

SUBCHAPTER III

LIBRARY SERVICES

PART 1

GENERAL PROVISIONS

256.50 Division of library services — definitions.

As used in this part, unless the context otherwise requires:

1. "*Commission*" means the commission of libraries.
2. "*Division*" means the division of library services of the department of education.
3. "*State agency*" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.
4. "*State publications*" means all multiply produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:
 - a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.
 - b. Materials excluded from this definition by the commission through the adoption and enforcement of rules.

93 Acts, ch **48**, §**17**; 2011 Acts, ch **132**, §**44**, **106**

[T] Subsection 2 amended

256.51 Division of library services — duties and responsibilities.

1. The division of library services is attached to the department of education for administrative purposes. The state librarian shall be responsible for the division's budgeting and related management functions in accordance with **section 256.52, subsection 3**. The division shall do all of the following:

- a. Provide support services to libraries, including but not limited to consulting, continuing education, interlibrary loan services, and references services to assure consistency of service statewide and to encourage local financial support for library services.
- b. Determine policy for providing information service to the three branches of state government and to the legal community in this state.

c. Coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.

d. Establish and administer a program for the collection and distribution of state publications to depository libraries.

e. Develop, in consultation with the area education agency media centers, a biennial unified plan of service and service delivery for the division of library services.

f. Establish and administer a statewide continuing education program for librarians and trustees.

g. Give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.

h. Obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

i. Establish and administer certification guidelines for librarians not covered by other accrediting agencies.

j. Foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

k. Establish and administer standards for state agency libraries and public libraries.

l. Allow a public library that receives state assistance under **section 256.57**, or financial support from a city or county pursuant to **section 256.69**, to dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the public library. These materials may be sold by the public library directly or the governing body of the public library may sell the materials by consignment to a public agency or to a private agency organized to raise funds solely for support of the public library. Proceeds from the sale of the library materials may be remitted to the public library and may be used by the public library for the purchase of books and other library materials or equipment, or for the provision of library services.

2. The division may do all of the following:

a. Enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in **section 256.70**.

b. Receive and expend money for providing programs and services. The division may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

c. Accept gifts, contributions, bequests, endowments, or other moneys, including but not limited to the Westgate endowment fund, for any or all purposes of the division. Interest earned on moneys accepted under this paragraph shall be credited to the fund or funds to which the gifts, contributions, bequests, endowments, or other moneys have been deposited, and is available for any or all purposes of the division. The division shall report annually to the commission and the general assembly regarding the gifts, contributions, bequests, endowments, or other moneys accepted pursuant to this paragraph and the interest earned on them.

93 Acts, ch **48, §18**; 2001 Acts, ch **158, §12**; 2006 Acts, ch **1152, §21**; 2010 Acts, ch **1031, §316, 321**; 2010 Acts, ch **1183, §15**; 2010 Acts, ch **1193, §44, 80**; 2011 Acts, ch **132, §45 – 50, 106**

[T] Subsection 1, unnumbered paragraph 1 amended

[T] Subsection 1, NEW paragraph a and former paragraphs a – j redesignated as b – k

[T] Subsection 1, paragraphs e and k amended

[T] Subsection 1, former paragraph k stricken

[T] Subsection 1, NEW paragraph l

[T] Subsection 2, paragraph c amended

256.52 Commission of libraries established — duties of commission and state librarian — state library fund created.

1. *a.* The state commission of libraries consists of one member appointed by the supreme court, the director of the department of education, or the director's designee, and the following seven members who shall be appointed by the governor to serve four-year terms beginning and ending as provided in **section 69.19**.

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

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

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

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

(5) Two members shall be selected at large.

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

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Five members are a quorum for the transaction of business.

3. *a.* The commission shall appoint the state librarian who shall administer the division, and serve at the pleasure of the commission.

b. The state librarian shall do all of the following:

(1) Organize, staff, and administer the division so as to render the greatest benefit to libraries in the state.

