

~~code and a separate price, for its supplements, for the Iowa administrative bulletin and for the Code. The price charged for the Iowa administrative code, or its supplements or the Iowa administrative bulletin shall represent the cost of compiling and indexing plus the amount charged for the printing and distribution of the Iowa administrative code or its supplements.~~

Sec. 7. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1977 Supplement, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, and the Iowa administrative bulletin as follows:

Sec. 8. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Eldora Herald-Ledger, a newspaper published in Eldora, Iowa, and in The Record, a newspaper published in Cedar Falls, Iowa.

Approved April 17, 1978

I hereby certify that the foregoing Act, House File 2099, was published in the Eldora Herald-Ledger, Eldora, Iowa on April 25, 1978, and in The Record, Cedar Falls, Iowa on April 27, 1978.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1026

LEGISLATIVE OVERSIGHT BUREAU

H. F. 246

AN ACT creating a legislative oversight bureau and specifying its powers and duties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter two (2), Code 1977, is amended by adding sections two (2) through seven (7) of this Act.

Sec. 2. NEW SECTION. INTENT. It is the intent of the general assembly to establish in the legislative branch of government the capability to independently and intensively review the performance of state agencies in operating the programs established by the general assembly, to evaluate their efficiency and effectiveness and to consider alternatives

which may improve the benefits of a program or may reduce its costs to the citizens. The bureau established by this Act is intended to provide the technical and professional support for the general assembly's oversight responsibility.

Sec. 3. NEW SECTION. LEGISLATIVE OVERSIGHT BUREAU. There is established a legislative oversight bureau. The director of the legislative oversight bureau shall be a person qualified by education, training and experience. The director shall be appointed upon the nomination of the legislative council and the confirmation of that nomination by two-thirds of the members of each house of the general assembly. The initial director shall not be an employee of the state of Iowa.

When a vacancy in the office of the director occurs during the legislative interim, the nomination shall be submitted to the general assembly within thirty days of its convening and must be acted upon by each house within sixty days of its submission. When a vacancy occurs during the legislative session, the nomination shall be submitted within sixty days of the occurrence of the vacancy and must be acted upon by each house within sixty days of its submission unless the general assembly adjourns prior to the expiration of this schedule. If the general assembly adjourns prior to the expiration of this schedule, the nomination may be resubmitted as though the vacancy occurred during the legislative interim. The director may be removed from office for cause by a vote of two-thirds of the members of each house of the general assembly.

Each director shall be appointed to a term of eight years and shall be eligible for only one reappointment. A person nominated as director may serve as an acting director until the nomination is confirmed or rejected by the general assembly. The compensation of the director shall not be reduced during the director's term in office.

A person shall not become a candidate for any elective office nor participate in any partisan political activity while serving as director or acting director. Any director who becomes a candidate contrary to this provision shall thereby be deemed to have resigned.

Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE DIRECTOR. The director of the legislative oversight bureau shall:

1. Employ and supervise all employees of the legislative oversight bureau at such salaries and in such positions and professional disciplines as are within the limits of its appropriation.

2. Establish policies and procedures for the conduct of performance audits and program evaluations.

3. Conduct performance audits and program evaluations of agencies and programs of the state government, area education agencies established in chapter two hundred seventy-three (273) of the Code, and area vocational schools and community colleges defined in chapter two hundred eighty A (280A) of the Code upon the request of a standing committee or budget subcommittee of the general assembly.

4. Determine the priority of performance audit and program evaluation requests and allocate the workload of the legislative oversight bureau. The director shall submit the priority ranking of the requests for approval to a committee composed of two members of the majority party and two members of the minority party of each house of the general assembly. The presiding officer of each house of the general assembly shall appoint the members from that house for a term of four years and shall consider, in making the appointments, the membership of the appropriate standing committees. The votes of five members of the committee shall be required to disapprove of the priority ranking.

5. Make an annual report to the general assembly of the performance audits and program evaluations conducted and in progress and of the condition of the legislative oversight bureau.

The director of the legislative oversight bureau may:

1. Employ such technical consultants as may be necessary to conduct a performance audit or program evaluation.

2. Conduct performance audits and program evaluations upon the request of six members of the general assembly.

3. Conduct performance audits and program evaluations upon the request of the governor.

The director shall not conduct an examination of the programming of a broadcasting facility under the control of the state board of regents, the board of directors of a merged area, or the state educational radio and television facility board.

The director shall not conduct an examination which would be contrary to the academic freedom of area community colleges or the institutions under the state board of regents. The director shall not conduct an examination of the instruction or research methods or the contents of the curricula of such institutions. For the purposes of this paragraph, "academic"

includes teaching, research or educational activities.

Sec. 5. NEW SECTION. ACCESS TO RECORDS. The director and the agents and employees of the legislative oversight bureau shall at all times have access to all offices, departments, agencies, boards, bureaus, and commissions of the state, its political subdivisions and private organizations providing services to individuals under a contract with a state agency, and to the books, records, and other instrumentalities and properties used in the performance of their statutory duties or contractual arrangements. All offices, departments, agencies, boards, bureaus, and commissions of the state, its political subdivisions and such private organizations shall cooperate with the director in the performance of the foregoing duty, and shall make available such books, records, instrumentalities, and property.

The director shall have the power to issue subpoenas for production of any records, books, or papers to which the director is authorized to have access. If any person subpoenaed refuses to produce the records, books, or papers, the director may apply to the district court having jurisdiction over that person for the enforcement of the subpoena.

