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LIBRARY LAWS

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State Library Commission of Iowa
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THE FOLLOWING ARE EXCERPTS FROM THE CODE OF IOWA WHICH PERTAIN TO LIBRARIES IN THE STATE OF IOWA

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CHAPTER 32 - OFFICIAL REPORTS AND DOCUMENTS

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Issued by

STATE LIBRARY COMMISSION OF IOWA

BARRY L. PORTER, DIRECTOR

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THE FOLLOWING ARE EXCERPTS FROM THE CODE OF IOWA WHICH PERTAIN TO LIBRARIES IN THE STATE OF IOWA:

CHAPTER 17 - OFFICIAL REPORTS AND DOCUMENTS

17.1 OFFICIAL REPORTS - PREPARATION. State officials, boards, commissions, and heads of departments shall prepare and file written official reports, in simple language and in the most concise form consistent with clearness and comprehensiveness of matter, required by law or by the governor.

Before filing any report its author shall carefully edit the same and strike therefrom all minutes of proceedings, and all correspondence, petitions, orders, and other matter which can be briefly stated, or which is not important information concerning public affairs, and consolidate so far as practicable all statistical tables.

Any report failing to comply substantially with this section shall be returned to its author for correction, and until made so to comply shall not be printed.

This section shall not be construed as depriving the superintendent of printing of the right to edit and revise said report.

17.2 MADE TO GOVERNOR. All official reports shall be made to the governor unless otherwise provided.

Reports after being filed with the governor and considered by him shall be delivered to the superintendent of printing.

17.3 BIENNIAL REPORTS - TIME COVERED AND DATE OF FILING. Reports of the following officials and departments shall cover the biennial period ending June 30 in each even-numbered year, and shall be filed as soon as practicable after the end of the reporting period:

1. State comptroller on fiscal condition of the state.
2. Treasurer of state as to the condition of the treasury.

3. Secretary of agriculture.
4. Superintendent of public instruction.
5. Commissioner of the department of social services.
6. Board of regents.
7. Superintendent of printing.
8. Industrial commissioner.
9. Commissioner of public health
10. Commissioner of labor.
11. Board of curators of state historical society.
12. Curator of state department of history and archives.
13. State librarian.
14. Library commission.
15. Department of general services.
16. State conservation director.
17. Adjutant general.

The officials and departments required by this section to file biennial reports shall, in addition thereto, in each odd-numbered year, file summary reports relating to their operations for the preceding fiscal year. Such reports shall be filed as soon as practicable after June 30 of each odd-numbered year and shall be as detailed as may be required by the governor, or in case the reports are to be filed with the general assembly, the presiding officers of the two houses of the general assembly.

The officials and departments required by this section to file reports shall submit the reports on standardized forms furnished by the state comptroller. All officials and agencies submitting reports shall consult with the state comptroller and the director of the office of planning and programming, and shall devise standardized report forms for submission to the governor and members of the general assembly.

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17.33 STATE PUBLICATIONS TO LIBRARIES. Upon the request of any library in Iowa which is designated by the federal government as a depository for federal documents, the superintendent of printing shall send to such library one copy, at no cost, of any state publication made available to his office. For each publication a separate request shall be required. Such library shall keep such publications in its collection and make them available to the public.

CHAPTER 23 - PUBLIC CONTRACTS AND BONDS

23.1 TERMS DEFINED. The words "public improvement" as used in this chapter shall mean any building or other construction work to be paid for in whole or in part by the use of funds of any municipality.

The word "municipality" as used in this chapter shall mean county, except in the exercise of its power to make contracts for secondary road improvements, township school corporation, state fair board, state board of regents, and state department of social services.

The words "appeal board" as used in this chapter shall mean the "state appeal board", composed of the auditor of state, treasurer of state, and state comptroller.

23.2 NOTICE OF HEARING. Before any municipality shall enter into any contract for any public improvement to cost five thousand dollars or more, the governing body proposing to make such contract shall adopt proposed plans and specifications and proposed form of contract therefor, fix a time and place for hearing thereon at such municipality affected thereby or other nearby convenient place, and give notice thereof by publication in at least one newspaper of general circulation in such municipality at least ten days before said hearing.

23.3 OBJECTIONS--HEARING--DECISION. At such hearing, any person interested may appear and file objections to the proposed plans, specifications or contract for, or cost of such improvement. The governing body of the municipality proposing to enter into such contract shall hear said objections and any evidence for or against the same, and forthwith enter of records its decision thereon.

23.4 APPEAL. Interested objectors in any municipality equal in number to one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but in no event less than twenty-five, may appeal from the decision to the appeal board by serving notice thereof on the clerk or secretary of such municipality within ten days after such decision is entered of record.

The notice shall be in writing and shall set forth the objections to such decision and the grounds for such objections; provided that at least three persons signing said notice shall have appeared at the hearing and made objection, either general or specific, to the adoption of the proposed plans, specifications or contract for, or cost of such improvement.

23.5 INFORMATION CERTIFIED TO APPEAL BOARD. In case an appeal is taken, such body shall forthwith certify and submit to the appeal board for examination and review the following:

1. A copy of the plans and specifications for such improvement.
2. A copy of the proposed contract.
3. An estimate of the cost of such improvement.
4. A report of the kind and amount of security proposed to be given for the faithful performance of the contract and the cost of such security.
5. A copy of the objections, if any, which have been urged by any taxpayer against the proposed plans, specifications or contract, or the cost of such improvement.
6. A separate estimate of the architect's or engineer's fees and cost of supervision.
7. A statement of the taxable value of the property within the municipality proposing to make such improvement.
8. A statement of the several rates of levy of taxes in such municipality for each fund.
9. A detailed statement of the bonded and other indebtedness of such municipality.
10. In case of state institutions and state fair board, the last three requirements may be omitted.

23.6 NOTICE OF HEARING ON APPEAL. The appeal board shall forthwith fix a time and place in the municipality or nearby convenient place for hearing said appeal, and notice of such hearing shall be given by certified mail to the executive officer of the municipality, and to the first five persons whose names appear upon the notice of appeal, at least ten days before the date fixed for such hearing.

The hearing on contracts for the state institutions and state fair board shall be at the seat of government.

23.7 HEARING AND DECISION. At such hearing, the appellants and any other interested person may appear and be heard. The appeal board shall examine, with the aid of competent assistants, the entire record, and if it shall find that the form of contract is suitable for the improvement proposed, that the improvement and the method of providing for payment therefor is for the best interests of the municipality and the taxpayers therein, and that such improvements can be made within the estimates therefor, it shall approve the same. Otherwise, it may reject the same as a whole or, it shall recommend such modifications of the plans, specifications, or contract, as in its judgment shall be for the public benefit, and if such modifications are so made, it shall approve the same.

The appeal board shall certify its decision to the body proposing to enter into such contract unless it shall have rejected the same as a whole, whereupon the municipality shall advertise for bids and let the contract subject to the approval of the appeal board which shall at once render its final decision thereon and transmit the same to the municipality.

23.8 ENFORCEMENT OF PERFORMANCE. After any contract for any public improvement has been completed and any five persons interested request it, the appeal board shall examine into the matter as to whether or not the contract has been performed in accordance with its terms, and if on such investigation it finds that said contract has not been so performed, and so reports to the body letting such contract, it shall at once institute proceedings on the contractor's bond for the purpose of compelling compliance with the contract in all of its provisions.

23.9 NONAPPROVED CONTRACTS VOID. If an appeal is taken, no contract for public improvements shall be valid unless the same is finally approved by the appeal board. In no case shall any municipality expend for any public improvement any sum in excess of five percent more than the contract price without the approval of the appeal board.

23.10 WITNESS FEES--COSTS. Witness fees and mileage for witnesses on hearing appeals shall be the same as in the district court; but objectors or appellants shall not be allowed witness fees or mileage. Costs of hearings and appeals shall be paid by the municipality.

23.11 REPORT ON COMPLETION. Upon the completion of the improvement the executive officer or governing board of the municipality shall file with the appeal board a verified report showing:

1. The location and character of the improvement.
2. The total contract price for the completed improvement.
3. The total actual cost of the completed improvement.
4. By whom, if anyone, the construction was supervised.
5. By whom final inspection was made.
6. Whether or not the improvement complies with its contract, plans, and specifications.
7. Any failure of the contractor to comply with the plans and specifications.

23.12 ISSUANCE OF BONDS--NOTICE. Before any municipality shall institute proceedings for the issuance of any bonds or other evidence of indebtedness payable from taxation, excepting such bonds or other evidence of indebtedness as have been authorized by a vote of the people of such municipality, and except such bonds or obligations as it may be by law compelled to issue, a notice of such action, including a statement of the amount and purpose of said bonds or other evidence of indebtedness shall be published

at least once in a newspaper of general circulation within such municipality at least ten days before the meeting at which it is proposed to issue such bonds.

23.13 OBJECTIONS. At any time before the date fixed for the issuance of such bonds or other evidence of indebtedness, interested objectors in any municipality equal in number to one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but in no event less than twenty-five, may file a petition in the office of the clerk or secretary of the municipality setting forth their objections thereto.

23.14 NOTICE OF HEARING. Upon the filing of any such petition, the clerk or secretary of such municipality shall immediately certify a copy thereof, together with such other data as may be necessary in order to present the questions involved, to the appeal board, and upon receipt of such certificate, petition, and information, it shall fix a time and place for the hearing of such matter, which shall be not less than ten nor more than thirty days there after. Said hearing shall be held in the municipality in which it is proposed to issue such bonds or other evidence of indebtedness, or in some other nearby convenient place fixed by the appeal board. Notice of such hearing shall be given by certified mail to the executive officer of the municipality and to the five persons whose names first appear on the petition at least ten days before the date of such hearing.

23.15 DECISION. The appeal board shall determine the matters involved in such appeal. Its decision shall be certified to the executive officer of the municipality affected. Judicial review of the action of the appeal board may be sought in accordance with the terms of the Iowa administrative procedure Act.

In case there is no appeal, the board of the municipality affected may issue such bonds or other evidence of indebtedness, if legally authorized so to do, in accordance with the proposition published, but in no greater amount.

In case of an appeal, the municipality may issue such bonds or other evidence of indebtedness in accordance with the decision of the appeal board.

23.16 BONDS AND TAXES VOID. Any bonds or other evidence of indebtedness issued contrary to the provisions of this chapter, and any tax levied or attempted to be levied for the payment of any such bonds or interest thereon, shall be null and void.

23.17 UNPAID REVENUE BONDS--EFFECT. It shall be lawful for any municipality to issue revenue bonds, the principal and interest of which are to be paid solely from revenue derived from the operations of the project for which such bonds are issued, notwithstanding that there are other revenue bonds remaining unpaid which have not matured, provided payment of principal and interest of such other revenue bonds is not impaired thereby.

23.18 BIDS REQUIRED--PROCEDURE. When the estimated total cost of construction, erection, demolition, alteration or repair of any public improvement exceeds five thousand dollars, the municipality shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done, the first of which shall be not less than fifteen days prior to the date set for receiving bids, and shall let the work to the lowest responsible bidder submitting a sealed proposal; provided, however, if in the judgment of the municipality bids received be not acceptable, all bids may be rejected and new bids requested. All bids must be accompanied, in a separate envelope, by a deposit of money or certified check in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The municipality shall fix said bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The checks or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check or deposit of money of the successful bidder shall be returned upon execution of the contract documents. This section shall not apply to the construction, erection, demolition, alteration or repair of any public improvement when the contracting procedure for the doing of the work is provided for in another provision of this law.

23.19 SALE OF MUNICIPAL BONDS WITHOUT HEARING OR CONTRACT.

Any other law to the contrary notwithstanding, any municipality may authorize, sell, issue and deliver its bonds without regard to whether or not notice and hearing on the plans, specifications and form of contract for the public improvement to be paid for in whole or in part from the proceeds of said bonds has theretofore been given, and without regard to whether or not any contract has theretofore been awarded for the construction of said improvement. The foregoing provision shall not apply to bonds which are payable solely from special assessment levied against benefited property.

23.20 BID BONDS. Notwithstanding any other provisions of the Code, any contracting authority may authorize the use of bid bonds executed by corporations authorized to contract as surety in Iowa and on a form prescribed by the contracting authority, in lieu of certified or cashiers checks or any other form of security otherwise required of a bidder to accompany his bid on a public improvement project. The full amount of the bid bond shall be forfeited to the contracting authority in liquidation of damages sustained in the event that the bidder fails to execute the contract as provided in the specifications or by law in the same manner and amount as other forms of authorized security.

