

**NEW SUBSECTION. 13. FRAUDULENT PRACTICES IN CONNECTION WITH TARGETED SMALL BUSINESS PROGRAMS.**

a. Knowingly transfers or assigns assets, ownership, or equitable interest in property of a business to a woman or minority person primarily for the purpose of obtaining benefits under targeted small business programs if the transferor would otherwise not be qualified for such programs.

b. Solicits and is awarded a state contract on behalf of a targeted small business for the purpose of transferring the contract to another for a percentage if the person transferring or intending to transfer the work had no intention of performing the work.

c. Knowingly falsifying information on an application for the purpose of obtaining benefits under targeted small business programs.

A violation under this subsection is grounds for decertification of the targeted small business connected with the violation. Decertification shall be in addition to any penalty otherwise authorized by this section.

Approved April 6, 1990

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## CHAPTER 1157

### COUNCILS OF GOVERNMENTS

*S.F. 2366*

**AN ACT** establishing councils of governments and providing certain duties.

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

Section 1. **NEW SECTION. 473B.1 COUNCILS OF GOVERNMENTS ESTABLISHED.**

1. For purposes of this chapter, a council of governments includes the following areas established by executive order number 11,1969 or a chapter 28E agreement:

a. Upper explorerland regional planning commission serving Allamakee, Clayton, Fayette, Howard, and Winneshiek counties.

b. North Iowa area council of governments serving Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, and Worth counties.

c. Northwest Iowa planning and development commission serving Buena Vista, Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, and Sioux counties.

d. Siouxland interstate metropolitan planning council serving Ida, Monona, Plymouth, Woodbury, and Cherokee counties.

e. MIDAS council of governments serving Calhoun, Hamilton, Humboldt, Pocahontas, Webster, and Wright counties.

f. Region six planning commission serving Hardin, Poweshiek, Tama, and Marshall counties.

g. Iowa northland regional council of governments serving Black Hawk, Bremer, Buchanan, Butler, Chickasaw, and Grundy counties.

h. East central intergovernmental association serving Cedar, Clinton, Delaware, Dubuque, and Jackson counties.

i. Bi-state metropolitan planning commission serving Scott and Muscatine counties.

j. East central Iowa council of governments serving Benton, Iowa, Johnson, Jones, Linn, and Washington counties.

k. Region twelve council of governments serving Audubon, Carroll, Crawford, Greene, Guthrie, and Sac counties.

l. Southwest Iowa planning council serving Cass, Fremont, Harrison, Montgomery, Page, and Shelby counties.

m. Southern Iowa council of governments serving Adair, Adams, Clarke, Decatur, Madison, Ringgold, Taylor, and Union counties.

n. Area fifteen regional planning commission serving Appanoose, Davis, Jefferson, Keokuk, Lucas, Mahaska, Monroe, Van Buren, Wapello, and Wayne counties.

o. Southeast Iowa regional planning commission serving Des Moines, Henry, Lee, and Louisa counties.

p. Metropolitan area planning agency serving Mills and Pottawattamie counties.

2. A county or two or more contiguous counties that are not served by a council of governments may petition the department of economic development to form a council of governments. Upon petition the department shall assign an unserved county to an existing council of governments or designate the unserved county as a single county council of governments. This subsection does not prevent a county that is not a member of a council of governments from joining an existing council of governments.

#### Sec. 2. NEW SECTION. 473B.2 WORK PROGRAM – COORDINATION.

1. Each council of governments shall adopt each year a work program to establish guidelines for delivery of services and activities to communities in the area. The work program shall include but is not limited to the following:

a. Cooperation in delivery of community development programs and services to units of local government.

b. Cooperation with the regional coordinating council in the development of plans and programs for community development.

2. The councils of governments shall elect annually a representative to serve on the advisory council established by the department of economic development to provide input on the review and update of the state's economic development strategic plan.

3. The councils of governments shall receive information and recommendations on issues of regional economic importance from the regional coordinating council for possible use in the regional community development plan.

#### Sec. 3. NEW SECTION. 473B.3 DUTIES.

A council of governments shall perform, but is not limited to, the following duties:

1. Provide planning services or technical assistance to the region defined in section 473B.1.

2. Coordinate regional community development planning to assist community development and planning.

3. Coordinate delivery of community development programs and services with local, state, and federal programs and activities.

4. Prepare a regional community development plan which shall be updated annually. The plan shall include but is not limited to the following:

a. Inventory and needs assessment of regional infrastructure.

b. Labor supply.

c. Cultural and fine arts resources.

d. Housing.

e. Primary health care services.

f. Natural resources, conservation, and recreational facilities.

g. Region-wide development opportunities.

#### Sec. 4. NEW SECTION. 473B.4 MEMBERSHIP – LIABILITY OF MEMBERS.

1. Membership, appointments, and terms of office shall be governed by bylaws adopted by each council of governments.

2. A director, officer, employee, member, trustee, or volunteer of a council of governments is not liable for the debts or obligations of the council of governments. A director, officer, employee, member, trustee, or volunteer is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, or for a transaction for which the person derives an improper personal benefit.

Sec. 5. NEW SECTION. 473B.5 AGREEMENTS WITH OTHER AGENCIES.

A council of governments shall be considered a public agency for the purpose of chapter 28E. A council of governments may enter into an agreement under chapter 28E with another council of governments, merged area school, or other public agency for the purpose of community development and planning.

Sec. 6.

The counties of Boone, Dallas, Jasper, Marion, Polk, Story, and Warren, within six months of the effective date of this Act, may petition the department of economic development to form a council of governments. The petition may be filed by a county or a group of contiguous counties not currently in a council of governments. If a county named in this section has not formed or joined a new council of governments within six months of the effective date of this Act the department shall assign any unserved county to a council of governments or designate the unserved county as a single county council of governments.

Approved April 6, 1990

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## CHAPTER 1158

### DISHONORED INSTRUMENT SURCHARGE

*H.F. 2475*

**AN ACT** relating to the surcharge for dishonored instruments.

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

Section 1. Section 554.3507, subsection 5, Code 1989, is amended to read as follows:

5. The holder of a dishonored instrument may assess against the maker of that instrument a surcharge of not more than ~~ten~~ fifteen dollars for each dishonored instrument. The surcharge authorized by this section shall ~~not~~ be assessed unless the holder clearly and conspicuously posts a notice at the usual place of payment, or in the billing statement of the holder, stating that a surcharge will be assessed and the amount of the surcharge. However, ~~such a~~ the surcharge shall not be assessed against the maker if the reason for the dishonor of the instrument is that the maker has stopped payment pursuant to section 554.4403.

Approved April 6, 1990

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## CHAPTER 1159

### GROUP HEALTH BENEFITS INSURANCE DISCLOSURE

*H.F. 2496*

**AN ACT** requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

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

Section 1. NEW SECTION. 509.19 DISCLOSURE OF CLAIMS AND RELATED COSTS.

1. A person issuing a policy or contract providing group health benefit coverages to a group of one hundred or more persons shall provide to the policyholder, contract holder, or sponsor