

EXECUTIVE SUMMARY GOVERNMENT REORGANIZATION AND EFFICIENCY ACT

SENATE FILE 2088

FUNDING SUMMARY AND FISCAL IMPACT

- . **APPROPRIATIONS:** This Act appropriates \$1.7 million from the General Fund for FY 2011. This Act authorizes 23.0 new FTE positions. For additional detail see the attached tracking document.
- . **REVENUES:** This Act generates additional General Fund revenue estimated at \$21.9 million for FY 2011 and \$7.8 million for FY 2012.
- . **EXPENDITURES:** This Act impacts General Fund expenditures as follows:
 - . **FY 2010** – an estimated decrease in expenditures of \$102,000.
 - . **FY 2011** – an estimated decrease in expenditures of \$50.3 million.
 - . **FY 2012** – an estimated decrease in expenditures of \$27.0 million.
- . **OVERALL IMPACT TO THE GENERAL FUND:** When the overall appropriations, revenue increases, and expenditure changes are totaled, the overall impact to the General Fund is as follows:
 - . **FY 2010** – an estimated savings to the General Fund of \$102,000.
 - . **FY 2011** – an estimated savings to the General Fund of \$70.5 million.
 - . **FY 2012** – an estimated savings to the General Fund of \$34.7 million.
- . **NOTE:** The overall impact summary for the General Fund ties to the overall totals at the bottom of the spreadsheet on the next three pages and includes expenditures, revenues, and appropriations.
- . **OVERALL IMPACT TO OTHER FUNDS:** The overall impact to other funds (including local government savings), when appropriations, revenue increases, and expenditure changes are totaled, is as follows:
 - . **FY 2010** – an estimated savings of \$21,000.
 - . **FY 2011** – an estimated savings of \$55.7 million.
 - . **FY 2012** – an estimated savings of \$34.2 million.
- . **NOTE:** The overall impact summary for other funds ties to the overall totals at the bottom of the spreadsheet on the next three pages and includes expenditures, revenues, and appropriations.
- . **NOTE:** Other items related to reorganization were included in HF 2531 (FY 2011 Standings Appropriations Act) and SF 2062 (Early Retirement Incentive Act). House File 2531 appropriates \$2.3 million to the Department of Administrative Services (DAS) for technology procurement to result in a portion of the estimated savings in SF 2088. House File 2531 makes a \$260,000 Cash Reserve Fund appropriation to replace the initial savings that were decreased from the DAS General Fund appropriation in SF 2367 (Administration and Regulation Appropriations Act).
- . This Act was approved by the General Assembly on March 2, 2010, and signed by the Governor on March 10, 2010.

ENACTMENT DATE

Fiscal Impact Summary
Senate File 2088 - Government Reorganization and Efficiency Act - Final Action

EXPENDITURE CHANGES

Bill Division	Description	Fiscal Impact - FY 2010		Fiscal Impact - FY 2011		Fiscal Impact - FY 2012	
		State GF	Other Funds	State GF	Other Funds	State GF	Other Funds
I	DAS Digital Government	\$ 0	\$ 0	\$ -1,000,000	\$ 0	\$ -1,800,000	\$ 0
II	DAS Electronic Records Study	0	0	minimal	minimal	minimal	minimal
III	Publication Modernization (see Revenue Changes for this item)	0	0	0	0	0	0
IV	State Budgeting and Personnel	0	0	-14,500,000	-10,700,000	0	0
V	Span of Control	0	0	-15,500,000	-24,100,000	-1,900,000	-2,900,000
VI	Board of Regents - Cooperative Purchasing	0	0	unknown	0	unknown	0
VII	DAS Centralized Purchasing	0	0	-7,500,000	-7,500,000	-7,500,000	-7,500,000
VIII	Require EFT for all State Employees	0	0	-45,000	-71,000	-45,000	-71,000
VIII	DAS Operations - Lease Consolidation	-102,000	-21,000	-108,000	-24,000	-98,000	-4,000
XII	Close ABD Warehouse on Fridays	0	0	-20,000	0	-20,000	0
XII	Tobacco Retail Compliance Checks	0	0	0	0	0	0
XIV	Human Rights Reorganization	0	0	minimal	minimal	minimal	minimal
XVI	DOM Financial Administration Reorganization	0	0	-260,000	0	0	0
XVIII	Eliminates Renewable Fuels Advisory Committee	0	0	minimal	minimal	minimal	minimal
XVIII	Grape and Wine Commission	0	0	minimal	minimal	minimal	minimal
XIX	Eliminates Sustainable Natural Resource Funding Advisory Committee	0	0	minimal	minimal	minimal	minimal
XIX	Eliminates Upland Game Bird Committee	0	0	minimal	minimal	minimal	minimal
XIX	Eliminates Climate Change Advisory Council	0	0	minimal	minimal	minimal	minimal
XXI	DED Boards Elimination	0	0	0	-10,000	0	-10,000
XXII	Housing Programs from DED to IFA	0	0	0	unknown	0	unknown
XXIII	Area Education Agency (AEA) Transition (Sec. 269)	0	0	0	0	0	0
XXIII	Eliminates Learning Tech. Com. and Ag Ed Advisory Council (Sec. 274)	0	0	-3,000	0	-3,000	0
XXIV	Early Childhood Iowa Initiative (Sec. 278)	0	0	minimal	0	minimal	0
XXV	Community College Accreditation (Sec. 311)	0	0	unknown	0	unknown	0
XXVI	Eliminate Advisory Committee on Postsecondary Registration (Sec. 315)	0	0	-3,600	0	-3,600	0
XXVII	Eliminates Medical Profession on State Commission of Libraries (Sec. 317)	0	0	minimal	0	minimal	0
XXVIII	Library Districts	0	0	0	0	0	0
XXIX	Increased Efficiencies at the DHS (Sec. 335)	0	0	minimal	minimal	minimal	minimal
XXIX	Pharmaceutical Improvements (Sec. 336)	0	0	unknown	0	unknown	0
XXX	Child Support Payor Transfer	0	0	-23,000	0	-23,000	0
XXXI	False Claims Act	0	0	unknown	unknown	unknown	unknown
XXXII	Medicaid Preferred Drug List (Sec. 348)	0	0	-156,000	0	-187,000	0
XXXII	Medicaid Mental Health Drug Changes (Sec. 349)	0	0	-200,000	0	-479,000	0
XXXIII	Medicaid Chronic Disease Management	0	0	-2,700,000	0	-6,500,000	0
XXXIV	Medicaid HCBS Waiver Review*	0	0	-1,900,000	-2,800,000	-2,200,000	-3,200,000
XXXV	Medicaid - Transfer of Assets	0	0	-586,000	0	-772,000	0
XXXVI	Child Care Advisory Committee	0	0	0	0	0	0
XXXVII	MH/MR/DD/BI Commission Duties	0	0	0	0	0	0
XXXIX	MH/MR/DD/BI Services	0	0	0	0	0	0

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EXPENDITURE CHANGES

Bill Division	Description	Fiscal Impact - FY 2010		Fiscal Impact - FY 2011		Fiscal Impact - FY 2012	
		State GF	Other Funds	State GF	Other Funds	State GF	Other Funds
XXXIX	MH/MR/DD/BI Commission and Waiver Name Change	0	0	0	0	0	0
XL	Consolidation-Council on Human Services	0	0	0	0	0	0
--- XLI	--- Repeal of Health Advisory Bodies	--- 0	--- 0	--- 0	--- 0	--- 0	--- 0
XLII	DHS - Field Services Organization	0	0	0	0	0	0
XLIII	Family Support Subsidy Program	0	0	-355,000	0	-121,800	0
--- XLIV	--- DHS - Level of Care Evaluation	--- 0	--- 0	--- -105,000	--- 0	--- -105,000	--- 0
XLV	DHS - HCBS Transportation	0	0	0	0	0	0
XLVI	Electronic Funds Transfers in DHS	0	0	0	0	0	0
--- XLVII	--- Adoption Subsidy Program - DHS	--- 0	--- 0	--- -145,800	--- 0	--- 0	--- 0
XLVIII	Veterans County Grant Program	0	0	0	0	0	0
XLIX	Reduce Board of Corrections Meetings (Sec. 410)	0	0	-6,400	0	-6,400	0
--- XLIX	--- Close Farm 1 and 3 (Sec. 412)	--- 0	--- 0	--- -1,451,000	--- 0	--- -1,451,000	--- 0
L	Eliminate Indigent Defense Advisory Council (Sec. 414)	0	0	0	0	0	0
L	Reduction in Indigent Defense (Sec. 415)**	0	0	-3,753,000	0	-3,753,000	0
--- LI	--- Additional Cost to DNR for ILEA Training	--- 0	--- 0	--- 2,300	--- 0	--- 2,300	--- 0
LI	Additional Cost to DOT for ILEA Training	0	0	0	9,200	0	9,200
LI	Local government savings for ILEA training costs*	0	0	0	-455,000	0	-455,000
--- LI	--- State Government Efficiency Review Committee	--- 0	--- 0	--- minimal	--- minimal	--- minimal	--- minimal
--- LIII	--- Boards and Commissions - Establishment Criteria	--- 0	--- 0	--- 0	--- 0	--- 0	--- 0
	TOTAL	\$ -102,000	\$ -21,000	\$ -50,318,500	\$ -45,650,800	\$ -26,965,500	\$ -14,130,800

*Other funds savings represents savings to local government.

**Net savings is less because of appropriations to the Public Defender's Office. See tracking document.

REVENUE CHANGES

Bill Division	Description	Fiscal Impact - FY 2010		Fiscal Impact - FY 2011		Fiscal Impact - FY 2012	
		State GF	Other Funds	State GF	Other Funds	State GF	Other Funds
III	Publication Modernization	\$ 0	\$ 0	\$ 360,000	\$ 0	\$ 0	\$ 0
VIII	DAS Operations - Sale of Real Property	0	0	13,800,000	0	0	0
--- IX	--- Class A Micro-distilleries On-site Sales	--- 0	--- 0	--- 0	--- 0	--- 0	--- 0
X	Charity Beer and Wine Auction Permit	0	0	12,000	0	14,000	0
XI	High Alcohol Content Beer Sales	0	0	0	0	0	0
--- XIII	--- Allow for Direct Shipment of Wine (Native wine)	--- 0	--- 0	--- 375,000	--- 0	--- 412,500	--- 0
XV	Lower Threshold for Gambling Setoffs	0	0	4,600,000	0	4,600,000	0
XVII	Hire Five New Revenue Examiners	0	0	2,700,000	0	2,700,000	0
--- XVII	--- Add an FTE to GEMS	--- 0	--- 0	--- 0	--- 10,000,000	--- 0	--- 20,000,000
--- XVIII	--- Organic Agriculture Fees - Dept of Ag keeps fee increase	--- 0	--- 0	--- 0	--- 33,000	--- 0	--- 33,000
XLIX	New Disciplinary Fee (Sec. 411)	0	0	6,000	0	6,000	0
--- LI	--- Tuition receipts to be retained by DPS	--- 0	--- 0	--- 0	--- 46,000	--- 0	--- 46,000
LI	ILEA Charge DOT and DNR Full Cost of Training	0	0	0	11,500	0	11,500
LI	ILEA Pilot Training Project	0	0	25,000	0	25,000	0
	TOTAL	\$ 0	\$ 0	\$ 21,878,000	\$ 10,090,500	\$ 7,757,500	\$ 20,090,500

Fiscal Impact Summary
Senate File 2088 - Government Reorganization and Efficiency Act - Final Action

SF 2088 - Final Action	Fiscal Impact - FY 2010		Fiscal Impact - FY 2011		Fiscal Impact - FY 2012	
	State GF	Other Funds	State GF	Other Funds	State GF	Other Funds
Total Savings (Expenditure Changes Total above)	\$ 102,000	\$ 21,000	\$ 50,318,500	\$ 45,650,800	\$ 26,965,500	\$ 14,130,800
Total Additional Revenue (Revenue Changes Total above)	0	0	21,878,000	10,090,500	7,757,500	20,090,500
Appropriations (tracking)	0	0	-1,700,000	0	0	0
Total Impact	\$ 102,000	\$ 21,000	\$ 70,496,500	\$ 55,741,300	\$ 34,723,000	\$ 34,221,300

NOTE: The overall impact does not reflect changes to SF 2088 made in other legislation.

Senate File 2088 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	3	40201	Amends	Sec. Various	Information Technology Services
11	34	24	Amends	Sec. 7A.11A	Electronic Records
12	26	26-58	Amends	Sec. Various	Publication Modernization
33	3	59-66	Amends	Sec. Various	State Budgeting and Personnel
36	8	67-69	Amends	Sec. Various	Span of Control Requirements
40	12	70	Adds	Sec. 262.9B(1)	Regents Cooperative Purchasing
40	29	70	Adds	Sec. 262.9B(2)	Regents Cooperative Purchasing
41	21	70	Adds	Sec. 262.9B(3)	Regents Cooperation for Information Technology
42	2	70	Adds	Sec. 262.9B(4)	Regents Cooperative Purchasing Plan
42	12	70	Adds	Sec. 262.9B(5)	Regents Cooperative Purchasing Report
42	22	71-77	Amends	Sec. Various	Purchasing
46	15	Sec. 77-78	Amends	Sec. Various	State Employee Electronic Fund Transfers
48	34	83-84	Amends	Sec. Various	Micro-distilled Spirit Permits
51	7	85-86	Amends	Sec. Various	Charity Beer and Wine Auction Permits
53	7	87-96	Amends	Sec. Various	High Alcoholic Content Beer Permits
57	4	99-100	Amends	Sec. Various	Out-of-state Shipment of Wine
59	20	101-170	Amends	Sec. Various	Department of Human Rights Organization
86	7	171-174	Amends	Sec. Various	Gambling Setoffs
87	27	175-234	Amends	Sec. Various	State Financial Duties
116	32	237-251	Amends	Sec. Various	Renewable Fuels and Coproducts Advisory Committee
120	1	252	Strikes	Sec. All, Chapter 175A	Grape and Wine Development Commission Elimination
120	2	253	Nwthstnd	Sec. 190C.5	Organic Advisory Council Fees
120	27	255-257	Amends	Sec. Various	Natural Resource and Game Bird Advisory Committees Elimination
121	11	258-260	Amends	Sec. Various	Climate Change Advisory Council Elimination
121	30	261-264	Amends	Sec. Various	Elimination of Economic Development-related Entities

Page #	Line #	Bill Section	Action	Code Section	Description
123	12	265-268	Amends	Sec. Various	Shelter Assistance and Housing Funding
124	20	269	Adds	Sec. 256.9(59), Code Supplement 2009	State and Federal Guidance and Standards
124	25	270	Adds	Sec. 273.2(8 and 9), Code Supplement 2009	AEA Boards
125	17	271	Amends	Sec. 273.10(2), Code Supplement 2009	Evaluation of AEA Performance
125	35	272	Adds	Sec. 273.11(2j)	Early Childhood Service Coordination
126	5	273	Adds	Sec. 273.15(1-5)	AEA Advisory Group
127	21	274-277	Repeals	Sec. 280.20(3); Sec. All, Chapter 280A, and Sec. 256.32	Agricultural Education Advisory Council and Learning Technology Commission
127	30	278	Adds	Sec. 256I.1	Early Childhood Iowa - Definitions
128	16	279	Adds	Sec. 256I.2	Early Childhood Iowa - Desires Results, Purpose, and Primary Focus
129	10	280	Adds	Sec. 256I.3	Early Childhood Iowa - State Board Established
130	34	281	Adds	Sec. 256I.4	Early Childhood Iowa State Board Duties
134	34	282	Adds	Sec. 256I.5	Early Childhood Iowa Coordination Staff
136	24	283	Adds	Sec. 256I.6	Early Childhood Iowa Areas
137	21	284	Adds	Sec. 256I.7	Early Childhood Iowa Area Boards Created
138	19	285	Adds	Sec. 256I.8	Early Childhood Iowa Area Board Duties
140	19	286	Adds	Sec. 256I.9	School Ready Children Grant Program
143	3	287	Adds	Sec. 256I.10	Early Childhood Iowa Internet Site
143	29	288	Adds	Sec. 256I.11	Early Childhood Iowa Fund
145	30	289	Adds	Sec. 256I.12	Early Childhood Stakeholders Alliance
147	23	290	Amends	Sec. 135.106(3)	Technical Change
148	14	291	Amends	Sec. 135.119(2d), Code Supplement 2009	Technical Change
148	27	292	Amends	Sec. 135.159(3i), Code Supplement 2009	Technical Change
149	5	293	Amends	Sec. 142A.4(8), Code Supplement 2009	Technical Change
149	12	294	Amends	Sec. 142A.8(2)	Technical Change

Page #	Line #	Bill Section	Action	Code Section	Description
149	23	295	Amends	Sec. 216A.140(5j), Code Supplement 2009	Technical Change
149	27	296	Amends	Sec. 217.42(1)	Technical Change
150	18	297	Amends	Sec. 232.188(4c)	Technical Change
150	27	298	Amends	Sec. 237A.21(3n), Code Supplement 2009	Technical Change
150	31	299	Amends	Sec. 237A.21(3q), Code Supplement 2009	Technical Change
150	35	300	Amends	Sec. 237A.22(1j), Code Supplement 2009	Technical Change
151	5	301	Amends	Sec. 237A.26(8)	Technical Change
151	20	302	Amends	Sec. 237A.30(1)	Technical Change
151	28	303	Amends	Sec. 256C.3(3e)	Technical Change
152	6	304	Amends	Sec. 256C.3(4a)	Technical Change
152	27	305	Amends	Sec. 256C.4(2b)	Technical Change
153	7	306	Amends	Sec. 279.60	Technical Change
153	34	307	Amends	Sec. 915.35(4b), Code Supplement 2009	Technical Change
154	19	308	Repeals	Sec. 135.173 and 135.174; Chapter 28	Early Childhood Iowa Council and Community Empowerment Initiative Repealed
154	22	309	Nwthstnd	Sec. 25B.2(3)	Unfunded State Mandates - Early Childhood Iowa Initiative
156	15	313	Nwthstnd	Sec. 260C.48(2)	Community College Faculty Workload Standard
156	25	314	Amends	Sec. 261.2(7)(b), Code Supplement 2009	Eliminates Recommendation by the Iowa Coordinating Council for Post-High School Education
157	4	315	Repeals	Sec. 261B.10, Code Supplement 2009	Advisory Committee on Postsecondary Registration Repeal
157	8	316	Amends	Sec. 256.51(1a)	State Library - Technical Change
157	13	317	Amends	Sec. 256.52(1)	Commission of Libraries Appointees
157	27	318	Amends	Sec. 256.52(3d)	State Library - Technical Change
157	33	319	Amends	Sec. 256.54	State Library - Technical Change
158	2	320	Repeals	Sec. 256.54(1)	Requirements for State Medical Library
158	9	322	Amends	Sec. 336.2	Petition for Establishment of a Library District

Page #	Line #	Bill Section	Action	Code Section	Description
158	25	323	Amends	Sec. 336.4	Membership of Board of Library Trustees
159	7	324	Amends	Sec. 336.5	Vacancies on Board of Library Trustees
159	31	325	Amends	Sec. 336.8	Powers of a Board of Library Trustees
161	22	326	Amends	Sec. 336.10	Library Fund
162	11	327	Amends	Sec. 336.11	Board of Library Trustees Annual Report
162	28	328	Amends	Sec. 336.12	Board of Library Trustees - Real Estate Acquisition
163	1	329	Amends	Sec. 336.13	Maintenance of Public Library
163	35	330	Amends	Sec. 336.15	Library District - Technical Change
164	9	331	Amends	Sec. 336.16	Library District - Technical Change
165	14	332	Amends	Sec. 336.18(4c and d)	Library District - Technical Change
165	23	333	Adds	Sec. 336.19	Contracts for Use of Public Library
166	12	334	Repeals	Sec. 336.6, 336.9, and 336.17	Library District - Technical Change
167	6	337	Amends	Sec. 252D.17	Child Support Payors
167	20	338-345	Adds	Sec. All, Chapter 685	False Claims Act
194	25	347	Amends	Sec. 249A.20A(4)	Mental Health Drugs Prior Authorization
196	27	352	Amends	Sec. 249F.1(2)(a)	Medicaid Divestiture of Assets
197	30	354-361	Amends	Sec. Various	Child Care Advisory Committee
204	3	362-373	Amends	Sec. Various	Mental Health and Disability Commission Duties
221	6	382-390	Amends	Sec. Various	Mental Health Commission and Waiver Name Change
224	8	390	Amends	Sec. Various	Home and Community-Based Waiver Terminology Change
224	25	391.1	Adds	Sec. 217.3A(1)	Council on Human Services - Advisory Committees
224	32	391.2	Adds	Sec. 217.3A(2)	Child Abuse Prevention Advisory Committee
225	19	391.3	Adds	Sec. 217.3A(3)(a)	Child Support Advisory Committee
226	18	391.4	Adds	Sec. 217.3A(4)	Child Welfare Advisory Committee
227	9	392	Repeals	Sec. 235A.1(3)(4), Code Supplement 2009	Child Abuse Prevention Program Advisory Council
227	11	393	Repeals	Sec. 234.3 and 252B.18	Child Welfare Advisory Committee, Child Support Advisory Committee
227	22	395	Amends	Sec. 135.29(3)	State Substitute Decision-Making Board

Page #	Line #	Bill Section	Action	Code Section	Description
228	1	396	Amends	Sec. 135.107(5)(a), 2009 Code Supplement	Center for Rural Health and Primary Care Advisory Committee
228	27	397	Repeals	Sec. 136C.3(2)(b), Code Supplement 2009	Technical Advisory Committee for Radiation Machines and Radioactive Materials
228	29	398	Amends	Sec. 691.6(3), Code Supplement 2009	State Medical Examiner
228	34	399	Repeals	Sec. 135.28, 135N.1, 135N.2, 135N.3, 135N.4, 135N.5, 135N.6, and 142C.16	State Substitute Decision-Making Board, Hemophilia Advisory Committee, Anatomical Gift Public Awareness Advisory Committee
229	8	401	Amends	Sec. 217.42(1)	Department of Human Services - Field Services Organization
230	4	403	Amends	Sec. 225C.37, Code Supplement 2009	Family Support Subsidy Program
230	34	406	Amends	Sec. 217.6	DHS Electronic Document Submissions
231	8	407	Adds	Sec. 217.24	DHS Electronic Funds Transfer
231	24	409	Amends	Sec. 35A.16(3)(a), Code Supplement 2009	Veteran County Grant Program Report
232	1	410	Amends	Sec. 904.106	Board of Corrections Meetings
232	12	411	Adds	Sec. 904.505	Corrections Disciplinary Fee
232	31	414	Amends	Sec. 13B.2A	Indigent Defense Board
233	25	416	Amends	Sec. 80.13	Iowa Law Enforcement Academy
234	2	417	Amends	Sec. 80B.11B(2)(a and b)	Iowa Law Enforcement Academy Charges
234	15	417	Amends	Sec. 80B.11B(2)(c and d)	Iowa Law Enforcement Academy Charges
234	23	418	Amends	Sec. 80B.11E(1)	Law Enforcement Academy Tuition Charge Authority
235	12	420	Adds	Sec. 2.69	State Government Efficiency Committee
236	28	421	Adds	Sec. 69.16D	Creation of New Boards and Commissions Criteria

1 1 DIVISION I
1 2 GOVERNMENT INFORMATION TECHNOLOGY SERVICES

1 3 Section 1. Section 8A.104, subsection 12, Code 2009, is
1 4 amended by striking the subsection.

1 5 Sec. 2. Section 8A.111, subsection 3, Code 2009, is amended
1 6 by striking the subsection.

1 7 Sec. 3. Section 8A.111, subsection 5, Code 2009, is amended
1 8 by striking the subsection.

1 9 Sec. 4. Section 8A.201, subsection 1, Code 2009, is amended
1 10 to read as follows:

1 11 1. "Information technology" means computing and electronics
1 12 applications used to process and distribute information in
1 13 digital and other forms and includes information technology
1 14 devices, information technology services, infrastructure
1 15 services, and value-added services.

1 16 Sec. 5. Section 8A.201, Code 2009, is amended by adding the
1 17 following new subsection:

1 18 NEW SUBSECTION . 3A. "Infrastructure services" includes all
1 19 of the following:

1 20 a. Data centers used to support mainframe and other
1 21 computers and their associated components including servers,
1 22 information networks, storage systems, redundant or backup
1 23 power systems, redundant data communications connections,
1 24 environmental controls, and security devices.

2 1 b. Servers, mainframes, or other centralized processing
2 2 systems.

2 3 c. Storage systems, including but not limited to disk, tape,
2 4 optical, and other structured repositories for storing digital
2 5 information.

2 6 d. Computer networks commonly referred to as local area
2 7 networks.

2 8 e. Network services, including equipment and software
2 9 which support local area networks, campus area networks, wide
2 10 area networks, and metro area networks. Network services
2 11 also include data network services such as routers, switches,
2 12 firewalls, virtual private networks, intrusion detection

CODE: Requires all State agencies (excluding the Board of Regents and the Department of Public Defense) including Iowa Public Television, the Department of Transportation Mobile Radio Network, the Department of Public Safety Law Enforcement Communications, the Iowa Communications Network, and the Iowa Lottery to obtain services relating to information technology (IT) from the Department of Administrative Services (DAS). The IT services include data centers, servers and mainframes, local area networks, cyber security, and disaster recovery technology.

This Division calls for the appointment of a new Chief Information Officer (CIO) by the Governor to be affiliated with the Department of Management (DOM). A 10-member Technology Advisory Council is established (replacing the Technology Governance Board) to advise the CIO concerning IT services. Agencies are allowed to seek a waiver for any IT services if the agency can provide the technology more economically, it is in the best interest of the State, or would jeopardize federal funding.

A participating agency may appeal the CIO's decision on a waiver request within seven days of decision. The Director, with consultation of the Technology Advisory Council, will respond within 14 days following the receipt of the appeal.

Requires the CIO to conduct a study of the fees charged electronically by State agencies with the goal of encouraging the elimination of the fees where possible. The CIO is required to submit a report to the General Assembly by January 15, 2011.

FISCAL IMPACT: This Division will require an initial investment of \$4.3 million over the next three fiscal years: \$2.3 million for FY 2011; \$1.5 million for FY 2012; and \$0.5 million for FY 2013.

Savings are expected to be \$10.0 million over the next three fiscal years (approximately \$3.3 million per year) and \$10.0 million in annual savings in each subsequent fiscal year.

2 13 systems, access control, internet protocol load balancers,
 2 14 event logging and correlation, and content caching. Network
 2 15 services do not include services provided by the Iowa
 2 16 communications network pursuant to chapter 8D or by the public
 2 17 broadcasting division of the department of education.
 2 18 f. Groupware applications used to facilitate collaboration,
 2 19 communication, and workflow, including electronic mail,
 2 20 directory services, calendaring and scheduling, and imaging
 2 21 systems.
 2 22 g. Information technology help desk services.
 2 23 h. Cyber security functions and equipment.
 2 24 i. Digital printing and printing procurement services.
 2 25 j. Data warehouses, including services that assist in
 2 26 managing and locating digital information.
 2 27 k. Disaster recovery technology and services.
 2 28 l. Other similar or related services as determined by the
 2 29 chief information officer.
 2 30 Sec. 6. Section 8A.201, subsection 4, Code 2009, is amended
 2 31 by striking the subsection and inserting in lieu thereof the
 2 32 following:
 2 33 4. "Participating agency" means any state agency, except
 2 34 the state board of regents and institutions operated under the
 2 35 authority of the state board of regents.
 3 1 Sec. 7. Section 8A.201, subsection 5, Code 2009, is amended
 3 2 to read as follows:
 3 3 5. "Technology ~~governance board~~ advisory council" means the
 3 4 ~~board~~ council established in section 8A.204.
 3 5 Sec. 8. NEW SECTION . 8A.201A Chief information officer
 3 6 appointed.
 3 7 1. A chief information officer shall be appointed by the
 3 8 governor to serve at the pleasure of the governor and is
 3 9 subject to confirmation by the senate. If the office becomes
 3 10 vacant, the vacancy shall be filled in the same manner as
 3 11 provided for the original appointment. The chief information
 3 12 officer position is attached to the department of management.
 3 13 2. The person appointed as the chief information officer
 3 14 for the state shall be professionally qualified by education
 3 15 and have no less than five years' experience in the field of

The overall net impact of this Division will be savings to the General Fund of \$1.0 million for FY 2011, \$1.8 million for FY 2012, \$3.8 million for FY 2013, and \$10.0 million annually for FY 2014 and subsequent years.

NOTE: House File 2531 (Standings Appropriations Act) appropriated \$2.3 million to the DAS for technology procurement to result in a portion of the estimated savings.

3 16 information technology, and a working knowledge of financial
3 17 management. The chief information officer shall not be
3 18 a member of any local, state, or national committee of a
3 19 political party, an officer or member of a committee in
3 20 any partisan political club or organization, or hold or be
3 21 a candidate for a paid elective public office. The chief
3 22 information officer is subject to the restrictions on political
3 23 activity provided in section 8A.416.

3 24 Sec. 9. Section 8A.202, subsection 2, paragraph g, Code
3 25 2009, is amended to read as follows:

3 26 g. Coordinating and managing the acquisition of information
3 27 technology services by participating agencies in furtherance of
3 28 the purposes of this chapter. The department shall institute
3 29 procedures to ensure effective and efficient compliance
3 30 with the applicable standards established pursuant to this
3 31 subchapter. ~~This subchapter shall not be construed to prohibit~~
3 32 ~~or limit a participating agency from entering into an agreement~~
3 33 ~~or contract for information technology with a qualified private~~
3 34 ~~entity.~~

3 35 Sec. 10. Section 8A.202, Code 2009, is amended by adding the
4 1 following new subsection:

4 2 NEW SUBSECTION . 4A. Waivers.

4 3 a. The department shall adopt rules allowing for
4 4 participating agencies to seek a temporary or permanent waiver
4 5 from any of the requirements of this subchapter concerning
4 6 the acquisition, utilization, or provision of information
4 7 technology. The rules shall provide that a waiver may be
4 8 granted upon a written request by a participating agency and
4 9 approval of the chief information officer. A waiver shall only
4 10 be approved if the participating agency shows that a waiver
4 11 would be in the best interests of the state.

4 12 b. Prior to approving or denying a request for a waiver, the
4 13 chief information officer shall consider all of the following:

4 14 (1) Whether the failure to grant a waiver would violate
4 15 any state or federal law; or any published policy, standard,
4 16 or requirement established by a governing body other than the
4 17 department.

4 18 (2) Whether the waiver would result in the duplication of

4 19 existing services, resources, or support.

4 20 (3) Whether the waiver would obstruct the state's

4 21 information technology strategic plan, enterprise architecture,

4 22 security plans, or any other information technology policy,

4 23 standard, or requirement.

4 24 (4) Whether the waiver would result in excessive

4 25 expenditures or expenditures above market rates.

4 26 (5) The life cycle of the system or application for which

4 27 the waiver is requested.

4 28 (6) Whether the participating agency can show that it can

4 29 obtain or provide the information technology more economically

4 30 than the information technology can be provided by the

4 31 department. For purposes of determining if the participating

4 32 agency can obtain or provide the information technology more

4 33 economically, the chief information officer shall consider

4 34 the impact on other participating agencies if the waiver is

4 35 approved or denied.

5 1 (7) Whether the failure to grant a waiver would jeopardize

5 2 federal funding.

5 3 c. Rules adopted pursuant to this subsection relating to a

5 4 request for a waiver, at a minimum, shall provide for all of

5 5 the following:

5 6 (1) The request shall be in writing and signed by the head

5 7 of the participating agency seeking the waiver.

5 8 (2) The request shall include a reference to the specific

5 9 policy, standard, or requirement for which the waiver is

5 10 submitted.

5 11 (3) The request shall include a statement of facts including

5 12 a description of the problem or issue prompting the request;

5 13 the participating agency's preferred solution; an alternative

5 14 approach to be implemented by the participating agency intended

5 15 to satisfy the waived policy, standard, or requirement; the

5 16 business case for the alternative approach; the economic

5 17 justification for the waiver or a statement as to why the

5 18 waiver is in the best interests of the state; the time period

5 19 for which the waiver is requested; and any other information

5 20 deemed appropriate.

5 21 d. A participating agency may appeal the decision of the

5 22 chief information officer to the director within seven calendar
5 23 days following the decision of the chief information officer.
5 24 The director, after consultation with the technology advisory
5 25 council, shall respond within fourteen days following the
5 26 receipt of the appeal.

5 27 e. The department of public defense, including both the
5 28 military division and the homeland security and emergency
5 29 management division, shall not be required to obtain any
5 30 information technology services pursuant to this subchapter
5 31 for the department of public defense or its divisions that is
5 32 provided by the department pursuant to this chapter without the
5 33 consent of the adjutant general.

5 34 Sec. 11. Section 8A.203, unnumbered paragraph 1, Code 2009,
5 35 is amended to read as follows:

6 1 The chief information officer, in consultation with
6 2 the director, shall do all of the following as it relates to
6 3 information technology services:

6 4 Sec. 12. Section 8A.203, subsection 1, Code 2009, is amended
6 5 to read as follows:

6 6 1. ~~Prescribe and adopt~~ Advise the director concerning the
6 7 adoption of information technology standards and rules.

6 8 Sec. 13. Section 8A.203, Code 2009, is amended by adding the
6 9 following new subsections:

6 10 NEW SUBSECTION . 6. Coordinate the internal operations
6 11 of the department as they relate to information technology
6 12 and develop and implement policies and procedures designed to
6 13 ensure the efficient administration of the department as they
6 14 relate to information technology.

6 15 NEW SUBSECTION . 7. Recommend to the director for adoption
6 16 rules deemed necessary for the administration of this
6 17 subchapter in accordance with chapter 17A.

6 18 NEW SUBSECTION . 8. Advise the director concerning
6 19 contracts for the receipt and provision of information
6 20 technology services as deemed necessary.

6 21 NEW SUBSECTION . 9. Exercise and perform such other
6 22 powers and duties related to information technology as may be
6 23 delegated by the director or as may be prescribed by law.

6 24 Sec. 14. Section 8A.204, Code 2009, is amended by striking

6 25 the section and inserting in lieu thereof the following:
6 26 8A.204 Technology advisory council.
6 27 1. Definitions. For purposes of this section, unless the
6 28 context otherwise requires:
6 29 a. "Large agency" means a participating agency with more
6 30 than seven hundred full-time, year-round employees.
6 31 b. "Medium-sized agency" means a participating agency with
6 32 at least seventy or more full-time, year-round employees, but
6 33 not more than seven hundred permanent employees.
6 34 c. "Small agency" means a participating agency with less
6 35 than seventy full-time, year-round employees.
7 1 2. Membership.
7 2 a. The technology advisory council is composed of ten
7 3 members as follows:
7 4 (1) The chief information officer.
7 5 (2) The director of the department of management, or the
7 6 director's designee.
7 7 (3) Eight members appointed by the governor as follows:
7 8 (a) Three representatives from large agencies.
7 9 (b) Two representatives from medium-sized agencies.
7 10 (c) One representative from a small agency.
7 11 (d) Two public members who are knowledgeable and have
7 12 experience in information technology matters.
7 13 b. (1) Members appointed pursuant to paragraph "a",
7 14 subparagraph (3), shall serve two-year staggered terms. The
7 15 department shall provide, by rule, for the commencement of the
7 16 term of membership for the nonpublic members. The terms of
7 17 the public members shall be staggered at the discretion of the
7 18 governor.
7 19 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
7 20 public members of the council.
7 21 (3) Public members appointed by the governor are subject to
7 22 senate confirmation.
7 23 (4) Public members appointed by the governor may be eligible
7 24 to receive compensation as provided in section 7E.6.
7 25 (5) Members shall be reimbursed for actual and necessary
7 26 expenses incurred in performance of the members' duties.
7 27 (6) A director, deputy director, or employee with

7 28 information technology expertise of an agency is preferred as
7 29 an appointed representative for each of the agency categories
7 30 of membership pursuant to paragraph "a", subparagraph (3).

7 31 c. The technology advisory council annually shall elect a
7 32 chair and a vice chair from among the members of the council,
7 33 by majority vote, to serve one-year terms.

7 34 d. A majority of the members of the council shall constitute
7 35 a quorum.

8 1 e. Meetings of the council shall be held at the call of the
8 2 chairperson or at the request of three members.

8 3 3. Powers and duties of the council. The powers and
8 4 duties of the technology advisory council as they relate to
8 5 information technology services shall include but are not
8 6 limited to all of the following:

8 7 a. Advise the chief information officer in developing and
8 8 adopting information technology standards pursuant to sections
8 9 8A.203 and 8A.206 applicable to all agencies.

8 10 b. Make recommendations to the chief information officer
8 11 regarding all of the following:

8 12 (1) Technology utility services to be implemented by the
8 13 department.

8 14 (2) Improvements to information technology service
8 15 levels and modifications to the business continuity plan for
8 16 information technology operations developed by the department
8 17 for agencies, and to maximize the value of information
8 18 technology investments by the state.

8 19 (3) Technology initiatives for the executive branch.

8 20 c. Advise the department regarding rates to be charged
8 21 for access to and for value-added services performed through
8 22 lowAccess.

8 23 Sec. 15. Section 8A.205, subsection 2, paragraph f, Code
8 24 2009, is amended by striking the paragraph and inserting in
8 25 lieu thereof the following:

8 26 f. Assist participating agencies in converting printed
8 27 government materials to electronic materials which can be
8 28 accessed through an internet searchable database.

8 29 g. Encourage participating agencies to utilize a print
8 30 on demand strategy to reduce publication overruns, excessive

8 31 inventory, and obsolete printed materials.