CHAPTER 28A - OFFICIAL MEETINGS OPEN TO PUBLIC

28A.1 CLOSED MEETINGS PROHIBITED. All meetings of the following public agencies shall be public meetings open to the public at all times, and meetings of any public agency which are not open to the public are prohibited, unless closed meetings are expressly permitted by law:

1. Any board, council, or commission created or authorized by the laws of this state.
2. Any board, council, commission, trustees, or governing body of any county, city, township, school corporation, political subdivision, or tax-supported district in this state.
3. Any committee of any such board, council, commission, trustees, or governing body.

Wherever used in this chapter, "public agency" or "public agencies" includes all of the foregoing, and "meeting" or "meetings" includes all meetings of every kind, regardless of where the meeting is held, and whether formal or informal.

28A.2 CITIZEN'S RIGHT TO BE PRESENT. Every citizen of Iowa shall have the right to be present at any such meeting. However, any public agency may make and enforce reasonable rules for conduct of persons attending its meetings and situations where there is not enough room for all citizens who wish to attend a meeting.

28A.3 CLOSED SESSION BY VOTE OF MEMBERS. Any public agency may hold a closed session by affirmative vote of two-thirds of its members present, when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration, or to prevent premature disclosure of information on real estate proposed to be purchased, or for some other exceptional reason so compelling as to override the general public policy in favor of public meetings. The vote of each member on the question of holding the closed session and the reason for the closed session shall be entered in the minutes, but the statement of such reason need not state the name of any individual or the details of the matter discussed in the

closed session. Any final action on any matter shall be taken in a public meeting and not in closed session, unless some other provision of the Code expressly permits such action to be taken in a closed session. No regular or general practice or pattern of holding closed sessions shall be permitted.

28A.4 ADVANCE NOTICE OF MEETINGS. Each public agency shall give advance public notice of the time and place of each meeting by notifying the communications media or in some other way which gives reasonable notice to the public. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes.

28A.5 MINUTES KEPT. Each public agency shall keep minutes of all its meetings showing the time and place, the members present, and the action taken at each meeting. The minutes shall be public records open to public inspection.

28A.6 EXCEPTIONS. This chapter does not apply to any court, jury, or military organization.

28A.7 ENFORCEMENT OF RIGHTS. The provisions of this chapter and all rights of citizens under this chapter may be enforced by mandamus or injunction, whether or not any other remedy is also available. In the alternative, rights under this chapter also may be enforced by an action for judicial review according to the provisions of the Iowa administrative procedure Act, if the meeting involved is a meeting of an "agency" as defined in that Act.

28A.8 PENALTY. Any person knowingly violating or attempting to violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars.

CHAPTER 37 - MEMORIAL HALLS AND MONUMENTS FOR SOLDIERS, SAILORS, AND MARINES

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37.18 NAME--USES. Any such memorial hall or buiding shall be given an appropriate name and shall be available so far as practical for the following purposes:

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2. For military headquarters, memorial rooms, library, assembly hall, gymnasium, natatorium, club room, and rest room.

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CHAPTER 75 - AUTHORIZATION AND SALE OF PUBLIC BONDS

75.1 BONDS--ELECTION--VOTE REQUIRED. When a proposition to authorize an issuance of bonds by a county, township, school corporation, city, or by any local board or commission is submitted to the electors, such proposition shall not be deemed carried or adopted, anything in the statutes to the contrary notwithstanding, unless the vote in favor of such authorization is equal to at least sixty percent of the total vote cast for and against said proposition at said election.

All ballots cast and not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition.

When a proposition to authorize an issuance of bonds has been submitted to the electors under this section and the proposal fails to gain approval by the required percentage of votes, such proposal, or any proposal which incorporates any portion of the defeated proposal, shall not be submitted to the electors for a period of six months from the date of such regular or special election.

75.2 NOTICE OF SALE. When public bonds are offered for sale, the official or officials in charge of such bond issue shall, by advertisement published for two or more successive weeks in at least one newspaper located in the county, give notice of the time and place of sale of said bonds, the amount to be offered for sale, and any further information which may be deemed pertinent.

75.3 SEALED AND OPEN BIDS. Sealed bids may be received at any time prior to the calling for open bids. After the sealed bids are all filed, the official or officials shall call for open bids. After all of the open bids have been received the substance of the best open bid shall be noted in the minutes. The official or officials shall then open any sealed bids that may have been filed and they shall note in the minutes the substance of the best sealed bid.

75.4 REJECTION OF BIDS. Any or all bids may be rejected, and the sale may be advertised anew in the same manner or the bonds or any portion thereof may thereafter be sold at private sale to any one or more of such bidders, or other persons, by popular subscription or otherwise. In case of private sales, the said bonds shall be sold upon terms not less favorable to the public than the most favorable bid made by a bona fide and responsible bidder at the last advertised sale.

75.5 SELLING PRICE. No public bond shall be sold for less than par, plus accrued interest.

75.6 COMMISSION AND EXPENSE. No commission shall be paid, directly or indirectly, in connection with the sale of a public bond. No expense shall be contracted or paid in connection with such sale other than the expenses incurred in advertising such bonds for sale.

75.7 PENALTY. Any public officer who fails to perform any duty required by this chapter or who does any act prohibited by this chapter, shall be guilty of a misdemeanor.

75.8 SALE OF STATE BONDS. All contracts for the sale of bonds issued by the state shall be subject to the approval of the executive council.

75.9 EXCHANGE OF BONDS. Nothing in this chapter shall be deemed to prevent the exchange of bonds for legal indebtedness evidenced by bonds, warrants, or judgments as otherwise provided by law.

75.10 DENOMINATIONS OF BONDS. Notwithstanding any other provisions in the statutes to the contrary, issues of public bonds of every kind and character by counties, cities and school corporations shall be issued in amounts of one hundred dollars or multiples thereof not to exceed ten thousand dollars. This provision shall not apply to bonds, the interest or principal, or both, of which are payable out of special assessments against benefited properties.

75.11 INTEREST RATE ON BONDS AND INTEREST RATE ON ASSESSMENTS. No bonds payable from special assessments shall be sold bearing a higher rate of interest than is payable on the assessments from which such bonds are made payable.

CHAPTER 76 - MATURITY AND PAYMENT OF BONDS

76.1 MANDATORY RETIREMENT. Hereafter issues of bonds of every kind and character by counties, cities and school corporations shall be consecutively numbered. The annual levy shall be sufficient to pay the interest and approximately such portion of the principal of the bonds as will retire them in a period not exceeding twenty years from date of issue. Each issue of bonds shall be scheduled to mature serially in the same order as numbered.

76.2 MANDATORY LEVY. The governing authority of these political subdivisions before issue bonds shall, by resolution, provide for the assessment of an annual levy upon all the taxable property in such public corporation sufficient to pay the interest and principal of such bonds within a period named not exceeding twenty years. A certified copy of this resolution shall be filed with the county auditor or auditors of the counties, as the case may be, in which such public corporation is located; and the filing thereof shall make it a duty of such officer or officers to enter annually this levy for collection until funds are realized to pay the bonds in full.

If the resolution is so filed prior to April 1, said annual levy shall begin with the tax levy of the year of filing. If the resolution is filed after April 1 in any year, such levy shall begin with the levy of the fiscal year succeeding the year of the filing of such resolution. However, the governing authority of a political subdivision may adjust any levy of taxes made under the provisions of

this section, for the purpose of adjusting the annual levies and collections in accordance with the provisions of this Act, subject to the approval of the state comptroller.

76.3 TAX LIMITATIONS. Tax limitations in any law for the issuance of bonds shall be based on the latest equalized actual valuation then existing and shall only restrict the amount of bonds which may be issued. For the sole purpose of computing the amount of bonds which may be issued as a result of the application of any such tax limitation, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest in the first annual levy of taxes to pay the bonds and interest shall not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies to the county auditor or auditors such first annual levy of taxes shall be sufficient to pay all principal of and interest on said bonds becoming due prior to the next succeeding annual levy and the full amount of such first annual levy shall be entered for collection by said auditor or auditors as provided in this chapter.

76.4 PERMISSIVE APPLICATION OF FUNDS. Whenever the governing authority of such political subdivision shall have on hand funds derived from any other source than taxation which may be appropriated to the payment either of interest or principal or both principal and interest of such bonds, such funds may be so appropriated and used and the levy for the payment of the bonds correspondingly reduced.

76.5 EXCEPTIONS. The provisions of this chapter shall not apply to bonds, the interest or principal of which are payable out of special assessments against benefited property.

76.6 PLACE OF PAYMENT. The principal and interest of all bonds of a public corporation in this state are payable at the office of the treasurer or public official charged with the duty of making payment, unless the proceedings of the governing body authorizing the issuance of the bonds provide that the bonds and interest thereon may also be payable at one or more banks or trust companies within or without the state of Iowa or as may be otherwise provided by chapter 419.

76.7 PARTICULAR BONDS AFFECTED--PAYMENT. Counties, cities and school corporations may at any time or times extend or renew any legal indebtedness or any part thereof they may have represented by bonds or certificates where such indebtedness is payable from a limited annual tax or from a voted annual tax, and may by resolution fund or refund the same and issue bonds therefor running not more than twenty years to be known as funding or refunding bonds and make provision for the payment of the principal and interest thereof from the proceeds of an annual tax for the period covered by such bonds similar to the tax authorized by law or by the electors for the payment of the indebtedness so extended or renewed.

76.8 LAWS APPLICABLE. All laws relating to the issuance of funding or refunding bonds by counties, cities and school corporations, as the case may be, not inconsistent with the provisions herein contained and to the extent the same may be applicable, shall govern the issuance of the funding and refunding bonds for the purpose herein authorized.

76.9 NO LIMIT OF FORMER POWER. Sections 76.7 and 76.8 shall be construed as granting additional power without limiting the power already existing in counties, cities and school corporations.

CHAPTER 103A - STATE BUILDING CODE

103A.1 ESTABLISHMENT. This chapter shall be known as the "State Building Code Act".

103A.2 STATEMENT OF POLICY. It is found and declared that some governmental subdivisions do not have building codes and that the building codes which do exist in the governmental subdivisions of this state, as enacted and applied, are not uniform and impede the utilization of new and improved technology, techniques, methods, and materials in the manufacture and construction of buildings and structures.

Therefore, it is the policy of the state of Iowa to insure the health, safety, and welfare of its citizens through the promulgation and enforcement of a state building code.

103A.3 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the state building code commissioner created by this chapter.
2. "Council" means the state building code advisory council created by this chapter.
3. "Board of review" or "board" means the state building code board of review created by this chapter.
4. "Governmental subdivision" means any city, county, or combination thereof.
5. "Building regulations" means any law, by-law, rule, resolution, regulation, ordinance, or code or compilation enacted or adopted, by the state or any governmental subdivision, including departments, boards, bureaus, commissions or other agencies, relating to the construction, reconstruction, alteration, conversion, repair or use of buildings and installation of equipment therein. The term shall not include zoning ordinances or subdivision regulations.

6. "Local building regulations" means building regulations adopted by a governmental subdivision.
7. "Local building department" means an agency of any governmental subdivision charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates and similar documents, prescribed or required by state or local building regulations.
8. "State agency" means a state department, board, bureau, commission, or agency of the state of Iowa.
9. "Building" means a combination of any materials whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word "building" includes any part of a building unless the context clearly requires a different meaning.
10. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner except transmission and distribution structures of public utilities. The word "structure" includes any part of a structure unless the context clearly requires a different meaning.
11. "Equipment" means plumbing, heating, electrical, ventilating, conditioning, refrigerating equipment, elevators, dumb waiters, escalators, and other mechanical facilities or installations.
12. "Factory-built structure" means any structure which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site.

13. "Manufacture" is the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semi-finished materials.
14. "Installation" means the assembly of factory-built structures on site and the process of affixing factory-built structures to land, a foundation, footings, or an existing building.
15. "Construction" means the construction, erection, reconstruction, alteration, conversion, repair, equipping of buildings, structures or facilities, and requirements or standards relating to or affecting materials used in connection therewith, including provisions for safety and sanitary conditions.
16. "Owner" means the owner of the premises, a mortgagee or vendee in possession, an assignee of rents, or a receiver, executor, trustee, lessee or other person in control of a building or structure.
17. "State building code" or "code" means the state building code provided for in section 103A.7.
18. "Performance objective" establishes design and engineering criteria without reference to specific methods of construction.