(2) Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.

(3) Control all property of the division. The state librarian may dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the state library of Iowa. These materials may be sold by the state library directly or the library may sell the materials by consignment with an outside entity. A state library fund is created in the state treasury. Proceeds from the sale of the library materials shall be remitted to the treasurer of state and credited to the state library fund and shall be used for the purchase of books and other library materials.

Notwithstanding **section 8.33**, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

(4) Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the division subject to **chapter 8A, subchapter IV**.

(4A) (a) Assume all of the outstanding obligations of the library service areas and be liable for and recognize, assume, and carry out all valid contracts and obligations of the library service areas that are consolidated under the commission and administered by the division effective beginning July 1, 2011. Each library service area shall transfer, prior to July 1, 2011, its state-funded assets and title to any state-funded real estate owned by the library service area to the state librarian. In the event that the remaining assets and liabilities cannot be transferred to the state librarian, the board of directors of a library service area shall liquidate all assets, settle existing liabilities, and transfer remaining moneys to the general fund of the state. In addition, all fund balances from appropriations of state funds allocated to the library service areas remaining unobligated and unencumbered on the date of the transfer shall be transferred to the general fund of the state.

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

(5) Perform other duties imposed by law.

4. The commission shall adopt rules under **chapter 17A** for carrying out the responsibilities of the division.

5. The commission shall receive and approve the budget and unified plan of service submitted by the division.

93 Acts, ch **48, §19**; 94 Acts, ch **1193, §18**; 96 Acts, ch **1215, §21**; 2003 Acts, ch **145, §223**; 2010 Acts, ch **1031, §317, 318, 321**; 2010 Acts, ch **1061, §180**; 2011 Acts, ch **132, §51 – 54, 69, 106**

[SP] Governor's appointee serving on commission on July 27, 2011, shall continue to serve until expiration of term; provision applies retroactively to June 30, 2011; 2011 Acts, ch **132, §67, 106**

[T] Subsection 1 amended

[T] Subsection 3, paragraph b, subparagraphs (1) and (4) amended

[T] Subsection 3, paragraph b, NEW subparagraph (4A)

[T] Subsection 5 amended

256.53 State publications.

Upon issuance of a state publication in any format, a state agency shall provide the division with an electronic version of the publication at no cost to the division.

93 Acts, ch **48, §20**; 2003 Acts, ch **35, §41, 49**; 2010 Acts, ch **1031, §56**

256.54 State library — law library.

1. The state library includes but is not limited to the library support network, the specialized library services unit, and the state data center. The law library shall be under the direction of the specialized library services unit.

2. The law library shall be administered by a law librarian appointed by the state librarian subject to **chapter 8A, subchapter IV**, who shall do all of the following:

a. Operate the law library which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the commission adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies, copies of bills, journals, other information relating to current or proposed legislation, and copies of the Iowa administrative bulletin and Iowa administrative code and any publications incorporated by reference in the bulletin or code.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the commission.

93 Acts, ch **48, §21**; 95 Acts, ch **14, §2**; 2003 Acts, ch **145, §224, 225**; 2010 Acts, ch **1031, §319 – 321**; 2011 Acts, ch **132, §55, 56, 106**

[T] Subsection 1 amended

[T] Subsection 2, unnumbered paragraph 1 amended

256.55 State data center.

A state data center is established in the division. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

1. Manage the state data center program to make United States census data available to the residents of Iowa under rules the commission adopts.

2. Act as the state's liaison with the United States census bureau in matters relating to United States decennial, economic, and agricultural census data, and population estimates and projections.

3. Perform other duties imposed by law or prescribed by the commission.

93 Acts, ch **48**, §**22**; 2011 Acts, ch **132**, §**57**, **106**

[T]Unnumbered paragraph 1 amended

256.56 Electronic access to documents.

The state library shall work to develop a system of electronic access to documents maintained by the state library with a goal of providing electronic access to all such documents. The access shall be provided initially through the use of compact disc technology. **This section** shall not prohibit the state librarian from considering other forms of electronic access if the use of such other access is shown to exceed the benefits of, and is more cost-effective than, the use of compact disc technology.