8 32 Sec. 16. Section 8A.206, subsection 1, Code 2009, is amended

8 33 to read as follows:

8 34 1. The department, ~~in conjunction~~ after consultation with

8 35 the technology ~~governance board~~ advisory council, shall develop

9 1 and adopt information technology standards applicable to the

9 2 procurement of information technology by all participating

9 3 agencies. Such standards, unless waived by the department

9 4 pursuant to section 8A.202, subsection 4A, shall apply to all

9 5 information technology procurements for participating agencies.

9 6 Sec. 17. Section 8A.207, Code 2009, is amended by adding the

9 7 following new subsection:

9 8 NEW SUBSECTION . 2A. The department shall develop policies

9 9 and procedures that apply to all information technology goods

9 10 and services acquisitions, and shall ensure the compliance

9 11 of all participating agencies. The department shall also be

9 12 the sole provider of infrastructure services for participating

9 13 agencies.

9 14 Sec. 18. Section 8A.221, Code 2009, is amended by striking

9 15 the section and inserting in lieu thereof the following:

9 16 8A.221 lowAccess == duties and responsibilities.

9 17 1. lowAccess. The department shall establish lowAccess as

9 18 a service to the citizens of this state that is the gateway

9 19 for one=stop electronic access to government information and

9 20 transactions, whether federal, state, or local. Except as

9 21 provided in this section, lowAccess shall be a state=funded

9 22 service providing access to government information and

9 23 transactions. The department, in establishing the fees for

9 24 value=added services, shall consider the reasonable cost of

9 25 creating and organizing such government information through

9 26 lowAccess.

9 27 2. Duties. The department shall do all of the following:

9 28 a. Establish rates to be charged for access to and for

9 29 value=added services performed through lowAccess.

9 30 b. Approve and establish the priority of projects

9 31 associated with lowAccess. The determination may also include

9 32 requirements concerning funding for a project proposed by

9 33 a political subdivision of the state or an association,

9 34 the membership of which is comprised solely of political
9 35 subdivisions of the state. Prior to approving a project
10 1 proposed by a political subdivision, the department shall
10 2 verify that all of the following conditions are met:
10 3 (1) The proposed project provides a benefit to the state.
10 4 (2) The proposed project, once completed, can be shared
10 5 with and used by other political subdivisions of the state, as
10 6 appropriate.
10 7 (3) The state retains ownership of any final product or is
10 8 granted a permanent license to the use of the product.
10 9 c. Establish expected outcomes and effects of the use of
10 10 lowAccess and determine the manner in which such outcomes are
10 11 to be measured and evaluated.
10 12 d. Establish the lowAccess total budget request and
10 13 ensure that such request reflects the priorities and goals of
10 14 lowAccess as established by the department.
10 15 e. Advocate for access to government information and
10 16 services through lowAccess and for data privacy protection,
10 17 information ethics, accuracy, and security in lowAccess
10 18 programs and services.
10 19 f. Receive status and operations reports associated with
10 20 lowAccess.
10 21 3. Data purchasing. This section shall not be construed
10 22 to impair the right of a person to contract to purchase
10 23 information or data from the Iowa court information system
10 24 or any other governmental entity. This section shall not be
10 25 construed to affect a data purchase agreement or contract in
10 26 existence on April 25, 2000.
10 27 Sec. 19. Section 8A.224, subsection 1, Code Supplement
10 28 2009, is amended to read as follows:
10 29 1. An lowAccess revolving fund is created in the state
10 30 treasury. The revolving fund shall be administered by the
10 31 department and shall consist of moneys collected by the
10 32 department as fees, moneys appropriated by the general
10 33 assembly, and any other moneys obtained or accepted by the
10 34 department for deposit in the revolving fund. The proceeds
10 35 of the revolving fund are appropriated to and shall be used
11 1 by the department to maintain, develop, operate, and expand

11 2 lowAccess consistent with this subchapter, and for the support
11 3 of activities of the technology ~~governance board~~ advisory
11 4 council pursuant to section 8A.204.
11 5 Sec. 20. REPEAL. Section 8A.223, Code 2009, is repealed.
11 6 Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
11 7 TECHNOLOGY == UTILIZATION BY LEGISLATIVE AND JUDICIAL
11 8 BRANCH. The department of administrative services shall
11 9 consult with and explore opportunities with the legislative
11 10 and judicial branches of government relative to the providing
11 11 of information technology services to those branches of
11 12 government.
11 13 Sec. 22. CHIEF INFORMATION OFFICER == CONVENIENCE FEE
11 14 STUDY. The chief information officer of the state shall
11 15 conduct a study concerning convenience or other handling fees
11 16 charged by state agencies by credit or debit card or other
11 17 electronic means of payment. The goal of the study would be to
11 18 encourage the elimination of such fees wherever possible. The
11 19 department shall determine the extent and amount of the fees
11 20 charged, revenues generated by those fees, and explore ways to
11 21 reduce or eliminate the fees. The chief information officer
11 22 shall submit a report to the general assembly by January 15,
11 23 2011, concerning the results of the study, including any
11 24 recommendations for legislative consideration.
11 25 Sec. 23. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
11 26 agencies, as defined in section 8A.101, should, to the greatest
11 27 extent possible, utilize electronic mail or similar electronic
11 28 means to notify holders of licenses or permits issued by that
11 29 state agency that the license or permit needs to be renewed.
11 30 The chief information officer of the state shall assist state
11 31 agencies in implementing the directive in this section.

11 32 DIVISION II
11 33 ELECTRONIC RECORDS

11 34 Sec. 24. Section 7A.11A, Code 2009, is amended to read as
11 35 follows:

CODE: Eliminates the requirement for agencies to deliver one printed copy of reports to the General Assembly, but maintains the

12 1 7A.11A Reports to the general assembly.
 12 2 All reports required to be filed with the general assembly by
 12 3 a state department or agency shall be filed by delivering ~~one~~
 12 4 ~~printed copy and~~ one copy in electronic format as prescribed by
 12 5 the secretary of the senate and the chief clerk of the house.
 12 6 Sec. 25. STUDY == CREATION, STORAGE, AND RETENTION OF
 12 7 ELECTRONIC RECORDS == STATE AGENCIES. The departments of
 12 8 administrative services and cultural affairs, in consultation
 12 9 with the state records commission, shall conduct a study on and
 12 10 make recommendations for the creation, storage, and retention
 12 11 of state agency records in an electronic format and shall
 12 12 submit a report containing the recommendations to the general
 12 13 assembly by December 15, 2010. In conducting the study, the
 12 14 departments shall collect and assess information from each
 12 15 state agency that includes an inventory of each agency's
 12 16 records including the types of agency records as well as agency
 12 17 records series retention and disposition schedules. The
 12 18 assessment shall include agency records identified as having
 12 19 permanent historical value by the state records commission.
 12 20 The departments shall also describe in the report what
 12 21 efficiencies and cost=saving efforts could be achieved through
 12 22 the creation, storage, and maintenance of such records in an
 12 23 electronic format.

12 24 DIVISION III

12 25 PUBLICATION MODERNIZATION

12 26 Sec. 26. Section 2.42, subsection 13, Code 2009, is amended
 12 27 to read as follows:
 12 28 13. To establish policies with regard to ~~the publishing~~
 12 29 ~~of printed and electronic versions of legal publications~~
 12 30 ~~as provided in chapters 2A and 2B, including the Iowa~~
 12 31 ~~administrative code, the Iowa administrative bulletin, the~~
 12 32 ~~Iowa Code, the Iowa Code Supplement, and the Iowa Acts Acts,~~
 12 33 Iowa Code, Code Supplement, Iowa administrative bulletin,
 12 34 Iowa administrative code, and Iowa court rules , or any part

requirement that reports be submitted in electronic form to the Secretary of the Senate and Chief Clerk of the House.

This Division requires the DAS, the Department of Cultural Affairs (DCA), and the State Records Commission to conduct a study concerning creation, storage, and retention of State records in electronic format. The report must be submitted to the General Assembly by December 15, 2010.

FISCAL IMPACT: This Division will not have a significant impact on the State.

CODE: Provides for an electronic format for various documents issued by the Legislative Services Agency (LSA), including the Code, Administrative Bulletin, Administrative Code, Code Supplement, Session Laws (Iowa Acts), Official Register, and Court Rules. Specifies that a publication provided by the Legislative Services Agency is the official and authoritative version of the publication. Specifies duties of the Iowa Code Editor and the Administrative Code Editor. Requires department rule notices to be provided to the Chairpersons and Ranking Members of the appropriate standing committees of the General Assembly beginning January 11, 2011.

12 35 of those publications. The publishing policies may include,
 13 1 but are not limited to: the style and format to be used; the
 13 2 frequency of publication; the contents of the publications;
 13 3 the numbering ~~system~~ systems to be used in the Iowa Code, the
 13 4 ~~Iowa Code Supplement, and the Iowa Acts~~ ; the preparation of
 13 5 editorial comments or notations; the correction of errors;
 13 6 the type of print or electronic media and data processing
 13 7 software to be used; the number of ~~printed~~ volumes to be
 13 8 published; recommended revisions of the Iowa Code, the Iowa
 13 9 ~~Code Supplement, and the Iowa Acts~~ ; the letting of contracts
 13 10 for the publication of the Iowa administrative code, the Iowa
 13 11 ~~administrative bulletin, the Iowa court rules, the Iowa Code,~~
 13 12 ~~the Iowa Code Supplement, and the Iowa Acts~~ ; the pricing of
 13 13 the publications to which section 22.3 does not apply; access
 13 14 to, and the use, reproduction, legal protection, sale or
 13 15 distribution, and pricing of related data processing software
 13 16 consistent with chapter 22; and any other matters deemed
 13 17 necessary to the publication of uniform and understandable
 13 18 publications.

13 19 Sec. 27. Section 2A.1, subsection 2, paragraph d, Code 2009,
 13 20 is amended to read as follows:

13 21 d. Publication of the official legal publications of
 13 22 the state, including but not limited to the Iowa Acts, Iowa
 13 23 Code, Iowa Code Supplement, Iowa Acts, Iowa court rules, Iowa
 13 24 administrative bulletin, and Iowa administrative code , and
 13 25 Iowa court rules as provided in chapter 2B. The legislative
 13 26 services agency shall do all of the following:

13 27 (1) Designate a legal publication described in chapter 2B as
 13 28 an official legal publication. The legislative services agency
 13 29 may also designate a legal publication as an unofficial legal
 13 30 publication. The legislative services agency may use the great
 13 31 seal of the state of Iowa as provided in section 1A.1 or other
 13 32 symbol to identify an official or unofficial legal publication.

13 33 (2) Provide for citing official legal publications as
 13 34 provided in chapter 2B.

13 35 Sec. 28. Section 2A.5, subsection 1, Code 2009, is amended
 14 1 to read as follows:

14 2 1. The legislative services agency shall publish the

FISCAL IMPACT: As a result of this change, the LSA will print fewer copies of the Code and will reduce the number of copies that are currently provided free of charge. This Division is estimated to provide increased revenue of \$360,000 to the General Fund in FY 2011 and FY 2013.

14 3 official legal publications of the state as provided in chapter
14 4 2B. The legislative services agency shall have legal custody
14 5 of the publications and shall provide for the warehousing,
14 6 sale, and distribution of the publications. The legislative
14 7 services agency shall retain or cause to be retained a
14 8 number of old editions of the publications but may otherwise
14 9 distribute or cause to be distributed old editions of the
14 10 publications to any person upon payment by the person of any
14 11 distribution costs. This section and chapter 2B do not require
14 12 the legislative services agency to publish a publication in
14 13 both a printed and electronic version.
14 14 Sec. 29. Section 2A.5, subsection 2, paragraph b, Code 2009,
14 15 is amended to read as follows:
14 16 b. The ~~Iowa~~ Code Supplement.
14 17 Sec. 30. Section 2A.5, subsection 3, Code 2009, is amended
14 18 to read as follows:
14 19 3. The legislative services agency shall in each
14 20 odd-numbered year compile for publication ~~and distribute in~~
14 21 ~~odd-numbered years~~ a printed or electronic version of the Iowa
14 22 official register for distribution as soon as practicable .
14 23 The register shall contain historical, political, and other
14 24 information and statistics of general value but shall not
14 25 contain information or statistics of a partisan character. The
14 26 ~~print~~ printed and electronic versions of the register need
14 27 not contain the same information and statistics but shall be
14 28 published to provide the greatest access to such information
14 29 and statistics at the most reasonable cost as determined by the
14 30 legislative services agency. The different versions of the
14 31 register may be distributed free of charge, may be distributed
14 32 free of charge except for postage and handling charges, or
14 33 may be sold at a price to be established by the legislative
14 34 services agency.
14 35 Sec. 31. Section 2A.6, Code 2009, is amended to read as
15 1 follows:
15 2 2A.6 Special distribution of legal publications
15 3 ~~= restrictions on free distributions .~~
15 4 1. The legislative services agency shall make free
15 5 ~~distribution of the~~ available electronic or printed versions

15 6 of the official legal publications listed in section 2A.5,
15 7 ~~subsection 2~~, subject to payment of any routine distribution
15 8 ~~costs such as but not limited to mailing and handling costs~~, to
15 9 the three branches of state government, to elected county
15 10 officers, to county and city assessors, to Iowa's congressional
15 11 delegation, to federal courts in Iowa and federal judges and
15 12 magistrates for Iowa, and to state and university depository
15 13 libraries, the library of Congress, and the library of the
15 14 United States supreme court. ~~Only such officers, offices, and~~
15 15 ~~agencies entitled to or receiving free copies during the fiscal~~
15 16 ~~year beginning July 1, 2002, and ending June 30, 2003, shall~~
15 17 ~~be entitled to continue to receive free copies in subsequent~~
15 18 ~~years, except that successor and new officers, offices, and~~
15 19 ~~agencies shall receive a reasonable number of free copies as~~
15 20 ~~determined by the legislative services agency. Such officers,~~
15 21 ~~offices, and agencies shall annually review the number of~~
15 22 ~~copies received in the prior year to determine if the number of~~
15 23 ~~copies received can be reduced and shall submit the information~~
15 24 ~~in a report to the legislative services agency. The number of~~
15 25 ~~copies received, once reduced, shall not be increased to the~~
15 26 ~~previous level without the express consent of the legislative~~
15 27 ~~services agency.~~
15 28 ~~2. Each officer, office, or agency receiving one or more~~
15 29 ~~free copies of a publication under this section shall only~~
15 30 ~~receive up to the number of copies indicated free at the time~~
15 31 ~~of initial distribution. If an officer, office, or agency~~
15 32 ~~receiving one or more free copies of a publication under~~
15 33 ~~this section desires additional copies beyond the number~~
15 34 ~~initially received, the officer, office, or agency must request~~
15 35 ~~the additional copies and pay the normal charge for such~~
16 1 ~~publication.~~
16 2 ~~3. If a version of a publication provided under this~~
16 3 ~~section is available in an electronic format, the legislative~~
16 4 ~~services agency may establish policies providing for the~~
16 5 ~~substitution of an electronic version for the printed version~~
16 6 ~~of the publication, and for the amount of payment, if any,~~
16 7 ~~required for the electronic publication. The payment amount~~
16 8 ~~shall not be more than established pursuant to section 2A.5 for~~

16 9 ~~the same publication. For the Iowa administrative code and~~
16 10 ~~its supplements, the legislative services agency may provide~~
16 11 ~~that the distribution requirement of this section is met by~~
16 12 ~~distributing relevant portions of the Iowa administrative code~~
16 13 ~~or its supplements in either a printed or electronic format.~~
16 14 4. 2. Notwithstanding any provision of this section to the
16 15 contrary, the The legislative services agency may review the
16 16 publication costs and offsetting sales revenues relating to
16 17 legal publications in electronic and printed formats ,and may .
16 18 If a legal publication is available in an electronic version,
16 19 the legislative services agency may provide the version free
16 20 of charge or may charge a fee for any mailing or handling costs
16 21 in the distribution of the electronic version or may charge a
16 22 fee for an electronic version which includes programming not
16 23 originally part of the stored information, including but not
16 24 limited to search and retrieval functions. The legislative
16 25 services agency shall establish policies requiring payment for
16 26 any printed versions of the official legal publications from
16 27 persons otherwise entitled to receive them at no cost or at
16 28 a price covering distribution costs to whom the legislative
16 29 services agency is obligated to make the legal publications
16 30 available pursuant to subsection 1. The payment amount shall
16 31 not be more than established pursuant to section 2A.5 for the
16 32 same publication.

16 33 Sec. 32. Section 2B.5, subsections 1 and 2, Code 2009,
16 34 are amended by striking the subsections and inserting in lieu
16 35 thereof the following:

17 1 1. Publish the Iowa administrative bulletin and the Iowa
17 2 administrative code as provided in section 2B.5A.
17 3 2. Publish the Iowa court rules as provided in section
17 4 2B.5B.

17 5 Sec. 33. Section 2B.5, subsection 3, Code 2009, is amended
17 6 to read as follows:

17 7 3. ~~Cause to be published annually a~~ Publish annually an
17 8 electronic or printed edition of the roster of state officials.
17 9 The roster of state officials shall include a correct list of
17 10 state officers and deputies; members of boards and commissions;
17 11 justices of the supreme court, judges of the court of appeals,

17 12 and judges of the district courts including district associate
17 13 judges and judicial magistrates; and members of the general
17 14 assembly. The office of the governor shall cooperate in the
17 15 preparation of the list.

17 16 Sec. 34. NEW SECTION . 2B.5A Iowa administrative bulletin
17 17 and Iowa administrative code.

17 18 1. The legislative services agency shall control and
17 19 maintain in a secure electronic repository custodial
17 20 information used to produce the Iowa administrative bulletin
17 21 and the Iowa administrative code.

17 22 2. In consultation with the administrative rules
17 23 coordinator, the administrative code editor shall prescribe
17 24 a uniform style and form required for a person filing a
17 25 document for publication in the Iowa administrative bulletin
17 26 or the Iowa administrative code, including but not limited
17 27 to a rulemaking document. A rulemaking document includes a
17 28 notice of intended action as provided in section 17A.4 or an
17 29 adopted rule for filing as provided in section 17A.5. The
17 30 rulemaking document shall correlate each rule to the uniform
17 31 numbering system established by the administrative code editor.
17 32 The administrative code editor shall provide for electronic
17 33 publication of the Iowa administrative bulletin and the Iowa
17 34 administrative code. The administrative code editor shall
17 35 review all submitted documents for style and form and notify
18 1 the administrative rules coordinator if a rulemaking document
18 2 is not in proper style or form, and may return or revise a
18 3 document which is not in proper style and form. The style
18 4 and form prescribed shall require that a rulemaking document
18 5 include a reference to the statute which the rules are intended
18 6 to implement.

18 7 3. a. The administrative code editor may omit from the Iowa
18 8 administrative bulletin or the Iowa administrative code any
18 9 document for publication in the Iowa administrative bulletin or
18 10 the Iowa administrative code, if the administrative code editor
18 11 determines that its publication would be unduly cumbersome,
18 12 expensive, or otherwise inexpedient. The person filing the
18 13 document for publication shall provide the administrative
18 14 code editor with an electronic version of the document. The

18 15 administrative code editor shall publish the document on the
18 16 general assembly's internet site, and publish a notice in the
18 17 lowa administrative bulletin or the lowa administrative code
18 18 stating the specific subject matter of the omitted document and
18 19 how the omitted document may be accessed.

18 20 b. The administrative code editor shall omit or cause to be
18 21 omitted from the lowa administrative code any rule or portion
18 22 of a rule nullified by the general assembly pursuant to Article
18 23 III, section 40, of the Constitution of the State of Iowa.

18 24 4. The administrative code editor who receives a
18 25 publication from an agency because the publication is
18 26 referenced in the lowa administrative bulletin or lowa
18 27 administrative code shall make the publication available to the
18 28 public pursuant to section 17A.6.

18 29 5. The administrative code editor shall publish the lowa
18 30 administrative bulletin in accordance with section 2.42 at
18 31 least every other week, unless the administrative code editor
18 32 and the administrative rules review committee determine
18 33 that an alternative publication schedule is preferable. The
18 34 administrative code editor shall provide for the arrangement of
18 35 the contents of the lowa administrative bulletin.

19 1 a. The lowa administrative bulletin shall contain all of the
19 2 following:

19 3 (1) Rulemaking documents, including notices of intended
19 4 action as provided in section 17A.4, and rules adopted and
19 5 effective immediately upon filing and rules adopted and filed
19 6 as provided in section 17A.5.

19 7 (2) Resolutions nullifying administrative rules passed by
19 8 the general assembly pursuant to Article III, section 40 of the
19 9 Constitution of the State of Iowa.

19 10 (3) All proclamations and executive orders of the governor
19 11 which are general and permanent in nature.

19 12 (4) Other materials deemed fitting and proper by the
19 13 administrative rules review committee.

19 14 (5) Items required to be published by statute.

19 15 (6) A comprehensive method to search and identify its
19 16 contents. An electronic version may include search and
19 17 retrieval programming and index.

19 18 b. The Iowa administrative bulletin may contain all of the
19 19 following:
19 20 (1) A preface.
19 21 (2) A rulemaking schedule.
19 22 (3) The agenda for the next meeting of the administrative
19 23 rules review committee as provided in section 17A.8, if
19 24 available.
19 25 (4) A schedule of known public hearings.
19 26 (5) A list of agencies referenced by agency identification
19 27 number.

19 28 6. The administrative code editor shall publish the Iowa
19 29 administrative code in accordance with section 2.42 at least
19 30 every other week, unless the administrative code editor and
19 31 the administrative rules review committee determine that an
19 32 alternative publication schedule is preferable. However, the
19 33 legislative services agency may publish supplements in lieu of
19 34 the Iowa administrative code. The administrative code editor
19 35 shall provide for the arrangement of the Iowa administrative
20 1 code.

20 2 a. The Iowa administrative code shall include all of the
20 3 following:
20 4 (1) Rules of general application adopted and filed with
20 5 the administrative code editor by state agencies. However,
20 6 the administrative code editor may delete a rule from the Iowa
20 7 administrative code if the agency that adopted the rule has
20 8 ceased to exist, no successor agency has jurisdiction over the
20 9 rule, and no statutory authority exists supporting the rule.
20 10 (2) A comprehensive method to search and identify its
20 11 contents, including rules.
20 12 (a) An electronic version may include search and retrieval
20 13 programming and index.
20 14 (b) A print edition may include an index.

20 15 b. The Iowa administrative code may include all of the
20 16 following:
20 17 (1) A preface.
20 18 (2) Uniform rules on agency procedure.
20 19 Sec. 35. NEW SECTION . 2B.5B Iowa court rules.
20 20 1. The legislative services agency shall control and

20 21 maintain in a secure electronic repository custodial
20 22 information used to produce the Iowa court rules.
20 23 2. The administrative code editor, upon direction by
20 24 the Iowa supreme court and in accordance with the policies
20 25 of the legislative council pursuant to section 2.42 and the
20 26 legislative services agency pursuant to section 2A.1, shall
20 27 prescribe a uniform style and form required for filing a
20 28 document for publication in the Iowa court rules. The document
20 29 shall correlate each rule to the uniform numbering system.
20 30 The administrative code editor shall provide for electronic
20 31 publication of the Iowa court rules. The administrative code
20 32 editor shall review all submitted documents for style and form
20 33 and notify the Iowa supreme court if a rulemaking document
20 34 is not in proper style or form, and may return or revise a
20 35 document which is not in proper style and form.

21 1 3. a. The administrative code editor shall publish the
21 2 Iowa court rules in accordance with section 2.42. However, the
21 3 legislative services agency may publish supplements in lieu of
21 4 the Iowa court rules. The administrative code editor shall
21 5 provide for arrangement of the Iowa court rules in consultation
21 6 with the Iowa supreme court.

21 7 b. The Iowa court rules shall include all of the following:

21 8 (1) Rules prescribed by the supreme court, which may include
21 9 the Iowa rules of civil procedure, the Iowa rules of criminal
21 10 procedure, the Iowa rules of evidence, the Iowa rules of
21 11 appellate procedure, the Iowa rules of professional conduct,
21 12 and the Iowa code of judicial conduct.

21 13 (2) A comprehensive method to search and identify its
21 14 contents, including court rules.

21 15 (a) An electronic version may include search and retrieval
21 16 programming and index.

21 17 (b) A print version shall include an index.

21 18 c. The Iowa court rules may include all of the following:

21 19 (1) A preface.

21 20 (2) Tables, including tables of corresponding rule numbers.

21 21 Sec. 36. Section 2B.6, subsections 2 and 3, Code 2009,
21 22 are amended by striking the subsections and inserting in lieu
21 23 thereof the following:

21 24 2. Provide for the publication of all of the following:

21 25 a. The Iowa Acts as provided in section 2B.10.

21 26 b. The Iowa Code or Code Supplement, as provided in section

21 27 2B.12.

21 28 Sec. 37. Section 2B.10, Code 2009, is amended to read as

21 29 follows:

21 30 2B.10 Iowa Acts.

21 31 1. The legislative services agency shall control and

21 32 maintain in a secure electronic repository custodial

21 33 information used to produce the Iowa Acts.

21 34 2. The legislative services agency shall publish the annual

21 35 edition of the Iowa Acts as soon as possible after the final

22 1 adjournment of a regular session of the general assembly. The

22 2 legislative services agency may also publish an updated edition

22 3 of the Iowa Acts or a supplement to the Iowa Acts after a

22 4 special session of the general assembly.

22 5 ~~4. 3. a. The arrangement of the Acts and resolutions,~~

22 6 ~~and the size, style, type, binding, general arrangement, and~~

22 7 ~~tables of the Iowa Acts , appearance, and contents of the Iowa~~

22 8 ~~Acts shall be printed and published in the manner determined~~

22 9 ~~by the Iowa Code editor in accordance with the policies set~~

22 10 ~~by the of the legislative council and legislative services~~

22 11 ~~agency as provided in section 2.42.~~

22 12 ~~2. b. Chapters of The bills and joint resolutions of the~~

22 13 ~~Iowa Acts may be arranged by chapter, numbered from one for the~~

22 14 ~~first regular session shall be numbered from one and chapters~~

22 15 ~~of the second regular session shall be and numbered from one~~

22 16 ~~thousand one for the second regular session .~~

22 17 4. The Iowa Acts shall include all of the following:

22 18 a. A preface.

22 19 b. A table of contents.

22 20 ~~3. c. A list of elective state officers and deputies,~~

22 21 ~~supreme court justices, judges of the court of appeals,~~

22 22 ~~and members of the general assembly shall be published annually~~

22 23 ~~with the Iowa Acts , and members of Iowa's congressional~~

22 24 ~~delegation .~~

22 25 ~~4. d. A statement of the condition of the state treasury~~

22 26 ~~shall be included, as provided by Article III, section 18,~~

22 27 of the Constitution of the State of Iowa. The statement shall
22 28 be furnished to the legislative services agency by the director
22 29 of the department of administrative services.
22 30 e. An analysis of its chapters.
22 31 f. The text of bills that have been enacted and joint
22 32 resolutions that have been enacted or passed by the general
22 33 assembly, including text indicating items disapproved in
22 34 appropriation bills.
22 35 g. Messages transmitted by the governor disapproving items
23 1 in appropriation bills.
23 2 h. A notation of the filing of an estimate of a state
23 3 mandate prepared by the legislative services agency pursuant
23 4 to section 25B.5.
23 5 i. Tables including any analysis of tables.
23 6 j. A comprehensive method to search and identify its
23 7 contents, including the text of bills that have been enacted
23 8 and joint resolutions that have been enacted or passed by the
23 9 general assembly.
23 10 (1) An electronic version may include search and retrieval
23 11 programming and an index and a summary index.
23 12 (2) A print version may include an index and a summary
23 13 index.
23 14 k. Other reference material as determined by the Iowa Code
23 15 editor in accordance with any policies of the legislative
23 16 council.
23 17 5. The enrolling clerks of the house and senate shall
23 18 arrange for the Iowa Code editor to receive suitable copies of
23 19 all Acts and resolutions as soon as they are enrolled.
23 20 ~~6. A notation of the filing of an estimate of a state~~
23 21 ~~mandate prepared by the legislative services agency pursuant to~~
23 22 ~~section 25B.5 shall be included in the Iowa Acts with the text~~
23 23 ~~of an enacted bill or joint resolution containing the state~~
23 24 ~~mandate.~~
23 25 Sec. 38. Section 2B.12, subsections 1 and 2, Code 2009, are
23 26 amended to read as follows:
23 27 1. The legislative services agency shall control and
23 28 maintain in a secure electronic repository custodial
23 29 information used to publish the Iowa Code.

23 30 ~~1. 2. A new Iowa Code shall be issued~~ The legislative
23 31 services agency shall publish an annual edition of the Iowa
23 32 Code as soon as possible after the final adjournment of the
23 33 ~~second~~ a regular session of the a general assembly. A However,
23 34 the legislative services agency may publish a new Code
23 35 ~~Supplement shall be issued~~ in lieu of the Iowa Code as soon as
24 1 possible after the first final adjournment of a regular session
24 2 of the a general assembly. A The legislative services agency
24 3 may publish a new edition of the Iowa Code or Code Supplement
24 4 ~~may be issued~~ as soon as possible after the final adjournment
24 5 of a special session of the general assembly or as required by
24 6 the legislative council .
24 7 ~~2. The entire Iowa Code shall be maintained on a computer~~
24 8 ~~database which shall be updated as soon as possible after~~
24 9 ~~each session of the general assembly. The Iowa Code and Code~~
24 10 ~~Supplement shall be prepared and printed on a good quality~~
24 11 ~~of paper in one or more volumes, in the manner determined by~~
24 12 ~~the Iowa Code editor in accordance with the policies of the~~
24 13 ~~legislative council, as provided in section 2.42.~~
24 14 Sec. 39. Section 2B.12, subsection 5, Code 2009, is amended
24 15 by striking the subsection.
24 16 Sec. 40. Section 2B.12, subsection 6, unnumbered paragraph
24 17 1, Code 2009, is amended to read as follows:
24 18 The Iowa Code ~~published after the second regular session of~~
24 19 ~~the general assembly~~ shall include all of the following :
24 20 Sec. 41. Section 2B.12, subsection 6, paragraph a, Code
24 21 2009, is amended by striking the paragraph.
24 22 Sec. 42. Section 2B.12, subsection 6, paragraph h, Code
24 23 2009, is amended by striking the paragraph and inserting in
24 24 lieu thereof the following:
24 25 h. The arrangement of the Code into distinct units, as
24 26 established by the legislative services agency, which may
24 27 include titles, subunits of titles, chapters, subunits of
24 28 chapters, and sections, and subunits of sections. The distinct
24 29 units shall be numbered and may include names.
24 30 Sec. 43. Section 2B.12, subsection 6, paragraph j, Code
24 31 2009, is amended to read as follows:
24 32 j. A comprehensive ~~index and a summary index covering~~ method

24 33 to search and identify its contents, including the text of the
24 34 Constitution and statutes of the State of Iowa.
24 35 (1) An electronic version may include search and retrieval
25 1 programming, analysis of titles and chapters, and an index and
25 2 a summary index.
25 3 (2) A print version shall include an analysis of titles and
25 4 chapters, and an index and a summary index.
25 5 Sec. 44. Section 2B.12, Code 2009, is amended by adding the
25 6 following new subsection:
25 7 NEW SUBSECTION . 6A. The Iowa Code may include all of the
25 8 following:
25 9 a. A preface.
25 10 b. A description of citations to statutes.
25 11 c. Abbreviations to other publications which may be referred
25 12 to in the Iowa Code.
25 13 d. Appropriate historical references or source notes.
25 14 e. An analysis of the Code by titles and chapters.
25 15 f. Other reference materials as determined by the Iowa
25 16 Code editor in accordance with any policies of the legislative
25 17 council.
25 18 Sec. 45. Section 2B.12, subsections 7 and 8, Code 2009, are
25 19 amended to read as follows:
25 20 7. ~~The A Code Supplement published after the first regular~~
25 21 ~~session of the general assembly shall include all of the~~
25 22 ~~following :~~
25 23 a. ~~All of the~~ The text of statutes of Iowa of a general
25 24 and permanent nature ~~which that~~ that were enacted ~~or amended~~ during
25 25 ~~that the preceding regular or special~~ session, except as
25 26 provided in subsection 3 ~~and~~ ; an indication of all sections
25 27 repealed during that session ; and any amendments to the
25 28 Constitution of the State of Iowa approved by the voters ~~at~~
25 29 ~~the preceding general election~~ since the adjournment of the
25 30 previous regular session of the general assembly .
25 31 b. A chapter title and number for each chapter or part of a
25 32 chapter included.
25 33 c. ~~An index covering the material included~~ A comprehensive
25 34 method to search and identify its contents, including the text
25 35 of statutes and the Constitution of the State of Iowa .

26 1 (1) An electronic version may include search and retrieval
26 2 programming and an index and a summary index.
26 3 (2) A print version may include an index and a summary
26 4 index.
26 5 8. A The Iowa Code or Code Supplement may include
26 6 appropriate tables showing the disposition of Acts of the
26 7 general assembly, the corresponding sections from edition
26 8 to edition of a an Iowa Code or Code Supplement, and other
26 9 reference material as determined by the Iowa Code editor in
26 10 accordance with policies of the legislative council.
26 11 Sec. 46. Section 2B.13, subsection 1, unnumbered paragraph
26 12 1, Code 2009, is amended to read as follows:
26 13 The Iowa Code editor in preparing the copy for an edition
26 14 of the Iowa Code or ~~Iowa~~ Code Supplement shall not alter the
26 15 sense, meaning, or effect of any Act of the general assembly,
26 16 but may:
26 17 Sec. 47. Section 2B.13, subsection 2, paragraph f, Code
26 18 2009, is amended to read as follows:
26 19 f. Perform any other editorial tasks required or authorized
26 20 by section ~~47A.6~~ 2B.5A .
26 21 Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code
26 22 2009, are amended to read as follows:
26 23 3. a. The Iowa Code editor may, in preparing the copy for
26 24 an edition of the Iowa Code or ~~Iowa~~ Code Supplement, establish
26 25 standards for and change capitalization, spelling, and
26 26 punctuation in any ~~Code~~ provision for purposes of uniformity
26 27 and consistency in ~~Code~~ language.
26 28 b. The administrative code editor may establish standards
26 29 for capitalization, spelling, and punctuation for purposes of
26 30 uniformity and consistency in the Iowa administrative code.
26 31 4. a. The Iowa Code editor shall seek direction from
26 32 the senate committee on judiciary and the house committee
26 33 on judiciary when making Iowa Code or ~~Iowa~~ Code Supplement
26 34 changes, ~~and the~~ .
26 35 b. The administrative code editor shall seek direction
27 1 from the administrative rules review committee and
27 2 the administrative rules coordinator when making Iowa
27 3 administrative code changes, which appear to require

27 4 substantial editing and which might otherwise be interpreted to
27 5 exceed the scope of the authority granted in this section.
27 6 5. The Iowa Code editor may prepare and publish comments
27 7 deemed necessary for a proper explanation of the manner
27 8 of printing a section or chapter of the Iowa Code or Code
27 9 Supplement . The Iowa Code editor shall maintain a record of
27 10 all of the corrections made under subsection 1. The Iowa Code
27 11 editor shall also maintain a separate record of the changes
27 12 made under subsection 1, paragraphs "b" through "h". The
27 13 records shall be available to the public.
27 14 7. a. The effective date of all editorial changes in an
27 15 edition of the Iowa Code or Iowa Code Supplement is the date
27 16 of the Iowa Code editor's approval of the final press proofs
27 17 for the statutory text contained within that publication. The
27 18 effective date of all editorial changes for the or an edition
27 19 of the Iowa administrative code is the its publication date
27 20 those changes are published in the Iowa administrative code . A
27 21 publication date is the date the publication is conclusively
27 22 presumed to be complete, incorporating all revisions or
27 23 editorial changes.
27 24 b. The publication date for the publications are as follows:
27 25 (1) For the Iowa Code or Code Supplement, the publication
27 26 date is the first day of the next regular session of the
27 27 general assembly convened pursuant to Article III, section
27 28 2, of the Constitution of the State of Iowa. However, the
27 29 legislative services agency may establish an alternative
27 30 publication date, which may be the date that the publication is
27 31 first available to the public accessing the general assembly's
27 32 internet site. The legislative services agency shall provide
27 33 notice of such an alternative publication date on the general
27 34 assembly's internet site.
27 35 (2) The publication date for the Iowa administrative code
28 1 is the date that it is first available to the public accessing
28 2 the general assembly's internet site according to a publication
28 3 schedule provided in section 2B.5A.
28 4 c. A publication designated by the legislative services
28 5 agency as unofficial shall not be used to establish a
28 6 publication date.