103A.4 COMMISSIONER. The director of the division of municipal affairs, in the office for planning and programming shall, in addition to his other duties, serve as the state building code commissioner, or may designate a building code commissioner.

103A.5 COMMISSIONER - DUTIES. The commissioner shall:

1. Employ the necessary staff and assistants, within the limit of available funds, to assist in carrying out the provisions of this chapter.
2. Appoint necessary consultants and advisors to assist the commissioner in carrying out the provisions of this chapter.

3. Study the operation of the state building code, local building regulations, and other laws relating to the construction of buildings or structures to ascertain their effects upon the cost of building construction and the effectiveness of their provisions for health, safety, and welfare.
4. Do all things necessary or desirable to further and effectuate the general purposes and specific objectives of this chapter.
5. Administer and enforce the provisions of chapter 104A.

103A.6 MERIT SYSTEM. Employees of the commissioner shall, where required by federal statutes, be covered by the provisions of chapter 19A.

103A.7 STATE BUILDING CODE. The state building code commissioner with the approval of the advisory council is hereby empowered and directed to formulate and adopt and from time to time amend or revise and to promulgate, in conformity with and subject to the conditions set forth in this chapter, reasonable rules designed to establish minimum safeguards in the erection and construction of buildings and structures, to protect the human beings who live and work in them from fire and other hazards, and to establish regulations to further protect the health, safety and welfare of the public.

The rules shall include reasonable provisions for the following:

1. The installation of equipment.
2. The standards or requirements for materials to be used in construction.
3. The manufacture and installation of factory-built structures.

4. Protection of the health, safety, and welfare of occupants and users.
5. The accessibility and use by physically handicapped and elderly persons, of buildings, structures and facilities which are constructed and intended for use by the general public.

These rules shall comprise and be known as the state building code.

103A.8 STANDARDS. The state building code shall as far as practical:

1. Provide uniform standards and requirements for construction, construction materials, and equipment through the adoption by reference of applicable national codes where appropriate and providing exceptions when necessary. The rules adopted shall include provisions imposing requirements reasonably consistent with or identical to recognized and accepted standards contained in performance criteria as developed by nationally recognized model codes such as the model codes prepared by the Building Officials Conference of America, the International Conference of Building Officials, the Southern Building Codes Congress, the National Fire Protection Association, the American National Standards Institute, the American Insurance Association, the United States Department of Housing and Urban Development, the American Standards Association, and the International Association of Plumbing and Mechanical Officials.
2. Establish such standards and requirements in terms of performance objectives.
3. Establish as the test of acceptability, adequate performance for the intended use.

4. Permit the use of modern technical methods, devices, and improvements which tend to reduce the cost of construction without substantially affecting reasonable requirements for the health, safety, and welfare of the occupants or users of buildings and structures.
5. Encourage the standardization of construction practices, methods, equipment, material, and techniques.
6. Eliminate restrictive, obsolete, conflicting and unnecessary regulations and requirements which tend to unnecessarily increase construction costs or retard unnecessarily the use of new materials, or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

103A.9 FACTORY-BUILT STRUCTURES. The state building code shall contain provisions relating to the manufacture and installation of factory-built structures.

1. Factory-built structures manufactured in Iowa, after the effective date of the code, shall be manufactured in accordance with the code, unless the commissioner determines the structure is manufactured for installation outside the state.
2. Factory-built structures manufactured outside the state of Iowa, after the effective date of the code, and brought into Iowa for installation must, prior to installation, comply with the code.
3. Factory-built structures manufactured prior to the effective date of the code, which prior to that date have never been installed, must comply with the code prior to installation.
4. All factory-built structures, without regard to manufacture date, shall be installed in accordance with the code in the governmental subdivisions which have adopted the state building code or any other building code.

5. Factory-built structures required to comply with the code provisions on manufacture, shall not be modified in any way prior to or during installation, unless prior approval is obtained from the commissioner.
6. The commissioner shall establish an insignia of approval and provide that factory-built structures required to comply with code provisions on manufacture bear an insignia of approval prior to installation. The insignia may be issued for other factory-built structures which meet code standards and which were manufactured prior to the effective date of the state building code.
7. The commissioner may contract with local government agencies for enforcement of the code relating to manufacture of factory-built structures. Code provisions relating to installation of factory-built structures shall be enforced by the local building departments only in those governmental subdivisions which have adopted the state building code or any other building code.

103A.10 EFFECT AND APPLICATION.

1. The state building code shall, for the buildings and structures to which it is applicable, constitute a lawful local building code.
2. The state building code shall be applicable:
 - a. To all buildings and structures owned by the state or an agency of the state.
 - b. In each governmental subdivision where the governing body has adopted a resolution accepting the application of the code.
3. Provisions of the state building code relating to the manufacture and installation of factory-built structures shall apply throughout the state. Factory-built structures approved by the commissioner shall be deemed to comply with all building regulations applicable to its manufacture and installation and shall be exempt from any local building regulations.

103A.11 RULES - PUBLIC HEARING.

1. After the formulation of any proposed rule, including any modification of an existing rule, the commissioner shall hold public hearings within the state and at reasonable hours. Notice of the hearings, together with a brief general description of the proposed rules shall be provided by publication in at least five newspapers of general circulation within separate geographic areas of this state and by any other means the commissioner determines will afford adequate public notice. Public notice shall be given at least seven days prior to the hearings.
2. The text of any proposed rule shall be made available for inspection at the office of the commissioner and shall be distributed to the governmental subdivisions which have adopted the state building code, and to any other person who requests a copy.
3. Every rule adopted by the commissioner shall state the date on which it takes effect.
4. Every rule shall, immediately after adoption, be certified by the commissioner and transmitted to the secretary of state for filing in his office and shall then become a part of the state building code. Copies shall be sent by the commissioner to all governmental subdivisions which have adopted the state building code.
5. The provisions of this section shall not apply to any rule relating solely to the internal operations of the office of the commissioner and council.

103A.12 ADOPTION AND WITHDRAWAL - PROCEDURE. The state building code shall be applicable in each governmental subdivision of the state in which the governing body has adopted or enacted a resolution or ordinance accepting the applicability of the code and shall have filed a certified copy of the resolution or ordinance in the office of the commissioner and in the office of

the secretary of state. The state building code shall become effective in the governmental subdivision upon the date fixed by the governmental subdivision resolution or ordinance, if the date is not more than six months after the date of adoption of the resolution or ordinance.

A governmental subdivision in which the state building code is applicable may by resolution or ordinance, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, if before the resolution or ordinance shall be voted upon, the local governing body shall hold a public hearing after giving not less than twenty nor more than thirty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner and to the secretary of state for filing. The resolution or ordinance shall become effective at a time to be specified therein, which shall be not less than one hundred eighty days after the date of adoption. Upon the effective date of the resolution or ordinance, the state building code shall cease to apply to the governmental subdivision except that construction of any building or structure pursuant to a permit previously issued shall not be affected by the withdrawal.

A governmental subdivision which has withdrawn from the application of the state building code may, at any time thereafter, restore the application of the code in the same manner as specified in this section.

103A.13 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION.

The provisions of the state building code shall not prevent the use of any material or method of construction not specifically prescribed therein, provided any such alternate has been approved by the building code commissioner.

The commissioner may approve any alternate if he finds that the proper design is satisfactory and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the state building code in quality, strength, effectiveness, fire resistance, durability, and safety.

The commissioner shall require that sufficient evidence or proof be submitted to substantiate any claim thaty may be made regarding alternate use.

103A.14 ADVISORY COUNCIL. There is hereby established a seven member council to be known as the state building code advisory council. The Council shall elect from its membership a chairman. The members of the council shall be appointed by the governor and shall hold office commencing July 1, 1972, for four years and until their successors are appointed, except that three initial appointees shall be appointed for two-year terms and four initial appointees shall be appointed for four-year terms. The members of the council shall be persons who are qualified by experience or training to provide a broad or specialized expertise on matters pertaining to building construction. At least one of the members shall be a journeyman member of the building trades. Vacancies shall be filled in the same manner as the original appointments.

1. The council shall advise and confer with the commissioner in matters relating to the state building code.
2. The council members shall, at the request of the commissioner, hold public hearings and perform such other functions as the commissioner requests.
3. The council shall approve or disapprove the rules and regulations referred to in section 103A.7 and shall approve or disapprove any alternate materials or methods of construction approved by the commissioner as provided in section 103A.13. A majority vote of the council membership shall be required for these functions.
4. Any member of the council may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given written statement of the charges and an opportunity to be heard thereon.
5. Each member of the council shall recieve per diem compensation at the rate of forty dollars per day for each day spent in the performance of his duties, but not to exceed twenty-five hundred dollars per

year. All members of the council shall receive necessary expenses incurred in the performance of their duties.

6. Four members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council shall be required.
7. Meetings of the council may be called by the commissioner.

103A.15 BOARD OF REVIEW. The commissioner shall establish a state building code board of review.

1. The board shall be composed of three members of the council.
2. Members of the board of review shall serve at the pleasure of the commissioner.
3. No member of the board shall pass upon any question in which he or any corporation in which he is a stockholder is interested.
4. The commissioner may appoint alternate board members from the membership of the advisory council.

103A.16 BOARD OF REVIEW - APPEAL. Any aggrieved person may appeal to the board for:

1. A reversal, modification, or annulment of any ruling, direction, determination, or order of any state agency or local building department affecting or relating to the construction of any building or structure, the construction of which is pursuant or purports to be pursuant to the provisions of the state building code.
2. Review of the disapproval or failure to approve within sixty days after submission of:
 - a. An application for permission to construct pursuant to the code, or
 - b. Plans or specifications for construction pursuant to the code.

103A.17 BOARD OF REVIEW PROCEDURE. The board shall establish procedures pursuant to which an aggrieved person may appeal to the board.

1. The board shall fix a reasonable time and place for a hearing and shall give due notice of a hearing to:
 - a. The applicant.
 - b. The state agency or local building department involved.
 - c. Any other person at the board's discretion.
2. Notice shall be by registered mail and shall:
 - a. Name the applicant.
 - b. State the time and place of the hearing.
 - c. State the general nature of the appeal.
3. The following may appear and be heard at an appeal hearing:
 - a. The applicant, or his agent.
 - b. The state agency or local building department involved.
 - c. Any other person at the board's discretion.
4. The board, in hearings conducted under this section, shall not be bound by common law or statutory rules of evidence or by technical or formal rules or procedure.
5. Applications shall be decided promptly. In every case the board shall state generally the reason for its decision.

6. The decision of the board shall state the date on which it takes effect, which shall no earlier than five days subsequent to issuance of such decision, and a copy of the decision, duly certified by the chairman of the board, shall be filed in the office of the commissioner, and a copy shall be sent to the parties and any state agency or local building department affected.
7. The decision of the board of review may be appealed to the advisory council by any party by filing a petition with the advisory council at any time prior to the effective date of such decision. The advisory council shall consider all questions of fact and law involved and issue its decision pertaining to the same not later than ten days after receipt of the appeal.
8. A record of all decisions of the board and advisory council shall be properly indexed and filed in the office of the commissioner, and shall be public record as defined in chapter 68A.
9. The board may subpoena all of the papers and documents constituting the record upon which the application for the use of alternate materials or methods of construction, modification, reversal, annulment, or review is based, and the state, county, or municipal officer in charge thereof shall, upon receipt of the subpoena, transmit the papers and documents to the board.
10. All decisions of the board shall require the concurrence of a least two of its members.

103A.18 COURT PROCEEDINGS. Judicial review of action of the commissioner, board of review, or council may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said Act:

1. Filing of a petition for judicial review shall stay all proceedings on the matter with respect

to which review is sought unless there is a showing by the state agency or a local building department that a stay would involve imminent peril to life or property.

2. No court shall entertain an action based on the state building code unless all administrative remedies have been exhausted, except:
 - a. When the action is instituted by the state or a governmental subdivision; or
 - b. When there is good cause for the failure to exhaust administrative remedies.
3. Subject to subsection 1 of this section, where the construction of a building or structure or use of a building is in violation of any code provision or lawful order of a local building department, the district court may on petition order removal of the building, abatement as a public nuisance, or enjoin further construction.
4. Petitions for judicial review may be filed in the county where the cause of action or some part thereof arose.

