel will be brought to State scale comparable positions.
2. State scale will increase by 3.0% in FY 2002.
3. Employee benefits, including health insurance, disability, retirement, FICA, equal 20.0% of salary.
4. In FY 2001, the State is funding salaries and benefits for regional library employees at a cost of \$1.3 million, which is paid from a total appropriation of \$1.7 million.

#### FISCAL IMPACT

The estimated fiscal impact of Senate File 477 is approximately \$1.8 million for FY 2002, which is an increase of \$545,000 over the State's FY 2001 cost for regional library employees. The estimated fiscal impact includes salaries totaling \$1.2 million and benefits totaling \$745,000. The estimate also includes the transfer of accrued vacation and sick leave totaling \$448,000 which would not be a direct expense to the State in FY 2002.

#### SOURCE

Department of Education, Division of Libraries and Information Services

(LSB 31418V, R)

FILED MARCH 20, 2001

BY DENISE PROUTY, FISCAL DIR