28 7 Sec. 49. Section 2B.17, Code 2009, is amended by striking
28 8 the section and inserting in lieu thereof the following:
28 9 2B.17 Official legal publications == citations.
28 10 1. An official legal publication designated as such by
28 11 the legislative services agency as provided in sections 2.42
28 12 and 2A.1, is the official and authoritative version of the
28 13 statutes, administrative rules, or court rules of the state of
28 14 Iowa.
28 15 2. a. The codified version of the state's constitution
28 16 shall be known as the Constitution of the State of Iowa.
28 17 b. For statutes, the official versions of publications
28 18 shall be known as the Iowa Acts, the Iowa Code, and the Code
28 19 Supplement.
28 20 c. For administrative rules, the official versions of the
28 21 publications shall be known as the Iowa Administrative Bulletin
28 22 and the Iowa Administrative Code.
28 23 d. For court rules, the official version of the publication
28 24 shall be known as the Iowa Court Rules.
28 25 3. The legislative services agency may adopt a style manual
28 26 providing a uniform system of citing the codified Constitution
28 27 of the State of Iowa and the official versions of publications
28 28 listed in subsection 2, including by reference to commonly
28 29 accepted legal sources. The legislative services agency
28 30 style manual may provide for a different form of citation
28 31 for electronic and printed versions of the same publication.
28 32 Nothing in this section affects rules for style and format
28 33 adopted pursuant to section 2.42.
28 34 4. The codified Constitution of the State of Iowa, and
28 35 statutes enacted and joint resolutions enacted or passed by the
29 1 general assembly shall be cited as follows:
29 2 a. The codified Constitution of the State of Iowa shall
29 3 be cited as the Constitution of the State of Iowa, with a
29 4 reference identifying the preamble or boundaries, or article,
29 5 section, and subunit of a section. Subject to the legislative
29 6 services agency style manual, the Constitution of the State of
29 7 Iowa may be cited as the Iowa Constitution.
29 8 b. The Iowa Acts shall be cited as the Iowa Acts with
29 9 a reference identifying the year of the publication in

29 10 conformance with section 2.2, and the chapter of a bill
29 11 enacted or joint resolution enacted or passed during a regular
29 12 session, or in the alternative the bill or joint resolution
29 13 chamber designation, and the section of the chapter or bill
29 14 or subunit of a section. A bill or joint resolution enacted
29 15 or passed during a special session shall be cited by the
29 16 extraordinary session designation in conformance with section
29 17 2.2. If the Iowa Acts have not been published, a bill or joint
29 18 resolution may be cited by its bill or joint resolution chamber
29 19 designation.

29 20 c. The Iowa Code shall be cited as the Iowa Code. The Code
29 21 Supplement shall be cited as the Code Supplement. Subject
29 22 to the legislative services agency style manual, the Iowa
29 23 Code may be cited as the Code of Iowa or Code and the Code
29 24 Supplement may be cited as the Iowa Code Supplement, with
29 25 references identifying parts of the publication, including
29 26 but not limited to title or chapter, section, or subunit of a
29 27 section. If the citation refers to a past edition of the Iowa
29 28 Code or Code Supplement, the citation shall identify the year
29 29 of publication.

29 30 5. Administrative rules shall be cited as follows:

29 31 a. The Iowa Administrative Bulletin shall be cited as
29 32 the IAB, with references identifying the volume number which
29 33 may be based on a fiscal year cycle, the issue number, and
29 34 the ARC number assigned to the rulemaking document by the
29 35 administrative rules coordinator pursuant to section 17A.4.

30 1 Subject to the legislative services agency style manual, the
30 2 citation may also include the publication's page number.

30 3 b. The Iowa Administrative Code shall be cited as the IAC,
30 4 with references to an agency's identification number placed at
30 5 the beginning of the citation and with references to parts of
30 6 the publication, including but not limited to chapter, rule, or
30 7 subunit of a rule.

30 8 6. The Iowa Court Rules shall be cited as the Iowa Court
30 9 Rules, with references to the rule number and to subunits
30 10 of the publication, which may include but are not limited
30 11 to the Iowa Rules of Civil Procedure, the Iowa Rules of
30 12 Criminal Procedure, the Iowa Rules of Evidence, the Iowa

30 13 Rules of Appellate Procedure, the Iowa Rules of Professional
30 14 Conduct, and the Iowa Code of Judicial Conduct. Subject to
30 15 the legislative services agency style manual, the names of the
30 16 rules may be abbreviated.

30 17 Sec. 50. NEW SECTION . 2B.18 Iowa Code editor and
30 18 administrative code editor == custody and authentication.

30 19 1. The Iowa Code editor is the custodian of the official
30 20 legal publications known as the Iowa Acts, Iowa Code, and
30 21 Code Supplement. The Iowa Code editor may attest to and
30 22 authenticate any portion of such official legal publication
30 23 for purposes of admitting a portion of the official legal
30 24 publication in any court or office of any state, territory, or
30 25 possession of the United States or in a foreign jurisdiction.

30 26 2. The administrative code editor is the custodian of the
30 27 official legal publications known as the Iowa administrative
30 28 bulletin, the Iowa administrative code, and the Iowa court
30 29 rules. The administrative code editor may attest to and
30 30 authenticate any portion of such official legal publication
30 31 for purposes of admitting a portion of the official legal
30 32 publication in any court or office of any state, territory, or
30 33 possession of the United States or in a foreign jurisdiction.

30 34 Sec. 51. Section 7.17, subsection 2, Code 2009, is amended
30 35 by striking the subsection.

31 1 Sec. 52. Section 17A.4, subsection 1, paragraph a, Code
31 2 2009, is amended to read as follows:

31 3 a. Give notice of its intended action by submitting
31 4 the notice to the administrative rules coordinator and
31 5 the administrative code editor. The administrative rules
31 6 coordinator shall assign an ARC number to each rulemaking
31 7 document. The administrative code editor shall publish
31 8 each notice meeting the requirements of this chapter in the
31 9 Iowa administrative bulletin created pursuant to section
31 10 ~~17A.6~~ 2B.5A . The agency shall also submit a copy of the notice
31 11 to the chairpersons and ranking members of the appropriate
31 12 standing committees of the general assembly for additional
31 13 study. Any notice of intended action shall be published at
31 14 least thirty=five days in advance of the action. The notice
31 15 shall include a statement of either the terms or substance of

31 16 the intended action or a description of the subjects and issues
31 17 involved, and the time when, the place where, and the manner in
31 18 which interested persons may present their views.
31 19 Sec. 53. Section 17A.6, Code 2009, is amended by striking
31 20 the section and inserting in lieu thereof the following:
31 21 17A.6 Publications.
31 22 1. The administrative code editor shall publish the Iowa
31 23 administrative bulletin and the Iowa administrative code as
31 24 provided in section 2B.5A.
31 25 2. An agency which adopts standards by reference to
31 26 another publication shall deliver an electronic copy of
31 27 the publication, or the relevant part of the publication,
31 28 containing the standards to the administrative code editor
31 29 who shall publish it on the general assembly's internet site.
31 30 If an electronic copy of the publication is not available,
31 31 the agency shall deliver a printed copy of the publication to
31 32 the administrative code editor who shall deposit the copy in
31 33 the state law library where it shall be made available for
31 34 inspection and reference.
31 35 Sec. 54. Section 89.5, subsection 3, unnumbered paragraph
32 1 1, Code 2009, is amended to read as follows:
32 2 A rule adopted pursuant to this chapter which adopts
32 3 standards by reference to another publication shall be exempt
32 4 from the requirements of section ~~47A.6~~ 2B.5A , subsection 4, if
32 5 the following conditions exist:
32 6 Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph
32 7 1, Code Supplement 2009, is amended to read as follows:
32 8 A rule adopted pursuant to this section which adopts
32 9 standards by reference to another publication shall be exempt
32 10 from the requirements of section ~~47A.6~~ 2B.5A , subsection 4, if
32 11 the following conditions exist:
32 12 Sec. 56. Section 256.53, Code 2009, is amended to read as
32 13 follows:
32 14 256.53 State publications.
32 15 Upon issuance of a state publication in any format, a
32 16 state agency shall ~~deposit with~~ provide the division with
32 17 an electronic version of the publication at no cost to the
32 18 division, ~~seventy-five copies of the publication or a lesser~~

32 19 number if specified by the division, except as provided in
 32 20 section 2A.6 .
 32 21 Sec. 57. Section 267.6, Code 2009, is amended to read as
 32 22 follows:
 32 23 267.6 Iowa administrative procedure Act.
 32 24 The provisions of chapter 17A shall not apply to the council
 32 25 or any actions taken by it, except that any recommendations
 32 26 adopted by the council pursuant to section 267.5, subsection
 32 27 3, and any rules adopted by the council shall be adopted,
 32 28 amended, or repealed only after compliance with the provisions
 32 29 of sections 17A.4 , and 17A.5, and ~~47A.6~~ the publication
 32 30 requirements in section 2B.5A .
 32 31 Sec. 58. APPLICABILITY. The amendment to section 17A.4 in
 32 32 this division of this Act, establishing requirements for an
 32 33 agency to submit copies of rule notices to the chairpersons
 32 34 and ranking members of the appropriate standing committees, is
 32 35 applicable beginning January 11, 2011.

33 1 DIVISION IV

33 2 STATE BUDGETING AND PERSONNEL

33 3 Sec. 59. Section 8.36A, subsection 2, Code 2009, is amended
 33 4 to read as follows:
 33 5 2. a. If a department or establishment has reached or
 33 6 anticipates reaching the full-time equivalent position level
 33 7 authorized for the department but determines that conversion
 33 8 of a contract position to a full-time equivalent position
 33 9 would result in cost savings while providing comparable or
 33 10 better services, the department or establishment may request
 33 11 the director of the department of management to approve the
 33 12 conversion and addition of the full-time equivalent position.
 33 13 The request shall be accompanied by evidence demonstrating how
 33 14 the cost savings and service quality will be achieved through
 33 15 the conversion. If approved by the director of the department
 33 16 of management, the department's or establishment's authorized
 33 17 full-time equivalent position level shall be increased

CODE: Prohibits a department from converting and full-time equivalent (FTE) position to a contract position without approval of the Director of the DOM unless it is determined the contract position would result in a cost saving while providing comparable service. Limits the carried forward funds for operational appropriations permitted to be encumbered for training to internet-based training costs. Requires the DAS to adopt administrative rules for job sharing, telecommuting, and flex-time. Requires the judicial district department of correctional services to utilize the State accounting system (I3). Requires departments to track separately expenditures for contract services and employee training and submit the information semi-annually to the LSA. Requires departments to decrease FTE positions that have been vacant for at least six months. Requires funding in a department's adopted budget designated for FTE positions be used for only those costs. Requires each appropriations subcommittee of the General Assembly to annually review department fees.

33 18 accordingly and the revised level shall be reported to the
 33 19 fiscal committee of the legislative council and the legislative
 33 20 services agency.

33 21 b. A department or establishment shall not convert a
 33 22 full-time equivalent position authorized for the department
 33 23 or establishment to a contract position and shall not use
 33 24 appropriated moneys for such a contract position unless the
 33 25 department or establishment receives approval from the director
 33 26 of the department of management to convert the full-time
 33 27 equivalent position to a contract position. The director of
 33 28 the department of management shall not approve the conversion
 33 29 unless the department or establishment submits sufficient
 33 30 evidence that the conversion would result in cost savings while
 33 31 providing comparable or better services.

33 32 Sec. 60. Section 8.62, subsection 2, Code Supplement 2009,
 33 33 is amended to read as follows:

33 34 2. Notwithstanding the provisions of section 8.33 or any
 33 35 other provision of law to the contrary, if on June 30 of a
 34 1 fiscal year, a balance of an operational appropriation remains
 34 2 unexpended or unencumbered, not more than fifty percent of
 34 3 the balance may be encumbered by the agency to which the
 34 4 appropriation was made and used as provided in this section and
 34 5 the remaining balance shall be deposited in the cash reserve
 34 6 fund created in section 8.56. Moneys encumbered under this
 34 7 section shall only be used by the agency during the succeeding
 34 8 fiscal year for internet-based employee training, technology
 34 9 enhancement, or purchases of goods and services from Iowa
 34 10 prison industries. Unused moneys encumbered under this section
 34 11 shall be deposited in the cash reserve fund on June 30 of the
 34 12 succeeding fiscal year.

34 13 Sec. 61. Section 8A.413, Code Supplement 2009, is amended by
 34 14 adding the following new subsection:

34 15 NEW SUBSECTION . 24. For the development and operation of
 34 16 programs to promote job sharing, telecommuting, and flex-time
 34 17 opportunities for employment within the executive branch.

34 18 Sec. 62. COMMUNITY=BASED CORRECTIONS == STATE ACCOUNTING
 34 19 SYSTEM. Each judicial district department of correctional
 34 20 services shall utilize the state accounting system for purposes

FISCAL IMPACT: Potential impact includes:

- **Elimination of FTE Positions:** For FY 2011, this Division could potentially reduce State agencies' General Fund budgets by up to \$14.5 million and eliminate 255.0 FTE positions. The eliminated salaries would be transferred to the General Fund and be reflected as a reversion. In addition, this Division could reduce non-General Fund budgets by \$10.7 million and 176.0 FTE positions. The eliminated salaries would be transferred to the original funding source.

Currently, State agencies have the flexibility to move budgeted expenditures between expenditure classes, including salaries and benefits, in order to accommodate operational needs throughout the fiscal year. It is common for agencies to leave positions vacant in order to fund other unanticipated expenditures. In FY 2011, it is probable that requests for supplemental appropriations will increase as agencies will not have the flexibility to use funds budgeted for salaries and benefits for other operational cost increases.

Beyond FY 2011, this Division does not require the salary dollars that are associated with a vacant position eliminated after six months to be transferred to the original funding source. Departments have the authority to revise their budgets and move budgeted funds between expenditure classes. It is very likely that departments would revise their budgets prior to losing a position and any associated funds.

- **DAS Employee Programs:** The requirements in this Division relating to the DAS implementing programs to promote job-sharing, telecommuting, and flex-time opportunities within the Executive Branch may reduce State agencies' expenditures; however, the savings cannot be determined at this time.
- **State Accounting Procedures:** The provisions in this Division requiring the Judicial District Departments to use the State accounting system and all State agencies to separately track budgeted and actual expenditures for contract services and employee training will not be significant.

34 21 of tracking both appropriations and expenditures. Each
 34 22 judicial district department shall coordinate its accounting
 34 23 activities with the department of management for purposes of
 34 24 implementing the requirements of this section.
 34 25 Sec. 63. STATE AGENCY EFFICIENCY EFFORTS.
 34 26 1. LEAN EFFORTS. State agencies shall budget for and plan
 34 27 to conduct lean events as described in section 8.70. Each
 34 28 state agency shall coordinate its activities with the office
 34 29 of lean enterprise created in section 8.70 in developing plans
 34 30 to conduct lean events.
 34 31 2. SHARED RESOURCES. State agencies are encouraged to
 34 32 share resources and services, including staff, training, and
 34 33 educational services, to the greatest extent possible in order
 34 34 to best fulfill the duties of each agency at the least cost.
 34 35 Sec. 64. CONTRACT SERVICES == TRAINING.
 35 1 1. Each department, as defined in section 8.2, shall
 35 2 separately track the budget and actual expenditures for
 35 3 contract services and for employee training for each
 35 4 appropriation line item.
 35 5 2. The terms of the contracts for contracted services
 35 6 entered into or revised during the fiscal year shall
 35 7 incorporate quality assurance and cost control measures.
 35 8 3. The employee training tracking information shall be
 35 9 further divided into training categories. Each department's
 35 10 report on training tracking shall specifically address the use
 35 11 of electronically based training.
 35 12 4. Each department shall report to the legislative services
 35 13 agency on January 15 and July 15 of each year concerning
 35 14 the budget, expenditure, quality assurance, and cost control
 35 15 information addressed by this section for the previous six
 35 16 calendar months.
 35 17 Sec. 65. FULL=TIME EQUIVALENT POSITIONS == VACANCIES ==
 35 18 FUNDING. For the fiscal year beginning July 1, 2010, and
 35 19 ending June 30, 2011, the following shall apply:
 35 20 1. If a full=time equivalent position authorized for a
 35 21 department or establishment remains vacant for a period of
 35 22 at least six months, the department's or establishment's
 35 23 authorized full=time equivalent position level shall

- **LEAN Process:** Requiring State agencies to conduct events through the Office of Lean Enterprise may increase operational efficiencies; however, the savings cannot be determined.

NOTE: Section 62 of this Division was amended in SF 2378 (Justice System Appropriations Act) to clarify that the CBC District Departments are to report their financial data using the State budget system.

35 24 be decreased accordingly. However, the department or
 35 25 establishment may request the director of the department of
 35 26 management to reauthorize the full-time equivalent position if
 35 27 the department or establishment can establish that the position
 35 28 is difficult to fill and is critical for fulfilling the duties
 35 29 of the department or establishment.

35 30 2. Moneys appropriated to a department or establishment
 35 31 and designated by the department or establishment in the
 35 32 department's or establishment's adopted budget in the state
 35 33 accounting system for full-time equivalent positions shall only
 35 34 be used for full-time equivalent positions and shall not be
 35 35 used for other purposes.

36 1 Sec. 66. JOINT APPROPRIATIONS SUBCOMMITTEES == REVIEW OF
 36 2 AGENCY FEES. Each joint appropriations subcommittee of the
 36 3 general assembly shall examine and review on an annual basis
 36 4 the fees charged by state agencies under the purview of that
 36 5 joint appropriations subcommittee.

36 6 DIVISION V
 36 7 SPAN OF CONTROL

36 8 Sec. 67. Section 8A.402, subsection 2, paragraph g, Code
 36 9 Supplement 2009, is amended to read as follows:
 36 10 g. (1) (a) Consult with the department of management
 36 11 and discuss and collaborate with executive branch agencies to
 36 12 implement and maintain a policy for incrementally increasing
 36 13 the aggregate ratio in the number of employees per
 36 14 ~~supervisor~~ supervisory employee in executive branch agencies
 36 15 ~~to be fourteen employees for one supervisor~~ . For purposes of
 36 16 determining the effects of the policy on the state employee
 36 17 workforce, the base date of July 1, 2008, shall be used and
 36 18 the target date for full implementation shall be July 1, 2011.
 36 19 The target aggregate ratio of supervisory employees to other
 36 20 employees shall be as follows:
 36 21 (i) For the fiscal year beginning July 1, 2010, one to
 36 22 fourteen.

CODE: Requires an employee to supervisor span of control of 1:14 for FY 2011 and 1:15 for FY 2012. Defines "supervisory employee." Permits a supervisory employee in the Department of Public Safety to replace or bump a junior employee not being laid off if the supervisory employee is qualified for that position. Permits exceptions of policy by the Executive Council when a ratio is mandated by a federal requirement. Permits Executive Branch agencies to apply for a waiver from the FY 2012 ratio (1:15) under certain circumstances to a five-person review board composed of the DOM Director or designee, three department directors or designees designated by the Governor, and the American Federation of State, County, and Municipal Employees (AFSCME). Requires the Board of Regents to develop a policy regarding the employee to supervisor target aggregate ratio at each institution of 1:15. This Division is effective on enactment.

FISCAL IMPACT: This Division is estimated to result in net salary savings of \$15.5 million to the General Fund and \$24.1 million to non

36 23 (ii) For the fiscal year beginning July 1, 2011, one to
 36 24 fifteen.
 36 25 (b) For the purposes of this paragraph "g", "supervisory
 36 26 employee" means a public employee who is not a member of a
 36 27 collective bargaining unit and who has authority, in the
 36 28 interest of a public employer, to hire, transfer, suspend, lay
 36 29 off, recall, promote, discharge, assign, reward, or discipline
 36 30 other public employees, to direct such public employees, or
 36 31 to adjust the grievances of such public employees, or to
 36 32 effectively recommend any such action.
 36 33 (c) In this paragraph "g", executive branch agencies, except
 36 34 the department of public safety, shall not grant a supervisory
 36 35 employee with the right to replace or bump a junior employee
 37 1 not being laid off for a position for which the supervisory
 37 2 employee is qualified.
 37 3 ~~(b)~~ (d) The policy shall allow appropriation units
 37 4 with twenty-eight or fewer full-time equivalent employee
 37 5 positions to apply for an exception to the policy through the
 37 6 executive council. The policy shall allow for exceptions
 37 7 when the supervisory employee ratio is mandated by a federal
 37 8 requirement.
 37 9 (e) (i) Beginning July 1, 2011, the policy shall allow
 37 10 a director of an executive branch agency who believes that
 37 11 the agency will not be able to reach the applicable target
 37 12 aggregate ratio to apply for a waiver of that requirement
 37 13 through a five-person review board. In applying for a waiver,
 37 14 the director shall provide detailed documentation to the board
 37 15 describing the efforts that the executive branch agency has
 37 16 made in attempting to meet the applicable target aggregate
 37 17 ratio provided in this paragraph "g". The review board shall
 37 18 consist of the director of the department of management or
 37 19 a designee of the director, three agency directors or the
 37 20 designees of those directors as designated by the governor,
 37 21 and one public member selected by the employee organization
 37 22 representing the greatest number of executive branch employees.
 37 23 However, if a department represented on the review board seeks
 37 24 a waiver, the member representing the department shall not
 37 25 participate in the decision on whether to grant a waiver for

General Fund sources in FY 2011. Additional savings of \$1.9 million to the General Fund and \$2.9 million to non-General Fund sources are estimated for FY 2012. This Division is not expected to have a significant fiscal impact on the Board of Regents institutions.

NOTE: Section 71 of this Division was amended in SF 2378 (Justice System Appropriations Act) to clarify the waiver process for State agencies to purchase products from Iowa Prison Industries.

37 26 that department.
37 27 (ii) Prior to determining whether to grant a waiver, the
37 28 review board shall make an initial determination of whether the
37 29 executive branch agency has provided sufficient information
37 30 to conduct a review. If not, the review board shall deny
37 31 the request and notify the executive branch agency of the
37 32 information needed to consider the request for waiver. If a
37 33 waiver is granted, the review board shall limit the waiver to
37 34 only those operations within an executive branch agency in
37 35 which adequate justification for granting a waiver has been
38 1 established.
38 2 (f) The policy shall provide that if layoffs are
38 3 implemented, the number of middle management position layoffs
38 4 shall correspond to the relative number of direct service
38 5 position layoffs.
38 6 (g) The policy shall improve on the system in effect as
38 7 of the base date by specifically defining and accounting for
38 8 supervisory employee span of control.
38 9 (h) The policy shall provide that in calculating the span
38 10 of control ratio for an executive branch agency, unfunded
38 11 full-time equivalent positions shall not be utilized.
38 12 ~~(e)~~ (i) The department shall present an interim report
38 13 to the governor and general assembly on or before April 1,
38 14 2010, annual updates on or before April 1 subsequently, and a
38 15 final report on or before April 1, 2014 2012 , detailing the
38 16 effects of the policy on the composition of the workforce, cost
38 17 savings, government efficiency, and outcomes.
38 18 ~~(d)~~ (j) The policy developed pursuant to this paragraph "g"
38 19 shall not encompass employees under the state board of regents ,
38 20 the department of human services, or a judicial district
38 21 department of correctional services . However, the department
38 22 of administrative services shall work with the state board of
38 23 regents, the department of human services, and the judicial
38 24 district departments of correctional services to advance the
38 25 policy as a goal for the supervisory staff of these units of
38 26 state government.
38 27 (2) Evaluate the state's systems for job classification of
38 28 executive branch employees in order to ensure the existence

38 29 of technical skill-based career paths for such employees
38 30 which do not depend upon an employee gaining supervisory
38 31 responsibility for advancement, and which provide incentives
38 32 for such employees to broaden their knowledge and skill base.
38 33 The evaluation shall include but is not limited to a review of
38 34 the classifications for all positions and providing options
38 35 for eliminating obsolete, duplicative, or unnecessary job
39 1 classifications. The department shall present interim reports
39 2 to the general assembly on or before January 15, 2010, and
39 3 January 14, 2011, concerning the department's progress in
39 4 completing the evaluation and associated outcomes.
39 5 Sec. 68. NEW SECTION . 262.9C Span of control policy.
39 6 1. The state board of regents shall develop and maintain a
39 7 policy regarding the aggregate ratio of the number of employees
39 8 per supervisory employee at each of the institutions under
39 9 the control of the board subject to the requirements of this
39 10 section.
39 11 2. The target span of control aggregate ratio of supervisory
39 12 employees to other employees shall be one to fifteen. The
39 13 target span of control ratio shall not apply to employees
39 14 involved with direct patient care, faculty, and employees in
39 15 other areas of the institutions that must maintain different
39 16 span of control ratios due to federal or state regulations.
39 17 3. For the purposes of this section, "supervisory employee"
39 18 means a public employee who is not a member of a collective
39 19 bargaining unit and who has authority, in the interest of a
39 20 public employer, to hire, transfer, suspend, lay off, recall,
39 21 promote, discharge, assign, reward, or discipline other public
39 22 employees, to direct such public employees, or to adjust
39 23 the grievances of such public employees, or to effectively
39 24 recommend any such action.
39 25 4. The policy shall allow departments within an institution
39 26 under the control of the state board of regents with
39 27 twenty-eight or fewer full-time equivalent employee positions
39 28 to be granted an exception to the policy by the board.
39 29 Departments applying for an exception shall file a statement of
39 30 need with the applicable institutional human resources office
39 31 and the office shall make a recommendation to the state board

39 32 of regents.
39 33 5. The state board of regents shall present an interim
39 34 report to the governor and general assembly on or before April
39 35 1, 2010, with annual updates detailing the effects of the
40 1 policy on the composition of the workforce, cost savings,
40 2 efficiencies, and outcomes. In addition, the report and
40 3 annual updates shall identify those departments within each
40 4 institution under the control of the board granted an exception
40 5 by the board to the policy as provided in this section.
40 6 Sec. 69. EFFECTIVE UPON ENACTMENT. This division of this
40 7 Act, being deemed of immediate importance, takes effect upon
40 8 enactment.

40 9 DIVISION VI
40 10 BOARD OF REGENTS == COOPERATIVE
40 11 PURCHASING

40 12 Sec. 70. NEW SECTION . 262.9B Cooperative purchasing.
40 13 1. Overview. The state board of regents for institutions
40 14 under its control shall coordinate interagency cooperation with
40 15 state agencies, as defined in section 8A.101, in the area of
40 16 purchasing and information technology with the goal of annually
40 17 increasing the amount of joint purchasing. The board and the
40 18 institutions under the control of the board shall engage the
40 19 department of administrative services, the chief information
40 20 officer of the state, and other state agencies authorized to
40 21 purchase goods and services in pursuing mutually beneficial
40 22 activities relating to purchasing items and acquiring
40 23 information technology. The board and the institutions shall
40 24 explore ways to leverage resources, identify cost savings,
40 25 implement efficiencies, and improve effectiveness without
40 26 compromising the mission of the board and the institutions
40 27 under the control of the board relative to students and
40 28 research commitments.

CODE: Requires the Board of Regents and Regents institutions to cooperate with the DAS, the Chief Information Officer, and other State agencies in the areas of joint purchasing and information technology and to explore ways to leverage resources, identify cost savings, implement efficiencies, and improve effectiveness.

FISCAL IMPACT: The cost savings for this provision are unknown.

40 29 2. Purchasing.

CODE: Requires the Board of Regents and Regents institutions to

40 30 a. The board shall direct the institutions under its control
 40 31 to cooperate with the department of administrative services and
 40 32 other state agencies authorized to purchase goods and services
 40 33 in efforts to collaboratively purchase goods and services that
 40 34 result in mutual cost savings and efficiency improvements.
 40 35 b. The board and the institutions under its control shall
 41 1 assist the department of administrative services by doing the
 41 2 following:
 41 3 (1) Identifying best practices that produce cost savings
 41 4 and improve state government processes.
 41 5 (2) Exploring joint purchases of general use items that
 41 6 result in mutual procurement of quality goods and services at
 41 7 the lowest reasonable cost.
 41 8 (3) Exploring flexibility, administrative relief, and
 41 9 transformational changes through procurement technology.
 41 10 c. The board shall convene at least quarterly an interagency
 41 11 purchasing group meeting including the institutions under
 41 12 its control, the department of administrative services, the
 41 13 department of transportation, and any other state agency
 41 14 authorized to purchase goods and services, for the purposes of
 41 15 timely cooperation in purchasing goods and services and for
 41 16 the identification of practical measures that improve state
 41 17 agency performance of programs and operations, reduce total
 41 18 costs of state government operations, increase productivity,
 41 19 improve services and make state government more responsive and
 41 20 accountable to the public.

41 21 3. Information technology.

41 22 a. The board shall direct institutions under its control
 41 23 to cooperate with the chief information officer of the state
 41 24 in efforts to cooperatively obtain information technology
 41 25 and related services that result in mutual cost savings
 41 26 and efficiency improvements, and shall seek input from the
 41 27 department of administrative services and the chief information
 41 28 officer of the state regarding specific areas of potential
 41 29 cooperation between the institutions under the control of the
 41 30 board and the department of administrative services.

cooperate with other State agencies and:

- Identify best practices to produce cost savings and improve processes.
- Explore joint purchases to procure quality goods at the lowest reasonable price.
- Explore flexibility, administrative relief, and transformational change by using procurement technology.

At least four times per year, requires the Board to convene an interagency purchasing group meeting with the DAS, the Department of Transportation (DOT), and other State agencies to cooperate in purchases of goods and services, improve performance, reduce costs, improve productivity and services, and make State government more responsive and accountable to the public.

FISCAL IMPACT: The cost savings for this provision are unknown.

CODE: Requires the Board of Regents and Regents institutions to cooperate with the Chief Information Officer of the State to cooperatively obtain information technology and services for mutual cost savings and seek input from the Chief Information Officer and the DAS regarding areas of potential cooperation.

Requires the Board to convene an interagency information technology group at least quarterly for timely cooperation.

FISCAL IMPACT: The fiscal impact cannot be estimated.

41 31 b. The board shall convene at least quarterly an interagency
 41 32 information technology group meeting including the institutions
 41 33 under its control, the state chief information officer and
 41 34 any other agency authorized to purchase goods and services,
 41 35 for purposes of timely cooperation in obtaining information
 42 1 technology and related services.

42 2 4. Cooperative purchasing plan. The board shall, before
 42 3 July 1 of each year, prepare a plan that identifies specific
 42 4 areas of cooperation between the institutions under its
 42 5 control, the department of administrative services, and the
 42 6 chief information officer of the state, that will be addressed
 42 7 for the next fiscal year including timelines for implementing,
 42 8 analyzing, and evaluating each of the areas of cooperation.
 42 9 The plan shall also identify the potential for greater
 42 10 interinstitutional cooperation in areas that would result in a
 42 11 net cost savings.

42 12 5. Report. The board shall, on or before November 1, submit
 42 13 a report to the general assembly and the governor providing
 42 14 information on the cooperative purchasing plan prepared
 42 15 for that fiscal year by the board and on the results of the
 42 16 quarterly interagency meetings, including the specific cost
 42 17 savings or efficiency gains that have resulted from utilization
 42 18 of cooperative efforts and the implementation of identified
 42 19 best practices.

42 20 DIVISION VII
 42 21 DEPARTMENT OF ADMINISTRATIVE SERVICES == PURCHASING

42 22 Sec. 71. Section 8A.302, subsection 1, Code 2009, is amended
 42 23 to read as follows:
 42 24 1. Providing a system of uniform standards and
 42 25 specifications for purchasing. When the system is developed,
 42 26 all items of general use shall be purchased by state

CODE: Requires the Board of Regents to prepare a plan identifying specific areas of interagency cooperation for the next fiscal year by July 1, including timelines, analysis and evaluation, and areas that will result in cost savings.

FISCAL IMPACT: No significant impact.

CODE: Requires the Board of Regents to report to the General Assembly by November 1 on the cooperative purchasing plan and the results of the quarterly interagency meetings.

FISCAL IMPACT: No significant impact.

CODE: This Division exempts the Board of Regents from purchasing outside the DAS. Permits the DAS to authorize the DOT, the Department of the Blind, or other agencies exempted by law from centralized purchasing if the DAS determines that it is in the best interest of the State. This Division requires all agencies to obtain

42 27 agencies through the department, except items used by
 42 28 the state ~~department of transportation~~, board of regents
 42 29 and institutions under the control of the state board of
 42 30 regents ; However, the department may authorize the department
 42 31 of transportation, the department for the blind, and any other
 42 32 agencies otherwise exempted by law from centralized purchasing,
 42 33 to directly purchase items used by those agencies without going
 42 34 through the department, if the department of administrative
 42 35 services determines such purchasing is in the best interests
 43 1 of the state . However, items of general use may be purchased
 43 2 through the department by any governmental entity.
 43 3 Sec. 72. Section 8A.311, subsection 10, paragraph a, Code
 43 4 2009, is amended to read as follows:
 43 5 a. The director shall adopt rules providing that any state
 43 6 agency may, upon request and approval by the department ,
 43 7 purchase directly from a vendor if the direct purchasing is
 43 8 ~~as economical or more economical than purchasing through the~~
 43 9 ~~department, or upon a showing~~ if the agency shows that direct
 43 10 purchasing by the state agency would be in the best interests
 43 11 of the state due to an immediate or emergency need ~~. The rules~~
 43 12 ~~shall include a provision permitting a state agency to purchase~~
 43 13 ~~directly from a vendor, on the agency's own authority~~ , or if
 43 14 the purchase will would contribute to the agency complying with ~~or~~
 43 15 ~~exceeding~~ the targeted small business procurement goals under
 43 16 sections 73.15 through 73.21.
 43 17
 43 18 Sec. 73. NEW SECTION . 8A.311A Centralized purchasing.
 43 19 1. The department may designate goods and services of
 43 20 general use that agencies shall, and governmental subdivisions
 43 21 may, purchase pursuant to a master contract established by the
 43 22 department for that good or service. The department shall
 43 23 establish a master contract subject to the requirements of
 43 24 this section if the department determines that a high-quality
 43 25 good or service can be acquired by agencies and governmental
 43 26 subdivisions at lower cost through the establishment of a
 43 27 master contract.
 43 28 2. The department shall establish a master contract
 43 29 pursuant to this section on a competitive basis, and the

approval from the DAS to purchase directly from a vendor. However,
 a waiver may be granted if purchasing from a vendor is more
 economical.

This Division requires agencies to purchase goods and services
 pursuant to a master contract negotiated by the DAS. The DAS will
 negotiate master contracts if it determines that high-quality goods or
 services can be acquired at a lower cost through negotiation of a
 master contract. Authorizes the DAS to permit agencies to purchase
 goods or services directly from vendors if it is more economical or in
 the best interests of the State without the master contract. The
 Director of DAS will collaborate and cooperate with the Board of
 Regents and other exempted agencies to explore joint purchases of
 general use items and obtain goods and services at the lowest cost.

This Division requires agencies to report to the DAS concerning what
 the agency plans to buy on an annual basis, and efforts to standardize
 purchasing and services within their own agency.

FISCAL IMPACT: This Division is estimated to save the agencies that
 are funded from the General Fund \$7.5 million in FY 2011 and \$7.5
 million in FY 2012. This Division is estimated to save the DOT \$7.5
 million in FY 2011 and \$7.5 million in FY 2012.

43 30 purchase of a good or service pursuant to the contract shall be
43 31 deemed to satisfy any otherwise applicable competitive bidding
43 32 requirements.

43 33 3. Upon the establishment of a master contract for a good or
43 34 service pursuant to this section, an agency shall purchase the
43 35 good or service pursuant to the contract, and shall not expend
44 1 money to purchase the good or service directly from a vendor
44 2 and not through the contract, unless any of the following
44 3 applies:

44 4 a. The department determines, upon a request by the agency,
44 5 that the agency can satisfy the requirements for purchase of
44 6 the good or service directly from a vendor as provided in
44 7 section 8A.311, subsection 10, paragraph "a".

44 8 b. The agency is purchasing the good or service pursuant
44 9 to another contract in effect on the effective date of the
44 10 master contract. However, the agency shall terminate the
44 11 other contract if the contract permits the termination of the
44 12 contract without penalty and the agency shall not renew the
44 13 other contract beyond the current term of the other contract.

44 14 Sec. 74. Section 8A.312, Code 2009, is amended to read as
44 15 follows:

44 16 8A.312 Cooperative purchasing.

44 17 The director may purchase items through ~~the state department~~
44 18 ~~of transportation, institutions under the control of the state~~
44 19 ~~board of regents, and any other agency specifically exempted~~
44 20 ~~by law from centralized purchasing as well as from other~~
44 21 ~~interstate and intergovernmental entities . These state~~
44 22 ~~agencies shall upon request furnish the director with a list~~
44 23 ~~of and specifications for all items of office equipment,~~
44 24 ~~furniture, fixtures, motor vehicles, heavy equipment, and other~~
44 25 ~~related items to be purchased during the next quarter and~~
44 26 ~~the date by which the director must file with the agency the~~
44 27 ~~quantity of items to be purchased by the state agency for the~~
44 28 ~~department. The department shall collaborate and cooperate~~
44 29 ~~with the state board of regents and institutions under the~~
44 30 ~~control of the state board of regents, as provided in section~~
44 31 ~~262.9B, and any other state agency exempt from centralized~~
44 32 ~~purchasing to explore joint purchases of general use items that~~

44 33 present opportunities to obtain quality goods and services at
44 34 the lowest reasonable cost. The department shall be liable
44 35 to the state agency for the proportionate costs the items
45 1 purchased for the department bear to the total purchase price.
45 2 When items purchased have been delivered, the state agency
45 3 shall notify the director and after receipt of the purchase
45 4 price shall release the items to the director or upon the
45 5 director's order.

45 6 Sec. 75. Section 307.21, subsection 1, paragraph d, Code
45 7 Supplement 2009, is amended to read as follows:
45 8 d. Provide centralized purchasing services for the
45 9 department, ~~in cooperation with~~ if authorized by the department
45 10 of administrative services. The administrator shall, when
45 11 the price is reasonably competitive and the quality as
45 12 intended, purchase soybean-based inks and plastic products with
45 13 recycled content, including but not limited to plastic garbage
45 14 can liners, and shall purchase these items in accordance
45 15 with the schedule established in section 8A.315. However,
45 16 the administrator need not purchase garbage can liners in
45 17 accordance with the schedule if the liners are utilized by a
45 18 facility approved by the environmental protection commission
45 19 created under section 455A.6, for purposes of recycling. For
45 20 purposes of this section, "recycled content" means that the
45 21 content of the product contains a minimum of thirty percent
45 22 postconsumer material.