103A.19 ADMINISTRATION AND ENFORCEMENT. The examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings or structures, and the administration and enforcement of building regulations shall be the responsibility of the governmental subdivisions of the state and shall be administered and enforced in the manner prescribed by local law or ordinance. All provisions of law relating to the administration and enforcement of local building regulations in any governmental subdivision shall be applicable to the administration and enforcement of the state building code in the governmental subdivision. An application made to a local building department or to a state agency for permission to construct a building or structure pursuant to the provisions of the state building code shall, in addition to any other requirement, be signed by the owner or his authorized agent, and shall contain the address of the owner, and a statement that the application

is made for permission to construct in accordance with the provisions of the code.

In aid of administration and enforcement of the state building code, and in addition to and not in limitation of powers vested in them by law, each governmental subdivision of the state may:

1. Examine and approve or disapprove plans and specifications for the construction of any building or structure, the construction of which is pursuant or purports to be pursuant to the provisions of the state building code, and to direct the inspection of buildings or structures during the course of construction.
2. Require that the construction of any building or structure shall be in accordance with the applicable provisions of the state building code, subject, however, to the powers granted to the board of review in section 103A.16.
3. Order in writing any person to remedy any condition found to exist in, or about any building or structure in violation of the state building code. Orders may be served upon the owner or his authorized agent personally or by certified mail at the address set forth in the application for permission to construct a building or structure. Any local building department may grant in writing such time as may be reasonably necessary for achieving compliance with an order.
4. Issue certificates of occupancy or use, permits, licenses, and other documents in connection with the construction of buildings or structures as may be required by ordinance.

A certificate of occupancy or use for a building or structure constructed in accordance with the provisions of the state building code shall certify that the building or structure conforms to the requirements of the code. The certificate shall be in the form the governing body of the governmental subdivision prescribes.

Every certificate of occupancy or use shall, until set aside or vacated by the board of review, director, or a court of competent jurisdiction, be binding and conclusive upon all state and local agencies, as to all matters set forth and no order, direction, or requirement at variance therewith shall be made or issued by any other state or local agency.

5. Make, amend, and repeal rules for the administration and enforcement of the provisions of this section, and for the collection of reasonable fees in connection therewith.
6. Prohibit the commencement of construction until a permit has been issued by the local building department after a showing of compliance with the requirements of the applicable provisions of the state building code.

103A.20 PERMITS - DUTY TO ISSUE.

1. If the plans and specifications accompanying an application for permission to construct a building or structure fail to comply with the provisions of building regulations applicable to the governmental subdivision where the construction is planned, the state or governmental subdivision official charged with the duty shall nevertheless issue a permit, certificate, authorization, or other required document, as the case may be, for the construction, if the plans and specifications comply with the applicable provisions set forth in the state building code, whenever such code is operative in such governmental subdivision.
2. Any building or structure constructed in conformance with the provisions of the state building code, shall be deemed to comply with all state, county, and municipal building regulations, and the owner, builder, architect, lessee, tenant, or their agents, or other interested person shall be entitled, upon a showing of compliance with the code, to demand and obtain, upon proper payment being made in appropriate

cases, any permit, certificate, authorization, or other required document, the issuance of which is authorized pursuant to any state or local buildings or structure regulation, and it shall be the duty of the appropriate state or local officer having jurisdiction over the issuance to issue the permit, certificate, authorization, or other required document, as provided herein, whenever the code is operative in the governmental subdivision.

103A.21 PENALTY.

1. Any person served with an order pursuant to the provisions of section 103A.19, subsection 3, who fails to comply with the order within thirty days after service or within the time fixed by the local building department for compliance, whichever is longer, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building or structure who shall knowingly violate any of the applicable provisions of the state building code or any lawful order of a local building department made thereunder, shall be punishable by a fine of not more than one hundred dollars, or thirty days in jail, or by both * fine and imprisonment.
2. Violation of this chapter shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person.

Violations of this section shall be misdemeanors and municipal, police, or mayors' courts shall have exclusive jurisdiction to originally hear and determine charges of violations.

3. As an alternative to filing criminal charges as provided in this section, the commissioner may file a petition in the district court and obtain injunctive relief for any violation of this chapter.

*Indictment, ch 773

103A.22 CONSTRUCTION OF STATUE.

1. Nothing in this chapter shall be construed as prohibiting any governmental subdivision from adopting or enacting any building regulations relating to any building or structure within its limits, but a governmental subdivision in which the state building code has been accepted and is applicable shall not have the power to supersede, void, or repeal or make more restrictive any of the provisions of this chapter or of the rules adopted by the commissioner.
2. Nothing in this chapter shall be construed as abrogating or impairing the power of any governmental subdivision or local building department to enforce the provisions of any building regulations, or the applicable provisions of the state building code, or to prevent violations or punish violators except as otherwise expressly provided in this chapter.
3. The powers enumerated in this chapter shall be interpreted liberally to effectuate the purposes thereof and shall not be construed as a limitation of powers.

103A.23 Fees. For the purpose of obtaining revenue to defray the costs of administering the provisions of this chapter, the commissioner shall establish by rule a schedule of fees based upon the costs of administration which fees shall be collected from persons whose manufacture, installation or construction is subject to the provisions of the state building code.

All fees collected by the commissioner shall be deposited in the state treasury to the credit of the general fund.

All federal grants to the federal receipts of the office of state building code commissioner are appropriated for the purpose set forth in the federal grants or receipts.

CHAPTER 104 - STATE ELEVATOR CODE

104.1 DEFINITIONS. As used in this chapter, except as otherwise expressly provided:

1. "Facility" means any elevator, dumbwaiter, escalator, moving walk, or manlift subject to regulation under the provisions of this chapter, and includes hoistways, rails, guides and all other related mechanical and electrical equipment.
2. "Alteration" means any change made to an existing facility, other than the repair or replacement of damaged, worn or broken
3. "Division" means the elevator safety division created by this chapter as a part of the bureau of labor.
4. "Commissioner" means the labor commissioner or his designee.
5. "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two or more floors of a building or structure. The term elevator does not include a dumbwaiter, endless belt, conveyor, chain or bucket hoist, construction hoist, or other device use for the primary purpose of elevating or lowering building or other materials and not used as a means of conveyance for individuals, nor shall it include tiering, piling, feeding, or other machines or devices giving service within only one story.
6. "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, when the floor area does not exceed nine square feet, the total compartment height does not exceed four feet, the capacity does not exceed five hundred

pounds, and which is used exclusively for carrying materials.

7. "Escalator" means a power-driven, inclined, continuous stairway used for raising or lowering passengers.
8. "Moving walk" means a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction in motion and is uninterrupted.
9. "Manlift" means a device consisting of a power-driven endless belt, provided with steps or platforms and handholds attached to it for the transportation of persons from floor to floor.
10. "Passenger elevator" means an elevator that is used to carry persons other than the operator and person necessary for loading and unloading.
11. "Freight elevator" means an elevator used for carrying freight and on which only the operator and persons necessary for unloading and loading the freight are permitted to ride.
12. "Dormant facility" means an elevator or dumbwaiter whose cables have been removed whose car and counterweight rest at the bottom of the shaftway and whose shaftway doors are permanently boarded up or barricaded such that entry into the shaft through each door or other entryway is substantially precluded, or an escalator, moving walk, or manlift, the main power feed lines of which have been disconnected and the top and bottom entranchs of which have been permanently boarded up or barricaded.
13. "New installation" means a facility the construction or relocation of which is begun, or for which an application for a new installation permit is filed, on or after the effective date of rules relating to those permits adopted by the commissioner under

authority of this chapter. All other installations are existing installations.

14. "Inspector" means an inspector employed by the bureau of labor for the purpose of administering this chapter.
15. "Special inspector" means an inspector licensed by the labor commissioner, and not employed by the bureau of labor.
16. "Provisions of this chapter" includes rules adopted by the commissioner pursuant to this chapter.

104.2 SCOPE OF CHAPTER. The provisions of this chapter shall not apply to any facility installed in any single private dwelling residence, to facilities subject to regulation under I.D.R. (1973 and supplements), chapter 26 of the bureau of labor rules (regulation 29 C.F.R. 1926.552), to manlifts subject to regulation under chapter 88 or to facilities over which an agency of the federal government is asserting similar enforcement jurisdiction. Provisions of this chapter supersede similar provisions contained in building codes of this state or any subdivision thereof.

104.3 PROMULGATION OF RULES.

1. The commissioner may adopt rules governing maintenance, construction, alteration, and installation of facilities, and the inspection and testing of new and existing installations as necessary to provide for the public safety, and to protect the public welfare.

The commissioner shall adopt, amend, or repeal rules pursuant to chapter 17A as he deems necessary for the execution of his duties under this chapter, which shall include, but not be limited to, rules providing for:

- a. Classifications fo types of facilities.
- b. Maintenance, inspection, testing, and operation of the various classes of facilities.

- c. Construction of new facilities.
 - d. Alteration of existing facilities.
 - e. Minimum safety requirements for all existing facilities.
 - f. Control or prevention of access to facilities or dormant facilities.
 - g. The reporting of accidents and injuries arising from the use of facilities.
 - h. The specification of hearing and appeal procedures used by the commissioner.
 - i. Qualifications for obtaining an inspector's license.
 - j. The adoption of procedures for the issuance of variances.
 - k. The amount of fees charged and collected for inspection, permits, and licenses.
2. Insofar as applicable, rules adopted for facilities installed after January 1, 1975, shall be based on the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, and supplements thereto, A.17.1. The commissioner shall adopt rules for facilities installed prior to January 1, 1975, according to the applicable provisions of such American National Standard Safety Code as he deems necessary. In adopting rules the commissioner may adopt the American National Standard Safety Code, or any part thereof, by reference. Before adopting, amending or repealing any rule, the commissioner shall hold a public hearing on the proposed rule, amendment or repeal. The commissioner shall notify in writing each permit holder and any other person requesting notification of each hearing at least thirty days in advance of the hearing date. Any interested person may appear and be heard at the hearing in person or by agent

or counsel. The commissioner shall give the news media notice of each hearing at least thirty days in advance of the hearing date and shall make available a copy of the proposed rule or amendment to a rule to any person requesting same.

3. The commissioner shall furnish copies of the rules adopted by the commissioner to any person who requests them, without charge, or upon payment of a charge not to exceed the actual cost of printing of the rules.

104.4 COMMISSIONER'S DUTIES AND PERSONNEL. The commissioner shall enforce the provisions of this chapter. The commissioner shall employ personnel for the administration of this chapter pursuant to chapter 19A.

104.5 REGISTRATION OF FACILITIES. Within three months after the date of adoption of rules under this chapter relating to registration of facilities, the owner of every existing facility, whether or not dormant, shall register each such facility with the commissioner, giving type, contract load and speed, name of manufacturer, its location and the purpose for which it is used, and such other information as the commissioner may require. Registration shall be made on a form to be furnished by the division upon request. Facilities the construction of which is commenced subsequent to the date of adoption of those rules shall be registered in the manner prescribed by the commissioner.

104.6 INSPECTION OF FACILITIES. All new and existing facilities, except dormant facilities, shall be tested and inspected in accordance with the following schedule:

1. Every new or altered facility shall be inspected and tested before the operating permit is issued.
2. Every existing facility registered with the commissioner shall be inspected within one year after the effective date of the registration, except that the commissioner may, at his discretion, extend by rule the time specified for making inspections.

3. Every facility shall be inspected not less frequently than annually.
4. The inspections required by subsections 1 to 3 shall be made only by inspectors or special inspectors. An inspection by a special inspector may be accepted by the commissioner in lieu of a required inspection by an inspector.
5. A report of every inspection shall be filed with the commissioner by the inspector or special inspector, on a form approved by and containing all information required by the commissioner, after the inspection has been completed and within the time provided by rule, but not to exceed thirty days. The report shall include all information required by the owner of the facility has complied with applicable rules. For the inspection required by subsection 1, the report shall indicate whether the facility has been installed in accordance with the detailed plans and specifications approved by the commissioner and meets the requirements of the applicable rules.
6. In addition to the inspections required by subsections 1 to 3, the commissioner may provide by rule for additional inspections as he deems necessary to enforce the provisions of this chapter.