If the information sought by the legislative oversight bureau is required by law to be kept confidential, the bureau shall have access to the information, but shall maintain the confidentiality of the information and shall be subject to the same penalties for dissemination of the information.

However, the bureau shall not have access to the following:

1. Personal information in academic records regarding a student, prospective student, or former student of the educational institution or agency maintaining the records.
2. Medical and hospital records of the condition, diagnosis, care or treatment of a patient or former patient, including outpatients.
3. Intraoffice memoranda and working papers of the governor and the governor's staff and of the judges of supreme, appellate, and district courts and their clerks and assistants. The director shall inform the administrative head of the agency or political subdivision as to the reason for the investigation of its confidential records.

The legislative oversight bureau shall only require information which an agency is presently collecting unless the director determines that additional information is

necessary to the performance audit and is within the agency's authority to collect.

Sec. 6. NEW SECTION. PERFORMANCE AUDITS AND PROGRAM EVALUATIONS.

1. The director after consulting with the responsible official and the requesting party shall determine the goals of the agency or program for the purpose of the performance audit or program evaluation.

2. The legislative oversight bureau at the direction of the director shall independently examine state agencies and programs to determine the following:

a. The organizational framework of the agency, its adequacy and relationship to the overall structure of the state government.

b. Areas in which significant inconsistency, duplication, or overlapping of activities or programs occur either within the agency or with respect to other agencies or programs.

c. Statewide or interagency coordinating or administration practices and their impact upon specific programs or agencies.

d. Whether the program under the agency's jurisdiction could be more effective if consolidated with another program, transferred to another agency, modified or abolished.

e. The productivity of the agency's operations measured in terms of cost-benefit relationships or other accepted measures of effectiveness.

f. The agency's attainment of or progress toward identifiable goals established by statute, specific legislative intent, the budget, the governor, or a long range plan.

g. Agency and statewide management systems and housekeeping functions including accounting procedures, personnel practices, planning activities, reporting and recordkeeping applications, staff qualifications, employment ratios, budget controls, purchasing transactions, communications patterns, public relations, and other related functions.

h. Agency or statewide administrative or program delivery techniques which are innovative, novel, experimental or unique in achieving greater efficiency, reduced costs, improved use of resources or increased responsiveness to expressed or anticipated needs.

i. Agency or statewide state-federal relationships, financial exchanges, program coordination, administration and other joint activities.

j. Agency and program relationships between the state

and its political subdivisions analyzing significant areas of state and local government contact and identifying mutual or opposing program directions and areas of duplicatory or overlapping programs.

k. The agency's or program's adherence to statutory requirements and diligence in executing functions assigned by law or policies established by the governor.

l. The agency's or program's responsiveness to anticipated public attitudes, citizen needs, or state problems.

m. The statewide, agency or program regulatory, reporting or recordkeeping requirements and the burdens imposed upon the general public, political subdivisions, commercial enterprise or other entities in the state.

n. Whether the financial operations of the agency or program are properly conducted, its financial reports are presented fairly, and whether the agency or program has complied with the applicable laws.

o. Whether the agency or program is managing or using its resources in an efficient and economical manner and if not, to determine the causes.

p. Whether the objectives established by the general assembly are being met, and whether alternatives which might produce the desired results at a lower cost have been considered.

q. Whether administrative or statutory changes are needed to achieve the intent of the general assembly.

r. Other criteria determined by the director.

3. The legislative service bureau, legislative fiscal bureau, auditor of state, state comptroller, and citizens' aide shall cooperate with the legislative oversight bureau in providing information which they may have concerning the agency or program to be evaluated. Employees of the legislative fiscal bureau may be interchanged with the legislative oversight bureau pursuant to chapter twenty-eight D (28D) of the Code.

4. The director shall maintain as a public record an index of all performance audit and program evaluation requests showing the requesting party, the subject agency and the date the request was made.

Sec. 7. NEW SECTION. REPORTS. At the conclusion of an audit or evaluation, the director of the legislative oversight bureau shall provide copies to the governor and to the official whose office is the subject of the audit or evaluation. The

official shall be given thirty days by the director to respond to the findings and recommendations of the audit or evaluation, and the response shall be included in the report. A summary of the findings and recommendations shall accompany each report. A report of an audit or evaluation initiated by the director shall be released upon its completion. A report of a requested audit or evaluation shall be submitted to the requesting party and released fifteen days after submission if the requesting party is a standing committee or budget subcommittee or ten days if the requesting party is other than a standing committee or budget subcommittee unless the requesting party directs an earlier release. The report shall be regarded as confidential by all persons properly having custody of it until the report is released as provided by this section. Upon the release of a report, the director shall provide copies to the presiding officer of each house of the general assembly for referral to the appropriate standing committee and budget subcommittee. At the conclusion of an audit or evaluation, the director shall report the total costs of conducting each audit including the total costs to the agency or program being audited as a part of the audit report.

Sec. 8. Section two point forty-two (2.42), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. To fix the compensation of the director of the legislative oversight bureau.

Sec. 9. Section two point forty-six (2.46), Code 1977, is amended by striking subsection four (4).

Sec. 10. This Act is repealed January 1, 1988.

Approved April 27, 1978

CHAPTER 1027

TRANSFER OF AGENCY FUNDS

H. F. 2420

AN ACT relating to the transfer of funds between state departments, institutions and agencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section eight point thirty-nine (8.39), Code 1977, is amended by adding the following new unnumbered paragraph after unnumbered paragraph two (2):