45 23 Sec. 76. STATE GOVERNMENT PURCHASING EFFORTS == DEPARTMENT
45 24 OF ADMINISTRATIVE SERVICES. In order to facilitate efficient
45 25 and cost-effective purchasing, the department of administrative
45 26 services shall do the following:
45 27 1. Require state agencies to provide the department a report
45 28 regarding planned purchases on an annual basis and to report
45 29 on an annual basis regarding efforts to standardize products
45 30 and services within their own agencies and with other state
45 31 agencies.
45 32 2. Require state employees who conduct bids for services to
45 33 receive training on an annual basis about procurement rules and
45 34 regulations and procurement best practices.
45 35 3. Identify procurement compliance employees within the

46 1 department.
 46 2 4. Review the process and basis for establishing
 46 3 departmental fees for purchasing.
 46 4 5. Establish a work group to collaborate on best practices
 46 5 to implement the best cost savings for the state concerning
 46 6 purchasing.
 46 7 6. Explore interstate and intergovernmental purchasing
 46 8 opportunities and encourage the legislative and judicial
 46 9 branches to participate in consolidated purchasing and
 46 10 efficiencies wherever possible.
 46 11 7. Expand the use of procurement cards throughout state
 46 12 government to facilitate purchasing of items by state agencies.

46 13 DIVISION VIII
 46 14 DEPARTMENT OF ADMINISTRATIVE SERVICES == OPERATIONS

46 15 Sec. 77. Section 8A.104, Code 2009, is amended by adding the
 46 16 following new subsection:
 46 17 NEW SUBSECTION . 12A. Examine and develop best practices
 46 18 for the efficient operation of government and encourage state
 46 19 agencies to adopt and implement these practices.
 46 20 Sec. 78. NEW SECTION . 8A.459 State employee pay and
 46 21 allowances == electronic funds transfer.
 46 22 Effective July 1, 2011, notwithstanding any provision of
 46 23 law to the contrary, all pay and allowances to state employees
 46 24 shall be paid via electronic funds transfer, unless otherwise
 46 25 provided pursuant to a collective bargaining agreement. A
 46 26 state employee may elect to receive pay and allowances as
 46 27 paper warrants in lieu of electronic funds transfers, but the
 46 28 department shall charge an administrative fee for processing
 46 29 such paper warrants. However, the department may, for good
 46 30 cause shown, waive the administrative fee. The fee may be
 46 31 automatically deducted from the state employee's pay and
 46 32 allowances before the warrant is issued to the state employee.

CODE: Requires all pay and allowances to State employees to be paid via electronic funds transfer (EFT) unless the employee is currently under a collective bargaining agreement that provides otherwise. State employees may elect to receive paper warrants, but would be charged an administrative fee. Individual departments may waive the fee if good cause is shown.

FISCAL IMPACT: The estimated annual savings to the General Fund is \$45,000 and the estimated annual savings to non-General Fund sources is \$71,000.

46 33 Sec. 79. DEPARTMENT OF ADMINISTRATIVE SERVICES ==

Requires the DAS and the DOM to examine the process by which

46 34 STREAMLINED HIRING. The department of administrative services
46 35 shall, in consultation with the department of management,
47 1 examine the process by which state agencies hire personnel
47 2 with the goal of simplifying and reducing the steps needed
47 3 for state agencies to hire personnel. The department shall
47 4 provide information to the general assembly concerning steps
47 5 taken to implement a more streamlined hiring process and any
47 6 recommendations for legislative action.

State agencies hire personnel with the goal of reducing steps needed for agencies to hire personnel. Requires the DAS to report to the General Assembly concerning findings and recommendations for legislative action.

FISCAL IMPACT: No significant impact.

47 7 Sec. 80. DEPARTMENT OF ADMINISTRATIVE SERVICES == REAL
47 8 ESTATE AND LEASE MANAGEMENT.

Requires the DAS to conduct a property inventory and a review of State office leases. Requires the DAS to recommend the sale of property and explore options for selling State property and lease back to the State.

47 9 1. REAL ESTATE AUDIT. The department of administrative
47 10 services shall complete an inventory of surplus and unused
47 11 state properties, including properties owned or under the
47 12 control of the department of transportation, and recommend
47 13 which assets could be sold at a premium price. State historic
47 14 buildings would not be eligible for sale and only those assets
47 15 identified as being surplus and no longer related to their
47 16 mission would be eligible for sale.

FISCAL IMPACT: This item is estimated to result in savings to the General Fund of \$102,000 for FY 2010, \$108,000 for FY 2011, and \$98,000 for FY 2012. The estimated savings to non-General Fund sources is \$21,000 for FY 2010, \$24,000 for FY 2011, and \$4,000 for FY 2012.

47 17 2. LEASE AUDIT. The department of administrative services
47 18 shall conduct a thorough review of all state office leases
47 19 and wherever possible, require state agencies to consolidate
47 20 office spaces that are rented from private sector landlords.
47 21 In addition, the department should work directly with all state
47 22 agencies to begin renegotiating office leases to obtain more
47 23 favorable lease terms.

47 24 3. SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS. The
47 25 department of administrative services shall explore potential
47 26 opportunities for state agencies to sell some properties to a
47 27 private sector owner and then lease them back.

47 28 4. REPORT. The department shall submit a report to
47 29 the general assembly by January 1, 2011, concerning the
47 30 requirements of this section. The report shall, if applicable,
47 31 identify any statutory barriers for pursuing efforts described
47 32 in this section and shall include in the report its findings
47 33 and any recommendations for legislative action.

47 34 Sec. 81. STATE BOARD OF REGENTS == REAL ESTATE AUDIT. The
47 35 state board of regents shall complete an inventory of real
48 1 estate property owned or leased by the state board of regents
48 2 and institutions under the control of the state board of
48 3 regents, including information regarding the current and
48 4 intended use of the property. The board shall submit a report
48 5 to the general assembly and governor by January 1, 2011,
48 6 detailing the real estate property owned or leased by the state
48 7 board of regents and institutions under the control of the
48 8 state board of regents.

Requires the Board of Regents to complete an audit of the real estate property owned and leased by Regents institutions and report to the General Assembly and the Governor by January 1, 2011.

FISCAL IMPACT: No significant impact.

48 9 Sec. 82. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
48 10 SALE OF REAL PROPERTY.
48 11 1. During the fiscal year beginning July 1, 2010, and ending
48 12 June 30, 2011, the department of administrative services,
48 13 in collaboration with the department of human services
48 14 and the department of corrections, shall identify and sell
48 15 real property under the control of the departments that is
48 16 not necessary to further the mission of the department of
48 17 human services and the department of corrections and that
48 18 will maximize the return to the state. Notwithstanding any
48 19 provision of law to the contrary, moneys received for the sale
48 20 of property pursuant to this subsection shall be deposited in
48 21 the general fund of the state.
48 22 2. During the fiscal year beginning July 1, 2010, and
48 23 ending June 30, 2011, the department of administrative services
48 24 shall, pursuant to the real estate and lease management review
48 25 conducted by the department as provided in this Act, identify
48 26 and sell or sell and lease back real property under the control
48 27 of the department that will maximize the return to the state.
48 28 Notwithstanding any provision of law to the contrary, moneys
48 29 received for the sale of property pursuant to this subsection
48 30 shall be deposited in the general fund of the state.

CODE: Requires the DAS with the Department of Human Services (DHS) and the Department of Corrections (DOC) to sell property no longer necessary for the DHS or the DOC. Requires the DAS to sell property under its control to maximize the return to the State. Requires revenue from the sales to be deposited in the General Fund.

FISCAL IMPACT: It is estimated that \$13.8 million will be generated by the sale of these properties in FY 2011.

48 31 DIVISION IX
48 32 ALCOHOLIC BEVERAGES

48 33 DIVISION == MICRO=DISTILLERIES

48 34 Sec. 83. Section 123.32, subsection 1, Code Supplement
48 35 2009, is amended to read as follows:

49 1 1. Filing of application. An application for a class "A",
49 2 class "B", class "C", or class "E" liquor control license, for
49 3 a class "A" micro=distilled spirits permit, for a retail beer
49 4 permit as provided in sections 123.128 and 123.129, or for a
49 5 class "B", class "B" native, or class "C" native retail wine
49 6 permit as provided in section 123.178, 123.178A, or 123.178B,
49 7 accompanied by the necessary fee and bond, if required, shall
49 8 be filed with the appropriate city council if the premises for
49 9 which the license or permit is sought are located within the
49 10 corporate limits of a city, or with the board of supervisors
49 11 if the premises for which the license or permit is sought are
49 12 located outside the corporate limits of a city. An application
49 13 for a class "D" liquor control license and for a class "A"
49 14 beer or class "A" wine permit, accompanied by the necessary
49 15 fee and bond, if required, shall be filed with the division,
49 16 which shall proceed in the same manner as in the case of an
49 17 application approved by local authorities.

49 18 Sec. 84. NEW SECTION . 123.43A Micro=distilled spirits ==
49 19 permit.

49 20 1. For the purposes of this section, unless the context
49 21 other requires:

49 22 a. "Micro=distillery" means a business with an operational
49 23 still which, combining all production facilities of the
49 24 business, produces and manufactures less than fifty thousand
49 25 proof gallons of distilled spirits on an annual basis.

49 26 b. "Micro=distilled spirits" means distilled spirits
49 27 fermented, distilled, or, for a period of two years, barrel
49 28 matured on the licensed premises of the micro=distillery where
49 29 fermented, distilled, or matured. "Micro=distilled spirits"
49 30 also includes blended or mixed spirits comprised solely of
49 31 spirits fermented, distilled, or, for a period of two years,
49 32 barrel matured at a micro=distillery.

49 33 2. Subject to rules of the division, a micro=distillery

CODE: Establishes the Class A Micro-distilled spirit permit. Micro-Distilleries in the State are permitted to sell 1.5 liters per person per day of micro-distilled spirits on the business premises. Establishes a Class A Micro-distilled spirit permit to be issued and renewed annually for \$500.

FISCAL IMPACT: Micro-distilleries will sell at the current market level and retain excess profit internally. The fiscal impact to the General Fund is estimated to be minimal.

49 34 holding a class "A" micro=distilled spirits permit pursuant
49 35 to this section may sell or offer for sale micro=distilled
50 1 spirits. As provided in this section, sales may be made at
50 2 retail for off=premises consumption when sold on the premises
50 3 of the micro=distillery that manufactures micro=distilled
50 4 spirits. All sales shall be made through the state's wholesale
50 5 distribution system.

50 6 3. A micro=distillery shall not sell more than one and
50 7 one=half liters per person per day, of micro=distilled spirits
50 8 on the premises of the micro=distillery. In addition, a
50 9 micro=distillery shall not directly ship micro=distilled
50 10 spirits for sale at retail. The micro=distillery shall
50 11 maintain records of individual purchases of micro=distilled
50 12 spirits at the micro=distillery for three years.

50 13 4. A micro=distillery shall not sell micro=distilled
50 14 spirits other than as permitted in this chapter and shall not
50 15 allow micro=distilled spirits sold to be consumed upon the
50 16 premises of the micro=distillery. However, as a part of a
50 17 micro=distillery tour, micro=distilled spirits of no more than
50 18 two ounces per person per day may be sampled on the premises
50 19 where fermented, distilled, or matured, when no charge is made
50 20 for the sampling.

50 21 5. A class "A" micro=distilled spirits permit for a
50 22 micro=distillery shall be issued and renewed annually upon
50 23 payment of a fee of five hundred dollars.

50 24 6. The sale of micro=distilled spirits to the division for
50 25 wholesale disposition and sale by the division shall be subject
50 26 to the requirements of this chapter regarding such disposition
50 27 and sale.

50 28 7. The division shall issue no more than three permits under
50 29 this section to a person. In addition, a micro=distillery
50 30 issued a permit under this section shall file with the
50 31 division all documents filed by the micro=distillery with the
50 32 alcohol and tobacco tax and trade bureau of the United States
50 33 department of the treasury, including all production, storage,
50 34 and processing reports.

50 35 8. Micro=distilled spirits purchased at a micro=distillery
51 1 shall not be consumed within three hundred feet of a

51 2 micro=distillery or on any property owned, operated, or
51 3 controlled by a micro=distillery.

51 4 DIVISION X

51 5 ALCOHOLIC BEVERAGES DIVISION == CHARITY BEER AND WINE AUCTION

51 6 PERMIT

51 7 Sec. 85. NEW SECTION . 123.173A Charity beer and wine
51 8 auction permit.

51 9 1. For purposes of this section, "authorized nonprofit
51 10 entity" includes a nonprofit entity which has a principal office
51 11 in the state, a nonprofit corporation organized under chapter
51 12 504, or a foreign corporation as defined in section 504.141,
51 13 whose income is exempt from federal taxation under section
51 14 501(c) of the Internal Revenue Code.

51 15 2. An authorized nonprofit entity may, upon application to
51 16 the division and receipt of a charity beer and wine auction
51 17 permit from the division, conduct a charity auction which
51 18 includes beer and wine. The application shall specify the
51 19 date and time when the charity beer and wine auction is to be
51 20 conducted and the premises in this state where the charity beer
51 21 and wine auction is to be physically conducted. The applicant
51 22 shall certify that the objective of the charity beer and wine
51 23 auction is to raise funds solely to be used for educational,
51 24 religious, or charitable purposes and that the entire proceeds
51 25 from the charity beer and wine auction are to be expended for
51 26 any of the purposes described in section 423.3, subsection 78.

51 27 3. An authorized nonprofit entity shall be eligible
51 28 to receive only two charity beer and wine auction permits
51 29 during a calendar year and each charity beer and wine auction
51 30 permit shall be valid for a period not to exceed thirty=six
51 31 consecutive hours.

51 32 4. The authorized nonprofit entity conducting the charity
51 33 beer and wine auction shall obtain the beer and wine to be
51 34 auctioned at the charity beer and wine auction from an Iowa
51 35 retail beer permittee or an Iowa retail wine permittee, or

CODE: Establishes the Charity Beer and Wine Auction Permit for authorized nonprofit entities to raise funds solely for educational, religious, or charitable purposes within the State. Beer and wine sold at the auction is for off-premises consumption only. The purchaser is prohibited from taking possession of the beer or wine until the event is concluded. The fee for the Charity Beer and Wine Auction Permit is \$100.

FISCAL IMPACT: This Division is estimated to generate \$12,000 in revenue to the General Fund in FY 2011 and \$14,000 in FY 2012.

52 1 may receive donations of beer or wine to be auctioned at
52 2 the charity beer and wine auction from persons who purchased
52 3 the donated beer or wine from an Iowa retail beer permittee
52 4 or an Iowa retail wine permittee and who present a receipt
52 5 documenting the purchase at the time the beer or wine is
52 6 donated. The authorized nonprofit entity conducting the
52 7 charity beer and wine auction shall retain a copy of the
52 8 receipt for a period of one year from the date of the charity
52 9 beer and wine auction.

52 10 5. Persons shall be physically present at the charity beer
52 11 and wine auction to be eligible to bid on beer and wine sold at
52 12 the charity auction.

52 13 6. The beer and wine sold at the charity beer and wine
52 14 auction shall be in original containers for consumption off
52 15 of the premises where the charity beer and wine auction is
52 16 conducted. No other alcoholic beverage may be sold by the
52 17 charity beer and wine auction permittee at the charity beer and
52 18 wine auction. A purchaser of beer or wine at a charity beer
52 19 and wine auction shall not take possession of the beer or wine
52 20 until the person is leaving the event. A purchaser of beer
52 21 or wine at a charity beer and wine auction shall not open the
52 22 container or consume or permit the consumption of the beer or
52 23 wine purchased on the premises where the charity beer and wine
52 24 auction is conducted. A purchaser of beer or wine at a charity
52 25 beer and wine auction shall not resell the beer or wine.

52 26 7. A liquor control licensee, beer permittee, or wine
52 27 permittee shall not purchase beer or wine at a charity beer
52 28 and wine auction. The charity beer and wine auction may be
52 29 conducted on a premises for which a class "B" liquor control
52 30 license or class "C" liquor control license has been issued,
52 31 provided that the liquor control licensee does not participate
52 32 in the charity beer and wine auction, supply beer or wine to be
52 33 auctioned at the charity beer and wine auction, or receive any
52 34 of the proceeds of the charity beer and wine auction.

52 35 Sec. 86. Section 123.179, Code 2009, is amended by adding
53 1 the following new subsection:

53 2 NEW SUBSECTION . 5. The fee for a charity beer and wine
53 3 auction permit is one hundred dollars.

53 4 DIVISION XI

53 5 ALCOHOLIC BEVERAGES DIVISION == HIGH

53 6 ALCOHOL BEER

53 7 Sec. 87. Section 123.3, subsection 5, Code 2009, is amended
53 8 to read as follows:

53 9 5. "Alcoholic liquor" or "intoxicating liquor" means the
53 10 varieties of liquor defined in subsections 3 and 33 which
53 11 contain more than five percent of alcohol by weight, beverages
53 12 made as described in subsection 7 which beverages contain
53 13 more than five percent of alcohol by weight but which are not
53 14 wine as defined in subsection 37 or high alcoholic content
53 15 beer as defined in subsection 14A , and every other liquid or
53 16 solid, patented or not, containing spirits and every beverage
53 17 obtained by the process described in subsection 37 containing
53 18 more than seventeen percent alcohol by weight or twenty=one
53 19 and twenty=five hundredths percent of alcohol by volume, and
53 20 susceptible of being consumed by a human being, for beverage
53 21 purposes. Alcohol manufactured in this state for use as fuel
53 22 pursuant to an experimental distilled spirits plant permit or
53 23 its equivalent issued by the federal bureau of alcohol, tobacco
53 24 and firearms is not an "alcoholic liquor".

53 25 Sec. 88. Section 123.3, Code 2009, is amended by adding the
53 26 following new subsection:

53 27 NEW SUBSECTION . 14A. "High alcoholic content beer" means
53 28 beer which contains more than five percent of alcohol by
53 29 weight, but not more than twelve percent of alcohol by weight,
53 30 that is made by the fermentation of an infusion in potable
53 31 water of barley, malt, and hops, with or without unmalted
53 32 grains or decorticated and degerminated grains.

53 33 Sec. 89. Section 123.124, Code 2009, is amended to read as
53 34 follows:

53 35 123.124 Permits == classes.

54 1 Permits for the manufacture and sale, or sale of beer shall
54 2 be divided into ~~four~~ six classes, known as class "A", special
54 3 class "A", class "AA", special class "AA", class "B", or
54 4 class "C" permits. A class "A" permit allows the holder to

CODE: Creates two new classes of beer permits: Class AA and Special Class AA. Class AA allows the holder to manufacture high alcoholic content beer and sell it at wholesale. Defines high alcoholic content beer as beer that contains more than 5.0% but less than 12.0% alcohol by weight and includes definitions of fermentation, barley, and hops. Special Class AA permits manufacturing of high alcoholic content beer that can be consumed on the premises of a Class C liquor control license holder or Class B Beer Permit (i.e. brewpubs) holder. The annual permit fee for a Class AA or Special Class AA permit is \$500.

FISCAL IMPACT: This Division will not have a significant fiscal impact. The Alcoholic Beverages Division (ABD) will lose approximately \$200,000 in gross revenue from its sale of high proof beer. However, it is estimated this revenue decrease will be offset by decreased operational cost for warehousing beer and increased revenue generated by the new license/permit revenue.

54 5 manufacture and sell beer at wholesale. A holder of a special
54 6 class "A" permit may only manufacture beer to be consumed on
54 7 the licensed premises for which the person also holds a class
54 8 "C" liquor control license or class "B" beer permit and to be
54 9 sold to a class "A" permittee for resale purposes. A class
54 10 "AA" permit allows the holder to manufacture and sell high
54 11 alcoholic content beer at wholesale. A holder of a special
54 12 class "AA" permit may only manufacture high alcoholic content
54 13 beer to be consumed on the licensed premises for which the
54 14 person also holds a class "C" liquor control license or class
54 15 "B" beer permit and to be sold to a class "AA" permittee for
54 16 resale purposes. A class "B" permit allows the holder to sell
54 17 beer to consumers at retail for consumption on or off the
54 18 premises. A class "C" permit allows the holder to sell beer to
54 19 consumers at retail for consumption off the premises.

54 20 Sec. 90. Section 123.125, Code 2009, is amended to read as
54 21 follows:

54 22 123.125 Issuance of permits.

54 23 The administrator shall issue class "A", special class "A",
54 24 class "AA", special class "AA", class "B", and class "C" beer
54 25 permits and may suspend or revoke permits for cause as provided
54 26 in this chapter.

54 27 Sec. 91. Section 123.127, subsection 1, unnumbered
54 28 paragraph 1, Code Supplement 2009, is amended to read as
54 29 follows:

54 30 A class "A" or class "AA" permit shall be issued by the
54 31 administrator to any person who:

54 32 Sec. 92. Section 123.127, subsection 2, Code Supplement
54 33 2009, is amended to read as follows:

54 34 2. An applicant for a special class "A" or special class
54 35 "AA" permit shall comply with the requirements for a class "A"
55 1 or class "AA" permit , as applicable, and shall also state on
55 2 the application that the applicant holds or has applied for a
55 3 class "C" liquor control license or class "B" beer permit.

55 4 Sec. 93. Section 123.130, unnumbered paragraph 1, Code
55 5 2009, is amended to read as follows:

55 6 Any person holding a class "A" permit issued by the division
55 7 shall be authorized to manufacture and sell, or sell at

55 8 wholesale, beer for consumption off the premises, such sales
55 9 within the state to be made only to persons holding subsisting
55 10 class "A", "B" or "C" permits, or liquor control licenses
55 11 issued in accordance with the provisions of this chapter. ~~The~~
55 12 ~~holder of a class "A" permit may manufacture beer of more than~~
55 13 ~~five percent alcohol by weight for shipment outside this state~~
55 14 ~~only. However, a class "A", class "AA", or special class~~
55 15 ~~"AA" permit does not grant authority to manufacture wine as~~
55 16 ~~defined in section 123.3, subsection 37.~~
55 17 Sec. 94. Section 123.134, Code 2009, is amended by adding
55 18 the following new subsection:
55 19 NEW SUBSECTION . 1A. The annual permit fee for a class "AA"
55 20 or special class "AA" permit is five hundred dollars.
55 21 Sec. 95. Section 123.135, subsection 1, Code 2009, is
55 22 amended to read as follows:
55 23 1. A manufacturer, brewer, bottler, importer, or vendor
55 24 of beer or any agent thereof desiring to ship or sell beer,
55 25 or have beer brought into this state for resale by a class
55 26 "A" permittee shall first make application for and be issued
55 27 a brewer's certificate of compliance by the administrator
55 28 for that purpose. The certificate of compliance expires at
55 29 the end of one year from the date of issuance and shall be
55 30 renewed for a like period upon application to the administrator
55 31 unless otherwise revoked for cause. Each application for a
55 32 certificate of compliance or renewal of a certificate shall be
55 33 accompanied by a fee of ~~one~~ five hundred dollars payable to the
55 34 division. Each holder of a certificate of compliance shall
55 35 furnish the information in the form the administrator requires.
56 1 ~~A brewer whose plant is located in Iowa and who otherwise holds~~
56 2 ~~a class "A" beer permit to sell beer at wholesale is exempt~~
56 3 ~~from the fee, but not from the terms and conditions of the~~
56 4 ~~permit. The holder of a special class "A" permit is exempt~~
56 5 ~~from the requirements of this section.~~
56 6 Sec. 96. EFFECTIVE UPON ENACTMENT. This division of this
56 7 Act, being deemed of immediate importance, takes effect upon
56 8 enactment.

56 10 ALCOHOLIC BEVERAGES DIVISION == OPERATIONS

56 11 Sec. 97. ALCOHOLIC BEVERAGES DIVISION == STATE WAREHOUSE
56 12 FRIDAY CLOSURE. For the fiscal period beginning July 1, 2010,
56 13 and ending June 30, 2015, the administrator of the alcoholic
56 14 beverages division of the department of commerce as created
56 15 in chapter 123, shall, pursuant to the authority provided in
56 16 section 123.21, close the main state warehouse every Friday.
56 17 However, the administrator may keep the warehouse open on
56 18 designated Fridays if the administrator determines that
56 19 anticipated sales on that Friday justify keeping the state
56 20 warehouse open. The administrator may extend the closure
56 21 authorized pursuant to this section to the succeeding fiscal
56 22 year. This section does not repeal any authority previously
56 23 granted to the division in chapter 123.

Requires the ABD to close the main State warehouse most Fridays.
FISCAL IMPACT: This requirement is expected to save the General Fund \$20,000 annually.

56 24 Sec. 98. TOBACCO RETAIL COMPLIANCE CHECKS. The terms
56 25 of a chapter 28D agreement entered into between the division
56 26 of tobacco use prevention and control of the Iowa department
56 27 of public health and the alcoholic beverages division of the
56 28 department of commerce, governing compliance checks conducted
56 29 to ensure licensed retail tobacco outlet conformity with
56 30 tobacco laws, regulations, and ordinances relating to persons
56 31 under eighteen years of age, shall restrict the number of such
56 32 checks to one check per retail outlet, and one additional check
56 33 for any retail outlet found to be in violation during the first
56 34 check, for the fiscal year beginning July 1, 2010, and ending
56 35 June 30, 2011.

Limits the number of tobacco retail compliance checks that the ABD can perform in FY 2011 to one check per retail outlet and one follow-up check for those that are not compliant during the first check.
DETAIL: There is no fiscal impact for this Section. It is estimated that it will cost the ABD \$189,000 to conduct compliance checks and follow-up checks on tobacco sales permit holders in FY 2011. This is an increase of \$14,000 compared to FY 2010; however, the Division will absorb the additional cost.

57 1 DIVISION XIII
57 2 ALCOHOLIC BEVERAGES DIVISION == DIRECT
57 3 SHIPMENT OF WINE

57 4 Sec. 99. Section 123.173, subsection 1, Code 2009, is
57 5 amended to read as follows:

CODE: Authorizes the direct shipment of wine from out-of-state manufacturers to residents of Iowa. The wine manufacturer must

57 6 1. Permits Except as provided in section 123.187,
57 7 permits exclusively for the sale or manufacture and sale of
57 8 wine shall be divided into four classes, and shall be known as
57 9 class "A", "B", "B" native, or "C" native wine permits.
57 10 Sec. 100. Section 123.187, Code 2009, is amended by striking
57 11 the section and inserting in lieu thereof the following:
57 12 123.187 Direct shipment of wine == licenses and requirements.
57 13 1. A wine manufacturer licensed or permitted pursuant
57 14 to laws regulating alcoholic beverages in this state or
57 15 another state may apply for a wine direct shipper license, as
57 16 provided in this section. For the purposes of this section,
57 17 a "wine manufacturer" means a person who processes the fruit,
57 18 vegetables, dandelions, clover, honey, or any combination of
57 19 these ingredients, by fermentation into wines.
57 20 2. a. The administrator shall issue a wine direct
57 21 shipper license to a wine manufacturer who submits a written
57 22 application for the license on a form to be established by
57 23 the administrator by rule, accompanied by a true copy of the
57 24 manufacturer's current alcoholic beverage license or permit
57 25 and a copy of the manufacturer's winery license issued by the
57 26 federal alcohol and tobacco tax and trade bureau.
57 27 b. An application submitted pursuant to paragraph "a" shall
57 28 be accompanied by a license fee in the amount of twenty=five
57 29 dollars.
57 30 c. An application submitted pursuant to paragraph "a"
57 31 shall also be accompanied by a bond in the amount of five
57 32 thousand dollars in the form prescribed and furnished by the
57 33 division with good and sufficient sureties to be approved by
57 34 the division conditioned upon compliance with this chapter.
57 35 d. A license issued pursuant to this section may be renewed
58 1 annually by resubmitting the information required in paragraph
58 2 "a", accompanied by the twenty=five dollar license fee.
58 3 3. The direct shipment of wine pursuant to this
58 4 section shall be subject to the following requirements and
58 5 restrictions:
58 6 a. Wine may only be shipped by a wine direct shipper
58 7 licensee to a resident of this state who is at least twenty=one
58 8 years of age, for the resident's personal use and consumption

obtain a wine direct shipper license from the ABD at a cost of \$25 annually and pay gallonage tax. The language requires no more than 18 liters of wine per month be shipped to an Iowa resident 21 years of age or older.

FISCAL IMPACT: This Division is estimated to generate additional revenue of \$375,000 to the General Fund for FY 2011 and \$412,500 for FY 2012.

58 9 and not for resale.

58 10 b. Wine subject to direct shipping shall be properly
58 11 registered with the federal alcohol and tobacco tax and trade
58 12 bureau, and fermented on the winery premises of the wine direct
58 13 shipper licensee.

58 14 c. All containers of wine shipped directly to a resident
58 15 of this state shall be conspicuously labeled with the words
58 16 CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
REQUIRED

58 17 FOR DELIVERY or shall be conspicuously labeled with alternative
58 18 wording preapproved by the administrator.

58 19 d. All containers of wine shipped directly to a resident of
58 20 this state shall be shipped by an alcohol carrier licensed as
58 21 provided in subsection 6.

58 22 4. Shipment of wine pursuant to this subsection does not
58 23 require a refund value for beverage container control purposes
58 24 under chapter 455C.

58 25 5. A wine direct shipper licensee shall be deemed to
58 26 have consented to the jurisdiction of the division or any
58 27 other agency or court in this state concerning enforcement
58 28 of this section and any related laws, rules, or regulations.
58 29 A licensee shall permit the division to perform an audit of
58 30 shipping records upon request.

58 31 6. a. Wine subject to direct shipment within this state
58 32 pursuant to this section shall be delivered only by a carrier
58 33 having obtained from the division an alcohol carrier license.
58 34 An alcohol carrier license shall be issued upon payment of
58 35 a one hundred dollar license fee, and shall be subject to
59 1 requirements, and issued pursuant to application forms, to be
59 2 determined by the administrator by rule.

59 3 b. An alcohol carrier licensee shall not deliver wine to
59 4 any person under twenty-one years of age, or to any person
59 5 who either is or appears to be in an intoxicated state or
59 6 condition. A licensee shall obtain valid proof of identity and
59 7 age prior to delivery, and shall obtain the signature of an
59 8 adult as a condition of delivery.

59 9 c. An alcohol carrier licensee shall maintain records of
59 10 wine shipped which include the license number and name of

59 11 the wine manufacturer, quantity of wine shipped, recipient's
 59 12 name and address, and an electronic or paper form of signature
 59 13 from the recipient of the wine. Records shall be submitted
 59 14 to the division on a monthly basis in a form and manner to be
 59 15 determined by the division by rule.
 59 16 7. A violation of this section shall subject a licensee to
 59 17 the penalty provisions of section 123.39.

59 18 DIVISION XIV
 59 19 DEPARTMENT OF HUMAN RIGHTS == REORGANIZATION

59 20 Sec. 101. Section 216A.1, Code 2009, is amended to read as
 59 21 follows:
 59 22 216A.1 Department of human rights == purpose .
 59 23 1. A department of human rights is created, with the
 59 24 following divisions and offices :
 59 25 a. Division of community advocacy and services, with the
 59 26 following offices:
 59 27 1. ~~(1) Division~~ Office of Latino affairs.
 59 28 2. ~~(2) Division~~ Office on the status of women.
 59 29 3. ~~(3) Division~~ Office of persons with disabilities.
 59 30 4. ~~Division of community action agencies.~~
 59 31 5. ~~(4) Division~~ Office of deaf services.
 59 32 6. ~~Division of criminal and juvenile justice planning.~~
 59 33 7. ~~(5) Division~~ Office on the status of
 59 34 ~~African-Americans~~ African Americans .
 59 35 8. ~~(6) Division on the status of lowans~~ Office of Asian and
 60 1 Pacific Islander ~~heritage~~ affairs .
 60 2 9. ~~(7) Division on~~ Office of Native American affairs.
 60 3 b. Division of community action agencies.
 60 4 c. Division of criminal and juvenile justice planning.
 60 5 2. The purpose of the department is to ensure basic
 60 6 rights, freedoms, and opportunities for all by empowering
 60 7 underrepresented lowans and eliminating economic, social, and
 60 8 cultural barriers.
 60 9 Sec. 102. Section 216A.2, Code 2009, is amended by striking

CODE: Reorganizes the Department of Human Rights (DHR) into three divisions:

- Division of Community Advocacy and Services
- Division of Criminal and Juvenile Justice Planning
- Division of Community Action Agencies

The Department is currently comprised of seven separate divisions. This Division limits all commissions within the Division of Community Advocacy and Services to seven members. Duties and responsibilities between the offices and commissions are assigned to the entire Department.

This Division creates the Human Rights Board that will consist of nine voting members and five nonvoting members. The duties of the Board include development and implementation of a plan to remove barriers for underrepresented populations; approve, disapprove, or modify the Department budget; adopt administrative rules; and submit a report to the General Assembly and Governor by November 1 of each year.

FISCAL IMPACT: This Division will have a minimal fiscal impact to the General Fund.

60 10 the section and inserting in lieu thereof the following:
60 11 216A.2 Appointment of department director, deputy director,
60 12 and administrators == duties.
60 13 1. The governor shall appoint a director of the department
60 14 of human rights, subject to confirmation by the senate pursuant
60 15 to section 2.32. The department director shall serve at the
60 16 pleasure of the governor and is exempt from the merit system
60 17 provisions of chapter 8A, subchapter IV. The governor shall
60 18 set the salary of the department director within the ranges set
60 19 by the general assembly.
60 20 2. The director is the chief administrative officer of
60 21 the department and in that capacity administers the programs
60 22 and services of the department in compliance with applicable
60 23 federal and state laws and regulations. The duties of the
60 24 director include preparing a budget, establishing an internal
60 25 administrative structure, and employing personnel.
60 26 3. The department director shall appoint the administrators
60 27 of the divisions within the department and all other personnel
60 28 deemed necessary for the administration of this chapter.
60 29 The department director shall establish the duties of the
60 30 administrators of the divisions within the department.
60 31 4. The department director shall do all of the following:
60 32 a. Manage the internal operations of the department and
60 33 establish guidelines and procedures to promote the orderly and
60 34 efficient administration of the department.
60 35 b. Prepare a budget for the department, subject to the
61 1 budget requirements pursuant to chapter 8, for approval by the
61 2 board.
61 3 c. Coordinate and supervise personnel services and shared
61 4 administrative support services to assure maximum support and
61 5 assistance to the divisions.
61 6 d. Serve as an ex officio member of all commissions or
61 7 councils within the department.
61 8 e. Serve as an ex officio, nonvoting member of the human
61 9 rights board.
61 10 f. Solicit and accept gifts and grants on behalf of the
61 11 department and each commission or council and administer such
61 12 gifts and grants in accordance with the terms thereof.

61 13 g. Enter into contracts with public and private individuals
61 14 and entities to conduct the business and achieve the objectives
61 15 of the department and each commission or council.

61 16 h. Issue an annual report to the governor and general
61 17 assembly no later than November 1 of each year concerning
61 18 the operations of the department. However, the division of
61 19 criminal and juvenile justice planning and the division of
61 20 community action agencies shall submit annual reports as
61 21 specified in this chapter.

61 22 i. Seek to implement the comprehensive strategic plan
61 23 approved by the board under section 216A.3.

61 24 Sec. 103. Section 216A.3, Code 2009, is amended by striking
61 25 the section and inserting in lieu thereof the following:
61 26 216A.3 Human rights board.

61 27 1. A human rights board is created within the department of
61 28 human rights.

61 29 2. The board shall consist of fourteen members, including
61 30 nine voting members and five nonvoting members and determined
61 31 as follows:

61 32 a. The voting members shall consist of nine voting members
61 33 selected by each of the permanent commissions within the
61 34 department, and two voting members, appointed by the governor.
61 35 For purposes of this paragraph "a", "permanent commissions"

62 1 means the commission of Latino affairs, commission on the
62 2 status of women, commission of persons with disabilities,
62 3 commission on community action agencies, commission of deaf
62 4 services, criminal and juvenile justice planning advisory
62 5 council, commission on the status of African Americans,
62 6 commission of Asian and Pacific Islander affairs, and
62 7 commission of Native American affairs. The term of office for
62 8 voting members is four years.

62 9 b. The nonvoting members shall consist of the department
62 10 director, two state representatives, one appointed by the
62 11 speaker of the house of representatives and one by the minority
62 12 leader of the house of representatives, and two state senators,
62 13 one appointed by the majority leader of the senate and one by
62 14 the minority leader of the senate.

62 15 3. A majority of the members of the board shall constitute

62 16 a quorum, and the affirmative vote of two-thirds of the voting
62 17 members is necessary for any substantive action taken by the
62 18 board. The board shall select a chairperson from the voting
62 19 members of the board. The board shall meet not less than four
62 20 times a year.

62 21 4. The board shall have the following duties:

62 22 a. Develop and monitor implementation of a comprehensive
62 23 strategic plan to remove barriers for underrepresented
62 24 populations and, in doing so, to increase Iowa's productivity
62 25 and inclusivity, including performance measures and benchmarks.

62 26 b. Approve, disapprove, amend, or modify the budget
62 27 recommended by the department director for the operation of
62 28 the department, subject to the budget requirements pursuant to
62 29 chapter 8.

62 30 c. Adopt administrative rules pursuant to chapter 17A,
62 31 upon the recommendation of the department director, for the
62 32 operation of the department.

62 33 d. By November 1 of each year, approve the department report
62 34 to the general assembly and the governor that covers activities
62 35 during the preceding fiscal year.

63 1 Sec. 104. Section 216A.4, Code 2009, is amended by adding
63 2 the following new subsections:

63 3 NEW SUBSECTION . 0A. "Board" means human rights board.

63 4 NEW SUBSECTION . 3. "Underrepresented" means the historical
63 5 marginalization of populations or groups in the United States
63 6 and Iowa, including but not limited to African Americans, Asian
63 7 and Pacific Islanders, persons who are deaf or hard of hearing,
63 8 persons with disabilities, Latinos, Native Americans, women,
63 9 persons who have low socioeconomic status, at-risk youth, and
63 10 adults or juveniles with a criminal history.