104.7 ALTERATION PERMITS. On and after the effective date of rules relating to alterations, detailed plans of each facility to be altered shall be submitted to the commissioner, together with an application for an alteration permit on forms to be furnished or approved by the commissioner. Repairs or replacements necessary for normal maintenance are not alterations, and may be made on existing installations with parts equivalent in material, strength and design to those replaced and no plans or specifications or application need be filed for such repairs or replacements. However, nothing in this section shall authorize the use of any facility contrary to an order issued pursuant to section 104.10, subsections 2 and 3.

104.8 NEW INSTALLATION PERMITS. A permit shall be issued by the commissioner before construction on a new installation is begun. The division shall issue a permit for relocation or installation, as applicable, if the plans and specifications indicate compliance with applicable rules.

If such plans and specifications indicate a failure of compliance with applicable rules, the division shall give notice of necessary changes to the person filing the application. After such changes have been made and approved, the division shall issue a permit.

Plans shall be submitted in triplicate and shall be accompanied by an application for the permit on a form to be furnished by the commissioner. The plans shall include:

1. Sectional plan of car and hoistway.
2. Sectional plan of machine room.
3. Sectional elevation of hoistway and machine room, including the pit, bottom and top clearance of car, and counterweight.
4. Size and weight of guide rails, and guide rail bracket spacing.
5. Other information which the division may require.

104.9 OPERATING PERMITS. Operating permits shall be issued by the commissioner to the owner of every facility when the inspection report indicates compliance with the applicable provisions of this chapter. However, no permits shall be issued if the fees required by section 104.14 have not been paid. Permits shall be issued within thirty days after filing of the inspection report required by section 104.6, unless the time is extended for cause by the division. No facility shall be operated after the thirty days or after any extension granted by the commissioner has expired, unless an operating permit has been issued.

The operating permit shall indicate the type of equipment for which it is issued, and in the case of elevators shall state whether passenger or freight,

and also shall state the contract load and speed for each facility. The permit shall be posted conspicuously in the car of an elevator, or on or near a dumb-waiter, escalator, moving walk or manlift.

104.10 ENFORCEMENT ORDERS BY COMMISSIONER.

1. If an inspection report indicates a failure to comply with applicable rules, or with the detailed plans and specifications approved by the commissioner, the commissioner may, upon giving notice, order the owner thereof to make the changes necessary for compliance.
2. If the owner does not make the changes necessary for compliance as required in subsection 1 within the period specified by the commissioner, the commissioner, upon notice and hearing, may suspend or revoke the operating permit, or may refuse to issue the operating permit for the facility. The commissioner shall notify the owner of any action to suspend, revoke or refuse to issue an operating permit and the reason therefor by certified mail. Any owner who, after hearing before the commissioner, is aggrieved by a suspension, revocation or refusal to issue an operating permit may appeal to the occupational safety and health review commission established under chapter 88. Notice of appeal shall be filed with the occupational safety and health review commission within thirty calendar days from receipt of the notice of the commissioner's action. Any party adversely affected or aggrieved by an order of the occupational safety and health review commission issued under the subsection may obtain a review of such order in the district court of the county in which the facility is located by filing in such court within sixty days following the issuance of such order a written petition that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of court to the occupational safety and health review commission and to all other parties, and thereupon the occupational safety and health review commission shall promptly file in the court the transcript of record in the proceedings. Upon filing of the petition, the court shall have jurisdiction of the

proceedings and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such record a decree affirming, modifying or setting aside in whole or in part, the order of the occupational safety and health review commission and enforcing the same to the extent that such order is affirmed, modified, or denied. No proceedings before the commissioner or his agents, the occupational safety and health review commission or any district court of this state shall be deemed to deny any owner his operating permit until there is a final adjudication of the matter. No objection which has not been urged before the occupational safety and health review commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the occupational safety and health review commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The occupational safety and health review commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the occupational safety and health review commission's orders. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Iowa supreme court.

3. If the commissioner has reason to believe that the continued operation of a facility constitutes an imminent danger which could reasonably be expected to seriously injure or cause death to members of the public, the commissioner may apply to the district court in the county in which such imminently dangerous condition exists for a temporary order for the purpose of enjoining such imminently dangerous facility. Upon hearing, if deemed appropriate by the court, a permanent injunction may be issued to insure that such imminently dangerous facility

be prevented or controlled. Upon the elimination or rectification of such imminently dangerous condition the temporary or permanent injunction shall be vacated.

104.11 NONCONFORMING FACILITIES. The commissioner, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted for any facility existing on January 1, 1975. Exceptions or variations shall be reasonably related to the age of the facility, and may be conditioned upon a repair or modification of the facility deemed necessary by the commissioner to assure reasonable safety. However, no exception or variance may be granted except to prevent undue hardship, and no exception or variation shall be granted for a period extending beyond five years from the effective date of applicable rules. Such facilities shall be subject to orders issued pursuant to section 104.10.

104.12 ACCESS TO FACILITIES. Every owner of a facility subject to regulation by this chapter shall grant access to that facility to the commissioner and bureau of labor personnel administering the provisions of this chapter. Inspections shall be permitted at reasonable times with or without prior notice.

104.13 FEES. The commissioner, pursuant to chapter 17A, shall adopt rules to charge and collect fees for inspection, permits and licenses. Fees may be set by rule not more than once each year, and shall be effective from the first day of January next following the date of adoption of the rule. Fees established by the commissioner shall be based upon the costs of administering the provisions of this chapter, and shall give due regard to the time spent by bureau of labor personnel in performing duties, and to any travel expenses incurred. Before adopting any rule to establish or increase any fees for inspection, permits or licenses, the commissioner shall hold a public hearing on the proposed rule or amendment. The commissioner shall notify in writing each permit holder and any other person requesting notification of each hearing at least thirty days in advance of the hearing date. Any interested person may appear and be heard at the hearing in person or by agent or counsel.

104.14 CONTINUING DUTY OF OWNER. Every facility shall be maintained by the owner in a safe operating condition and in conformity with the rules adopted by the commissioner.

104.15 INSPECTIONS BY LOCAL AUTHORITIES. No city or other governmental subdivision shall make or maintain any ordinance, bylaw or resolution providing for the licensing of special inspectors. An ordinance or resolution relating to the inspection, construction, installation, alteration maintenance or operation of facilities within the limits of the city or governmental subdivision, which conflicts with this chapter or with rules adopted by the commissioner in his discretion, may accept inspections by local authorities in lieu of inspections required by section 104.6, but only upon a showing by the local authority that applicable laws and rules will be consistently and literally enforced, and that inspections will be performed by special inspectors.

104.16 PROSECUTION OF OFFENSES. The division shall cause prosecution for the violation of the provisions of this chapter to be instituted by the attorney general in the county in which the violation occurred.

104.17 PENALTIES.

1. Any owner who violates any of the provisions of this chapter shall be punished for each offense by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days in the county jail, unless otherwise specifically provided in this chapter.
2. Any person who bribes or attempts to bribe an inspector shall be subject to criminal proceedings under section 739.1.

104.18 SHORT TITLE. This chapter shall be know as the "Iowa State Elevator Code".

CHAPTER 104A - BUILDING ENTRANCE
FOR HANDICAPPED PERSONS

104A.1 INTENT OF CHAPTER. It is the intent of this chapter that standards and specifications are followed in the construction of public and private buildings and facilities which are intended for use by the general public to ensure that these buildings and facilities are accessible to and functional for the physically handicapped.

104A.2 APPLICABILITY. The standards and specifications set forth in this chapter shall apply to all public and private buildings and facilities, temporary and permanent, used by the general public. The specific occupancies and extent of accessibility shall be in accordance with the conforming standards set forth in section 104A.6. Notwithstanding the standards set forth in section 104A.6, in every multiple-dwelling-unit building containing five or more individual dwelling units the requirements of this chapter which apply to apartments shall be met by at least one dwelling unit or by at least ten percent of the dwelling units, whichever is the greater number, on the ground floor level and on each of the other floor levels in the building which are accessible to the physically handicapped.

104A.3 REQUIREMENTS. Whenever any building or facility as described in section 104A.2 is constructed, provision shall be made in the construction that:

1. The site on which the facility is constructed shall be graded so that the ground shall attain a level with at least one normal entrance which shall make the facility accessible to individuals with handicaps.
2. At least one public walk to the primary entrance at grade level as described in subsection 1 of this section shall be accessible for individuals with physical handicaps. Such walk shall be at least forty-eight inches wide, shall have a gradient not greater than five percent, shall be of a continuing common surface, and shall not be interrupted by steps or abrupt changes in level.

3. The primary entrance or entrances at grade level to each facility shall be usable by individuals in wheel chairs and other physically handicapped persons. Such entrance or entrances shall be on a level that shall make the elevators, if any, accessible from that level.
4. Doors at the primary entrance or entrances at grade level shall have a clear opening of no less than thirty-two inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. Thresholds shall be flush with the floor to such an extent as is practicable.
5. Floors shall, wherever practicable, have a nonslip surface. Floors on the same story shall be of a common level throughout or be connected by a ramp.
6. Elevators, when provided in planning, shall be accessible to and usable by the physically handicapped at all levels normally used by the general public. Elevators shall have control buttons with identifying features for the benefit of the blind and shall allow for wheel chair traffic.
7. At each floor level which is accessible to the physically handicapped there shall be available to persons of each sex at least one public toilet or bathroom which is equipped with a door at least thirty-two inches wide that swings outward. There shall be within each such public toilet or bathroom at least one water closet in front of which there is a clear space not less than thirty-two inches wide by thirty-two inches deep, and unobstructed by door swing, grab bars or other projections. Grab bars shall be provided within easy reach (within approximately eighteen inches) of such water closet at the side and back, or on each side of the compartment.

8. At levels which are accessible to the physically handicapped where there are drinking fountains and public telephones, at least one drinking fountain and one public telephone shall be supplied at such height to be accessible to the handicapped.

104A.4 RAMP. Any ramp where gradients are necessary at any entrance to a building or facility shall be constructed so that such ramp shall:

1. Have a slope not greater than one foot rise in twelve feet or eight point thirty-three percent or four degrees fifty minutes.
2. Have smooth handrails on at least one side and preferably two sides, thirty-two inches in height measured from the surface of the ramp, extending one foot beyond the top and bottom of the ramp.
3. Have a surface that is nonslip.
4. Have a level platform at the top which is at least five feet by five feet, if a door swings out onto the platform or toward the ramp.

104A.5 BUILDINGS IN PROCESS OF CONSTRUCTION. The standards and specifications set forth in this chapter shall be adhered to in those buildings and facilities under construction on July 4, 1965, unless the authority responsible for the construction shall determine the construction has reached a state where compliance will result in a substantial increase in cost or delay in construction.

104A.6 CONFORMING STANDARDS. In addition to complying with the standards and specifications set forth in section 104A.3 and 104A.4, the authority responsible for the construction of any building or facility covered by section 104A.2 shall conform with rules promulgated by the state building code commissioner as provided in section 103A.7.

CHAPTER 257 - DEPARTMENT OF PUBLIC INSTRUCTION

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257.25 EDUCATIONAL STANDARDS. In addition to the responsibilities of the state board of public instruction and the state superintendent of public instruction under other provisions of the Code, the state board of public instruction shall, except as otherwise provided in this section, establish standards for approving all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. A nonpublic school which offers only a prekindergarten program may, but shall not be required to, seek and obtain approval under this chapter. A list of approved schools shall be maintained by the department of public instruction. The approval standards established by the state board shall delineate and be based upon the educational program described below:

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9. To facilitate the implementation and economical operation of the educational program defined in subsections 4 and 6, each school offering any of grades seven through twelve, except a school which offers grades one through eight as an elementary school, shall have:
 - a. A qualified school media specialist who shall meet the certification and approval standards prescribed by the department of public instruction and adequate media center facilities as hereinafter defined.
 - (1) School media specialist. The media specialist may be employed on a part-time or full-time basis, or may devote only part time to media service activities, according to the needs of the school and the availability of media personnel, as determined by the local board. The state board shall recommend standards based upon the number of students in attendance, the nature of the academic curriculum and other appropriate factors.

(2) Organization and adequacy of collection. The media center shall be organized as a resource center of instructional material for the entire educational program. The number and kind of library and reference books, periodicals, newspapers, pamphlets, information files, audio-visual materials and other learning aids shall be adequate for the number of pupils and the needs of instruction in all courses.