93 Acts, ch **178**, §**32**

256.57 Enrich Iowa program.

1. An enrich Iowa program is established in the division to provide direct state assistance to public libraries, to support the open access and access plus programs, to provide public libraries with an incentive to improve library services that are in compliance with performance measures, and to reduce inequities among communities in the delivery of library services based on performance measures adopted by rule by the commission. The commission shall adopt rules governing the allocation of funds appropriated by the general assembly for purposes of **this section** to provide direct state assistance to eligible public libraries. A public library is eligible for funds under **this chapter** if it is in compliance with the commission's performance measures.

2. The amount of direct state assistance distributed to each eligible public library shall be based on the following:

a. The level of compliance by the eligible public library with the performance measures adopted by the commission as provided in **this section**.

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

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

3. Moneys received by a public library pursuant to **this section** shall supplement, not supplant, any other funding received by the library.

4. For purposes of **this section**, "*eligible public library*" means a public library that meets all of the following requirements:

a. Submits to the division all of the following:

(1) The report provided for under **section 256.51, subsection 1**, paragraph "h".

(2) An application and accreditation report, in a format approved by the commission, that provides evidence of the library's compliance with at least one level of the standards established in accordance with **section 256.51, subsection 1**, paragraph "k".

(3) Any other application or report the division deems necessary for the implementation of the enrich Iowa program.

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

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

5. Each eligible public library shall maintain a separate listing within its budget for payments received and expenditures made pursuant to **this section**, and shall annually submit this listing to the division.

6. By January 15, annually, the division shall submit a program evaluation report to the general assembly and the governor detailing the uses and the impacts of funds allocated under **this section**.

7. A public library that receives funds in accordance with **this section** shall have an internet use policy in place, which may or may not include internet filtering. The library shall submit a report describing the library's internet use efforts to the division.

8. A public library that receives funds in accordance with **this section** shall provide open access, the reciprocal borrowing program, as a service to its patrons, at a reimbursement rate determined by the state library.

9. Funds appropriated for purposes of **this section** shall not be used by the division for administrative purposes.

2006 Acts, ch **1180, §16**; 2007 Acts, ch **126, §46 – 48**

[T] Section not amended; internal reference changes applied

256.58 Library support network.

1. A library support network is established in the division to offer services and programs for libraries, including but not limited to individualized, locally delivered consulting and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the

consistent availability of quality service to all libraries throughout the state, regardless of location or size.

2. The organizational structure to deliver library support network services shall include district offices. The district offices shall serve as a basis for providing field services to local libraries in the counties comprising the district. The division shall determine which counties are served by each district office. The number of district offices established to provide services pursuant to **this section** shall be six.

2011 Acts, ch **132, §58, 106**

[T] NEW section

256.59 Specialized library services.

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

2011 Acts, ch **132, §59, 106**

[T]NEW section

PART 2

LIBRARY SERVICES ADVISORY PANEL AND LOCAL FINANCIAL SUPPORT

256.60 and 256.61 Repealed by 2011 Acts, ch 132, § 66, 106.

256.62 Library services advisory panel.

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

2. The library services advisory panel shall consist of no fewer than eleven members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members appointed shall be appointed by the executive board of the Iowa library association and the remaining members shall be appointed by the state librarian. Terms of members shall begin and end as provided in **section 69.19**. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve four-year terms which are staggered at the

discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually.

3. The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the commission and the state librarian at least once annually. The report shall be timely submitted to allow for consideration of the recommendations prior to program planning and budgeting for the following fiscal year.

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

2011 Acts, ch 132, §60, 106

[T] NEW section

256.63 through 256.65 Repealed by 2001 Acts, ch **158**, § **40**.