63 11 Sec. 105. NEW SECTION . 216A.7 Access to information.
63 12 Upon request of the director or a commission, council, or
63 13 administrator of a division of the department, all boards,
63 14 agencies, departments, and offices of the state shall make
63 15 available nonconfidential information, records, data, and
63 16 statistics which are relevant to the populations served by the
63 17 offices, councils, and commissions of the department.

63 18 Sec. 106. Section 216A.11, subsection 1, Code 2009, is

63 19 amended by striking the subsection.
63 20 Sec. 107. Section 216A.11, subsection 3, Code 2009, is
63 21 amended to read as follows:
63 22 3. "~~Division~~" "Office" means the ~~division~~ office of Latino
63 23 affairs of the department of human rights.
63 24 Sec. 108. Section 216A.12, Code Supplement 2009, is amended
63 25 to read as follows:
63 26 216A.12 Commission of Latino affairs ~~== terms~~
63 27 ~~== compensation established~~ .
63 28 1. The commission of Latino affairs consists of
63 29 ~~nine~~ seven members, appointed by the governor ~~, and subject~~
63 30 to confirmation by the senate pursuant to section 2.32 .
63 31 Commission members shall be appointed in compliance with
63 32 sections 69.16 and 69.16A ~~and with consideration given~~
63 33 ~~to geographic residence and density of Latino population~~
63 34 ~~represented by each member~~ . Commission members shall reside
63 35 in the state.
64 1 2. The members of the commission shall be appointed during
64 2 the month of June and shall serve for staggered four=year terms
64 3 ~~of two years~~ commencing July 1 of ~~each odd=numbered~~ the year
64 4 of appointment . Members appointed shall continue to serve
64 5 until their respective successors are appointed. Vacancies
64 6 in the membership of the commission shall be filled by the
64 7 original appointing authority and in the manner of the original
64 8 appointments. Members shall receive actual expenses incurred
64 9 while serving in their official capacity. Members may also be
64 10 eligible to receive compensation as provided in section 7E.6.
64 11 3. The commission shall select from its membership a
64 12 chairperson and other officers as it deems necessary and shall
64 13 meet at least quarterly each fiscal year. A majority of the
64 14 members currently appointed to the commission shall constitute
64 15 a quorum and the affirmative vote of a majority of the
64 16 currently appointed members is necessary for any substantive
64 17 action taken by the commission. A member shall not vote on any
64 18 action if the member has a conflict of interest on the matter
64 19 and a statement by the member of a conflict of interest shall
64 20 be conclusive for this purpose.
64 21 Sec. 109. Section 216A.13, Code 2009, is amended by striking

64 22 the section and inserting in lieu thereof the following:
64 23 216A.13 Commission of Latino affairs == duties.
64 24 The commission shall have the following duties:
64 25 1. Study the opportunities for and changing needs of the
64 26 Latino population of this state.
64 27 2. Serve as liaison between the department of human rights
64 28 and the public, sharing information and gathering constituency
64 29 input.
64 30 3. Recommend to the board the adoption of rules pursuant to
64 31 chapter 17A as it deems necessary.
64 32 4. Recommend legislative and executive action to the
64 33 governor and general assembly.
64 34 5. Establish advisory committees, work groups, or other
64 35 coalitions as appropriate.

65 1 Sec. 110. Section 216A.14, Code 2009, is amended by striking
65 2 the section and inserting in lieu thereof the following:
65 3 216A.14 Office of Latino affairs == duties.
65 4 The office of Latino affairs is established and shall do the
65 5 following:
65 6 1. Serve as the central permanent agency to advocate for
65 7 Latino persons.
65 8 2. Coordinate and cooperate with the efforts of state
65 9 departments and agencies to serve the needs of Latino persons
65 10 in participating fully in the economic, social, and cultural
65 11 life of the state, and by providing direct assistance to those
65 12 who request it.
65 13 3. Develop, coordinate, and assist other public
65 14 organizations which serve Latino persons.
65 15 4. Serve as an information clearinghouse on programs and
65 16 agencies operating to assist Latino persons.

65 17 Sec. 111. Section 216A.15, subsections 1 through 9, Code
65 18 2009, are amended by striking the subsections and inserting in
65 19 lieu thereof the following:
65 20 1. Study the opportunities for and changing needs of the
65 21 Latino population of this state.
65 22 2. Serve as liaison between the office and the public,
65 23 sharing information and gathering constituency input.
65 24 3. Recommend to the board for adoption rules pursuant

65 25 to chapter 17A as it deems necessary for the commission and
65 26 office.

65 27 4. Recommend to the department director policies and
65 28 programs for the office.

65 29 5. Establish advisory committees, work groups, or other
65 30 coalitions as appropriate.

65 31 Sec. 112. Section 216A.51, subsection 1, Code 2009, is
65 32 amended by striking the subsection.

65 33 Sec. 113. Section 216A.51, subsection 3, Code 2009, is
65 34 amended to read as follows:

65 35 3. "~~Division~~" "Office" means the ~~division~~ office on the
66 1 status of women of the department of human rights.

66 2 Sec. 114. Section 216A.52, Code 2009, is amended by striking
66 3 the section and inserting in lieu thereof the following:

66 4 216A.52 Office on the status of women.

66 5 The office on the status of women is established, and shall
66 6 do the following:

66 7 1. Serve as the central permanent agency to advocate for
66 8 women and girls.

66 9 2. Coordinate and cooperate with the efforts of state
66 10 departments and agencies to serve the needs of women and girls
66 11 in participating fully in the economic, social, and cultural
66 12 life of the state, and provide direct assistance to individuals
66 13 who request it.

66 14 3. Serve as a clearinghouse on programs and agencies
66 15 operating to assist women and girls.

66 16 4. Develop, coordinate, and assist other public or private
66 17 organizations which serve women and girls.

66 18 Sec. 115. Section 216A.53, Code 2009, is amended by striking
66 19 the section and inserting in lieu thereof the following:

66 20 216A.53 Commission on the status of women established.

66 21 1. The commission on the status of women is established and
66 22 shall consist of seven voting members who shall be appointed by
66 23 the governor, subject to confirmation by the senate pursuant
66 24 to section 2.32, and shall represent a cross section of the
66 25 citizens of the state. All members shall reside in the state.

66 26 2. The term of office for voting members is four years.

66 27 Terms shall be staggered. Members whose terms expire may be

66 28 reappointed. Vacancies in voting membership positions on
66 29 the commission shall be filled for the unexpired term in the
66 30 same manner as the original appointment. Voting members of
66 31 the commission may receive a per diem as specified in section
66 32 7E.6 and shall be reimbursed for actual expenses incurred
66 33 while serving in their official capacity, subject to statutory
66 34 limits.

66 35 3. Members of the commission shall appoint a chairperson and
67 1 vice chairperson and any other officers as the commission deems
67 2 necessary. The commission shall meet at least quarterly during
67 3 each fiscal year. A majority of the voting members currently
67 4 appointed to the commission shall constitute a quorum. A
67 5 quorum of the members shall be required for the conduct of
67 6 business of the commission and the affirmative vote of a
67 7 majority of the currently appointed voting members is necessary
67 8 for any substantive action taken by the commission. A member
67 9 shall not vote on any action if the member has a conflict of
67 10 interest on the matter and a statement by the member of a
67 11 conflict of interest shall be conclusive for this purpose.

67 12 Sec. 116. Section 216A.54, Code 2009, is amended by striking
67 13 the section and inserting in lieu thereof the following:
67 14 216A.54 Commission powers and duties.

67 15 The commission shall have the following powers and duties:
67 16 1. Study the opportunities for and changing needs of the
67 17 women and girls of this state.

67 18 2. Serve as liaison between the office and the public,
67 19 sharing information and gathering constituency input.

67 20 3. Recommend to the board the adoption of rules pursuant
67 21 to chapter 17A as it deems necessary for the commission and
67 22 office.

67 23 4. Recommend legislative and executive action to the
67 24 governor and general assembly.

67 25 5. Establish advisory committees, work groups, or other
67 26 coalitions as appropriate.

67 27 Sec. 117. Section 216A.71, subsection 1, Code 2009, is
67 28 amended by striking the subsection.

67 29 Sec. 118. Section 216A.71, subsection 3, Code 2009, is
67 30 amended to read as follows:

67 31 3. "~~Division~~" "Office" means the ~~division~~ office of persons
67 32 with disabilities of the department of human rights.

67 33 Sec. 119. Section 216A.72, Code 2009, is amended by striking
67 34 the section and inserting in lieu thereof the following:
67 35 216A.72 Office of persons with disabilities.

68 1 The office of persons with disabilities is established, and
68 2 shall do all of the following:

68 3 1. Serve as the central permanent agency to advocate for
68 4 persons with disabilities.

68 5 2. Coordinate and cooperate with the efforts of state
68 6 departments and agencies to serve the needs of persons with
68 7 disabilities in participating fully in the economic, social,
68 8 and cultural life of the state, and provide direct assistance
68 9 to individuals who request it.

68 10 3. Develop, coordinate, and assist other public or private
68 11 organizations which serve persons with disabilities.

68 12 4. Serve as an information clearinghouse on programs and
68 13 agencies operating to assist persons with disabilities.

68 14 Sec. 120. Section 216A.74, Code Supplement 2009, is amended
68 15 by striking the section and inserting in lieu thereof the
68 16 following:

68 17 216A.74 Commission of persons with disabilities established.

68 18 1. The commission of persons with disabilities is
68 19 established and shall consist of seven voting members appointed
68 20 by the governor subject to confirmation by the senate pursuant
68 21 to section 2.32. A majority of the commission shall be persons
68 22 with disabilities. All members shall reside in the state.

68 23 2. Members of the commission shall serve four-year
68 24 staggered terms which shall begin and end pursuant to section
68 25 69.19. Members whose terms expire may be reappointed.
68 26 Vacancies on the commission shall be filled for the unexpired
68 27 term in the same manner as the original appointment. Voting
68 28 members shall receive actual expenses incurred while serving
68 29 in their official capacity, subject to statutory limits.
68 30 Voting members may also be eligible to receive compensation as
68 31 provided in section 7E.6.

68 32 3. Members of the commission shall appoint a chairperson.
68 33 The commission shall meet at least quarterly during each fiscal

68 34 year. A majority of the voting members currently appointed
68 35 to the commission shall constitute a quorum. A quorum shall
69 1 be required for the conduct of business of the commission and
69 2 the affirmative vote of a majority of the currently appointed
69 3 voting members is necessary for any substantive action taken by
69 4 the commission. A member shall not vote on any action if the
69 5 member has a conflict of interest on the matter and a statement
69 6 by the member of a conflict of interest shall be conclusive for
69 7 this purpose.

69 8 Sec. 121. Section 216A.75, Code 2009, is amended by striking
69 9 the section and inserting in lieu thereof the following:

69 10 216A.75 Commission powers and duties.

69 11 The commission shall have the following powers and duties:

69 12 1. Study the opportunities for and changing needs of persons
69 13 with disabilities in this state.

69 14 2. Serve as liaisons between the office and the public,
69 15 sharing information and gathering constituency input.

69 16 3. Recommend to the board the adoption of rules pursuant
69 17 to chapter 17A as it deems necessary for the commission and
69 18 office.

69 19 4. Recommend legislative and executive action to the
69 20 governor and general assembly.

69 21 5. Establish advisory committees, work groups, or other
69 22 coalitions as appropriate.

69 23 Sec. 122. Section 216A.92, Code 2009, is amended by striking
69 24 the section and inserting in lieu thereof the following:

69 25 216A.92 Division of community action agencies.

69 26 1. The division of community action agencies is
69 27 established. The purpose of the division of community action
69 28 agencies is to strengthen, supplement, and coordinate efforts
69 29 to develop the full potential of each citizen by recognizing
69 30 certain community action agencies and supporting certain
69 31 community-based programs delivered by community action
69 32 agencies.

69 33 2. The division shall do all of the following:

69 34 a. Provide financial assistance for community action
69 35 agencies to implement community action programs, as permitted
70 1 by the community service block grant and subject to the funding

70 2 made available for the program.
70 3 b. Administer the community services block grant, the
70 4 low-income energy assistance block grants, department of energy
70 5 funds for weatherization, and other possible funding sources.
70 6 If a political subdivision is the community action agency,
70 7 the financial assistance shall be allocated to the political
70 8 subdivision.
70 9 c. Implement accountability measures for its programs and
70 10 require regular reporting on the measures by the community
70 11 action agencies.
70 12 d. Issue an annual report to the governor and general
70 13 assembly by July 1 of each year.
70 14 Sec. 123. Section 216A.92A, subsection 1, paragraph c, Code
70 15 2009, is amended to read as follows:
70 16 c. One-third of the members shall be persons who, according
70 17 to federal guidelines, have incomes at or below one hundred
70 18 eighty-five percent of poverty level.
70 19 Sec. 124. Section 216A.92A, subsection 3, Code 2009, is
70 20 amended to read as follows:
70 21 3. The commission shall select from its membership a
70 22 chairperson and other officers as it deems necessary. The
70 23 commission shall meet no less than four times per year. A
70 24 majority of the members of the commission shall constitute a
70 25 quorum.
70 26 Sec. 125. Section 216A.92B, Code 2009, is amended by
70 27 striking the section and inserting in lieu thereof the
70 28 following:
70 29 216A.92B Commission powers and duties.
70 30 The commission shall have the following powers and duties:
70 31 1. Recommend to the board the adoption of rules pursuant
70 32 to chapter 17A as it deems necessary for the commission and
70 33 division.
70 34 2. Supervise the collection of data regarding the scope of
70 35 services provided by the community action agencies.
71 1 3. Serve as liaisons between the division and the public,
71 2 sharing information and gathering constituency input.
71 3 4. Make recommendations to the governor and the general
71 4 assembly for executive and legislative action designed to

71 5 improve the status of low-income persons in the state.
71 6 5. Establish advisory committees, work groups, or other
71 7 coalitions as appropriate.
71 8 Sec. 126. Section 216A.93, Code 2009, is amended to read as
71 9 follows:
71 10 216A.93 Establishment of community action agencies.
71 11 The division shall recognize and assist in the designation
71 12 of certain community action agencies to assist in the
71 13 delivery of community action programs. These programs shall
71 14 include ~~;~~ but not be limited to ~~;~~ outreach, community services
71 15 block grant, low-income energy assistance, and weatherization
71 16 programs. If a community action agency is in effect and
71 17 currently serving an area, that community action agency shall
71 18 become the designated community action agency for that area.
71 19 ~~If there is not a designated community action agency in the~~
71 20 ~~area a city council or county board of supervisors or any~~
71 21 ~~combination of one or more councils or boards may establish~~
71 22 ~~a community action agency and may apply to the division for~~
71 23 ~~recognition. The council or board or the combination may adopt~~
71 24 ~~an ordinance or resolution establishing a community action~~
71 25 ~~agency if a community action agency has not been designated.~~
71 26 ~~It is the purpose of the division of community action agencies~~
71 27 ~~to strengthen, supplement, and coordinate efforts to develop~~
71 28 ~~the full potential of each citizen by recognizing certain~~
71 29 ~~community action agencies and the continuation of certain~~
71 30 ~~community-based programs delivered by community action~~
71 31 ~~agencies. If any geographic area of the state ceases to be~~
71 32 ~~served by a designated community action agency, the division~~
71 33 ~~may solicit applications and assist the governor in designating~~
71 34 ~~a community action agency for that area in accordance with~~
71 35 ~~current community services block grant requirements.~~
72 1 Sec. 127. Section 216A.94, subsection 2, Code 2009, is
72 2 amended to read as follows:
72 3 2. Notwithstanding subsection 1, a public agency
72 4 shall establish an advisory board ~~or may contract with a~~
72 5 ~~delegate agency~~ to assist the governing board in meeting
72 6 the requirements of section 216A.95 . The advisory board ~~or~~
72 7 ~~delegate agency board~~ shall be composed of the same type

72 8 of membership as a board of directors for community action
72 9 agencies under subsection 1. ~~However, the public agency acting~~
72 10 ~~as~~ In addition, the advisory board of the community action
72 11 agency shall have the sole authority to determine annual
72 12 program budget requests.

72 13 Sec. 128. Section 216A.95, subsection 1, Code 2009, is
72 14 amended by striking the subsection and inserting in lieu
72 15 thereof the following:

72 16 1. The governing board or advisory board shall fully
72 17 participate in the development, planning, implementation, and
72 18 evaluation of programs to serve low-income communities.

72 19 Sec. 129. Section 216A.96, subsection 1, Code 2009, is
72 20 amended by striking the subsection and inserting in lieu
72 21 thereof the following:

72 22 1. Plan and implement strategies to alleviate the
72 23 conditions of poverty and encourage self-sufficiency for
72 24 citizens in its service area and in Iowa. In doing so,
72 25 an agency shall plan for a community action program by
72 26 establishing priorities among projects, activities, and areas
72 27 to provide for the most efficient use of possible resources.

72 28 Sec. 130. Section 216A.96, subsection 4, Code 2009, is
72 29 amended to read as follows:

72 30 4. Encourage and support self-help, volunteer, business,
72 31 labor, and other groups and organizations to assist public
72 32 officials and agencies in supporting a community action program
72 33 ~~which results in the additional use of~~ by providing private
72 34 ~~resources while~~ developing new employment opportunities,
72 35 ~~encouraging investments which have an impact on reducing~~
73 1 ~~poverty among the poor~~ in areas of concentrated poverty, and
73 2 providing methods by which low-income persons can work with
73 3 private organizations, businesses, and institutions in seeking
73 4 solutions to problems of common concern.

73 5 Sec. 131. Section 216A.97, Code 2009, is amended to read as
73 6 follows:

73 7 216A.97 Administration.

73 8 A community action agency or a delegate agency may
73 9 administer the components of a community action program
73 10 when the program is consistent with plans and purposes and

73 11 applicable law. The community action programs may be projects
73 12 which are eligible for assistance from any source. The
73 13 programs shall be developed to meet local needs and may be
73 14 designed to meet eligibility standards of a federal or state
73 15 program ~~providing assistance to a plan to meet local needs~~ .

73 16 Sec. 132. Section 216A.98, Code 2009, is amended to read as
73 17 follows:

73 18 216A.98 Audit.

73 19 Each community action agency shall be audited annually but
73 20 shall not be required to obtain a duplicate audit to meet the
73 21 requirements of this section. In lieu of an audit by the
73 22 auditor of state, the community action agency may contract with
73 23 or employ a certified public accountant to conduct the audit,
73 24 pursuant to the applicable terms and conditions prescribed by
73 25 sections 11.6 and 11.19 and an audit format prescribed by the
73 26 auditor of state. Copies of each audit shall be furnished to
73 27 the division ~~within three months following the annual audit in~~
73 28 a manner prescribed by the division .

73 29 Sec. 133. Section 216A.102, subsection 3, Code 2009, is
73 30 amended to read as follows:

73 31 3. Under rules developed by the division of community action
73 32 agencies of the department of human rights and adopted by
73 33 the board , the fund may be used to negotiate reconnection of
73 34 essential utility services with the energy provider.

73 35 Sec. 134. Section 216A.104, subsections 4 and 5, Code 2009,
74 1 are amended by striking the subsections.

74 2 Sec. 135. Section 216A.107, subsection 2, Code Supplement
74 3 2009, is amended to read as follows:

74 4 2. Unless otherwise provided by law, terms of members,
74 5 election of officers, and other procedural matters shall be
74 6 as determined by the council. A quorum shall be required for
74 7 the conduct of business of the council and the affirmative
74 8 vote of a majority of the currently appointed voting members
74 9 is necessary for any substantive action taken by the council.
74 10 A member shall not vote on any action if the member has a
74 11 conflict of interest on the matter and a statement by the
74 12 member of a conflict of interest shall be conclusive for this
74 13 purpose.

74 14 Sec. 136. Section 216A.111, subsection 1, Code 2009, is
74 15 amended by striking the subsection.

74 16 Sec. 137. Section 216A.111, subsection 3, Code 2009, is
74 17 amended to read as follows:

74 18 3. "~~Division~~" "Office" means the ~~division~~ office of deaf
74 19 services of the department of human rights.

74 20 Sec. 138. Section 216A.112, Code 2009, is amended by
74 21 striking the section and inserting in lieu thereof the
74 22 following:

74 23 216A.112 Office of deaf services.

74 24 The office of deaf services is established, and shall do all
74 25 of the following:

74 26 1. Serve as the central permanent agency to advocate for
74 27 persons who are deaf or hard of hearing.

74 28 2. Coordinate and cooperate with the efforts of state
74 29 departments and agencies to serve the needs of persons who are
74 30 deaf or hard of hearing in participating fully in the economic,
74 31 social, and cultural life of the state, and provide direct
74 32 assistance to individuals who request it.

74 33 3. Develop, coordinate, and assist other public or private
74 34 organizations which serve persons who are deaf or hard of
74 35 hearing.

75 1 4. Serve as an information clearinghouse on programs and
75 2 agencies operating to assist persons who are deaf or hard of
75 3 hearing.

75 4 Sec. 139. Section 216A.113, Code 2009, is amended by
75 5 striking the section and inserting in lieu thereof the
75 6 following:

75 7 216A.113 Deaf services commission established.

75 8 1. The commission on the deaf is established, and shall
75 9 consist of seven voting members appointed by the governor,
75 10 subject to confirmation by the senate pursuant to section
75 11 2.32. Membership of the commission shall include at least four
75 12 members who are deaf and who cannot hear human speech with or
75 13 without use of amplification and at least one member who is
75 14 hard of hearing. All members shall reside in Iowa.

75 15 2. Members of the commission shall serve four-year
75 16 staggered terms which shall begin and end pursuant to section

75 17 69.19. Members whose terms expire may be reappointed.
75 18 Vacancies on the commission may be filled for the remainder
75 19 of the term in the same manner as the original appointment.
75 20 Members shall receive actual expenses incurred while serving in
75 21 their official capacity, subject to statutory limits. Members
75 22 may also be eligible to receive compensation as provided in
75 23 section 7E.6.

75 24 3. Members of the commission shall appoint a chairperson
75 25 and vice chairperson and other officers as the commission
75 26 deems necessary. The commission shall meet at least quarterly
75 27 during each fiscal year. A majority of the members currently
75 28 appointed to the commission shall constitute a quorum. A
75 29 quorum shall be required for the conduct of business of the
75 30 commission and the affirmative vote of a majority of the
75 31 currently appointed members is necessary for any substantive
75 32 action taken by the commission. A member shall not vote on any
75 33 action if the member has a conflict of interest on the matter
75 34 and a statement by the member of a conflict of interest shall
75 35 be conclusive for this purpose.

76 1 Sec. 140. Section 216A.114, Code 2009, is amended by
76 2 striking the section and inserting in lieu thereof the
76 3 following:

76 4 216A.114 Commission powers and duties.

76 5 The commission shall have the following powers and duties:

76 6 1. Study the changing needs and opportunities for the deaf
76 7 and hard-of-hearing people in this state.

76 8 2. Serve as a liaison between the office and the public,
76 9 sharing information and gathering constituency input.

76 10 3. Recommend to the board for adoption rules pursuant
76 11 to chapter 17A as it deems necessary for the commission and
76 12 office.

76 13 4. Recommend legislative and executive action to the
76 14 governor and general assembly.

76 15 5. Establish advisory committees, work groups, or other
76 16 coalitions as appropriate.

76 17 Sec. 141. NEW SECTION . 216A.131A Division of criminal and
76 18 juvenile justice planning.

76 19 The division of criminal and juvenile justice planning is

76 20 established to fulfill the responsibilities of this subchapter,
76 21 including the duties specified in sections 216A.135, 216A.136,
76 22 216A.137, 216A.138, and 216A.139.

76 23 Sec. 142. Section 216A.132, subsection 1, unnumbered
76 24 paragraph 1, Code 2009, is amended to read as follows:
76 25 A criminal and juvenile justice planning advisory council is
76 26 established consisting of twenty=three members who shall all
76 27 reside in the state .

76 28 Sec. 143. Section 216A.132, subsection 1, paragraph b, Code
76 29 2009, is amended to read as follows:
76 30 b. The departments of human services, corrections,
76 31 and public safety, the ~~division~~ office on the status of
76 32 ~~African-Americans~~ African Americans , the Iowa department of
76 33 public health, the chairperson of the board of parole, the
76 34 attorney general, the state public defender, the governor's
76 35 office of drug control policy, and the chief justice of the
77 1 supreme court shall each designate a person to serve on the
77 2 council. The person appointed by the Iowa department of public
77 3 health shall be from the departmental staff who administer the
77 4 comprehensive substance abuse program under chapter 125.

77 5 Sec. 144. Section 216A.132, Code 2009, is amended by adding
77 6 the following new subsection:
77 7 NEW SUBSECTION . 3. Members of the council shall appoint
77 8 a chairperson and vice chairperson and other officers as the
77 9 council deems necessary. A majority of the voting members
77 10 currently appointed to the council shall constitute a quorum.
77 11 A quorum shall be required for the conduct of business of the
77 12 council and the affirmative vote of a majority of the currently
77 13 appointed members is necessary for any substantive action taken
77 14 by the council. A member shall not vote on any action if the
77 15 member has a conflict of interest on the matter and a statement
77 16 by the member of a conflict of interest shall be conclusive for
77 17 this purpose.

77 18 Sec. 145. Section 216A.133, subsection 5, Code 2009, is
77 19 amended to read as follows:
77 20 5. Administer federal funds and funds appropriated by
77 21 the state or that are otherwise available in compliance with
77 22 applicable laws, regulations, and other requirements for

77 23 purposes of study, research, investigation, planning, and
77 24 implementation in the areas of criminal and juvenile justice.
77 25 Sec. 146. Section 216A.133, Code 2009, is amended by adding
77 26 the following new subsections:
77 27 NEW SUBSECTION . 8. Provide input to the department director
77 28 in the development of budget recommendations for the division.
77 29 NEW SUBSECTION . 9. Serve as liaison between the division
77 30 and the public, sharing information and gathering constituency
77 31 input.
77 32 NEW SUBSECTION . 10. Recommend to the board for adoption
77 33 rules pursuant to chapter 17A as it deems necessary for the
77 34 council and division.
77 35 NEW SUBSECTION . 11. Recommend legislative and executive
78 1 action to the governor and general assembly.
78 2 NEW SUBSECTION . 12. Establish advisory committees, work
78 3 groups, or other coalitions as appropriate.
78 4 Sec. 147. Section 216A.138, subsection 8, Code 2009, is
78 5 amended by striking the subsection.
78 6 Sec. 148. Section 216A.141, subsection 1, Code 2009, is
78 7 amended by striking the subsection.
78 8 Sec. 149. Section 216A.141, subsection 3, Code 2009, is
78 9 amended to read as follows:
78 10 3. "~~Division~~" "Office" means the ~~division~~ office on the
78 11 status of ~~African-Americans~~ African Americans of the department
78 12 of human rights.
78 13 Sec. 150. Section 216A.142, Code 2009, is amended by
78 14 striking the section and inserting in lieu thereof the
78 15 following:
78 16 216A.142 Commission on the status of African Americans
78 17 established.
78 18 1. The commission on the status of African Americans is
78 19 established and shall consist of seven members appointed by
78 20 the governor, subject to confirmation by the senate. All
78 21 members shall reside in Iowa. At least five members shall be
78 22 individuals who are African American.
78 23 2. Terms of office are staggered four=~~year~~ terms. Members
78 24 whose terms expire may be reappointed. Vacancies on the
78 25 commission shall be filled for the remainder of the term of and

78 26 in the same manner as the original appointment. The commission
78 27 shall meet quarterly and may hold special meetings on the call
78 28 of the chairperson. The members of the commission shall be
78 29 reimbursed for actual expenses while engaged in their official
78 30 duties. Members may also be eligible to receive compensation
78 31 as provided in section 7E.6.

78 32 3. Members of the commission shall appoint a chairperson
78 33 and vice chairperson and other officers as the commission
78 34 deems necessary. A majority of members of the commission
78 35 shall constitute a quorum. A quorum shall be required for the
79 1 conduct of business of the commission and the affirmative vote
79 2 of a majority of the currently appointed members is necessary
79 3 for any substantive action taken by the commission. A member
79 4 shall not vote on any action if the member has a conflict of
79 5 interest on the matter and a statement by the member of a
79 6 conflict of interest shall be conclusive for this purpose.

79 7 Sec. 151. Section 216A.143, Code 2009, is amended by
79 8 striking the section and inserting in lieu thereof the
79 9 following:

79 10 216A.143 Commission powers and duties.

79 11 The commission shall have the following powers and duties:

79 12 1. Study the opportunities for and changing needs of the
79 13 African American community in this state.

79 14 2. Serve as liaison between the office and the public,
79 15 sharing information and gathering constituency input.

79 16 3. Recommend to the board for adoption rules pursuant
79 17 to chapter 17A as it deems necessary for the commission and
79 18 office.

79 19 4. Recommend executive and legislative action to the
79 20 governor and general assembly.

79 21 5. Establish advisory committees, work groups, or other
79 22 coalitions as appropriate.

79 23 Sec. 152. Section 216A.146, Code 2009, is amended by
79 24 striking the section and inserting in lieu thereof the
79 25 following:

79 26 216A.146 Office on the status of African Americans.

79 27 The office on the status of African Americans is established
79 28 and shall do the following:

79 29 1. Serve as the central permanent agency to advocate for
79 30 African Americans.

79 31 2. Coordinate and cooperate with the efforts of state
79 32 departments and agencies to serve the needs of African
79 33 Americans in participating fully in the economic, social, and
79 34 cultural life of the state, and provide direct assistance to
79 35 individuals who request it.

80 1 3. Develop, coordinate, and assist other public or private
80 2 organizations which serve African Americans.

80 3 4. Serve as an information clearinghouse on programs and
80 4 agencies operating to assist African Americans.

80 5 Sec. 153. Section 216A.151, subsection 1, Code 2009, is
80 6 amended by striking the subsection.

80 7 Sec. 154. Section 216A.151, subsection 3, Code 2009, is
80 8 amended to read as follows:

80 9 3. "Commission" means the commission ~~on the status of~~
80 10 ~~Iowans~~ of Asian and Pacific Islander heritage affairs .

80 11 Sec. 155. Section 216A.151, subsection 4, Code 2009, is
80 12 amended to read as follows:

80 13 4. "~~Division~~" "Office" means the ~~division on the status of~~
80 14 ~~Iowans~~ office of Asian and Pacific Islander heritage affairs of
80 15 the department of human rights.

80 16 Sec. 156. Section 216A.152, Code 2009, is amended by
80 17 striking the section and inserting in lieu thereof the
80 18 following:

80 19 216A.152 Commission of Asian and Pacific Islander affairs
80 20 established.

80 21 1. The commission of Asian and Pacific Islander affairs is
80 22 established and shall consist of seven members appointed by the
80 23 governor, subject to confirmation by the senate. Members shall
80 24 be appointed representing every geographical area of the state
80 25 and ethnic groups of Asian and Pacific Islander heritage. All
80 26 members shall reside in Iowa.

80 27 2. Terms of office are four years and shall begin and end
80 28 pursuant to section 69.19. Members whose terms expire may be
80 29 reappointed. Vacancies on the commission may be filled for the
80 30 remainder of the term of and in the same manner as the original
80 31 appointment. Members shall receive actual expenses incurred

80 32 while serving in their official capacity, subject to statutory
80 33 limits. Members may also be eligible to receive compensation
80 34 as provided in section 7E.6.

80 35 3. Members of the commission shall appoint a chairperson
81 1 and vice chairperson and other officers as the commission deems
81 2 necessary. The commission shall meet at least quarterly during
81 3 each fiscal year. A majority of the members of the commission
81 4 shall constitute a quorum. A quorum shall be required for the
81 5 conduct of business of the commission and the affirmative vote
81 6 of a majority of the currently appointed members is necessary
81 7 for any substantive action taken by the commission. A member
81 8 shall not vote on any action if the member has a conflict of
81 9 interest on the matter and a statement by the member of a
81 10 conflict of interest shall be conclusive for this purpose.

81 11 Sec. 157. Section 216A.153, Code 2009, is amended by
81 12 striking the section and inserting in lieu thereof the
81 13 following:

81 14 216A.153 Commission powers and duties.

81 15 The commission shall have the following powers and duties:

81 16 1. Study the opportunities for and changing needs of the
81 17 Asian and Pacific Islander persons in this state.

81 18 2. Serve as liaison between the office and the public,
81 19 sharing information and gathering constituency input.

81 20 3. Recommend to the board for adoption rules pursuant
81 21 to chapter 17A as it deems necessary for the commission and
81 22 office.

81 23 4. Recommend legislative and executive action to the
81 24 governor and general assembly.

81 25 5. Establish advisory committees, work groups, or other
81 26 coalitions as appropriate.

81 27 Sec. 158. Section 216A.154, Code 2009, is amended by
81 28 striking the section and inserting in lieu thereof the
81 29 following:

81 30 216A.154 Office of Asian and Pacific Islander affairs.

81 31 The office of Asian and Pacific Islander affairs is
81 32 established and shall do the following:

81 33 1. Serve as the central permanent agency to advocate for
81 34 lowans of Asian and Pacific Islander heritage.

81 35 2. Coordinate and cooperate with the efforts of state
82 1 departments and agencies to serve the needs of lowans of Asian
82 2 and Pacific Islander heritage in participating fully in the
82 3 economic, social, and cultural life of the state, and provide
82 4 direct assistance to individuals who request it.
82 5 3. Develop, coordinate, and assist other public or private
82 6 organizations which serve lowans of Asian and Pacific Islander
82 7 heritage.
82 8 4. Serve as an information clearinghouse on programs
82 9 and agencies operating to assist lowans of Asian and Pacific
82 10 Islander heritage.
82 11 Sec. 159. Section 216A.161, subsection 1, Code 2009, is
82 12 amended by striking the subsection.
82 13 Sec. 160. Section 216A.161, subsection 2, Code 2009, is
82 14 amended to read as follows:
82 15 2. "Commission" means the commission ~~en~~ of Native American
82 16 affairs.
82 17 Sec. 161. Section 216A.161, subsection 3, Code 2009, is
82 18 amended to read as follows:
82 19 3. "~~Division~~" "Office" means the ~~division on~~ office
82 20 of Native American affairs of the department of human rights.
82 21 Sec. 162. Section 216A.162, subsection 1, Code 2009, is
82 22 amended to read as follows:
82 23 1. A commission ~~en~~ of Native American affairs is established
82 24 consisting of eleven voting members appointed by the governor,
82 25 subject to confirmation by the senate. ~~The members of the~~
82 26 ~~commission shall appoint one of the members to serve as~~
82 27 ~~chairperson of the commission.~~
82 28 Sec. 163. Section 216A.162, Code 2009, is amended by adding
82 29 the following new subsection:
82 30 NEW SUBSECTION . 4. Members of the commission shall appoint
82 31 one of their members to serve as chairperson and may appoint
82 32 such other officers as the commission deems necessary. The
82 33 commission shall meet at least four times per year and shall
82 34 hold special meetings on the call of the chairperson. The
82 35 members of the commission shall be reimbursed for actual
83 1 expenses while engaged in their official duties. A member
83 2 may also be eligible to receive compensation as provided in

83 3 section 7E.6. A majority of the members of the commission
83 4 shall constitute a quorum. A quorum shall be required for the
83 5 conduct of business of the commission and the affirmative vote
83 6 of a majority of the currently appointed members is necessary
83 7 for any substantive action taken by the commission. A member
83 8 shall not vote on any action if the member has a conflict of
83 9 interest on the matter and a statement by the member of a
83 10 conflict of interest shall be conclusive for this purpose.

83 11 Sec. 164. Section 216A.165, subsections 1 through 9, Code
83 12 2009, are amended by striking the subsections and inserting in
83 13 lieu thereof the following:

83 14 1. Study the opportunities for and changing needs of Native
83 15 American persons in this state.

83 16 2. Serve as a liaison between the department and the public,
83 17 sharing information and gathering constituency input.

83 18 3. Recommend to the board for adoption rules pursuant
83 19 to chapter 17A as it deems necessary for the commission and
83 20 office.

83 21 4. Recommend legislative and executive action to the
83 22 governor and general assembly.

83 23 5. Establish advisory committees, work groups, or other
83 24 coalitions as appropriate.

83 25 Sec. 165. Section 216A.166, Code 2009, is amended by
83 26 striking the section and inserting in lieu thereof the
83 27 following:

83 28 216A.166 Office of Native American affairs.

83 29 The office of Native American affairs is established and
83 30 shall do the following:

83 31 1. Serve as the central permanent agency to advocate for
83 32 Native Americans.

83 33 2. Coordinate and cooperate with the efforts of state
83 34 departments and agencies to serve the needs of Native Americans
83 35 in participating fully in the economic, social, and cultural
84 1 life of the state, and provide direct assistance to individuals
84 2 who request it.

84 3 3. Develop, coordinate, and assist other public or private
84 4 organizations which serve Native Americans.