- b. A qualified school guidance counselor who shall meet the certification and approval standards prescribed by the department of public instruction. The guidance counselor may be employed on a part-time or full-time basis, or may devote only part time to counseling services, according to the needs of the school and the availability of guidance personnel, as determined by the local board. The state board shall recommend standards based upon the number of students in attendance and other appropriate factors. Other members of the noninstructional professional staff, including but not limited to physicians, dentists, nurses, school psychologists, speech therapists and other specialists, may also be employed or shared by one or more schools. The guidance counselor shall meet the certification and approval standards of the department of public instruction and noninstructional staff members shall meet the professional practice requirements of this state relating to their special services.
- c. Arrangement for special education services.
- d. Adequate instructional materials for classrooms.

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CHAPTER 292 - COMMON SCHOOL LIBRARIES

292.1 LIBRARY FUND. The auditor of each county in this state shall withhold annually the money recieved from the semiannual apportionment of the interest of the permanent 51

school fund for the several school districts for the purchase of books, as hereinafter provided.

292.2 PURCHASE OF BOOKS - DISTRIBUTION. Between the first Monday of July and the first day of October in each year, the county auditor shall distribute all money withheld, as provided in section 292.1, for the purchase of books and materials for the use of the school districts to the area education agency board for the area media center.

Directors of the school districts having permanent libraries shall be permitted to make temporary and permanent exchanges of books between school districts or to turn books over to the area education agency administrator to become a part of the area media center. The administrator shall keep a record of all books in his custody.

292.3 and 292.4 Repealed by 65Ga.

292.5 RECORD OF BOOKS. It shall be the duty of each secretary to keep in a record book, furnished by the board of directors, a complete record of the books purchased and distributed by him.

292.6 LIBRARIAN. Unless the board of directors shall elect some other person, the secretary in independent districts and director in subdistricts in school townships shall act as librarian and shall receive and have the care and custody of the books, and shall loan them to teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the state board of educational examiners and board of directors. Each librarian shall keep a complete record of the books in a record book furnished by the board of directors.

292.7 CUSTODY OF LIBRARY. During the periods that the school is in session the library shall be placed in the schoolhouse, and the teacher shall be responsible to the district for its proper care and protection.

292.8 BOARD OF SUPERVISE. The board of directors shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the corporation.

CHAPTER 303A - STATE LIBRARY DEPARTMENT

303A.1 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Department" means the Iowa library department.
2. "Commission" means the state library commission.

303A.2 LIBRARY DEPARTMENT. There is created the Iowa library department. The executive head of the department shall be the state librarian. The state librarian shall be appointed by the state library commission, with the approval of two-thirds of the members of the senate, and shall serve at the pleasure of the state library commission. The state librarian shall be a person upon whom a master's degree in library science has been conferred as a result of completing a program of study accredited by the American Library Association.

303A.3 LIBRARY COMMISSION. There is created a state library commission. The commission shall consist of the supreme court administrator, and four members appointed by the governor and serving four-year terms, one member of which shall be from the medical profession and three members selected at large, each based on their qualifications to serve as commission members. The appointed members of the commission shall be appointed for terms of one, two, three and four years and all subsequent appointments shall be for the full four-year term.

Members of the commission shall receive forty dollars per diem while engaged in their official duties. They shall be paid their actual and necessary travel and other official expenditures necessitated by their official duties.

The commission shall elect one of its members as chairman. It shall meet at such time and place as shall be specified by call of the chairman. At least one meeting shall be held bimonthly. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member at least three days in advance of the meeting. Three commissioners shall constitute a quorum for the transaction of business.

303A.4 DUTIES OF COMMISSION. The state library commission shall:

1. Adopt and enforce rules necessary for the exercise of the powers and duties granted by this chapter and proper administration of the department.
2. Adopt rules providing penalties for injuring, defacing, destroying, or losing books or materials under the control of the commission. All fines, penalties, and forfeitures imposed by these rules may be recovered in an action in the name of the state and deposited in the general fund.
3. Develop and adopt plans to provide more adequate library service to all residents of the state.
4. Charge no fee for the use of libraries under its control or for the circulation of material from libraries, except where transportation costs are incurred in making materials available to users. The costs may be used as a basis for determining a fee to be charged to users.
5. Give advice and counsel to all public libraries in the state and to all political subdivisions which may propose to establish libraries.
6. Print lists and circulars of information and instruction as it deems necessary.
7. Continuously survey the needs of libraries throughout the state, and ascertain the requirements for additional libraries and for improving existing libraries to provide adequate service to all residents of the state.
8. Obtain from all public libraries reports showing the condition, growth, development and manner of conducting these libraries and at its discretion, obtain reports from other libraries in the state and make these facts known to the citizens of Iowa.

9. Encourage the implementation of the county library law, and of countywide library service through contracts with the boards of supervisors pursuant to chapter 378.*

Repealed by 64GA.

303A.5 DUTIES OF STATE LIBRARIAN. The state librarian shall:

1. Appoint the technical, professional, secretarial, and clerical staff necessary, within the limits of available funds, to accomplish the purposes of this chapter subject to the provisions of chapter 19A.
2. Act as secretary to the commission, keeping accurate records of the proceeding of the commission.
3. Keep accurate accounts of all financial transactions of the department.
4. Supervise all activities of the Iowa library department.
5. Provide technical assistance in organizing new libraries and improving those already established.
6. Perform such other library duties as may be assigned to him by the commission.

303A.6 DEPARTMENT DIVISIONS. The Iowa library department shall include but not be limited to the medical library division and the law library division.

1. The medical library division shall be headed by a medical librarian, appointed by the state librarian with the approval of the state library commission, subject to the provisions of chapter 19A. The medical librarian shall:
 - a. Operate the medical library division which shall always be available for free use by the residents of Iowa under such reasonable rules as the commission may adopt.

- b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school without discrimination.
 - c. Perform such other duties as may be imposed by law or prescribed by the rules of the commission.
2. The law library division shall be headed by a law librarian, appointed by the state librarian with the approval of the state library commission and the Iowa supreme court, subject to the provisions of chapter 19A. The law librarian shall:
- a. Operate the law library division which shall be maintained in the capitol or elsewhere in rooms convenient to the supreme court and which shall always be available for free use by the residents of Iowa under such reasonable rules as the commission may adopt.
 - b. Maintain as an integral part of the law library reports of various boards and agencies and copies of bills, journals and other information relating to current or proposed legislation.
 - c. Arrange to make exchanges of all printed material published by the several states and the government of the United States.
 - d. Perform such other duties as may be imposed by law or by the rules of the commission.

303A.7 MONEY GRANTS. The commission is authorized and empowered to receive, accept, and administer any money or moneys appropriated or granted to it, separate and apart from the general library fund, by the federal government or by any other public or private agencies.

The fund shall be administered by the commission, which shall frame bylaws and rules for the allocation and administration of this fund.

The fund shall be used to increase, improve, stimulate and equalize library service to the people of the whole

state, and for adult education and shall be allocated among the cities, counties, and regions of the state, taking into consideration local needs, area and population to be served, local interest as evidenced by local appropriations, and such other facts as may affect the state program of library service.

Any gift or grant from the federal government or other sources shall become a part of the fund, to be used as part of the state fund, or may be invested in such securities in which the state sinking fund may be invested as in the discretion of the commission may be deemed advisable, the income to be used for the promotion of libraries.

303A.8 LIBRARY COMPACT AUTHORIZED. The state library commission 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.

The contracting states agree that:

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 co-operate and share their responsibilities in providing joint and co-operative 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.

ARTICLE II - PROCEDURE
(referred to in Art. VII)

The appropriate state library officials and agencies having comparable powers with those of the Iowa state traveling library of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the co-operative or joint conduct of library services when

they shall find that the executions of agreements to that end as provided herein will facilitate library services.

ARTICLE III - CONTENT (referred to in Art. VII)

Any such agreement for the co-operative 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:

1. Detail the specific nature of the services, facilities, properties or personnel to which it is applicable;
2. Provide for the allocation of costs and other financial responsibilities;
3. Specify the respective rights, duties, obligations and liabilities;
4. 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.

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.

ARTICLE V - ADMINISTRATOR

Each state shall designate a compact administrator with whom copies of all agreements to which his state or any subdivision thereof is party shall be filed. The administrator shall have such powers as may be conferred upon him by the laws of his state and may consult and co-operate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact.

ARTICLE VI - EFFECTIVE DATE

This compact shall become operative when entered in by two or more entities having the powers enumerated herein.

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.

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.

303A.9 ADMINISTRATOR. The state librarian 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 he deems desirable to effectuate the purposes of this compact and consult and co-operate with the compact administrators of other party states.

303A.10 AGREEMENTS. The compact administrator and the chief executive of any county, city, village, town or library board is hereby authorized and empowered to enter into agreements with other states or their political subdivisions pursuant to the compact. Such agreements as may be made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. Such agreements as may be made on behalf of a political subdivision shall be made after due notice to the compact administrator and consultation with him.

303A.11 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.

CHAPTER 303B - REGIONAL LIBRARY SYSTEM

303B.1 PURPOSE. There is established a regional library system for the purpose of providing supportive library services to existing public libraries and to individuals with no other access to public library service and to encourage local financial support of public library service in those localities where it is presently inadequate or nonexistent.

303B.2 REGIONAL LIBRARY TRUSTEES. The regional library system shall consist of seven regional board of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees elected to the boards in the following numbers and from the following districts:

1. To the southwestern board, two from Pottawattamie county and one from each of the following five districts:
 - a. Harrison, Shelby and Audubon counties.
 - b. Guthrie, Cass and Adair counties.
 - c. Mills, Fremont and Page counties.
 - d. Montgomery, Adams, Union and Taylor counties.
 - e. Clarke, Lucas, Ringgold, Decatur and Wayne counties.
2. To the northwestern board, two from Woodbury county and one from each of the following five districts:
 - a. Lyon, Sioux and Osceola counties.
 - b. Dickinson, Emmet, Clay and Palo Alto counties.
 - c. O'Brien, Plymouth and Cherokee counties.
 - d. Buena Vista, Pocahontas, Ida, Sac and Calhoun counties.

3. To the north central board, two from a district composed of Hancock, Cerro Gordo and Franklin counties; two from a district composed of Humboldt Wright and Webster counties; and one from each of the following three districts:
 - a. Kossuth and Winnebago counties.
 - b. Hamilton and Hardin counties.
 - c. Worth, Mitchell and Floyd counties.
4. To the central board, four from a district composed of Polk and Marion counties, and one from each of the following three districts:
 - a. Greene, Dallas, Madison and Warren counties.
 - b. Boone and Story counties.
 - c. Marshall and Jasper counties.
5. To the southeastern board two from Scott county and one from each of the following five districts:
 - a. Appanoose, Davis and Wapello counties.
 - b. Jefferson, Van Buren and Lee counties.
 - c. Monroe, Mahaska and Keokuk counties.
 - d. Henry and Des Moines counties.
 - e. Muscatine, Louisa and Washington counties.
6. To the east central board, three from a district composed of Linn and Jones counties; two from a district composed of Iowa, Johnson and Cedar counties; and one from each of the following two districts:
 - a. Tama, Benton and Poweshiek counties.
 - b. Jackson and Clinton counties.

7. To the northeastern board, two from Black Hawk county; two from a district composed of Delaware and Dubuque counties; and one from each of the following three districts:

- a. Grundy, Butler and Bremer counties.
- b. Howard, Winnishiek, Allamakee and Chickasaw counties.
- c. Buchanan, Fayette and Clayton counties.

303B.3 ELECTION. A trustee of a regional board shall be elected without regard to political affiliation at the general election by the vote of the electors of his district from a list of nominees, the names of which have been taken from nomination papers filed in accordance with chapter 45 in all respects except that they shall be signed by not less than twenty-five eligible electors of the respective district. The election shall be administered by the commissioner who has jurisdiction under section 47.2.

303B.4 TERMS. Regional library trustees shall take office on the first day of January following the general election and shall serve terms of four years except that trustees elected to the initial board in the year 1974 shall determine their respective terms by lot so that three members shall serve terms of two years and four members shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the next general election by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during his term of office as a regional library trustee.

303B.5 COMPENSATION. Regional trustees shall be reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties, but shall receive no compensation for services.