256.66 through 256.68 Repealed by 2011 Acts, ch 132, § 66, 106.

Length of service of library service area employees hired by division of library services on or after July 1, 2011, to be prorated and credited as state employment service for certain purposes; personnel records to be submitted to division by July 1, 2011; 2011 Acts, ch 132, §68, 106

256.69 Local financial support.

Commencing July 1, 1977, each city within its corporate boundaries and each county within the unincorporated area of the county shall levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on the taxable property or at least the monetary equivalent thereof when all or a portion of the funds are obtained from a source other than taxation, for the purpose of providing financial support to the public library which provides library services within the respective jurisdictions.

93 Acts, ch **48**, §**32**

PART 3

LIBRARY COMPACT

256.70 Library compact authorized.

The division of library services of the department of education is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa

with any state bordering on Iowa which legally joins therein in substantially the following form and the contracting states agree that:

1. *Article I — Purpose.* Because the desire for the services provided by public libraries transcends governmental boundaries and can be provided most effectively by giving such services to communities of people regardless of jurisdictional lines, it is the policy of the states who are parties to this compact to cooperate and share their responsibilities in providing joint and cooperative library services in areas where the distribution of population makes the provision of library service on an interstate basis the most effective way to provide adequate and efficient services.

2. *Article II — Procedure.* The appropriate state library officials and agencies having comparable powers with those of the Iowa commission of libraries of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the cooperative or joint conduct of library services when they shall find that the execution of agreements to that end as provided herein will facilitate library services.

3. *Article III — Content.* Any such agreement for the cooperative or joint establishment, operation or use of library services, facilities, personnel, equipment, materials or other items not excluded because of failure to enumerate shall, as among the parties of the agreement:

a. Detail the specific nature of the services, facilities, properties or personnel to which it is applicable;

b. Provide for the allocation of costs and other financial responsibilities;

c. Specify the respective rights, duties, obligations and liabilities;

d. Stipulate the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of said agreement.

4. *Article IV — Conflict of laws.* Nothing in this compact or in any agreement entered into hereunder shall alter, or otherwise impair any obligation imposed on any public library by otherwise applicable laws, or be constituted to supersede.

5. *Article V — Administrator.* Each state shall designate a compact administrator with whom copies of all agreements to which the state or any subdivision thereof is party shall be filed. The administrator shall have such powers as may be conferred by the laws of the administrator's state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact.

6. *Article VI — Effective date.* This compact shall become operative when entered in by two or more entities having the powers enumerated herein.

7. *Article VII — Renunciation.* This compact shall continue in force and remain binding upon each party state until six months after any such state has given notice

of repeal by the legislature. Such withdrawal shall not be construed to relieve any party to an agreement authorized by articles II and III of the compact from the obligation of that agreement prior to the end of its stipulated period of duration.

8. *Article VIII — Severability — construction.* The provisions of this compact shall be severable. It is intended that the provisions of this compact be reasonably and liberally construed.

93 Acts, ch **48, §33**; 2008 Acts, ch **1032, §201**; 2011 Acts, ch **132, §61, 106**
[T] Unnumbered paragraph 1 amended

256.71 Administrator.

The administrator of the division of library services shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems desirable to effectuate the purposes of this compact and consult and cooperate with the compact administrators of other party states.

93 Acts, ch **48, §34**; 2011 Acts, ch **132, §62, 106**
[T] Section amended

256.72 Agreements.

The compact administrator and the chief executive of a county, city, or library board may enter into agreements with other states or their political subdivisions pursuant to the compact. The agreements made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. The agreements made on behalf of a political subdivision shall be made after due notice to and consultation with the compact administrator.

93 Acts, ch **48, §35**

256.73 Enforcement.

The agencies and officers of this state and its subdivisions shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdiction.

93 Acts, ch **48, §36**

256.74 through 256.79 Reserved.