84 5 4. Serve as an information clearinghouse on programs and

84 6 agencies operating to assist Native Americans.
84 7 Sec. 166. Section 216A.167, subsections 1 and 2, Code 2009,
84 8 are amended by striking the subsections.
84 9 Sec. 167. Section 216A.167, subsection 3, unnumbered
84 10 paragraph 1, Code 2009, is amended to read as follows:
84 11 The commission and office shall not have the authority to do
84 12 any of the following:
84 13 Sec. 168. REPEAL. Sections 216A.16, 216A.17, 216A.55,
84 14 216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73, 216A.76,
84 15 216A.77, 216A.78, 216A.79, 216A.101, 216A.103, 216A.115,
84 16 216A.116, 216A.117, 216A.134, 216A.144, 216A.145, 216A.147,
84 17 216A.148, 216A.149, 216A.155, 216A.156, 216A.157, 216A.158,
84 18 216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and 216A.170,
84 19 Code 2009, are repealed.
84 20 Sec. 169. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION ==
84 21 TRANSITION PROVISIONS.
84 22 1. Except for the department director, no other employee
84 23 of the department of human rights shall be appointed by the
84 24 governor. Those persons now occupying positions that were
84 25 previously appointed by the governor shall be retained but
84 26 shall be subject to the merit system and state human resource
84 27 management system as provided by sections 8A.412 and 8A.413.
84 28 2. Through December 31, 2010, the department director shall
84 29 be granted reasonable flexibility within the department's
84 30 appropriation and allotted full-time equivalent positions to
84 31 reassign, retrain, or reclassify personnel as deemed necessary
84 32 in order to most effectively and efficiently carry out the
84 33 department's mission. Any personnel in the state merit system
84 34 of employment who are transferred from one work unit to another
84 35 due to the effect of this division of this Act shall be so
85 1 transferred without any loss in salary, benefits, or accrued
85 2 years of service.
85 3 3. In regard to updating references and format in the Iowa
85 4 administrative code in order to correspond to the transferring
85 5 of the authority to adopt rules from the previous divisions
85 6 of the department of human rights to the department of human
85 7 rights as established by this division of this Act, the
85 8 administrative rules coordinator and the administrative rules

85 9 review committee, in consultation with the administrative code
85 10 editor, shall jointly develop a schedule for the necessary
85 11 updating of the Iowa administrative code.
85 12 4. Current contracts that bind any division of the
85 13 department of human rights shall be honored by the department,
85 14 or expediently and judiciously amended if changes in the name
85 15 of the contractor must be made before the expiration of the
85 16 contract.
85 17 5. All client and organizational files in the possession
85 18 of any office subsumed within the division of community
85 19 advocacy and services as enacted by this division of this Act
85 20 will become the property of the office that will serve that
85 21 population.
85 22 6. Any replacement of signs, logos, stationery, insignia,
85 23 uniforms, and related items that is made due to the effect of
85 24 this division of this Act shall if possible be done as part of
85 25 the normal replacement cycle for such items.
85 26 7. The governor, in consultation with the director of
85 27 the department of human rights, shall establish a process
85 28 to implement the requirements of this division of this Act
85 29 and shall have the authority to terminate and modify the
85 30 terms of office of voting members of the commissions and the
85 31 council within the department of human rights in order to
85 32 effectuate the requirements of this division of this Act. New
85 33 appointments or reappointments to the commissions and the
85 34 council as required by this division of this Act shall be made
85 35 to effectuate the requirement, if applicable, that members
86 1 shall serve for staggered four-year terms.
86 2 Sec. 170. EFFECTIVE UPON ENACTMENT. This division of this
86 3 Act, being deemed of immediate importance, takes effect upon
86 4 enactment.

86 5 DIVISION XV

86 6 GAMBLING SETOFFS

86 7 Sec. 171. Section 99D.28, subsection 1, Code 2009, is

CODE: A debtor to the State that wins money on a wager at a

86 8 amended to read as follows:
86 9 1. A licensee or a person acting on behalf of a licensee
86 10 shall be provided electronic access to the names of the
86 11 persons indebted to a claimant agency pursuant to the process
86 12 established pursuant to section 99D.7, subsection 23. The
86 13 electronic access provided by the claimant agency shall include
86 14 access to the names of the debtors, their social security
86 15 numbers, and any other information that assists the licensee
86 16 in identifying the debtors. If the name of a debtor provided
86 17 to the licensee through electronic access is retrieved by
86 18 the licensee and the winnings are equal to or greater than
86 19 ~~ten~~ one thousand two hundred dollars per occurrence, the
86 20 retrieval of such a name shall constitute a valid lien upon and
86 21 claim of lien against the winnings of the debtor whose name
86 22 is electronically retrieved from the claimant agency. If a
86 23 debtor's winnings are equal to or greater than ~~ten~~ one thousand
86 24 two hundred dollars per occurrence, the full amount of the debt
86 25 shall be collectible from any winnings due the debtor without
86 26 regard to limitations on the amounts that may be collectible in
86 27 increments through setoff or other proceedings.
86 28 Sec. 172. Section 99D.28, subsection 7, Code 2009, is
86 29 amended to read as follows:
86 30 7. A claimant agency or licensee, acting in good faith,
86 31 shall not be liable to any person for actions taken ~~to comply~~
86 32 ~~with~~ pursuant to this section.
86 33 Sec. 173. Section 99F.19, subsection 1, Code 2009, is
86 34 amended to read as follows:
86 35 1. A licensee or a person acting on behalf of a licensee
87 1 shall be provided electronic access to the names of the
87 2 persons indebted to a claimant agency pursuant to the process
87 3 established pursuant to section 99F.4, subsection 26. The
87 4 electronic access provided by the claimant agency shall include
87 5 access to the names of the debtors, their social security
87 6 numbers, and any other information that assists the licensee
87 7 in identifying the debtors. If the name of a debtor provided
87 8 to the licensee through electronic access is retrieved by
87 9 the licensee and the winnings are equal to or greater than
87 10 ~~ten~~ one thousand two hundred dollars per occurrence, the

racetrack, excursion gambling boat, or gambling structure in Iowa is subject to a setoff for winnings that meet a \$1,200 threshold.

FISCAL IMPACT: This Division will generate an estimated \$4.6 million annually to the General Fund beginning in FY 2011.

87 11 retrieval of such a name shall constitute a valid lien upon and
87 12 claim of lien against the winnings of the debtor whose name
87 13 is electronically retrieved from the claimant agency. If a
87 14 debtor's winnings are equal to or greater than ~~ten~~ one thousand
87 15 two hundred dollars per occurrence, the full amount of the debt
87 16 shall be collectible from any winnings due the debtor without
87 17 regard to limitations on the amounts that may be collectible in
87 18 increments through setoff or other proceedings.
87 19 Sec. 174. Section 99F.19, subsection 7, Code 2009, is
87 20 amended to read as follows:
87 21 7. A claimant agency or licensee, acting in good faith,
87 22 shall not be liable to any person for actions taken ~~to comply~~
87 23 ~~with~~ pursuant to this section.

87 24 DIVISION XVI
87 25 DEPARTMENT OF MANAGEMENT == FINANCIAL ADMINISTRATION
87 26 REORGANIZATION

87 27 Sec. 175. NEW SECTION . 8.71 Definitions.
87 28 As used in this section and sections 8.72 through 8.89,
87 29 unless the context otherwise requires:
87 30 1. "Agency" or "state agency" means a unit of state
87 31 government, which is an authority, board, commission,
87 32 committee, council, department, or independent agency as
87 33 defined in section 7E.4, including but not limited to each
87 34 principal central department enumerated in section 7E.5.
87 35 However, "agency" or "state agency" does not mean any of the
88 1 following:
88 2 a. The office of the governor or the office of an elective
88 3 constitutional or statutory officer.
88 4 b. The general assembly, or any office or unit under its
88 5 administrative authority.
88 6 c. The judicial branch, as provided in section 602.1102.
88 7 d. A political subdivision of the state or its offices
88 8 or units, including but not limited to a county, city, or
88 9 community college.

CODE: Transfers the financial administration responsibility for the State from the DAS to the DOM.

FISCAL IMPACT: This transfer is expected to result in \$260,000 of General Fund savings for FY 2011.

NOTE: House File 2531 (Standing Appropriations Act) eliminates this transfer and the responsibility is retained with the DAS. House File 2531 makes a \$260,000 Cash Reserve Fund appropriation to replace the initial savings reduction of \$260,000 to the DAS General Fund appropriation in SF 2367 (Administration and Regulation Appropriations Act).

88 10 2. "Department" means the department of management.
88 11 3. "Director" means the director of the department of
88 12 management or the director's designee.
88 13 Sec. 176. NEW SECTION . 8.72 Financial administration
88 14 duties.
88 15 The department shall provide for the efficient management
88 16 and administration of the financial resources of state
88 17 government and shall have and assume the following powers and
88 18 duties:
88 19 1. Centralized accounting and payroll system. To assume the
88 20 responsibilities related to a centralized accounting system
88 21 for state government and to establish a centralized payroll
88 22 system for all state agencies. However, the state board of
88 23 regents and institutions under the control of the state board
88 24 of regents shall not be required to utilize the centralized
88 25 payroll system.
88 26 2. Setoff procedures. To establish and maintain a setoff
88 27 procedure as provided in section 8.74.
88 28 3. Cost allocation system. To establish a cost allocation
88 29 system as provided in section 8.75.
88 30 4. Collection and payment of funds == monthly payments. To
88 31 control the payment of all moneys into the state treasury,
88 32 and all payments from the state treasury by the preparation
88 33 of appropriate warrants, or warrant checks, directing such
88 34 collections and payment, and to advise the treasurer of state
88 35 monthly in writing of the amount of public funds not currently
89 1 needed for operating expenses. Whenever the state treasury
89 2 includes state funds that require distribution to counties,
89 3 cities, or other political subdivisions of this state, and the
89 4 counties, cities, and other political subdivisions certify to
89 5 the director that warrants will be stamped for lack of funds
89 6 within the thirty=day period following certification, the
89 7 director may partially distribute the funds on a monthly basis.
89 8 Whenever the law requires that any funds be paid by a specific
89 9 date, the director shall prepare a final accounting and shall
89 10 make a final distribution of any remaining funds prior to that
89 11 date.
89 12 5. Preaudit system. To establish and fix a reasonable

89 13 imprest cash fund for each state department and institution
89 14 for disbursement purposes where needed. These revolving
89 15 funds shall be reimbursed only upon vouchers approved by the
89 16 director. It is the purpose of this subsection to establish a
89 17 preaudit system of settling all claims against the state, but
89 18 the preaudit system is not applicable to any of the following:
89 19 a. Institutions under the control of the state board of
89 20 regents.
89 21 b. The state fair board as established in chapter 173.
89 22 c. The Iowa dairy industry commission as established in
89 23 chapter 179, the Iowa beef cattle producers association as
89 24 established in chapter 181, the Iowa pork producers council
89 25 as established in chapter 183A, the Iowa egg council as
89 26 established in chapter 184, the Iowa turkey marketing council
89 27 as established in chapter 184A, the Iowa soybean association
89 28 as provided in chapter 185, and the Iowa corn promotion board
89 29 as established in chapter 185C.
89 30 6. Audit of claims. To set rules and procedures for the
89 31 preaudit of claims by individual agencies or organizations.
89 32 The director reserves the right to refuse to accept incomplete
89 33 or incorrect claims and to review, preaudit, or audit claims
89 34 as determined by the director.
89 35 7. Contracts. To certify, record, and encumber all formal
90 1 contracts to prevent overcommitment of appropriations and
90 2 allotments.
90 3 8. Accounts. To keep the central budget and proprietary
90 4 control accounts of the general fund of the state and special
90 5 funds, as defined in section 8.2, of the state government.
90 6 Upon elimination of the state deficit under generally accepted
90 7 accounting principles, including the payment of items budgeted
90 8 in a subsequent fiscal year which under generally accepted
90 9 accounting principles should be budgeted in the current fiscal
90 10 year, the recognition of revenues received and expenditures
90 11 paid and transfers received and paid within the time period
90 12 required pursuant to section 8.33 shall be in accordance with
90 13 generally accepted accounting principles. Budget accounts
90 14 are those accounts maintained to control the receipt and
90 15 disposition of all funds, appropriations, and allotments.

90 16 Proprietary accounts are those accounts relating to assets,
90 17 liabilities, income, and expense. For each fiscal year, the
90 18 financial position and results of operations of the state shall
90 19 be reported in a comprehensive annual financial report prepared
90 20 in accordance with generally accepted accounting principles, as
90 21 established by the governmental accounting standards board.

90 22 8A. Budget database. To develop and make available to the
90 23 public a searchable budget database.

90 24 9. Fair board and state board of regents. To control
90 25 the financial operations of the state fair board and the
90 26 institutions under the state board of regents:

90 27 a. By charging all warrants issued to the respective
90 28 educational institutions and the state fair board to an advance
90 29 account to be further accounted for and not as an expense which
90 30 requires no further accounting.

90 31 b. By charging all collections made by the educational
90 32 institutions and state fair board to the respective advance
90 33 accounts of the institutions and state fair board, and by
90 34 crediting all such repayment collections to the respective
90 35 appropriations and special funds.

91 1 c. By charging all disbursements made to the respective
91 2 allotment accounts of each educational institution or state
91 3 fair board and by crediting all such disbursements to the
91 4 respective advance and inventory accounts.

91 5 d. By requiring a monthly abstract of all receipts and
91 6 of all disbursements, both money and stores, and a complete
91 7 account current each month from each educational institution
91 8 and the state fair board.

91 9 10. Entities representing agricultural producers. To control
91 10 the financial operations of the Iowa dairy industry commission
91 11 as provided in chapter 179, the Iowa beef cattle producers
91 12 association as provided in chapter 181, the Iowa pork producers
91 13 council as provided in chapter 183A, the Iowa egg council as
91 14 provided in chapter 184, the Iowa turkey marketing council
91 15 as provided in chapter 184A, the Iowa soybean association as
91 16 provided in chapter 185, and the Iowa corn promotion board as
91 17 provided in chapter 185C.

91 18 11. Custody of records. To have the custody of all books,

91 19 papers, records, documents, vouchers, conveyances, leases,
91 20 mortgages, bonds, and other securities appertaining to the
91 21 fiscal affairs and property of the state, which are not
91 22 required to be kept in some other office.

91 23 12. Interest of the permanent school fund. To transfer the
91 24 interest of the permanent school fund to the credit of the
91 25 interest for Iowa schools fund.

91 26 13. Forms. To prescribe all accounting and business
91 27 forms and the system of accounts and reports of financial
91 28 transactions by all departments and agencies of the state
91 29 government other than those of the legislative branch.

91 30 14. Federal cash management and improvement act
91 31 administrator.

91 32 a. To serve as administrator for state actions relating to
91 33 the federal Cash Management and Improvement Act of 1990, Pub.
91 34 L. No. 101=453, as codified in 31 U.S.C. 6503. The director
91 35 shall perform the following duties relating to the federal law:

92 1 (1) Act as the designated representative of the state in the
92 2 negotiation and administration of contracts between the state
92 3 and federal government relating to the federal law.

92 4 (2) Modify the centralized statewide accounting system
92 5 and develop, or require to be developed by the appropriate
92 6 departments of state government, the reports and procedures
92 7 necessary to complete the managerial and financial reports
92 8 required to comply with the federal law.

92 9 b. There is annually appropriated from the general fund
92 10 of the state to the department an amount sufficient to pay
92 11 interest costs that may be due the federal government as a
92 12 result of implementation of the federal law. This paragraph
92 13 does not authorize the payment of interest from the general
92 14 fund of the state for any department of administrative
92 15 services' revolving, trust, or special fund of the department
92 16 of administrative services where monthly interest earnings
92 17 accrue to the credit of the department of administrative
92 18 services' revolving, trust, or special fund. For any
92 19 department of administrative services' revolving, trust, or
92 20 special fund where monthly interest is accrued to the credit of
92 21 the fund, the director may authorize a supplemental expenditure

92 22 to pay interest costs from the individual fund which are due
92 23 the federal government as a result of implementation of the
92 24 federal law.

92 25 Sec. 177. NEW SECTION . 8.73 Rules == deposit of
92 26 departmental moneys.

92 27 The director shall prescribe by rule the manner and methods
92 28 by which all departments and agencies of the state that
92 29 collect money for and on behalf of the state shall cause the
92 30 money to be deposited with the treasurer of state or in a
92 31 depository designated by the treasurer of state. All such
92 32 moneys collected shall be deposited at such times and in such
92 33 depositories to permit the state of Iowa to deposit the funds
92 34 in a manner consistent with the state's investment policies.
92 35 All such moneys shall be promptly deposited, as directed, even
93 1 though the individual amount remitted may not be correct. If
93 2 any individual amount remitted is in excess of the amount
93 3 required, the department or agency receiving the same shall
93 4 refund the excess amount. If the individual amount remitted is
93 5 insufficient, the person, firm, or corporation concerned shall
93 6 be immediately billed for the amount of the deficiency.

93 7 Sec. 178. NEW SECTION . 8.74 Setoff procedures.

93 8 1. Definitions. As used in this section, unless the context
93 9 otherwise requires:

93 10 a. "Collection entity" means the department of management
93 11 and any other state agency that maintains a separate accounting
93 12 system and elects to establish a debt collection setoff
93 13 procedure for collection of debts owed to the state or its
93 14 agencies.

93 15 b. "Person" does not include a state agency.

93 16 c. "Qualifying debt" includes but is not limited to the
93 17 following:

93 18 (1) Any debt, which is assigned to the department of human
93 19 services, or which the child support recovery unit is otherwise
93 20 attempting to collect, or which the foster care recovery unit
93 21 of the department of human services is attempting to collect
93 22 on behalf of a child receiving foster care provided by the
93 23 department of human services.

93 24 (2) An amount that is due because of a default on a

93 25 guaranteed student or parental loan under chapter 261.
93 26 (3) Any debt which is in the form of a liquidated sum due,
93 27 owing, and payable to the clerk of the district court.
93 28 d. "State agency" means a board, commission, department,
93 29 including the department of administrative services, or other
93 30 administrative office or unit of the state of Iowa or any
93 31 other state entity reported in the Iowa comprehensive annual
93 32 financial report, or a political subdivision of the state, or
93 33 an office or unit of a political subdivision. "State agency"
93 34 does include the clerk of the district court as it relates to
93 35 the collection of a qualifying debt. "State agency" does not
94 1 include the general assembly or the governor.
94 2 2. Setoff procedure. The collection entity shall establish
94 3 and maintain a procedure to set off against any claim owed to
94 4 a person by a state agency any liability of that person owed
94 5 to a state agency, a support debt being enforced by the child
94 6 support recovery unit pursuant to chapter 252B, or such other
94 7 qualifying debt. The procedure shall only apply when at the
94 8 discretion of the director it is feasible. The procedure shall
94 9 meet the following conditions:
94 10 a. Before setoff, a person's liability to a state agency and
94 11 the person's claim on a state agency shall be in the form of a
94 12 liquidated sum due, owing, and payable.
94 13 b. Before setoff, the state agency shall obtain and forward
94 14 to the collection entity the full name and social security
94 15 number of the person liable to it or to whom a claim is owing
94 16 who is a natural person. If the person is not a natural person,
94 17 before setoff, the state agency shall forward to the collection
94 18 entity the information concerning the person as the collection
94 19 entity shall, by rule, require. The collection entity
94 20 shall cooperate with other state agencies in the exchange of
94 21 information relevant to the identification of persons liable
94 22 to or of claimants of state agencies. However, the collection
94 23 entity shall provide only relevant information required by a
94 24 state agency. The information shall be held in confidence
94 25 and used for the purpose of setoff only. Section 422.72,
94 26 subsection 1, does not apply to this paragraph.
94 27 c. Before setoff, a state agency shall, at least annually,

94 28 submit to the collection entity the information required
94 29 by paragraph "b" along with the amount of each person's
94 30 liability to and the amount of each claim on the state agency.
94 31 The collection entity may, by rule, require more frequent
94 32 submissions.

94 33 d. Before setoff, the amount of a person's claim on a state
94 34 agency and the amount of a person's liability to a state agency
94 35 shall constitute a minimum amount set by rule of the collection
95 1 entity.

95 2 e. Upon submission of an allegation of liability by a state
95 3 agency, the collection entity shall notify the state agency
95 4 whether the person allegedly liable is entitled to payment from
95 5 a state agency, and, if so entitled, shall notify the state
95 6 agency of the amount of the person's entitlement and of the
95 7 person's last address known to the collection entity. Section
95 8 422.72, subsection 1, does not apply to this paragraph.

95 9 f. (1) Upon notice of entitlement to a payment, the state
95 10 agency shall send written notification to that person of the
95 11 state agency's assertion of its rights to all or a portion of
95 12 the payment and of the state agency's entitlement to recover
95 13 the liability through the setoff procedure, the basis of
95 14 the assertion, the opportunity to request that a jointly or
95 15 commonly owned right to payment be divided among owners, and
95 16 the person's opportunity to give written notice of intent
95 17 to contest the amount of the allegation. The state agency
95 18 shall send a copy of the notice to the collection entity. A
95 19 state agency subject to chapter 17A shall give notice, conduct
95 20 hearings, and allow appeals in conformity with chapter 17A.

95 21 (2) However, upon submission of an allegation of the
95 22 liability of a person which is owing and payable to the
95 23 clerk of the district court and upon the determination by
95 24 the collection entity that the person allegedly liable is
95 25 entitled to payment from a state agency, the collection entity
95 26 shall send written notification to the person which states the
95 27 assertion by the clerk of the district court of rights to all
95 28 or a portion of the payment, the clerk's entitlement to recover
95 29 the liability through the setoff procedure, the basis of the
95 30 assertions, the person's opportunity to request within fifteen

95 31 days of the mailing of the notice that the collection entity
95 32 divide a jointly or commonly owned right to payment between
95 33 owners, the opportunity to contest the liability to the clerk
95 34 by written application to the clerk within fifteen days of the
95 35 mailing of the notice, and the person's opportunity to contest
96 1 the collection entity's setoff procedure.
96 2 g. Upon the timely request of a person liable to a state
96 3 agency or of the spouse of that person and upon receipt of the
96 4 full name and social security number of the person's spouse,
96 5 a state agency shall notify the collection entity of the
96 6 request to divide a jointly or commonly owned right to payment.
96 7 Any jointly or commonly owned right to payment is rebuttably
96 8 presumed to be owned in equal portions by its joint or common
96 9 owners.
96 10 h. The collection entity shall, after the state agency has
96 11 sent notice to the person liable or, if the liability is owing
96 12 and payable to the clerk of the district court, the collection
96 13 entity has sent notice to the person liable, set off the amount
96 14 owed to the agency against any amount which a state agency owes
96 15 that person. The collection entity shall refund any balance
96 16 of the amount to the person. The collection entity shall
96 17 periodically transfer amounts set off to the state agencies
96 18 entitled to them. If a person liable to a state agency gives
96 19 written notice of intent to contest an allegation, a state
96 20 agency shall hold a refund or rebate until final disposition
96 21 of the allegation. Upon completion of the setoff, a state
96 22 agency shall notify in writing the person who was liable or,
96 23 if the liability is owing and payable to the clerk of the
96 24 district court, shall comply with the procedures as provided
96 25 in paragraph "j".
96 26 i. The department of revenue's existing right to credit
96 27 against tax due or to become due under section 422.73 is not to
96 28 be impaired by a right granted to or a duty imposed upon the
96 29 collection entity or other state agency by this section. This
96 30 section is not intended to impose upon the collection entity or
96 31 the department of revenue any additional requirement of notice,
96 32 hearing, or appeal concerning the right to credit against tax
96 33 due under section 422.73.

96 34 j. If the alleged liability is owing and payable to the
96 35 clerk of the district court and setoff as provided in this
97 1 section is sought, all of the following shall apply:
97 2 (1) The judicial branch shall prescribe procedures to
97 3 permit a person to contest the amount of the person's liability
97 4 to the clerk of the district court.
97 5 (2) The collection entity shall, except for the procedures
97 6 described in subparagraph (1), prescribe any other applicable
97 7 procedures concerning setoff as provided in this subsection.
97 8 (3) Upon completion of the setoff, the collection entity
97 9 shall file, at least monthly, with the clerk of the district
97 10 court a notice of satisfaction of each obligation to the
97 11 full extent of all moneys collected in satisfaction of the
97 12 obligation. The clerk shall record the notice and enter a
97 13 satisfaction for the amounts collected and a separate written
97 14 notice is not required.

97 15 3. Priority claims. In the case of multiple claims to
97 16 payments filed under this section, priority shall be given to
97 17 claims filed by the child support recovery unit or the foster
97 18 care recovery unit, next priority shall be given to claims
97 19 filed by the college student aid commission, next priority
97 20 shall be given to claims filed by the investigations division
97 21 of the department of inspections and appeals, next priority
97 22 shall be given to claims filed by a clerk of the district
97 23 court, and last priority shall be given to claims filed by
97 24 other state agencies. In the case of multiple claims in which
97 25 the priority is not otherwise provided by this subsection,
97 26 priority shall be determined in accordance with rules to be
97 27 established by the director.

97 28 4. State reciprocal agreements. The director shall have
97 29 the authority to enter into reciprocal agreements with the
97 30 departments of revenue of other states that have enacted
97 31 legislation that is substantially equivalent to the setoff
97 32 procedure provided in this section for the recovery of an
97 33 amount due because of a default on a guaranteed student or
97 34 parental loan under chapter 261. A reciprocal agreement shall
97 35 also be approved by the college student aid commission. The
98 1 agreement shall authorize the department to provide by rule for

98 2 the setoff of state income tax refunds or rebates of defaulters
98 3 from states with which Iowa has a reciprocal agreement and to
98 4 provide for sending lists of names of Iowa defaulters to the
98 5 states with which Iowa has a reciprocal agreement for setoff of
98 6 that state's income tax refunds.

98 7 5. Agency reimbursements. Under substantive rules
98 8 established by the director, the department shall seek
98 9 reimbursement from other state agencies to recover its costs
98 10 for setting off liabilities.

98 11 Sec. 179. NEW SECTION . 8.75 Cost allocation system ==
98 12 appropriation.

98 13 The department shall develop and administer an indirect
98 14 cost allocation system for state agencies. The system shall
98 15 be based upon standard cost accounting methodologies and shall
98 16 be used to allocate both direct and indirect costs of state
98 17 agencies or state agency functions in providing centralized
98 18 services to other state agencies. A cost that is allocated to
98 19 a state agency pursuant to this system shall be billed to the
98 20 state agency and the cost is payable to the general fund of the
98 21 state. The source of payment for the billed cost shall be any
98 22 revenue source except for the general fund of the state. If a
98 23 state agency is authorized by law to bill and recover direct
98 24 expenses, the state agency shall recover indirect costs in the
98 25 same manner.

98 26 Sec. 180. NEW SECTION . 8.76 Accounting.

98 27 The director may at any time require any person receiving
98 28 money, securities, or property belonging to the state, or
98 29 having the management, disbursement, or other disposition of
98 30 them, an account of which is kept in the department, to render
98 31 statements of them and information in reference to them.

98 32 Sec. 181. NEW SECTION . 8.77 Stating account.

98 33 If an officer who is accountable to the state treasury for
98 34 any money or property neglects to render an account to the
98 35 director within the time prescribed by law, or if no time is so
99 1 prescribed, within twenty days after being required to do so by
99 2 the director, the director shall state an account against the
99 3 officer from the books of the officer's office, charging ten
99 4 percent damages on the whole sum appearing due, and interest

99 5 at the rate of six percent per annum on the aggregate from the
99 6 time when the account should have been rendered; all of which
99 7 may be recovered by action brought on the account, or on the
99 8 official bond of the officer.

99 9 Sec. 182. NEW SECTION . 8.78 Compelling payment.
99 10 If an officer fails to pay into the state treasury the amount
99 11 received by the officer within the time prescribed by law, or
99 12 having settled with the director, fails to pay the amount found
99 13 due, the director shall charge the officer with twenty percent
99 14 damages on the amount due, with interest on the aggregate from
99 15 the time the amount became due at the rate of six percent per
99 16 annum, and the whole may be recovered by an action brought on
99 17 the account, or on the official bond of the officer, and the
99 18 officer shall forfeit the officer's commission.

99 19 Sec. 183. NEW SECTION . 8.79 Defense to claim.
99 20 The penal provisions in sections 8.77 and 8.78 are subject
99 21 to any legal defense which the officer may have against the
99 22 account as stated by the director, but judgment for costs shall
99 23 be rendered against the officer in the action, whatever its
99 24 result, unless the officer rendered an account within the time
99 25 named in those sections.

99 26 Sec. 184. NEW SECTION . 8.80 Requested credits == oath
99 27 required.

99 28 When a county treasurer or other receiver of public moneys
99 29 seeks to obtain credit on the books of the department for
99 30 payment made to the county treasurer, before giving such credit
99 31 the director shall require that person to take and subscribe an
99 32 oath that the person has not used, loaned, or appropriated any
99 33 of the public moneys for the person's private benefit or for
99 34 the benefit of any other person.

99 35 Sec. 185. NEW SECTION . 8.81 Requisition for information.
100 1 In those cases where the director is authorized to call
100 2 upon persons or officers for information, or statements,
100 3 or accounts, the director may issue a requisition therefor
100 4 in writing to the person or officer called upon, allowing
100 5 reasonable time, which, having been served and return made to
100 6 the director, as a notice in a civil action, is evidence of the
100 7 making of the requisition.

100 8 Sec. 186. NEW SECTION . 8.82 Limits on claims.
100 9 The director is limited in authorizing the payment of
100 10 claims, as follows:
100 11 1. Funding limit.
100 12 a. A claim shall not be allowed by the department if the
100 13 appropriation or fund of certification available for paying the
100 14 claim has been exhausted or proves insufficient.
100 15 b. The authority of the director is subject to the following
100 16 exceptions:
100 17 (1) Claims by state employees for benefits pursuant to
100 18 chapters 85, 85A, 85B, and 86 are subject to limitations
100 19 provided in those chapters.
100 20 (2) Claims for medical assistance payments authorized under
100 21 chapter 249A are subject to the time limits imposed by rule
100 22 adopted by the department of human services.
100 23 (3) Claims approved by an agency according to the provisions
100 24 of section 25.2.
100 25 2. Convention expenses. Claims for expenses in attending
100 26 conventions, meetings, conferences, or gatherings of members
100 27 of an association or society organized and existing as a
100 28 quasi=public association or society outside the state of Iowa
100 29 shall not be allowed at public expense, unless authorized by
100 30 the executive council; and claims for these expenses outside
100 31 of the state shall not be allowed unless the voucher is
100 32 accompanied by the portion of the minutes of the executive
100 33 council, certified to by its secretary, showing that the
100 34 expense was authorized by the council. This section does not
100 35 apply to claims in favor of the governor, attorney general,
101 1 utilities board members, or to trips referred to in sections
101 2 97B.7A and 217.20.
101 3 3. Payment from fees. Claims for per diem and expenses
101 4 payable from fees shall not be approved for payment in excess
101 5 of those fees if the law provides that such expenditures are
101 6 limited to the special funds collected and deposited in the
101 7 state treasury.
101 8 Sec. 187. NEW SECTION . 8.83 Claims == approval.
101 9 The director before approving a claim on behalf of the
101 10 department shall determine:

101 11 1. That the creation of the claim is clearly authorized by
101 12 law. Statutes authorizing the expenditure may be referenced
101 13 through account coding authorized by the director.
101 14 2. That the claim has been authorized by an officer or
101 15 official body having legal authority to so authorize and that
101 16 the fact of authorization has been certified to the director by
101 17 such officer or official body.
101 18 3. That all legal requirements have been observed,
101 19 including notice and opportunity for competition, if required
101 20 by law.
101 21 4. That the claim is in proper form as the director may
101 22 provide.
101 23 5. That the charges are reasonable, proper, and correct and
101 24 no part of the claim has been paid.
101 25 Sec. 188. NEW SECTION . 8.84 Vouchers == interest == payment
101 26 of claims.
101 27 1. Before a warrant or its equivalent is issued for
101 28 a claim payable from the state treasury, the department
101 29 shall file an itemized voucher showing in detail the items
101 30 of service, expense, item furnished, or contract for which
101 31 payment is sought. However, the director may authorize the
101 32 prepayment of claims when the best interests of the state are
101 33 served under rules adopted by the director. The claimant's
101 34 original invoice shall be attached to a department's approved
101 35 voucher. The director shall adopt rules specifying the
102 1 form and contents for invoices submitted by a vendor to a
102 2 department. The requirements apply to acceptance of an invoice
102 3 by a department. A department shall not impose additional or
102 4 different requirements on submission of invoices than those
102 5 contained in rules of the director unless the director exempts
102 6 the department from the invoice requirements or a part of the
102 7 requirements upon a finding that compliance would result in
102 8 poor accounting or management practices.
102 9 2. Vouchers for postage, stamped envelopes, and postal
102 10 cards may be audited as soon as an order for them is entered.
102 11 3. The departments, the general assembly, and the courts
102 12 shall pay their claims in a timely manner. If a claim
102 13 for services, supplies, materials, or a contract which is

102 14 payable from the state treasury remains unpaid after sixty
102 15 days following the receipt of the claim or the satisfactory
102 16 delivery, furnishing, or performance of the services, supplies,
102 17 materials, or contract, whichever date is later, the state
102 18 shall pay interest at the rate of one percent per month on
102 19 the unpaid amount of the claim. This subsection does not
102 20 apply to claims against the state under chapters 25 and 669
102 21 or to claims paid by federal funds. The interest shall be
102 22 charged to the appropriation or fund to which the claim is
102 23 certified. Departments may enter into contracts for goods or
102 24 services on payment terms of less than sixty days if the state
102 25 may obtain a financial benefit or incentive which would not
102 26 otherwise be available from the vendor. The department, in
102 27 consultation with other affected departments, shall develop
102 28 policies to promote consistency and fiscal responsibility
102 29 relating to payment terms authorized under this subsection.
102 30 The director shall adopt rules under chapter 17A relating to
102 31 the administration of this subsection.

102 32 Sec. 189. NEW SECTION . 8.85 Warrants == form.
102 33 A warrant shall bear on its face the signature of the
102 34 director or its facsimile, or the signature of an assistant
102 35 or its facsimile in case of a vacancy in the office of the
103 1 director; a proper number, date, amount, and name of payee;
103 2 a reference to the law under which it is drawn; whether for
103 3 salaries or wages, services, or supplies, and what kind of
103 4 supplies; and from what office or department, or for what
103 5 other general or special purposes; or in lieu thereof, a
103 6 coding system may be used, which particulars shall be entered
103 7 in a warrant register kept for that purpose in the order of
103 8 issuance; and as soon as practicable after issuing a warrant
103 9 register, the director shall certify a duplicate of it to the
103 10 treasurer of state.