303B.6 POWERS AND DUTIES OF REGIONAL TRUSTEES. Regional trustees may:

1. Receive and expend available local, state, federal and private funds.

2. Contract with libraries, library agencies, or individuals to improve public library service.
3. Provide direct public library service without charge in their respective regions for an initial period of four years to individuals who have no access to public library service.
4. Acquire land and construct or lease facilities to carry out the provisions of this chapter.
5. Provide technical assistance for the purchasing and processing of library materials.
6. Assist public library agencies in:
 - a. Providing reference and information services;
 - b. Providing interlibrary loan services;
 - c. Providing universal loan services for individuals;
 - d. Preparing budgets;
 - e. Maintaining library collections;
 - f. Preparing book lists and bibliographies;
 - g. Promoting library use by the public;
 - h. Planning and presenting public programs; and
 - i. Training library staff.
7. Provide resources and services to strengthen local public library services throughout the region by contracting to utilize the strengths of the seven existing public library agencies, one for each region, which are as follows: Council Bluffs public library; Sioux City public library; North Iowa library extension, incorporated; Des Moines public library; Davenport public library; Cedar Rapids public library; and Waterloo public library.

8. Supply statistical and descriptive information on its service program to the Iowa state traveling library or its successor.

303B.7 REGIONAL ADMINISTRATOR. A regional board shall appoint an administrator, who shall be a practicing librarian and who shall serve at the pleasure of the board. The administrator shall act as the executive secretary of the regional board and shall administer the public library system of the region in accordance with the objectives and policies adopted by the regional board.

303B.8 ADMINISTRATION OF FUNDS. Funds appropriated for the purpose of carrying out this chapter shall be distributed to regional boards by the board of trustees of the Iowa state traveling library or its successor on the basis of the population to be served by each regional board, but the funds shall, for the year commencing July 1, 1973, be allocated to regional boards on an equal basis. All funds appropriated for the regional library system shall be administered by the regional boards.

303B.9 LOCAL FINANCIAL SUPPORT. A regional board shall have the authority to require as a condition for receiving services under section 303B.6 that a governmental subdivision maintain any tax levy for library maintenance purposes that is in effect on July 1, 1973. 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 of six and three-fourths cents per thousand dollars of assessed value 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.

CHAPTER 358B - COUNTY LIBRARIES

358B.1 POWER TO ESTABLISH. Counties may provide for the formation and maintenance of free public libraries open to the use of all inhabitants under proper regulations, and may purchase, erect, or rent buildings or rooms suitable for this purpose and provide for the compensation of necessary employees.

358B.2 LIBRARY DISTRICTS FORMED. A county library district may be established composed of one county or two or more adjacent counties and may include or exclude the entirety of a city partly within one of the counties.

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

The board of supervisors of each county containing area within the proposed district shall submit the proposition to the qualified electors within their respective counties at any general or primary election provided said election occurs not less than forty days after the filing of the petition.

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

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

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

358B.3 GIFTS ACCEPTED. Counties may receive, hold and dispose of all gifts, donations, devises, and bequests that may be made to them for the purpose of establishing, increasing, or improving any library. When the conditions thereof have been accepted by the county, their use for the county library may be enforced against the county board of supervisors by the library board by an action of mandamus or by other proper action.

358B.4 LIBRARY TRUSTEES. In any county or counties in which a library district has been established a board of library trustees, consisting of five, seven, or nine electors of the library district, shall be appointed by the board or boards of supervisors of the county or counties comprising such library district. Membership on the library board shall be apportioned between the rural and city areas of the district in proportion to the population in each of such areas. In the event the library district is composed of two or more counties, representation on said library board shall be equitably divided between or among said counties in proportion to the population in each of such counties.

358.5 TERMS. Of said trustees so appointed on boards to consist of nine members, three shall hold office for two years, three for four years, and three for six years; on boards to consist of seven members, two shall hold office for two years, two for four years, and three for six years; and on boards to consist of five members, one shall hold office for two years, two for four years, and two for six years, from the first day of July following their appointment in each case. At their first meeting they shall cast lots for their respective terms, reporting the result of such lot to the board of supervisors. All subsequent appointments, whatever the size of the board, shall be for terms of six years each. Vacancies shall be filled for unexpired terms by the governing body of the taxing unit of the district represented by the retiring member.

358B.6 REMOVAL OR ABSENCE OF TRUSTEE. The board of library trustees may declare the office of a trustee vacant by his removal from the library district or his

unexplained absence from six consecutive regular meetings.

358B.7 POWERS. Said board of library trustees shall have and exercise the following powers:

1. To meet and organize by the election of one of their number as president of the board, and by the election of a secretary and such other officers as the board may deem necessary.
2. To have charge, and supervision of the public library, its appurtenances and fixtures, and rooms containing the same, directing and controlling all the affairs of such library.
3. To employ a librarian, such assistants and employees as may be necessary for the proper management of said library, and fix their compensation; but, prior to such employment, the compensation of such librarian, assistants, and employees shall be fixed for the term of employment by a majority of the members of said board voting in favor thereof.
4. To remove such librarian, assistants, or employees by a vote of two-thirds of such board for misdemeanor, incompetency, or inattention to the duties of such employment.
5. To select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery, and supplies for such library.
6. To authorize the use of such libraries by school corporations or by nonresidents of the area which is taxed to support such libraries and to fix charges therefor.
7. To make and adopt, amend, modify, or repeal bylaws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such library and the business of said board, fixing and enforcing penalties for the violation thereof.

8. To have exclusive control of the expenditures of all taxes levied for library purposes as provided by law, and of the expenditures of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library fund, including fines and rentals collected under the rules of the board of trustees. Said board shall keep a record of its proceedings.

9. To accept gifts of any property, including trust funds; to take the title to said property in the name of said library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of said library.

358B.9 METHODS OF SERVICE. Library service shall be accomplished by one or more of the following methods in whole or in part:

1. By the establishment of depositories of books or other educational materials to be loaned at stated time and places.
2. By the transportation of books and other educational materials by conveyances for lending the same at stated times and places.
3. By the establishment of branch libraries for lending books and other educational materials.
4. By contracting for library service with a free public library of any city.

358B.10 LIBRARY FUND. All moneys received and set apart for the maintenance of such library shall be deposited in the treasury of such county to the credit of the library fund, and shall be kept by the treasurer separate and apart from all other moneys, and paid out upon the orders of the board of trustees, signed by its president and secretary.

Provided that where a free public library is maintained jointly by two or more counties, the library trustees may elect a library treasurer therefor, and it

shall be the duty of the city and county treasurers to pay over to said library treasurer any and all library taxes that may be collected by them monthly.

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

358B.11 ANNUAL REPORT. The board of trustees shall, immediately after the close of each fiscal year, make to the board of supervisors a report containing a statement of the condition of the library, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as it may deem important.

358B.12 REAL ESTATE ACQUIRED. In any county in which a free library has been established, the board of library trustees may purchase real estate in the name of the county for the location of library buildings and branch libraries and for the purpose of enlarging the grounds thereof.

358B.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The maintenance of a county library shall be on a proportionate population basis whereby each taxing unit as hereinafter defined shall bear its share in proportion to its population to the whole of said county library district. The board of library trustees shall on or before January 10 of each year make an estimate of the amount it deems necessary for the maintenance of the county library and shall transmit said estimate in dollars to the board or boards of supervisors and to the city councils within the district. The entire rural area of each county in the library district shall be considered as a separate taxing unit. Each city which is a part of the county library district shall be considered as a separate taxing unit. The board of supervisors and the council of each city composing said county library district shall make the necessary levies accordingly for library maintenance purposes, but the county levy may not exceed fifty-four cents per thousand dollars of assessed value. Any unexpended balance in the library maintenance fund at the end of the fiscal year shall remain in said fund and be available without reappropriation.

358B.14 NOT APPLICABLE TO CONTRACT SERVICE. The provisions of this chapter pertaining to the establishment of a county library district shall not apply to any area receiving library service from any city library, unless the petition for a county library district, in addition to the required signatures of electors, is signed by the governing body of the area receiving library service under contract.

358B.15 EXISTING CONTRACTS ASSUMED. Whenever a county library district is established the board of trustees thereof shall assume all the obligations of the existing contracts made by cities, townships, school corporations or counties to receive library service from free public libraries.

358B.16 WITHDRAWAL OF CITY FROM DISTRICT. A city may withdraw from the county library district by giving notice by certified mail to the board of library trustees of the county library and the county auditor prior to January 10, and on that date shall cease to be a part of or included in the county library district.

358B.17 HISTORICAL ASSOCIATION. Whenever a local county historical association is formed in a county having a free public library, the trustees of the library may unite with the historical association and set apart the necessary room to care for articles which come into the possession of the association. The trustees may purchase necessary receptacles and materials for the preservation and protection of articles which are of a historical and educational nature and may pay for the same out of the library fund.

358.18 CONTRACTS TO USE CITY LIBRARY.

1. Contracts may be made by a school corporation, township, county, or the trustees of any county library district for the use by their residents of a city library. Townships and counties may enter into contracts, but may only contract for the residents outside of cities. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.
2. Contracts shall provide for the rate of tax to be levied. They may, by mutual consent of the

contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of qualified voters in a number not less than five percent of those who voted in the area for governor at the last general election.

3. The proposition may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than forty days before the election at which the question is to be submitted.
4. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding one-fourth mill on the dollar on all taxable property in the township to create a fund to fulfill its obligation under the contract.

The board of supervisors, after it makes such contract, shall levy annually on the taxable property of the county outside of cities, a tax not more than one mill to create a fund to fulfill its obligation under the contract.

5. Qualified voters of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for governor at the last general election may petition the board of supervisors to submit the proposition of requiring the board of supervisors to provide library service for them and their area by contract as provided by this section.
6. The board of supervisors shall submit the proposition to the voters of the county residing outside of cities at the next election, primary or general, provided that the petition has been filed not less than forty days prior to the date of the election at which the question is to be submitted.

7. If a majority of those voting upon the proposition favors it, the board of supervisors shall within thirty days appoint a board of library trustees from residents of the petitioning area. Vacancies shall be filled by the board of supervisors.
8. The board of trustees is authorized to contract with any library for library use or service for the benefit of the residents and area represented by it.
9. The board of supervisors shall levy annually on the taxable property of the county outside the cities, a tax of not more than one mill to create a fund to fulfill the contract obligations of the trustees appointed by it.

CHAPTER 359 - TOWNSHIPS AND TOWNSHIP OFFICERS

359.29 GIFTS AND DONATIONS. Civil townships are hereby authorized and empowered to receive by gift, devise, or bequest, money or peroperty for purpose of establishing and maintaining libraries, township halls, cemeteries, or for any other public purpose. All such gifts, devises, or bequests shall be effectual only when accepted by resolution of the board of trustees of such township.

CHAPTER 517 - EMPLOYERS LIABILITY INSURANCE

517.1 RESERVE REQUIRED. Every corporation, association, company, or reciprocal exchange writing any of the several classes of insurance authorized by paragraph "d" of subsection 5 of section 515.48 shall maintain reserves for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable computed as follows:

1. For all liability suites being defended under policies written more than:
 - a. Ten years prior to the date as of which the statement is made, one thousand five hundred dollars for each suit.
 - b. Five and less than ten years prior to the date as of which the statement is made, eight hundred fifty dollars for each suit.
 - c. Three and less than five years prior to the date as of which the statement is made, eight hundred fifty dollars for each suit.
2. For all liability policies written during the three years immediately preceding the date as of which the statement is made, such reserve shall be sixty percent of the earned liability premiums of each of such three years less all loss and loss expense payments made under liability policies written in the corresponding years; but in any event, such reserve shall, for the first of such three years, be not less than seven hundred fifty dollars for each outstanding liability suit on said year's policies.
3. For all compensation claims under policies written more than three years prior to the date as of which the statement is made, the present values at four percent interest of the determined and the estimated future payments.

4. For all compensation claims under policies written in the three years immediately preceding the date as of which the statement is made, such reserve shall be sixty-five percent of the earned compensation premiums of each of such three years, less all loss and loss expense payments in connection with such claims under policies written in the corresponding years; but in any event, in the case of the first year of any of such three-year period such reserve shall be not less than the present value at four percent interest of the determined and the estimated unpaid compensation claims under policies written during such year.