103 11 Sec. 190. NEW SECTION . 8.86 Required payee.
103 12 All warrants shall be drawn to the order of the person
103 13 entitled to payment or compensation, except that when goods
103 14 or materials are purchased in foreign countries, warrants may
103 15 be drawn upon the treasurer of state, payable to the bearer
103 16 for the net amount of invoice and current exchange, and the

103 17 treasurer of state shall furnish a foreign draft payable to the
103 18 order of the person from whom purchase is made.
103 19 Sec. 191. NEW SECTION . 8.87 Prohibited payee.
103 20 In no case shall warrants be drawn in the name of the
103 21 certifying office, department, board, or institution, or in
103 22 the name of an employee, except for personal service rendered
103 23 or expense incurred by the employee, unless express statutory
103 24 authority exists therefor.
103 25 Sec. 192. NEW SECTION . 8.88 Claims exceeding
103 26 appropriations.
103 27 A claim shall not be allowed when the claim will exceed the
103 28 amount specifically appropriated for the claim.
103 29 Sec. 193. NEW SECTION . 8.89 Cancellation of state warrants.
103 30 On the last business day of each month, the director shall
103 31 cancel and request the treasurer of state to stop payment on
103 32 all state warrants which have been outstanding and unredeemed
103 33 by the treasurer of state for six months or longer.
103 34 Sec. 194. Section 8.9, subsection 1, Code Supplement 2009,
103 35 is amended to read as follows:
104 1 1. The office of grants enterprise management is
104 2 established in the department of management. The function of
104 3 the office is to develop and administer a system to track,
104 4 identify, advocate for, and coordinate nonstate grants as
104 5 defined in section 8.2, subsections 1 and 3. Staffing for
104 6 the office of grants enterprise management shall be provided
104 7 by a facilitator appointed by the director of the department
104 8 of management. Additional staff may be hired, subject to the
104 9 availability of funding. Funding for the office is from the
104 10 appropriation to the department pursuant to section ~~8A.505,~~
104 11 ~~subsection 2~~ .
104 12 Sec. 195. Section 8.31, subsection 4, Code 2009, is amended
104 13 to read as follows:
104 14 4. The procedure to be employed in controlling the
104 15 expenditures and receipts of the state fair board and
104 16 the institutions under the state board of regents, whose
104 17 collections are not deposited in the state treasury, is that
104 18 outlined in section ~~8A.502~~ 8.72 , subsection 9.
104 19 Sec. 196. Section 8A.102, subsection 2, Code 2009, is

104 20 amended to read as follows:
104 21 2. The person appointed as director shall be professionally
104 22 qualified by education and have no less than five years'
104 23 experience in the field of management, public or private sector
104 24 personnel administration including the application of merit
104 25 principles in employment, ~~financial management~~, and policy
104 26 development and implementation. The appointment shall be made
104 27 without regard for political affiliation. The director shall
104 28 not be a member of any local, state, or national committee
104 29 of a political party, an officer or member of a committee in
104 30 any partisan political club or organization, or hold or be a
104 31 candidate for a paid elective public office. The director is
104 32 subject to the restrictions on political activity provided
104 33 in section 8A.416. The governor shall set the salary of the
104 34 director within pay grade nine.
104 35 Sec. 197. Section 8A.103, unnumbered paragraph 1, Code
105 1 2009, is amended to read as follows:
105 2 The department is created for the purpose of managing and
105 3 coordinating the major resources of state government including
105 4 the human, ~~financial~~, physical, and information resources of
105 5 state government.
105 6 Sec. 198. Section 8A.104, subsection 12, Code 2009, is
105 7 amended to read as follows:
105 8 12. Serve as the chief information officer for the
105 9 state. However, the director may designate a person in the
105 10 department to serve in this capacity at the discretion of
105 11 the director. If the director designates a person to serve
105 12 as chief information officer, the person designated shall be
105 13 professionally qualified by education and have no less than
105 14 five years' experience in the ~~fields~~ field of information
105 15 technology ~~and financial management~~ .
105 16 Sec. 199. Section 8A.111, subsection 11, Code 2009, is
105 17 amended by striking the subsection.
105 18 Sec. 200. Section 8A.204, subsection 3, paragraph b, Code
105 19 2009, is amended to read as follows:
105 20 b. Work with the department of management ~~and the state~~
105 21 ~~accounting enterprise of the department, pursuant to section~~
105 22 ~~8A.502~~, to maintain the relevancy of the central budget and

105 23 proprietary control accounts of the general fund of the state
105 24 and special funds to information technology, as those terms are
105 25 defined in section 8.2, of state government.
105 26 Sec. 201. Section 8A.323, subsection 5, Code 2009, is
105 27 amended to read as follows:
105 28 5. Any fine that remains unpaid upon becoming delinquent
105 29 may be collected by the department pursuant to the setoff
105 30 procedures provided for in section ~~8A.504~~ 8.74 . For purposes
105 31 of this subsection, a fine becomes delinquent if it has not
105 32 been paid within thirty days of the date of the issuance of the
105 33 parking citation, unless a written request for a hearing is
105 34 filed as provided pursuant to the rules of the department. If
105 35 an appeal is filed and the citation is upheld, the fine becomes
106 1 delinquent ten days after the issuance of the final decision on
106 2 the appeal or thirty=one days after the date of the issuance of
106 3 the parking citation, whichever is later.
106 4 Sec. 202. Section 11.2, subsection 1, paragraph b, Code
106 5 2009, is amended to read as follows:
106 6 b. Provided further, that a preliminary audit of the
106 7 educational institutions and the state fair board shall be made
106 8 periodically, at least quarterly, to check the monthly reports
106 9 submitted to the director of the department of administrative
106 10 services as required by section ~~8A.502~~ 8.72 , subsection 9, and
106 11 that a final audit of such state agencies shall be made at the
106 12 close of each fiscal year.
106 13 Sec. 203. Section 25.2, subsection 5, Code 2009, is amended
106 14 to read as follows:
106 15 5. Outstanding state warrants that have been canceled
106 16 pursuant to section ~~8A.519~~ 8.89 and were charged to the general
106 17 fund of the state or another state funding source shall be
106 18 addressed as provided in section 556.2C.
106 19 Sec. 204. Section 96.11, subsection 16, Code 2009, is
106 20 amended to read as follows:
106 21 16. Reimbursement of setoff costs. The department shall
106 22 include in the amount set off in accordance with section
106 23 ~~8A.504~~ 8.74 , for the collection of an overpayment created
106 24 pursuant to section 96.3, subsection 7, or section 96.16,
106 25 subsection 4, an additional amount for the reimbursement of

106 26 setoff costs incurred by the department of administrative
106 27 services.
106 28 Sec. 205. Section 97B.7A, subsection 5, Code 2009, is
106 29 amended to read as follows:
106 30 5. Travel. In the administration of the investment of
106 31 moneys in the retirement fund, employees of the system and
106 32 members of the board may travel outside the state for the
106 33 purpose of meeting with investment firms and consultants and
106 34 attending conferences and meetings to fulfill their fiduciary
106 35 responsibilities. This travel is not subject to section
107 1 ~~8A.512~~ 8.82 , subsection 2.
107 2 Sec. 206. Section 99D.2, subsection 3, Code 2009, is amended
107 3 to read as follows:
107 4 3. "Claimant agency" means a state agency as defined
107 5 in section ~~8A.504~~ 8.74 , subsection 1, or the state court
107 6 administrator as defined in section 602.1101.
107 7 Sec. 207. Section 99D.28, subsection 2, Code 2009, is
107 8 amended to read as follows:
107 9 2. The licensee is authorized and directed to withhold
107 10 any winnings of a debtor which are paid out directly by the
107 11 licensee subject to the lien created by this section and
107 12 provide notice of such withholding to the winner when the
107 13 winner appears and claims winnings in person. The licensee
107 14 shall pay the funds over to the collection entity which
107 15 administers the setoff program pursuant to section ~~8A.504~~ 8.74 .
107 16 Sec. 208. Section 99F.1, subsection 4, Code 2009, is amended
107 17 to read as follows:
107 18 4. "Claimant agency" means a state agency as defined
107 19 in section ~~8A.504~~ 8.74 , subsection 1, or the state court
107 20 administrator as defined in section 602.1101.
107 21 Sec. 209. Section 99F.19, subsection 2, Code 2009, is
107 22 amended to read as follows:
107 23 2. The licensee is authorized and directed to withhold
107 24 any winnings of a debtor which are paid out directly by the
107 25 licensee subject to the lien created by this section and
107 26 provide notice of such withholding to the winner when the
107 27 winner appears and claims winnings in person. The licensee
107 28 shall pay the funds over to the collection entity which

107 29 administers the setoff program pursuant to section ~~8A.504~~ 8.74 .
107 30 Sec. 210. Section 99G.38, subsection 3, Code 2009, is
107 31 amended to read as follows:
107 32 3. The state of Iowa offset program, as provided in section
107 33 ~~8A.504~~ 8.74 , shall be available to the authority to facilitate
107 34 receipt of funds owed to the authority.
107 35 Sec. 211. Section 217.34, Code 2009, is amended to read as
108 1 follows:
108 2 217.34 Debt setoff.
108 3 The investigations division of the department of inspections
108 4 and appeals and the department of human services shall provide
108 5 assistance to set off against a person's or provider's income
108 6 tax refund or rebate any debt which has accrued through written
108 7 contract, subrogation, departmental recoupment procedures,
108 8 or court judgment and which is in the form of a liquidated
108 9 sum due and owing the department of human services. The
108 10 department of inspections and appeals, with approval of the
108 11 department of human services, shall adopt rules under chapter
108 12 17A necessary to assist the department of ~~administrative~~
108 13 ~~services~~ management in the implementation of the setoff under
108 14 section ~~8A.504~~ 8.74 in regard to money owed to the state
108 15 for public assistance overpayments. The department of human
108 16 services shall adopt rules under chapter 17A necessary to
108 17 assist the department of ~~administrative services~~ management in
108 18 the implementation of the setoff under section ~~8A.504~~ 8.74 , in
108 19 regard to collections by the child support recovery unit and
108 20 the foster care recovery unit.
108 21 Sec. 212. Section 218.58, subsection 5, Code 2009, is
108 22 amended to read as follows:
108 23 5. A claim for payment relating to a project shall be
108 24 itemized on a voucher form pursuant to section ~~8A.514~~ 8.84 ,
108 25 certified by the claimant and the architect or engineer
108 26 in charge, and audited and approved by the department of
108 27 ~~administrative services~~ management . Upon approval by the
108 28 department of ~~administrative services~~ management , the director
108 29 of the department of ~~administrative services~~ management shall
108 30 draw a warrant to be paid by the treasurer of state from funds
108 31 appropriated for the project. A partial payment made before

108 32 completion of the project does not constitute final acceptance
108 33 of the work or a waiver of any defect in the work.
108 34 Sec. 213. Section 218.85, Code 2009, is amended to read as
108 35 follows:

109 1 218.85 Uniform system of accounts.
109 2 The director of human services through the administrators
109 3 in control of the institutions shall install in all the
109 4 institutions the most modern, complete, and uniform system of
109 5 accounts, records, and reports possible. The system shall be
109 6 prescribed by the director of the department of ~~administrative~~
109 7 ~~services~~ management as authorized in section ~~8A-502 8.72~~ ,
109 8 subsection 13, and, among other matters, shall clearly show
109 9 the detailed facts relative to the handling and uses of all
109 10 purchases.

109 11 Sec. 214. Section 234.8, Code 2009, is amended to read as
109 12 follows:

109 13 234.8 Fees for child welfare services.
109 14 The department of human services may charge a fee for
109 15 child welfare services to a person liable for the cost of the
109 16 services. The fee shall not exceed the reasonable cost of the
109 17 services. The fee shall be based upon the person's ability
109 18 to pay and consideration of the fee's impact upon the liable
109 19 person's family and the goals identified in the case permanency
109 20 plan. The department may assess the liable person for the fee
109 21 and the means of recovery shall include a setoff against an
109 22 amount owed by a state agency to the person assessed pursuant
109 23 to section ~~8A-504 8.74~~ . In addition the department may
109 24 establish an administrative process to recover the assessment
109 25 through automatic income withholding. The department shall
109 26 adopt rules pursuant to chapter 17A to implement the provisions
109 27 of this section. This section does not apply to court-ordered
109 28 services provided to juveniles which are a charge upon the
109 29 state pursuant to section 232.141 and services for which the
109 30 department has established a support obligation pursuant to
109 31 section 234.39.

109 32 Sec. 215. Section 252B.5, subsection 4, Code Supplement
109 33 2009, is amended to read as follows:

109 34 4. Assistance to set off against a debtor's income tax

109 35 refund or rebate any support debt, which is assigned to
110 1 the department of human services or which the child support
110 2 recovery unit is attempting to collect on behalf of any
110 3 individual not eligible as a public assistance recipient, which
110 4 has accrued through written contract, subrogation, or court
110 5 judgment, and which is in the form of a liquidated sum due
110 6 and owing for the care, support, or maintenance of a child.
110 7 Unless the periodic payment plan provisions for a retroactive
110 8 modification pursuant to section 598.21C apply, the entire
110 9 amount of a judgment for accrued support, notwithstanding
110 10 compliance with a periodic payment plan or regardless of the
110 11 date of entry of the judgment, is due and owing as of the date
110 12 of entry of the judgment and is delinquent for the purposes of
110 13 setoff, including for setoff against a debtor's federal income
110 14 tax refund or other federal nontax payment. The department
110 15 of human services shall adopt rules pursuant to chapter
110 16 17A necessary to assist the department of ~~administrative~~
110 17 ~~services~~ management in the implementation of the child support
110 18 setoff as established under section ~~8A.504~~ 8.74 .
110 19 Sec. 216. Section 261.37, subsection 7, Code 2009, is
110 20 amended to read as follows:
110 21 7. To establish an effective system for the collection of
110 22 delinquent loans, including the adoption of an agreement with
110 23 the department of ~~administrative services~~ management to set off
110 24 against a defaulter's income tax refund or rebate the amount
110 25 that is due because of a default on a guaranteed or parental
110 26 loan made under this division. The commission shall adopt
110 27 rules under chapter 17A necessary to assist the department of
110 28 ~~administrative services~~ management in the implementation of
110 29 the student loan setoff program as established under section
110 30 ~~8A.504~~ 8.74 . The commission shall apply administrative wage
110 31 garnishment procedures authorized under the federal Higher
110 32 Education Act of 1965, as amended and codified in 20 U.S.C.
110 33 1071 et seq., for all delinquent loans, including loans
110 34 authorized under section 261.38, when a defaulter who is
110 35 financially capable of paying fails to voluntarily enter into a
111 1 reasonable payment agreement. In no case shall the commission
111 2 garnish more than the amount authorized by federal law for

111 3 all loans being collected by the commission, including those
111 4 authorized under section 261.38.
111 5 Sec. 217. Section 321.11A, subsection 1, paragraph c, Code
111 6 2009, is amended to read as follows:
111 7 c. The department of ~~administrative services~~ management for
111 8 the purpose of administering the setoff program pursuant to
111 9 section ~~8A.504~~ 8.74 .
111 10 Sec. 218. Section 321.31, subsection 1, unnumbered
111 11 paragraph 3, Code 2009, is amended to read as follows:
111 12 The director shall maintain a records system of delinquent
111 13 accounts owed to the state using information provided through
111 14 the computerized data bank established in section 421.17. The
111 15 department and county treasurers shall use the information
111 16 maintained in the records system to determine if applicants
111 17 for renewal of registration have delinquent accounts, charges,
111 18 fees, loans, taxes, or other indebtedness owed to or being
111 19 collected by the state as provided pursuant to section
111 20 ~~8A.504~~ 8.74 . The director, the director of the department of
111 21 ~~administrative services~~ management , and the director of revenue
111 22 shall establish procedures for updating the delinquent accounts
111 23 records to add and remove accounts, as applicable.
111 24 Sec. 219. Section 321.40, subsection 6, Code Supplement
111 25 2009, is amended to read as follows:
111 26 6. The department or the county treasurer shall refuse to
111 27 renew the registration of a vehicle registered to the applicant
111 28 if the department or the county treasurer knows that the
111 29 applicant has a delinquent account, charge, fee, loan, taxes,
111 30 or other indebtedness owed to or being collected by the state,
111 31 from information provided pursuant to sections ~~8A.504~~ 8.74 and
111 32 421.17. An applicant may contest this action by requesting a
111 33 contested case proceeding from the agency that referred the
111 34 debt for collection pursuant to section ~~8A.504~~ 8.74 .
111 35 Sec. 220. Section 331.552, subsection 5, Code 2009, is
112 1 amended to read as follows:
112 2 5. Account for, report, and pay into the state treasury any
112 3 money, property, or securities received on behalf of the state
112 4 as provided in sections ~~8A.506 to 8A.508~~ 8.76 to 8.78 .
112 5 Sec. 221. Section 422.12D, subsection 4, Code 2009, is

112 6 amended to read as follows:
112 7 4. The department shall adopt rules to implement this
112 8 section. However, before a checkoff pursuant to this section
112 9 shall be permitted, all liabilities on the books of the
112 10 department of ~~administrative services~~ management and accounts
112 11 identified as owing under section ~~8A.504~~ 8.74 and the political
112 12 contribution allowed under section 68A.601 shall be satisfied.
112 13 Sec. 222. Section 422.12K, subsection 2, Code Supplement
112 14 2009, is amended to read as follows:
112 15 2. The director of revenue shall draft the income tax form
112 16 to allow the designation of contributions to the child abuse
112 17 prevention program fund on the tax return. The department of
112 18 revenue, on or before January 31, shall transfer the total
112 19 amount designated on the tax return forms due in the preceding
112 20 calendar year to the child abuse prevention program fund.
112 21 However, before a checkoff pursuant to this section shall be
112 22 permitted, all liabilities on the books of the department of
112 23 ~~administrative services~~ management and accounts identified as
112 24 owing under section ~~8A.504~~ 8.74 and the political contribution
112 25 allowed under section 68A.601 shall be satisfied.
112 26 Sec. 223. Section 422.12L, subsection 2, Code 2009, is
112 27 amended to read as follows:
112 28 2. The director of revenue shall draft the income tax form
112 29 to allow the designation of contributions to the veterans trust
112 30 fund and to the volunteer fire fighter preparedness fund as
112 31 one checkoff on the tax return. The department of revenue,
112 32 on or before January 31, shall transfer one-half of the total
112 33 amount designated on the tax return forms due in the preceding
112 34 calendar year to the veterans trust fund and the remaining
112 35 one-half to the volunteer fire fighter preparedness fund.
113 1 However, before a checkoff pursuant to this section shall be
113 2 permitted, all liabilities on the books of the department of
113 3 ~~administrative services~~ management and accounts identified as
113 4 owing under section ~~8A.504~~ 8.74 and the political contribution
113 5 allowed under section 68A.601 shall be satisfied.
113 6 Sec. 224. Section 422.20, subsection 3, paragraph a, Code
113 7 2009, is amended to read as follows:
113 8 a. Unless otherwise expressly permitted by section

113 9 ~~8A.504~~ 8.74 , section 421.17, subsections 22, 23, and 26,
113 10 sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63,
113 11 and this section, a tax return, return information, or
113 12 investigative or audit information shall not be divulged to any
113 13 person or entity, other than the taxpayer, the department, or
113 14 internal revenue service for use in a matter unrelated to tax
113 15 administration.
113 16 Sec. 225. Section 422.72, subsection 3, paragraph a, Code
113 17 2009, is amended to read as follows:
113 18 a. Unless otherwise expressly permitted by section
113 19 ~~8A.504~~ 8.74 , section 421.17, subsections 22, 23, and 26,
113 20 sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63,
113 21 and this section, a tax return, return information, or
113 22 investigative or audit information shall not be divulged to any
113 23 person or entity, other than the taxpayer, the department, or
113 24 internal revenue service for use in a matter unrelated to tax
113 25 administration.
113 26 Sec. 226. Section 456A.16, unnumbered paragraph 7, Code
113 27 2009, is amended to read as follows:
113 28 The department shall adopt rules to implement this section.
113 29 However, before a checkoff pursuant to this section shall be
113 30 permitted, all liabilities on the books of the department of
113 31 ~~administrative services~~ management and accounts identified as
113 32 owing under section ~~8A.504~~ 8.74 and the political contribution
113 33 allowed under section 68A.601 shall be satisfied.
113 34 Sec. 227. Section 556.2C, subsection 1, paragraph a, Code
113 35 2009, is amended to read as follows:
114 1 a. An unpaid, outdated warrant that is canceled pursuant to
114 2 section ~~8A.519~~ 8.89 shall be included in a list of outstanding
114 3 state warrants maintained by the director of the department of
114 4 ~~administrative services~~ management . On or before July 1 of
114 5 each year, the director of the department of ~~administrative~~
114 6 ~~services~~ management shall provide the office of the treasurer
114 7 of state with a consolidated list of such outstanding warrants
114 8 that have not been previously reported to the office.
114 9 Sec. 228. Section 602.8102, subsection 58A, Code 2009, is
114 10 amended to read as follows:
114 11 58A. Assist the department of ~~administrative services~~

114 12 management in setting off against debtors' income tax refunds
114 13 or rebates under section ~~8A.504~~ 8.74 , debts which are due,
114 14 owing, and payable to the clerk of the district court as
114 15 criminal fines, civil penalties, surcharges, or court costs.
114 16 Sec. 229. Section 602.8107, subsection 4, paragraph a, Code
114 17 Supplement 2009, is amended to read as follows:
114 18 a. This subsection does not apply to amounts collected for
114 19 victim restitution, the victim compensation fund, the criminal
114 20 penalty surcharge, sex offender civil penalty, drug abuse
114 21 resistance education surcharge, the law enforcement initiative
114 22 surcharge, county enforcement surcharge, amounts collected as
114 23 a result of procedures initiated under subsection 5 or under
114 24 section ~~8A.504~~ 8.74 , or fees charged pursuant to section 356.7.
114 25 Sec. 230. Section 642.2, subsection 4, Code 2009, is amended
114 26 to read as follows:
114 27 4. Notwithstanding subsections 2, 3, 6, and 7, any
114 28 moneys owed to the child support obligor by the state, with
114 29 the exception of unclaimed property held by the treasurer
114 30 of state pursuant to chapter 556, and payments owed to the
114 31 child support obligor through the Iowa public employees'
114 32 retirement system are subject to garnishment, attachment,
114 33 execution, or assignment by the child support recovery unit
114 34 if the child support recovery unit is providing enforcement
114 35 services pursuant to chapter 252B. Any moneys that are
115 1 determined payable by the treasurer pursuant to section 556.20,
115 2 subsection 2, to the child support obligor shall be subject to
115 3 setoff pursuant to section ~~8A.504~~ 8.74 , notwithstanding any
115 4 administrative rule pertaining to the child support recovery
115 5 unit limiting the amount of the offset.
115 6 Sec. 231. REPEAL. Sections 8A.502, 8A.503, 8A.504, 8A.506,
115 7 8A.507, 8A.508, 8A.509, 8A.510, 8A.511, 8A.512, 8A.513, 8A.514,
115 8 8A.515, 8A.516, 8A.517, 8A.518, and 8A.519, Code 2009, are
115 9 repealed.
115 10 Sec. 232. REPEAL. Section 8A.505, Code Supplement 2009, is
115 11 repealed.
115 12 Sec. 233. DEPARTMENT OF MANAGEMENT == CENTRALIZED
115 13 PAYROLL SYSTEM. The department of management shall examine
115 14 the possibility of merging all state payroll systems into

115 15 the centralized payroll system operated by the department.
 115 16 The department shall consult with those entities of state
 115 17 government not utilizing the centralized payroll system,
 115 18 including but not limited to the state department of
 115 19 transportation, about strategies for encouraging utilization
 115 20 of the state's centralized payroll system and by identifying
 115 21 those barriers preventing merging of the payroll systems.
 115 22 The department shall provide information to the joint
 115 23 appropriations subcommittee on administration and regulation
 115 24 concerning efforts by the department to merge payroll systems
 115 25 and any recommendations for legislative action to encourage, or
 115 26 eliminate barriers to, the provision of payroll services by the
 115 27 department to other state agencies.
 115 28 Sec. 234. DEPARTMENT OF MANAGEMENT == PAYROLL
 115 29 FREQUENCY. The department of management shall implement to the
 115 30 greatest extent possible a reduction in the frequency of paying
 115 31 state employees by paying employees through the payroll system
 115 32 on a semimonthly instead of a biweekly basis.

115 33 DIVISION XVII
 115 34 ADMINISTRATION AND REGULATION APPROPRIATIONS

115 35 Sec. 235. DEPARTMENT OF REVENUE == EXAMINERS. There
 116 1 is appropriated from the general fund of the state to the
 116 2 department of revenue for the fiscal year beginning July 1,
 116 3 2010, and ending June 30, 2011, the following amount, or so
 116 4 much thereof as is necessary, to be used for the purposes
 116 5 designated:
 116 6 For salaries, support, maintenance, miscellaneous purposes,
 116 7 and for not more than the following full-time equivalent
 116 8 positions:
 116 9 \$ 325,000
 116 10 FTEs 5.00
 116 11 The moneys appropriated in this section shall be utilized by
 116 12 the department to hire five additional examiners.

General Fund appropriation for FY 2011 to the Department of Revenue for 5.00 FTE examiners.

 DETAIL: This is a separate appropriation in addition to the FY 2011 appropriation in SF 2367 (Administration and Regulation Appropriations Act).

 FISCAL IMPACT: These additional FTE positions are expected to increase revenue to the General Fund by \$2.7 million annually beginning in FY 2011.

116 13 Sec. 236. DEPARTMENT OF MANAGEMENT == GRANTS ENTERPRISE
 116 14 MANAGEMENT. There is appropriated from the general fund of
 116 15 the state to the department of management for the fiscal year
 116 16 beginning July 1, 2010, and ending June 30, 2011, the following
 116 17 amount, or so much thereof as is necessary, to be used for the
 116 18 purposes designated:
 116 19 For the office of grants enterprise management, including
 116 20 salaries, support, maintenance, miscellaneous purposes, and for
 116 21 not more than the following full-time equivalent position:
 116 22 \$ 175,000
 116 23 FTEs 1.00
 116 24 Of the moneys appropriated in this section, \$50,000 shall
 116 25 be used by the department of management to create and fill
 116 26 an additional position in the office of grants enterprise
 116 27 management.

General Fund appropriation to the DOM for the office of grants enterprise management and 1.00 FTE position.

DETAIL: This appropriation is in addition to the DOM appropriation in SF 2367 (Administration and Regulation Appropriations Act). This additional funding is expected to generate \$10.0 million in FY 2011 and \$20.0 million in FY 2012 of other funds that would be used by the various departments that generate the funding.

116 28 DIVISION XVIII
 116 29 ELIMINATION OF STATE ENTITIES
 116 30 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF AGRICULTURE AND
 116 31 LAND STEWARDSHIP

116 32 Sec. 237. Section 159.20, subsection 1, paragraph j, Code
 116 33 Supplement 2009, is amended to read as follows:
 116 34 j. Assist the office of renewable fuels and coproducts
 116 35 ~~and the renewable fuels and coproducts advisory committee~~ in
 117 1 administering the provisions of chapter 159A.
 117 2 Sec. 238. Section 159A.1, subsection 3, Code 2009, is
 117 3 amended to read as follows:
 117 4 3. This state adopts a policy of enhancing agricultural
 117 5 production by encouraging the development and use of fuels and
 117 6 coproducts derived from agricultural commodities, as provided
 117 7 in this chapter, including rules adopted by the office of
 117 8 renewable fuels and coproducts ~~and the renewable fuels and~~
 117 9 ~~coproducts advisory committee~~ .
 117 10 Sec. 239. Section 159A.2, subsection 2, Code 2009, is
 117 11 amended by striking the subsection.

CODE: Eliminates the Renewable Fuels and Coproducts Advisory Committee in the Department of Agriculture and Land Stewardship.

FISCAL IMPACT: Fiscal impact is minimal as the Committee has not been meeting due to lack of funding.

117 12 Sec. 240. Section 159A.3, subsection 2, paragraph h, Code
117 13 Supplement 2009, is amended by striking the paragraph.
117 14 Sec. 241. Section 159A.3, subsection 2, paragraph i, Code
117 15 Supplement 2009, is amended by striking the paragraph.
117 16 Sec. 242. Section 159A.3, subsection 4, Code Supplement
117 17 2009, is amended to read as follows:
117 18 4. The office and state entities, including the department,
117 19 ~~the committee~~, the Iowa department of economic development,
117 20 the state department of transportation, the office of energy
117 21 independence, and the state board of regents institutions,
117 22 shall cooperate to implement this section.
117 23 Sec. 243. Section 159A.6, Code Supplement 2009, is amended
117 24 to read as follows:
117 25 159A.6 Education, promotion, and advertising.
117 26 1. The office shall ~~support~~ do all of the following:
117 27 a. Support education regarding, and promotion and
117 28 advertising of, renewable fuels and coproducts. The office
117 29 shall consult with the Iowa corn growers association and the
117 30 Iowa soybean association.
117 31 ~~2- b. The office shall promote~~ Promote the advantages
117 32 related to the use of renewable fuels as an alternative to
117 33 nonrenewable fuels. Promotions shall be designed to inform the
117 34 ultimate consumer of advantages associated with using renewable
117 35 fuels, and emphasize the benefits to the natural environment.
118 1 The promotion shall inform consumers at the businesses of
118 2 retail dealers of motor vehicle fuels.
118 3 ~~3- c. The committee shall develop~~ Develop standards for
118 4 decals required pursuant to section 214A.16, which shall be
118 5 designed to promote the advantages of using renewable fuels.
118 6 The standards may be incorporated within a model decal adopted
118 7 ~~by the committee and approved~~ by the office.
118 8 ~~4- d. The office shall promote~~ Promote the advantages
118 9 related to the use of coproducts derived from the production
118 10 of renewable fuels, including the use of coproducts used as
118 11 livestock feed or meal. Promotions shall be designed to
118 12 inform the potential purchasers of the advantages associated
118 13 with using coproducts. The office shall promote advantages
118 14 associated with using coproducts of ethanol production as

118 15 livestock feed or meal to cattle producers in this state.
118 16 ~~5-~~ 2. The office may contract to provide all or part of
118 17 ~~these~~ the services described in subsection 1 .
118 18 Sec. 244. Section 159A.7, subsection 2, Code Supplement
118 19 2009, is amended to read as follows:
118 20 2. Moneys in the fund shall be used only to carry out
118 21 the provisions of this section and sections 159A.3, ~~159A.4,~~
118 22 ~~159A.5,~~ 159A.6, 159A.6A, and 159A.6B within the state of Iowa.
118 23 Sec. 245. Section 214A.1, subsection 7, Code 2009, is
118 24 amended by striking the subsection.
118 25 Sec. 246. Section 214A.1, Code 2009, is amended by adding
118 26 the following new subsection:
118 27 NEW SUBSECTION . 17A. "Office" means the office of renewable
118 28 fuels and coproducts created pursuant to section 159A.3.
118 29 Sec. 247. Section 214A.2, subsection 1, Code Supplement
118 30 2009, is amended to read as follows:
118 31 1. The department shall adopt rules pursuant to chapter
118 32 17A for carrying out this chapter. The rules may include ~~;~~ but
118 33 are not limited to ~~;~~ specifications relating to motor fuel,
118 34 including but not limited to renewable fuel such as ethanol
118 35 blended gasoline, biodiesel, biodiesel blended fuel, and
119 1 motor fuel components such as an oxygenate. In the interest
119 2 of uniformity, the department shall adopt by reference other
119 3 specifications relating to tests and standards for motor fuel
119 4 including renewable fuel and motor fuel components, established
119 5 by the United States environmental protection agency and
119 6 A.S.T.M. international. ~~In adopting standards for a renewable~~
119 7 ~~fuel, the department shall consult with the committee.~~
119 8 Sec. 248. Section 422.11N, subsection 4, paragraph b,
119 9 unnumbered paragraph 2, Code 2009, is amended to read as
119 10 follows:
119 11 If the governor finds that exigent circumstances exist, the
119 12 governor may reduce the applicable biofuel threshold percentage
119 13 by replacing it with an adjusted biofuel threshold percentage.
119 14 The governor shall consult with the department of revenue
119 15 and the office of renewable fuels and coproducts ~~advisory~~
119 16 ~~committee established~~ pursuant to section ~~159A.4~~ 159A.3 .
119 17 The governor shall make the adjustment by giving notice of

119 18 intent to issue a proclamation which shall take effect not
 119 19 earlier than thirty=five days after publication in the Iowa
 119 20 administrative bulletin of a notice to issue the proclamation.
 119 21 The governor shall provide a period of notice and comment in
 119 22 the same manner as provided in section 17A.4, subsection 1.
 119 23 The adjusted biofuel threshold percentage shall be effective
 119 24 for the following determination period.
 119 25 Sec. 249. Section 469.3, subsection 2, paragraph m, Code
 119 26 Supplement 2009, is amended to read as follows:
 119 27 m. Coordinate with other state agencies regarding
 119 28 implementation of the office of renewable fuels and coproducts
 119 29 pursuant to section 159A.3, ~~serve on the renewable fuels~~
 119 30 ~~and coproducts advisory committee~~, and assist in providing
 119 31 technical assistance to new or existing renewable fuel
 119 32 production facilities.
 119 33 Sec. 250. REPEAL. Section 159A.4, Code Supplement 2009, is
 119 34 repealed.
 119 35 Sec. 251. REPEAL. Section 159A.5, Code 2009, is repealed.

120 1 Sec. 252. REPEAL. Chapter 175A, Code 2009, is repealed.

CODE: Eliminates the Grape and Wine Development Commission under the Department of Agriculture and Land Stewardship.

FISCAL IMPACT: The fiscal impact is minimal.

120 2 Sec. 253. ORGANIC ADVISORY COUNCIL ==
 120 3 FEES. Notwithstanding section 190C.5, for the fiscal
 120 4 year beginning July 1, 2010, and ending June 30, 2011, the
 120 5 department of agriculture and land stewardship shall increase
 120 6 all fees that it establishes, imposes, and collects pursuant
 120 7 to 21 IAC ch. 47 by ten percent. Of the fees collected by
 120 8 the department, the amount collected representing the ten
 120 9 percent increase in fees authorized by this section shall not
 120 10 be deposited in the general fund of the state but shall be
 120 11 retained by the department for the purposes of the department.

CODE: Increases the fees collected for the Organics Agricultural Program by 10.00% for FY 2011, and permits the Department of Agriculture and Land Stewardship to maintain the increased revenue for administration of the Program.

FISCAL IMPACT: The fiscal impact is minimal. The increased revenue is estimated to be \$33,000 for FY 2011.

120 12 Sec. 254. GRAPE AND WINE DEVELOPMENT FUND. This division

Specifies unobligated funds in the Grape and Wine Development

120 13 of this Act does not affect the expenditure of moneys by the
 120 14 department of agriculture and land stewardship to satisfy any
 120 15 obligations or encumbrances of moneys in the grape and wine
 120 16 development fund created in section 175A.5, if the obligations
 120 17 or encumbrances were incurred prior to the effective date of
 120 18 this division of this Act. Moneys credited to the grape and
 120 19 wine development fund that are unobligated or unencumbered at
 120 20 the close of the fiscal year ending June 30, 2010, shall be
 120 21 transferred to the wine gallonage tax fund created in section
 120 22 123.183 in the same manner as a reversion.

Fund as of June 30, 2010, will be transferred to the Wine Gallonage Tax Fund.

FISCAL IMPACT: Minimal fiscal impact. As of May 27, 2010, the unobligated balance was \$1,807.

120 23 DIVISION XIX
 120 24 ELIMINATION OF STATE ENTITIES
 120 25 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL
 RESOURCES'
 120 26 CONTROL OF THE NATURAL HABITAT

120 27 Sec. 255. 2008 Iowa Acts, chapter 1080, section 1,
 120 28 subsection 6, is amended to read as follows:
 120 29 6. This section is repealed on ~~July 1, 2010~~ the effective
 120 30 date of this section of this division of this Act .
 120 31 Sec. 256. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
 120 32 is repealed.
 120 33 Sec. 257. EFFECTIVE UPON ENACTMENT. The following
 120 34 provisions of this division of this Act, being deemed of
 120 35 immediate importance, take effect upon enactment:
 121 1 The section of this Act amending 2008 Iowa Acts, chapter
 121 2 1080, section 1, concerning the sustainable natural resource
 121 3 funding advisory committee.
 121 4 The sections of this Act repealing 2009 Iowa Acts, chapter
 121 5 144, section 49, establishing an upland game bird study
 121 6 advisory committee.

CODE: Eliminates the Natural Resource Funding Advisory Committee and the Upland Game Bird Study Advisory Committee. These Sections are effective on enactment.

FISCAL IMPACT: Minimal fiscal impact. Both Committees have submitted final reports to the Governor and the General Assembly and no more meetings will be held.

121 7 DIVISION XX
 121 8 ELIMINATION OF STATE ENTITIES
 121 9 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL

RESOURCES ==

121 10 IOWA CLIMATE CHANGE ADVISORY COUNCIL

121 11 Sec. 258. Section 455B.104, Code Supplement 2009, is
 121 12 amended by adding the following new subsections:
 121 13 NEW SUBSECTION . 3. The department may periodically forward
 121 14 recommendations to the commission designed to encourage the
 121 15 reduction of statewide greenhouse gas emissions.
 121 16 NEW SUBSECTION . 4. By September 1 of each year, the
 121 17 department shall submit a report to the governor and the
 121 18 general assembly regarding the greenhouse gas emissions in the
 121 19 state during the previous calendar year and forecasting trends
 121 20 in such emissions. The first submission by the department
 121 21 shall be filed by September 1, 2011, for the calendar year
 121 22 beginning January 1, 2010.
 121 23 Sec. 259. Section 455B.851, Code 2009, is amended by adding
 121 24 the following new subsection:
 121 25 NEW SUBSECTION . 10. This section is repealed July 1, 2011.
 121 26 Sec. 260. Section 473.7, subsection 12, paragraph b, Code
 121 27 Supplement 2009, is amended by striking the paragraph.

121 28 DIVISION XXI

121 29 ECONOMIC DEVELOPMENT == COMMITTEES AND COUNCILS

121 30 Sec. 261. Section 15.108, subsection 7, paragraph h, Code
 121 31 2009, is amended by striking the paragraph.
 121 32 Sec. 262. Section 15G.115, subsections 2 and 3, Code
 121 33 Supplement 2009, are amended to read as follows:
 121 34 2. a. Each application from a business for financial
 121 35 assistance under the grow Iowa values financial assistance
 122 1 program shall be reviewed by the due diligence committee
 122 2 established by the board pursuant to section 15.103, subsection
 122 3 6. The due diligence committee shall make a recommendation on
 122 4 each application to the board.
 122 5 ~~b. Each application from a business for financial assistance~~
 122 6 ~~under the value-added agriculture component of the grow Iowa~~

CODE: Eliminates the Climate Change Advisory Council and permits the Department of Natural Resources (DNR) to make recommendations regarding climate change to the Environmental Protection Commission. Requires the Department to submit an annual report to the Governor and the General Assembly regarding greenhouse gas emissions in Iowa during the previous calendar year. The first report is due by September 1, 2011.

FISCAL IMPACT: The fiscal impact is expected to be minimal.

CODE: Repeals the Small Business Advisory Council and the Department of Economic Development (DED) assistance for the Council. Eliminates the duties of the Agricultural Products Advisory Council as it relates to financial assistance under the Value-Added Agriculture Component of the Grow Iowa Values Fund. Eliminates the DED's Microenterprise Development Advisory Committee.

DETAIL: The Due Diligence Committee will still be responsible for making recommendations regarding applications for assistance under the Value-Added Agriculture Component of the Grow Iowa Values Fund.

FISCAL IMPACT: The Microenterprise Development Advisory

122 7 values financial assistance program shall be reviewed by the
122 8 agricultural products advisory council established in section
122 9 15.203, which shall make a recommendation on each application
122 10 to the board.
122 11 e. b. Each application for financial assistance from funds
122 12 allocated by the department for deposit in the innovation
122 13 and commercialization development fund pursuant to section
122 14 15G.111, subsection 10, shall be reviewed by the technology
122 15 commercialization committee established in section 15.116,
122 16 which shall make a recommendation on each application to the
122 17 board.
122 18 3. In overseeing the administration of the grow lowa values
122 19 fund and grow lowa values financial assistance program pursuant
122 20 to this chapter, the board shall do all of the following:
122 21 a. At the first scheduled meeting of the board after the
122 22 start of a new fiscal year, take final action on all of the
122 23 following:
122 24 (1) The department's recommendations for the annual fiscal
122 25 year allocation of moneys in the fund, as provided in section
122 26 15G.111, subsection 4. The board may adjust the allocation of
122 27 moneys during the fiscal year as necessary.
122 28 (2) The department's recommendations for the allocation
122 29 of moneys among the program components referred to in section
122 30 15G.112, subsection 1, paragraph "b". The board may adjust the
122 31 allocation of moneys during the fiscal year as necessary.
122 32 b. Consider the recommendation of the due diligence
122 33 committee and the agricultural products advisory council on
122 34 each application for financial assistance, as described in
122 35 subsection 2, and take final action on each application.
123 1 c. Take final action on the required plans for proposed
123 2 expenditures submitted by the entities receiving moneys
123 3 allocated under section 15G.111, subsections 5 through 8.
123 4 d. Take final action on any rules recommended by the
123 5 department for the implementation of the provisions of this
123 6 chapter.
123 7 Sec. 263. REPEAL. Section 15.114, Code 2009, is repealed.
123 8 Sec. 264. REPEAL. Section 15.203, Code Supplement 2009, is
123 9 repealed.

Committee did not have any expenses. The expenses for the two Councils are minimal at a total of approximately \$10,000 from other fund sources, the Strategic Investment Fund and the Value-Added Agriculture Fund.