517.2 TERMS DEFINED. The term "earned premiums" as used herein shall include gross premiums charged on all policies written, including all determined excess and additional premiums, less returned premiums, other than premiums returned to policyholders as dividends and less reinsurance premiums and premiums on policies canceled, and less unearned premiums on policies in force.

Any participating company which has charged in its premiums a loading solely for dividends shall not be required to include such loading in its earned premiums, provided a statement of the amount of such loading has been filed with and approved by the commissioner of insurance.

The term "compensation" as used in this chapter shall relate to all insurances affected by virtue of statutes providing compensation to employees for personal injuries irrespective of fault of the employer.

The term "liability" shall relate to all insurance, except compensation insurance, against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable.

The terms "loss payments" and "loss expense payments" as used herein shall include all payments of claimants, including payments for medical and surgical attendance, legal expenses, salaries and expenses of investigators, and field personnel, rents, stationery, telegraph and

telephone charges, postage, salaries, and expenses of office employees, home office expenses and all other payments made on account of claims, whether such payments shall be allocated to specific claims or unallocated.

517.3 DISTRIBUTION OF UNALLOCATED PAYMENTS. All unallocated liability loss expense payments made in a given calendar year subsequent to the first four years in which an insurer has been issuing liability policies shall be distributed as follows: Thirty-five percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, ten percent to the policies written in the second year preceding, ten percent to the policies written in the third year preceding, and five percent to the policies written in the fourth year preceding, and such payments made in each of the first four calendar years in which an insurer issues liability policies shall be distributed as follows: In the first calendar year one hundred percent shall be charged to the policies written in that year, in the second calendar year fifty percent shall be charged to the policies written in that year and fifty percent to the policies written in the preceding year, in the third calendar year forty percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, and twenty percent to the policies written in the second year preceding, and in the fourth calendar year thirty-five percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, fifteen percent to the policies written in the second year preceding, and ten percent to the policies written in the third year preceding and a schedule showing such distribution shall be included in the annual statement.

All unallocated compensation loss expense payments made in a given calendar year subsequent to the first three years in which an insurer has been issuing compensation policies shall be distributed as follows:

Forty percent shall be charged to the policies written in that year forty-five percent to the policies written in the preceding year, ten percent to the policies written in the second year preceding and five percent to the policies written in the third year preceding, and such payments made in each of the first three calendar years in which an

insurer issues compensation policies shall be distributed as follows: In the first calendar year one hundred percent shall be charged to the policies written in that year, in the second calendar year fifty percent shall be charged to the policies written in that year and fifty percent to the policies written in the preceding year, in the third calendar year forty-five percent shall be charged to the policies written in that year, forty-five percent to the policies written in the preceding year and ten percent to the policies written in the second year preceding, and a schedule showing such distribution shall be included in the annual statement.

Whenever, in the judgment of the commissioner of insurance, the liability or compensation loss reserves of any insurer under his supervision, calculated in accordance with the foregoing provisions, are inadequate, he may, in his discretion, require such insurer to maintain additional reserves based upon estimated individual claims or otherwise.

CHAPTER 517A - LIABILITY INSURANCE FOR PUBLIC EMPLOYEES

517A.1 AUTHORITY TO PURCHASE. All state commissions, departments, boards and agencies and all commissions, departments, boards, districts, municipal corporations and agencies of all political subdivisions of the state of Iowa not otherwise authorized are hereby authorized and empowered to purchase and pay the premiums on liability, personal injury and property damage insurance covering all officers, proprietary functions and employees of such public bodies, including volunteer firemen, while in the performance of any or all of their duties including operating an automobile, truck, tractor, machinery or other vehicles owned or used by said public bodies, which insurance shall insure, cover and protect against individual personal, corporate or quasi corporate liability that said bodies or their officers or employees may incur.

The form and liability limits of any such liability insurance policy purchased by any commission, department board, or agency of the state of Iowa shall be subject to the approval of the attorney general.

CHAPTER 725 - OBSCENITY AND INDECENCY

725.1 DEFINITIONS. As used in this section and section 725.2 to 725.10, unless the context otherwise requires:

1. "Obscene material" is any material depicting or describing the genitals, sex acts, masturbation, excretory functions or sado-masochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material for minors, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political or artistic value.
2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statute or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or other articles, equipment, machines or materials.
3. "Disseminate" means to transfer possession, with or without consideration.
4. "Knowingly" means being aware of the character of the matter.
5. "Sado-masochistic abuse" means the infliction of physical or mental pain upon a person or the condition of a person being fettered, bound or otherwise physically restrained.
6. "Minor" means any person under the age of eighteen.
7. "Sex act" means any sexual contact, actual or simulated, between two or more persons, either natural or deviate, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth and genitalia or anus, or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

725.2 DISSEMINATION AND EXHIBITION OF OBSCENE MATERIAL TO MINORS. Any person, other than the parent or guardian of the minor, who knowingly disseminates or exhibits obscene material to a minor, including the exhibition of obscene material so that it can be observed by a minor on or off the premises where it is displayed, is guilty of a public offense and shall upon conviction be imprisoned in the state penitentiary for not to exceed one year or be fined not to exceed one thousand dollars or be subject to both such fine and imprisonment.

725.3 ADMITTING MINORS TO PREMISES WHERE OBSCENE MATERIAL IS EXHIBITED. Any person who knowingly sells, gives, delivers or provides a minor with a pass or admits a minor to premises where obscene material is exhibited is guilty of a public offense and shall upon conviction be imprisoned in the state penitentiary for not to exceed one year or be fined not to exceed one thousand dollars or be subject to both such fine and imprisonment.

725.4 CIVIL SUIT TO DETERMINE OBSCENITY. Whenever the county attorney of any county has reasonable cause to believe that any person is engaged or plans to engage in the dissemination or exhibition of obscene material within his county to minors he may institute a civil proceeding in the district court of the county to enjoin the dissemination or exhibition of obscene material to minors. Such application for injunction is optional and not mandatory and shall not be construed as a prerequisite to criminal prosecution for a violation of sections 725.1 to 725.10.

725.5 EXEMPTIONS FOR PUBLIC LIBRARIES AND EDUCATIONAL INSTITUTIONS. Nothing in sections 725.1 to 725.10 prohibits the use of appropriate material for educational purposes in any accredited school, or any public library, or in any educational program in which the minor is participating. Nothing in said sections prohibits the attendance of minors at an exhibition or display of art works or the use of any materials in any public library.

725.6 SUSPENSION OF LICENSES OR PERMITS. Any person who knowingly permits a violation of section 725.2 or 725.3 to occur on premises under his control shall have all permits and licenses issued to him under state or local law as a prerequisite for doing business on such premises revoked for a period of six months. The county attorney shall

notify all agencies responsible for issuing licenses and permits of any conviction under section 725.2 or 725.3.

725.7 EVIDENCE CONSIDERED. At a trial for violation of sections 725.2 and 725.3 the court may consider the material, and receive into evidence in addition to other competent evidence, the offered testimony of experts pertaining to:

1. The artistic, literary, political or scientific value, if any, of the challenged material.
2. The degree of public acceptance within the community of the material or material of similar character.
3. The intent of the author, artist, producer, publisher or manufacturer in creating the material.
4. The advertising promotion and other circumstances relating to the sale of the material.

725.8 AFFIRMATIVE DEFENSE. In any prosecution for disseminating or exhibiting obscene materials to minors, it is an affirmative defense that the defendant had reasonable cause to believe that the minor involved was eighteen years old or more and the minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was eighteen years old or more or was accompanied by a parent or spouse eighteen years of age or more.

725.9 UNIFORM APPLICATION. In order to provide for the uniform application of the provisions of sections 725.1 to 725.10 relating to obscene material applicable to minors within this state, it is intended that the sole and only regulation of obscene material shall be under the provisions of these sections, and no municipality, county or other governmental unit within this state shall make any law, ordinance or regulation relating to the availability of obscene materials. All such laws, ordinances or regulations, whether enacted before or after said sections shall be or become void, unenforceable and of no effect upon July 1, 1974.

725.10 LASCIVIOUS ACTS WITH PERSONS UNDER THE AGE OF SIXTEEN YEARS. It is unlawful for any person eighteen years of age or older to perform any of the following acts with any person under the age of sixteen, with or without his or her consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a person under the age of sixteen
2. Permit a person under the age of sixteen to fondle or touch his or her genitals or pubes.
3. Solicit a person under sixteen years of age to engage in sexual contact performed by penetration of the penis into the vagina or anus or by contact between the mouth and genitalia or anus, or by use of artificial sexual organs or substitutes therefor in contact with genitalia or anus.
4. Inflict pain or discomfort upon a person under the age of sixteen or permit a person under the age of sixteen to inflict pain or discomfort on him or her.

Any person who violates a provision of this section shall, upon conviction, be imprisoned in the penitentiary for not to exceed five years or be fined not to exceed five hundred dollars, or be subject to both such fine and imprisonment.

725.11 REPEALED BY 65GA.

725.12 EXHIBITION OF DEFORMED OR ABNORMAL PERSONS. Any person, firm, or corporation who shall exhibit, place on exhibition, or cause to be exhibited in any public place in the state, or in any tent, shed, booth, building, or in any theater, hall, or within any enclosure in the state any deformed, maimed, idiotic, or abnormal person or human monstrosity, and receive any fee or compensation therefor, shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for a term not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment.

MODEL ORDINANCE

AN ORDINANCE TO (ESTABLISH A PUBLIC LIBRARY AND) TO PROVIDE FOR THE APPOINTMENT, POWERS AND DUTIES OF A BOARD OF LIBRARY TRUSTEES

Be It Enacted by the Council of the City of _____, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to provide for the (establishment of a free public library for the city and for the) creation and appointment of a city library board of trustees, and to specify that board's powers and duties.

SECTION 2. PUBLIC LIBRARY. There is hereby established a free public library for the city, to be know as the _____ Public Library.

SECTION 3. LIBRARY TRUSTEES. The board of trustees of the _____ Public Library, hereinafter referred to as the board, consists of _____ members. All (residents) board members are to be appointed by the mayor with the approval of the council. (The nonresident member shall be appointed by the mayor with the approval of the board of supervisors.)

SECTION 4. QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the city (except the nonresident member), and all shall be over the age of eighteen (18).

SECTION 5. ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms. (The present incumbents are confirmed in their appointments and terms.)
2. Vacancies. The position of any trustee shall be vacant if he moves permanently from the city (or

county in the case of a nonresident county member); or if he is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the council (or the board of supervisors in the case of the nonresident member), and the new trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

SECTION 6. POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. The (city treasurer) shall serve as board treasurer, but shall not be a member of the board.
2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.
3. To direct and control all the affairs of the library.
4. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librainan, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.
5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 70, Code of Iowa.

6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.
7. To authorize the use of the library by nonresidents of the city and to fix charges therefor.
8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the council, and of all moneys available by gift or otherwise for for the erection of library buildings, and of all other moneys belonging to the library including fines and rentals collected, under the rules of the board.
10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.
11. To keep a record of its proceedings.
12. To enforce the performance of conditions on gifts, devises and bequests accepted by the city by action against the city council.
13. To have authority to make agreements with the local county historical associations, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The turstees are further authorized to purchase necessary receptacles and materials for the preservation

and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

SECTION 7. POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries any other city, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.
2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) per cent in number of the electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

SECTION 8. NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents in any one or more of the following ways:

1. By lending the books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special nonresident library fee.
2. By establishing depositories of library books or other materials to be loaned to nonresidents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents.

4. By establishing branch libraries for lending books or other library materials to nonresidents.

SECTION 9. LIBRARY ACCOUNT. All money appropriated by the council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the (city clerk, city finance officer, board secretary, librarian).

SECTION 10. ANNUAL REPORT. The board shall make a report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council.

SECTION 11. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 12. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part not adjudged invalid or unconstitutional.

SECTION 13. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, 19____, and approved this _____ day of _____, 19____.

Mayor

Attest: _____
Clerk

The following list are sections of the Code which were not included due to their length, but which may be of interest to you:

- Chapter 20 - Public Employment Relations
(Collective Bargaining)
- Chapter 49 - Method of Conducting Elections
- Chapter 85 - Workmen's Compensation
- Chapter 87 - Compensation Liability Insurance
- Chapter 97B - Iowa Public Employees' Retirement
System
- Chapter 453 - Deposit of Public Funds