123 10 DIVISION XXII

123 11 CONSOLIDATION OF HOUSING PROGRAMS

123 12 Sec. 265. NEW SECTION . 16.41 Shelter assistance fund.

123 13 1. A shelter assistance fund is created as a revolving
123 14 fund in the state treasury under the control of the authority
123 15 consisting of any moneys appropriated by the general assembly
123 16 and received under section 428A.8 for purposes of the
123 17 rehabilitation, expansion, or costs of operations of group home
123 18 shelters for the homeless and domestic violence shelters.

123 19 2. Of the moneys in the fund, not less than five hundred
123 20 forty=six thousand dollars shall be spent annually on homeless
123 21 shelter projects.

123 22 3. Notwithstanding section 8.33, all moneys in the shelter
123 23 assistance fund which remain unexpended or unobligated at the
123 24 close of the fiscal year shall not revert to the general fund
123 25 of the state but shall remain available for expenditure for
123 26 subsequent fiscal years.

123 27 Sec. 266. Section 428A.8, subsection 2, unnumbered
123 28 paragraph 1, Code 2009, is amended to read as follows:

123 29 The treasurer of state shall deposit or transfer the
123 30 receipts paid the treasurer of state pursuant to subsection
123 31 1 to either the general fund of the state, the housing trust
123 32 fund created in section 16.181, or the shelter assistance fund
123 33 created in section ~~45.349~~ 16.41 as follows:

123 34 Sec. 267. REPEAL. Section 15.349, Code 2009, is repealed.

123 35 Sec. 268. DEPARTMENTAL PROGRAM REVIEW == HOUSING PROGRAMS.

124 1 1. The department of economic development and the Iowa
124 2 finance authority shall conduct a joint review of programs
124 3 administered by the agencies that relate to housing, including
124 4 all such federal programs. The joint review of programs shall
124 5 include a review of all federal moneys received and spent on
124 6 housing programs. The agencies shall identify all programs
124 7 that are duplicative of another program and all programs that
124 8 have purposes similar to that of another program.

124 9 2. The agencies shall produce a report on how best to
124 10 transfer all responsibilities for housing=related programs from

CODE: Transfers the authority for administration of the Shelter Assistance Fund from the DED to the Iowa Finance Authority (IFA). The DED and the IFA are required to conduct a joint review of the housing-related programs they currently administer, including all federal programs. The joint review is required to include a review of all federal moneys received and spent on housing programs and must identify all programs that are duplicative of another program or which have purposes similar to that of another program. The DED and the IFA are required to produce a report recommending how best to transfer all responsibilities for housing-related programs from the DED to the IFA. The report must be submitted by September 1, 2010, to the Legislature, Governor, and the DOM.

DETAIL: Housing programs are currently administered by the DED and the IFA. The current Code Section 15.349 establishes the Shelter Assistance Fund. Code Section 15.108 provides the DED with authority to expend federal funds and establishes the DED's responsibilities for housing development.

The Iowa DED has operated a number of federal housing programs for many years. Currently, these programs include:

- Housing Fund = Approximately \$17,500,000
- Neighborhood Stabilization Program = \$21,607,197
- Federal Disaster Recovery Funding (CDBG) = \$798,701,825

FISCAL IMPACT: Transferring housing programs from the DED to the IFA does not involve funding from the General Fund; therefore, the transfer will not have an impact on the General Fund. Any administrative efficiencies that may arise from the consolidation of federally-funded programs are unknown until the required review is completed.

124 11 the department of economic development to the Iowa finance
124 12 authority.
124 13 3. By September 1, 2010, the agencies shall submit a joint
124 14 written report to the governor, the department of management,
124 15 and the general assembly consisting of the information required
124 16 under this section, a complete list of programs reviewed
124 17 pursuant to this section, and any other relevant information.

124 18 DIVISION XXIII
124 19 AREA EDUCATION AGENCIES

124 20 Sec. 269. Section 256.9, Code Supplement 2009, is amended by
124 21 adding the following new subsection:
124 22 NEW SUBSECTION . 59. Provide guidance and standards to area
124 23 education agencies for federal and state education initiatives
124 24 which the area education agencies must implement statewide.

CODE: Requires the Department of Education to provide guidance and standards to area education agencies (AEAs) for federal and State initiatives.

FISCAL IMPACT: Changes to the AEAs in this Division are not expected to have a significant fiscal impact.

124 25 Sec. 270. Section 273.2, Code Supplement 2009, is amended by
124 26 adding the following new subsections:
124 27 NEW SUBSECTION . 8. The area education agency board shall
124 28 collaborate with the department of education to provide a
124 29 statewide infrastructure for educational data to create cost
124 30 efficiencies, provide storage and disaster mitigation, and
124 31 improve interconnectivity between schools and school districts.
124 32 In addition, the area education agency boards shall work
124 33 with the department to provide systemwide coordination in
124 34 the implementation of the statewide longitudinal data system
124 35 consistent with the federal American Recovery and Reinvestment
125 1 Act of 2009. The area education agencies shall provide support
125 2 to school districts' information technology infrastructure
125 3 that is consistent with the statewide infrastructure for the
125 4 educational data collaborative.
125 5 NEW SUBSECTION . 9. The area education agency boards shall
125 6 jointly develop a three-year statewide strategic plan that
125 7 supports goals adopted by the state board of education pursuant

CODE: Requires AEA boards and the Department of Education to collaborate in providing a statewide infrastructure for education data. Requires AEA boards to jointly develop a three-year statewide strategic plan supporting the goals adopted by the State Board of Education and requires the State Board to approve the AEA strategic plan. Requires AEA boards to jointly provide the State Board of Education with annual updates on performance measures.

125 8 to section 256.7, subsection 4, and the accreditation standards
 125 9 established pursuant to section 256.11; establish performance
 125 10 goals; and clearly identify the statewide efforts to improve
 125 11 student learning and create efficiencies in management
 125 12 operations for area education agencies and school districts.
 125 13 The statewide strategic plan shall be approved by the state
 125 14 board of education. The area education agency boards shall
 125 15 jointly provide the state board with annual updates on the
 125 16 performance measures.

125 17 Sec. 271. Section 273.10, subsection 2, Code Supplement
 125 18 2009, is amended to read as follows:
 125 19 2. Prior to a visit to an area education agency, the
 125 20 accreditation team shall have access to that area education
 125 21 agency's program audit report filed with the department. After
 125 22 a visit to an area education agency, the accreditation team
 125 23 shall determine whether the accreditation standards for a
 125 24 program, including but not limited to standards established
 125 25 pursuant to section 256.9, subsection 59, have been met and
 125 26 shall make a report to the director and the state board,
 125 27 together with a recommendation as to whether the programs of
 125 28 the area education agency should receive initial accreditation
 125 29 or remain accredited. The accreditation team shall report
 125 30 strengths and weaknesses, if any, for each accreditation
 125 31 standard and shall advise the area education agency of
 125 32 available resources and technical assistance to further enhance
 125 33 the strengths and improve areas of weakness. An area education
 125 34 agency may respond to the accreditation team's report.

CODE: Requires the Department of Education to evaluate the performance of AEAs in regards to federal and State initiatives.

125 35 Sec. 272. Section 273.11, subsection 2, Code 2009, is
 126 1 amended by adding the following new paragraph:
 126 2 NEW PARAGRAPH . j. Support for early childhood service
 126 3 coordination for families and children to meet health, safety,
 126 4 and learning needs.

CODE: Adds support for early childhood service coordination as part of the AEA accreditation standard.

126 5 Sec. 273. NEW SECTION . 273.15 Advisory group.

CODE: Creates an AEA advisory group for each AEA. Specifies that

126 6 1. The board of directors of each area education agency
126 7 shall appoint an advisory group to make recommendations on
126 8 policy, programs, and services to the board. The advisory
126 9 group shall provide input, feedback, and recommendations to the
126 10 board regarding projected future needs, and shall provide a
126 11 review and response to any state-directed study or task force
126 12 report on area education agency efficiencies or reorganization.
126 13 2. The advisory group shall consist of the following:
126 14 a. A minimum of three superintendents employed by school
126 15 districts served by the area education agency; at least one of
126 16 whom shall represent a small school district, at least one of
126 17 whom shall represent a medium-sized school district, and at
126 18 least one of whom shall represent a large school district.
126 19 b. A minimum of three principals employed by school
126 20 districts served by the area education agency; at least one of
126 21 whom shall represent an elementary school, at least one of whom
126 22 shall represent a middle school, and at least one of whom shall
126 23 represent a high school.
126 24 c. A minimum of four teachers employed by school districts
126 25 served by the area education agency; at least one of whom shall
126 26 represent early childhood teachers, at least one of whom shall
126 27 represent elementary school teachers, at least one of whom
126 28 shall represent middle school teachers, and at least one of
126 29 whom shall represent high school teachers. At least one of the
126 30 teachers appointed shall also represent special education and
126 31 at least one of the teachers appointed shall represent general
126 32 education. At least one of the teachers appointed shall
126 33 represent related personnel, including but not limited to media
126 34 and technology specialists and counselors.
126 35 d. A minimum of three parents or guardians of school age
127 1 children receiving services from the area education agency, at
127 2 least one of whom shall be the parent or guardian of a child
127 3 requiring special education.
127 4 e. One member who represents accredited nonpublic schools
127 5 located within the boundaries of the area education agency.
127 6 3. In appointing members of the advisory group pursuant to
127 7 subsection 2, the area education agency shall collaborate with
127 8 the superintendents and school boards of the school districts

membership include a minimum of three superintendents, three principals, four teachers, three parents, and a nonpublic school representative. Specifies additional requirements for selected members. Requires that the advisory group meet at least twice annually and submit an annual report to the AEA board of directors.

127 9 served by the area education agency.
 127 10 4. All member appointments made pursuant to subsection
 127 11 2 shall comply with sections 69.16, 69.16A, and 69.16C. In
 127 12 addition, every reasonable effort shall be made to appoint
 127 13 members to provide balanced representation based on age,
 127 14 experience, ethnicity, district size, and geography.
 127 15 5. The advisory group shall meet at least twice annually and
 127 16 shall submit its recommendations in a report to the board of
 127 17 directors of the area education agency at least once annually.
 127 18 The report shall be timely submitted to allow for consideration
 127 19 of the recommendations prior to program planning and budgeting
 127 20 for the following fiscal year.

127 21 Sec. 274. Section 280.20, subsection 3, Code 2009, is
 127 22 amended by striking the subsection.
 127 23 Sec. 275. REPEAL. Sections 280A.1, 280A.3, 280A.4, and
 127 24 280A.5, Code 2009, are repealed.
 127 25 Sec. 276. REPEAL. Section 280A.2, Code Supplement 2009, is
 127 26 repealed.
 127 27 Sec. 277. REPEAL. Section 256.32, Code 2009, is repealed.

CODE: Eliminates the Agricultural Education Advisory Council and the Learning Technology Commission.

FISCAL IMPACT: The Department of Education expended approximately \$3,000 annually to support the Agriculture Education Advisory Council. No funding was appropriated in FY 2010 for the Learning Technology Commission. It is estimated that elimination of these two groups will reduce State expenditures by \$3,000 annually.

127 28 DIVISION XXIV
 127 29 EARLY CHILDHOOD IOWA INITIATIVE

127 30 Sec. 278. NEW SECTION . 256I.1 Definitions.
 127 31 For the purposes of this chapter, unless the context
 127 32 otherwise requires:
 127 33 1. "Department" means the department of management.
 127 34 2. "Desired results" means the set of desired results for
 127 35 improving the quality of life in this state for young children
 128 1 and their families identified in section 256I.2.
 128 2 3. "Early care", "early care services", or "early care
 128 3 system" means the programs, services, support, or other
 128 4 assistance made available to a parent or other person who is
 128 5 involved with addressing the health and education needs of a

CODE: Specifies definitions for the Early Childhood Iowa Initiative.

FISCAL IMPACT: None of the changes in this Division are expected to have a significant impact to level of funding currently provided by the General Fund.

128 6 child from zero through age five. "Early care", "early care
 128 7 services", or "early care system" includes but is not limited to
 128 8 public and private efforts and formal and informal settings.
 128 9 4. "Early childhood Iowa area" means a geographic area
 128 10 designated in accordance with this chapter.
 128 11 5. "Early childhood Iowa area board" or "area board"
 128 12 means the board for an early childhood Iowa area created in
 128 13 accordance with this chapter.
 128 14 6. "Early childhood Iowa state board" or "state board" means
 128 15 the early childhood Iowa state board created in section 256I.3.

128 16 Sec. 279. NEW SECTION . 256I.2 Desired results == purpose
 128 17 and scope.

128 18 1. It is intended that through the early childhood Iowa
 128 19 initiative every community in Iowa will develop the capacity
 128 20 and commitment for using local, informed decision making to
 128 21 achieve the following set of desired results for improving the
 128 22 quality of life in this state for young children and their
 128 23 families:

- 128 24 a. Healthy children.
- 128 25 b. Children ready to succeed in school.
- 128 26 c. Safe and supportive communities.
- 128 27 d. Secure and nurturing families.
- 128 28 e. Secure and nurturing early learning environments.

128 29 2. The purpose of creating the early childhood Iowa
 128 30 initiative is to empower individuals, communities, and state
 128 31 level partners to achieve the desired results. The desired
 128 32 results will be achieved as private and public entities work
 128 33 collaboratively. This initiative creates a partnership between
 128 34 communities and state level partners to support children zero
 128 35 through age five and their families. The role of the early
 129 1 childhood Iowa state board, area boards, and other state and
 129 2 local government agencies is to provide support, leadership,
 129 3 and facilitation of the growth of individual, community, and
 129 4 state responsibility in addressing the desired results.

129 5 3. To achieve the desired results, the initiative's primary
 129 6 focus shall be on the efforts of the state and communities to

CODE: Specifies the desired results, purpose, and primary focus for the Early Childhood Iowa Initiative.

DETAIL: The Early Childhood Iowa Initiative is a restructuring of the Community Empowerment Initiative in Code Chapter 28 (repealed in this Act). The restructuring is intended to incorporate features of the existing Early Childhood Iowa Council, established in Code Section 135.173 (also repealed in this Act).

The five desired results and primary focus described in this Section are the same as those delineated for the Community Empowerment Initiative.

129 7 work together to improve the efficiency and effectiveness of
129 8 early care, education, health, and human services provided to
129 9 families with children from zero through age five.

129 10 Sec. 280. NEW SECTION . 256I.3 Early childhood Iowa state
129 11 board created.

129 12 1. The early childhood Iowa state board is created to
129 13 promote a vision for a comprehensive early care, education,
129 14 health, and human services system in this state. The board
129 15 shall oversee state and local efforts. The vision shall be
129 16 achieved through strategic planning, funding identification,
129 17 guidance, and decision-making authority to assure collaboration
129 18 among state and local early care, education, health, and human
129 19 services systems.

129 20 2. a. The board shall consist of twenty-one voting
129 21 members with fifteen citizen members and six state agency
129 22 members. The six state agency members shall be the directors
129 23 or their designees of the following departments: economic
129 24 development, education, human rights, human services, public
129 25 health, and workforce development. The designees of state
129 26 agency directors shall be selected on an annual basis. The
129 27 citizen members shall be appointed by the governor, subject to
129 28 confirmation by the senate. The governor's appointments of
129 29 citizen members shall be made in a manner so that each of the
129 30 state's congressional districts is represented by at least two
129 31 citizen members and so that all the appointments as a whole
129 32 reflect the ethnic, cultural, social, and economic diversity of
129 33 the state. A member of the state board shall not be a provider
129 34 of services or other entity receiving funding through the early
129 35 childhood Iowa initiative or be employed by such a provider or
130 1 other entity.

130 2 b. The governor's appointees shall be selected from
130 3 individuals nominated by area boards. The nominations shall
130 4 reflect the range of interests represented on the area boards
130 5 so that the governor is able to appoint one or more members
130 6 each for early care, education, health, human services,
130 7 business, faith, and public interests. At least one of the

CODE: Establishes the Early Childhood Iowa State Board; designates membership; establishes an appointment process and member terms; and provides for reimbursement of expenses, election of officers, and regular meetings.

DETAIL: The Early Childhood Iowa State Board will have a total of 21 voting members, one less citizen member than the current Iowa Empowerment Board. The other provisions are not substantially different from those for the current Board.

130 8 citizen members shall be a service consumer or the parent of a
 130 9 service consumer. The term of office of the citizen members
 130 10 is three years. A citizen member vacancy on the board shall be
 130 11 filled in the same manner as the original appointment for the
 130 12 balance of the unexpired term.

130 13 3. Citizen members shall be reimbursed for actual and
 130 14 necessary expenses incurred in performance of their duties.
 130 15 Citizen members shall be paid a per diem as specified in
 130 16 section 7E.6.

130 17 4. In addition to the voting members, the state board shall
 130 18 include four members of the general assembly with not more than
 130 19 one member from each chamber being from the same political
 130 20 party. The two senators shall be appointed one each by the
 130 21 majority leader of the senate and by the minority leader of
 130 22 the senate. The two representatives shall be appointed one
 130 23 each by the speaker of the house of representatives and by the
 130 24 minority leader of the house of representatives. Legislative
 130 25 members shall serve in an ex officio, nonvoting capacity. A
 130 26 legislative member is eligible for per diem and expenses as
 130 27 provided in section 2.10.

130 28 5. The state board shall elect a chairperson from among the
 130 29 citizen members and may select other officers from the voting
 130 30 members as determined to be necessary by the board. The board
 130 31 shall meet regularly as determined by the board, upon the call
 130 32 of the board's chairperson, or upon the call of a majority of
 130 33 voting members. The board shall meet at least quarterly.

130 34 Sec. 281. NEW SECTION . 256I.4 Early childhood Iowa state
 130 35 board duties.

131 1 The state board shall perform the following duties:

131 2 1. Provide oversight of early childhood Iowa areas.

131 3 2. Manage and coordinate the provision of grant funding and
 131 4 other moneys made available to early childhood Iowa areas by
 131 5 combining all or portions of appropriations or other revenues
 131 6 as authorized by law.

131 7 3. Approve the geographic boundaries for the early
 131 8 childhood Iowa areas throughout the state and approve any

CODE: Specifies the duties of the Early Childhood Iowa State Board.

DETAIL: These provisions are more detailed than, but similar to, those for the existing Iowa Empowerment Board. One significant change is the authority granted to the new Board to approve geographic boundaries for the local Early Childhood Iowa Areas. This Section also specifies several new measures the Board may address, including the development of integrated data systems.

131 9 proposed changes in the boundaries.

131 10 4. Create a strategic plan that supports a comprehensive

131 11 system of early care, education, health, and human services.

131 12 The strategic plan shall be developed with extensive community

131 13 involvement. The strategic plan shall be annually updated and

131 14 disseminated to the public. Specific items to be addressed in

131 15 the strategic plan shall include but are not limited to all of

131 16 the following:

131 17 a. Provisions to strengthen the state structure including

131 18 interagency levels of collaboration, coordination, and

131 19 integration.

131 20 b. Provisions for building public=private partnerships.

131 21 c. Provisions to support consolidating, blending, and

131 22 redistributing state=administered funding streams and the

131 23 coordination of federal funding streams. The strategic plan

131 24 shall also address integration of services provided through

131 25 area boards, other state and local commissions, committees,

131 26 and other bodies with overlapping and similar purposes which

131 27 contribute to redundancy and fragmentation in early care,

131 28 education, health, and human services programs provided to the

131 29 public.

131 30 d. Provisions for improving the efficiency of working with

131 31 federally mandated bodies.

131 32 e. Identification of indicators that measure the success of

131 33 the various strategies that impact communities, families, and

131 34 children. The indicators shall be developed with input from

131 35 area boards.

132 1 5. Adopt common performance measures and data reporting

132 2 requirements, applicable statewide, for services, programs,

132 3 and activities provided by area boards. The data from common

132 4 performance measures and other data shall be posted on the

132 5 early childhood Iowa internet site and disseminated by other

132 6 means and shall also be aggregated to provide statewide

132 7 information.

132 8 6. Assist with the linkage of child welfare and juvenile

132 9 justice decategorization projects with early childhood Iowa

132 10 areas.

132 11 7. Coordinate and respond to requests from an area board

132 12 relating to any of the following:

132 13 a. Waiver of existing rules, federal regulation, or

132 14 amendment of state law, or removal of other barriers.

132 15 b. Pooling and redirecting of existing federal, state, or

132 16 other public or private funds.

132 17 c. Seeking of federal waivers.

132 18 d. Consolidating community-level committees, planning

132 19 groups, and other bodies with common memberships formed in

132 20 response to state requirements.

132 21 8. Develop and implement a levels of excellence rating

132 22 system for use with the state board's designation process for

132 23 area boards. Allow for flexibility and creativity of area

132 24 boards in implementing area board responsibilities and provide

132 25 authority for the area boards to support the communities in the

132 26 areas served. The levels of excellence rating system shall

132 27 utilize a tiered approach for recognizing the performance of

132 28 an area board. The system shall provide for action to address

132 29 poor performing areas as well as higher performing areas.

132 30 Subject to the funding requirements and other requirements

132 31 established in law, if an area board achieves the highest

132 32 rating level, the state board may allow special flexibility

132 33 provisions in regard to the funding appropriated or allocated

132 34 for that area board. The state board shall determine how often

132 35 area boards are reviewed under the system.

133 1 9. Adopt rules pursuant to chapter 17A as necessary for the

133 2 designation, governance, and oversight of area boards and the

133 3 administration of this chapter. The state board shall provide

133 4 for area board input in the rules adoption process.

133 5 10. Develop guidelines for recommended insurance or other

133 6 liability coverage and take other actions to assist area boards

133 7 in acquiring such coverage at a reasonable cost. Moneys

133 8 expended by an area board to acquire necessary insurance or

133 9 other liability coverage shall be considered an administrative

133 10 cost.

133 11 11. In January each year, submit an annual report to the

133 12 governor and general assembly that includes but is not limited

133 13 to all of the following:

133 14 a. Any updates to the strategic plan.

133 15 b. The status and results of the early childhood Iowa
133 16 initiative efforts to engage the public regarding the early
133 17 care, education, health, human services, and other needs of
133 18 children zero through age five.

133 19 c. The status and results of the efforts to develop and
133 20 promote private sector involvement with the early care system.

133 21 d. The status of the early childhood Iowa initiative and
133 22 the overall early care system in achieving the set of desired
133 23 results.

133 24 e. The data and common performance measures addressed by
133 25 the strategic plan, which shall include but is not limited to
133 26 funding amounts.

133 27 f. The indicators addressed by the strategic plan along with
133 28 associated data trends and their source.

133 29 12. Integrate statewide quality standards and results
133 30 indicators adopted by other boards and commissions into the
133 31 state board's funding requirements for investments in early
133 32 care, health, education, and human services.

133 33 13. Ensure alignment of other state departments' activities
133 34 with the strategic plan.

133 35 14. Develop and keep current memoranda of agreements
134 1 between the state agencies represented on the state board to
134 2 promote system development and integration and to clarify the
134 3 roles and responsibilities of partner agencies.

134 4 15. Work with the early childhood Iowa office in building
134 5 public-private partnerships for promoting the collaborative
134 6 early care, education, health, and human services system.

134 7 16. Support and align the early childhood Iowa internet site
134 8 with other agencies and improve internet communication.

134 9 17. Except for the fiscal oversight measures to be adopted
134 10 by the department, adopt rules to implement this chapter. The
134 11 rules shall include but are not limited to the following:

134 12 a. Indicators of the effectiveness of early childhood
134 13 Iowa areas, area boards, and the services provided under the
134 14 auspices of the area boards. The indicators shall be developed
134 15 with input from area boards and shall build upon the core
134 16 indicators of effectiveness for the school ready children grant
134 17 program.

134 18 b. Minimum standards to further the provision of equal
 134 19 access to services subject to the authority of area boards.
 134 20 c. Core functions for family support services, parent
 134 21 education programs, preschool services provided under a school
 134 22 ready children grant, and other programs and services provided
 134 23 under this chapter. The state board shall also develop
 134 24 guidelines and standards for state-supported family support
 134 25 programs, based upon existing guidelines and standards for the
 134 26 services.
 134 27 18. Address other measures to advance the initiative. The
 134 28 measures may include any of the following:
 134 29 a. Advance the development of integrated data systems.
 134 30 b. Expand efforts to improve quality and utilize
 134 31 evidence-based practices.
 134 32 c. Further develop kindergarten assessment approaches that
 134 33 are tied to state early learning standards.

134 34 Sec. 282. NEW SECTION . 256I.5 Early childhood coordination
 134 35 staff.
 135 1 1. The department shall provide administrative support
 135 2 for implementation of the early childhood Iowa initiative and
 135 3 for the state board. The department shall adopt rules in
 135 4 consultation with the state board to provide fiscal oversight
 135 5 of the initiative. The fiscal oversight measures adopted shall
 135 6 include but are not limited to all of the following:
 135 7 a. Reporting and other requirements to address the financial
 135 8 activities employed by area boards.
 135 9 b. Regular audits and other requirements of fiscal agents
 135 10 for area boards.
 135 11 c. Requirements for area boards to undertake and report
 135 12 on fiscal and performance reviews of the programs, contracts,
 135 13 services, and other functions funded by the area boards.
 135 14 2. An early childhood Iowa office is established in
 135 15 the department to provide leadership for facilitation,
 135 16 communication, and coordination for the early childhood Iowa
 135 17 initiative activities and funding and for improvement of the
 135 18 early care, education, health, and human services systems. An

CODE: Requires the DOM to provide administrative support for the Early Childhood Iowa Initiative and the State Board. Requires the DOM, in consultation with the State Board, to adopt rules to provide fiscal oversight of the Early Childhood Iowa Initiative. Establishes the Early Childhood Iowa Office in the DOM to provide leadership, facilitation, communication, and coordination of activities and funding. Requires the Director of the DOM to appoint an administrator for the Office and that other staff may be designated subject to appropriations for this purpose. Specifies that the other State agencies represented on the State Board may designate additional staff to participate in a technical assistance team with the Early Childhood Iowa Office. Specifies duties of the Early Childhood Iowa Office to provide leadership for comprehensive system development.

DETAIL: The significant changes from the current Community Empowerment Initiative include the authority for the DOM to adopt rules regarding fiscal accountability and the appointment of an administrator by the Director of the Department. Currently, the Facilitator for Community Empowerment is appointed by the Governor, subject to Senate approval.

135 19 administrator for the early childhood iowa office shall be
135 20 appointed by the director of the department. Other staff may
135 21 also be designated, subject to appropriation made for this
135 22 purpose.

135 23 3. The state agencies represented on the state board may
135 24 designate additional staff, as part of the early childhood
135 25 iowa initiative, to work as a technical assistance team with
135 26 the office in providing coordination and other support to the
135 27 state's comprehensive early care, education, health, and human
135 28 services system.

135 29 4. The office shall work with the state and area boards to
135 30 provide leadership for comprehensive system development. The
135 31 office shall also do all of the following:

135 32 a. Enter into memoranda of agreement with the departments of
135 33 economic development, education, human rights, human services,
135 34 public health, and workforce development to formalize the
135 35 respective departments' commitments to collaborating with and
136 1 integrating a comprehensive early care, education, health,
136 2 and human services system. Items addressed in the memoranda
136 3 shall include but are not limited to data sharing and providing
136 4 staffing to the technical assistance team.

136 5 b. Work with private businesses, foundations, and nonprofit
136 6 organizations to develop sustained funding.

136 7 c. Maintain the internet site in accordance with section
136 8 256I.10.

136 9 d. Propose any needed revisions to administrative rules
136 10 based on stakeholder input.

136 11 e. Provide technical support to the state and area boards
136 12 and to the early childhood iowa areas through staffing services
136 13 made available through the state agencies that serve on the
136 14 state board.

136 15 f. Develop, collect, disseminate, and provide guidance for
136 16 common performance measures for the programs receiving funding
136 17 under the auspices of the area boards.

136 18 g. If a disagreement arises within an early childhood iowa
136 19 area regarding the interests represented on the area's board,
136 20 board decisions, or other disputes that cannot be locally
136 21 resolved, upon request, provide state or regional technical

136 22 assistance as deemed appropriate by the office to assist the
136 23 area in resolving the disagreement.

136 24 Sec. 283. NEW SECTION . 256I.6 Early childhood Iowa areas.

136 25 1. The purpose of an early childhood Iowa area is to enable
136 26 local citizens to lead collaborative efforts involving early
136 27 care, education, health, and human services on behalf of
136 28 the children, families, and other citizens residing in the
136 29 area. Leadership functions may include but are not limited
136 30 to strategic planning for and oversight and managing of such
136 31 programs and the funding made available to the early childhood
136 32 Iowa area for such programs from federal, state, local, and
136 33 private sources. The focus of the area shall be to achieve the
136 34 desired results and to improve other results for families with
136 35 young children.

137 1 2. An early childhood Iowa area shall be designated by using
137 2 existing county boundaries to the extent possible.

137 3 3. The designation of an early childhood Iowa area
137 4 boundaries and the creation of an area board are both subject
137 5 to the approval of the state board. The state board shall
137 6 determine if a proposed area board can efficiently and
137 7 effectively administer the responsibilities and authority of
137 8 the area to be served. The state board may apply additional
137 9 criteria for designating areas and approving area boards, but
137 10 shall apply all of the following minimum criteria:

137 11 a. An area cannot encompass more than four counties.

137 12 b. The counties encompassing a multicounty area must have
137 13 contiguous borders.

137 14 c. A single county area shall have a minimum population
137 15 of children zero through age five in excess of five thousand,
137 16 based on the most recent population estimates issued by the
137 17 United States bureau of the census.

137 18 4. If the state board determines exceptional circumstances
137 19 exist, the state board may waive any of the criteria otherwise
137 20 specified in subsection 3.

CODE: Establishes Early Childhood Iowa Areas, specifies criteria for establishing boundaries and a process for designation, and authorizes the State Board to waive the criteria in exceptional circumstances.

DETAIL: The specified criteria will likely result in fewer than the current 58 Community Empowerment Areas. A planning group that met in 2009 determined that the criteria would result in approximately 35 Areas, assuming that no waivers are granted.

137 21 Sec. 284. NEW SECTION . 256I.7 Early childhood Iowa area

CODE: Establishes Early Childhood Iowa Area Boards and specifies

137 22 boards created.
 137 23 1. a. The early childhood Iowa functions for an area shall
 137 24 be performed under the authority of an early childhood Iowa
 137 25 area board. The members of an area board shall be elected
 137 26 officials or members of the public who are not employed by a
 137 27 provider of services to or for the area board. In addition,
 137 28 the membership of an area board shall include representation
 137 29 from early care, education, health, human services, business,
 137 30 and faith interests, and at least one parent, grandparent, or
 137 31 guardian of a child from zero through age five. The education,
 137 32 health, and human services agencies represented on an area
 137 33 board may receive funding from the area board.
 137 34 b. Terms of office of area board members shall be not more
 137 35 than three years and the terms shall be staggered.
 138 1 2. An area board may designate an advisory council
 138 2 consisting of persons employed by or otherwise paid to
 138 3 represent an entity listed in subsection 1 or other provider
 138 4 of service. However, the deliberations of and documents
 138 5 considered by such an advisory council shall be public.
 138 6 3. An area board shall elect a chairperson from among the
 138 7 members who are citizens or elected officials.
 138 8 4. An area board is a unit of local government for purposes
 138 9 of chapter 670, relating to tort liability of governmental
 138 10 subdivisions. For purposes of implementing a formal
 138 11 organizational structure, an area board may utilize recommended
 138 12 guidelines and bylaws established for this purpose by the state
 138 13 board.
 138 14 5. All meetings of an area board or any committee or other
 138 15 body established by an area board at which public business
 138 16 is discussed or formal action taken shall comply with the
 138 17 requirements of chapter 21. An area board shall maintain its
 138 18 records in accordance with chapter 22.

membership, terms of office, election of officers, and appointment of advisory councils. Specifies that Area Boards are units of local government and that Boards and committees are subject to the open meetings and public records laws.

DETAIL: These provisions do not differ significantly from the existing Community Empowerment Initiative.

138 19 Sec. 285. NEW SECTION . 256I.8 Early childhood Iowa area
 138 20 board duties.
 138 21 1. An early childhood Iowa area board shall do all of the
 138 22 following:

CODE: Specifies the duties of the Early Childhood Iowa Area Boards.

DETAIL: These provisions do not differ significantly from the existing statute and administrative rules for the Community Empowerment

138 23 a. Designate a public agency of this state, as defined in Initiative.
138 24 section 28E.2, a community action agency as defined in section
138 25 216A.91, an area education agency established under section
138 26 273.2, or a nonprofit corporation, to be the fiscal agent for
138 27 grant moneys and for other moneys administered by the area
138 28 board.

138 29 b. Administer early childhood Iowa grant moneys available
138 30 from the state to the area board as provided by law and other
138 31 federal, state, local, and private moneys made available to
138 32 the area board. Eligibility for receipt of early childhood
138 33 Iowa grant moneys shall be limited to those early childhood
138 34 area boards that have developed an approved community plan in
138 35 accordance with this chapter. An early childhood area board
139 1 may apply to the state board for any private moneys received
139 2 by the early childhood Iowa initiative outside of a state
139 3 appropriation.

139 4 c. Develop a comprehensive community plan for providing
139 5 services for children from zero through age five. At a
139 6 minimum, the plan shall do all of the following:

139 7 (1) Describe community and area needs for children from zero
139 8 through age five as identified through ongoing assessments.

139 9 (2) Describe the current and desired levels of community
139 10 and area coordination of services for children from zero
139 11 through age five, including the involvement and specific
139 12 responsibilities of all related organizations and entities.

139 13 (3) Identify all federal, state, local, and private funding
139 14 sources including funding estimates available in the early
139 15 childhood Iowa area that will be used to provide services to
139 16 children from zero through age five.

139 17 (4) Describe how funding sources will be used
139 18 collaboratively and the degree to which the sources can be
139 19 combined to provide necessary services to young children and
139 20 their families.

139 21 (5) Identify the desired results and the community-wide
139 22 indicators the area board expects to address through
139 23 implementation of the comprehensive community plan. The plan
139 24 shall identify community-specific, quantifiable performance
139 25 measures to be reported in the area board's annual report and

139 26 integration with the strategic plan adopted by the state board.
 139 27 (6) Describe the current status of support services to
 139 28 prevent the spread of infectious diseases, prevent child
 139 29 injuries, develop health emergency protocols, help with
 139 30 medication, and care for children with special health needs
 139 31 that are being provided to child care facilities registered or
 139 32 licensed under chapter 237A within the early childhood Iowa
 139 33 area.

139 34 d. Submit an annual report on the effectiveness of the
 139 35 community plan in addressing school readiness and children's
 140 1 health and safety needs to the state board and to the local
 140 2 government bodies in the area. The annual report shall
 140 3 indicate the effectiveness of the area board in addressing
 140 4 state and locally determined goals.

140 5 e. Function as a coordinating body for services offered
 140 6 by different entities directed to similar purposes within the
 140 7 area.

140 8 f. Assume other responsibilities established by law or
 140 9 administrative rule.

140 10 g. Cooperate with the state board, department of education,
 140 11 and school districts and other local education agencies in
 140 12 securing unique student identifiers, in compliance with all
 140 13 applicable federal and state confidentiality provisions.

140 14 2. An area board may do any of the following:

140 15 a. Designate one or more committees to assist with area
 140 16 board functions.

140 17 b. Utilize community bodies for input to the area board and
 140 18 implementation of services.

140 19 Sec. 286. NEW SECTION . 256I.9 School ready children grant
 140 20 program.

140 21 1. The state board shall develop and promote a school ready
 140 22 children grant program which shall provide for all of the
 140 23 following components:

140 24 a. Identify the performance measures that will be used to
 140 25 assess the effectiveness of the school ready children grants,
 140 26 including the amount of early intellectual stimulation of very

CODE: Establishes the School Ready Children Grant Program and specifies the components of the Program and criteria for granting funds to the Early Childhood Iowa Area Boards. Limits the carryforward funding from one fiscal year to the next to 20.0% of the annual grant. Specifies that an Area's annual grant will be reduced by the amount of excess carryforward from the previous fiscal year.

DETAIL: The limit on carryforward funding is the same as the current Community Empowerment Program. The rules established for the

140 27 young children, the basic skill levels of students entering
140 28 school, the health status of children, the incidence of child
140 29 abuse and neglect, the level of involvement by parents with
140 30 their children, and the degree of quality of an accessibility
140 31 to child care.
140 32 b. Identify guidelines and a process to be used for
140 33 determining the readiness of an early childhood Iowa area board
140 34 for administering a school ready children grant.
140 35 c. Provide for technical assistance concerning funding
141 1 sources, program design, and other pertinent areas.
141 2 2. The state board shall provide maximum flexibility to
141 3 grantees for the use of the grant moneys included in a school
141 4 ready children grant.
141 5 3. A school ready children grant shall, to the extent
141 6 possible, be used to support programs that meet quality
141 7 standards identified by the state board. At a minimum, a grant
141 8 shall be used to provide all of the following:
141 9 a. Preschool services provided on a voluntary basis to
141 10 children deemed at risk.
141 11 b. Family support services and parent education programs
141 12 promoted to parents of children from zero through age five.
141 13 Family support services shall include but are not limited to
141 14 home visitation. Of the funding from all sources that an area
141 15 board designates for family support programs, at least sixty
141 16 percent shall be committed to programs with a home visitation
141 17 component.
141 18 c. Other services to support the strategic plan developed
141 19 by the state board.
141 20 d. Services to improve the quality and availability of
141 21 all types of child care. The services may include but are
141 22 not limited to making nurse consultants available to support
141 23 quality improvement.
141 24 4. a. A school ready children grant shall be awarded to
141 25 an area board annually, as funding is available. Receipt of
141 26 continued funding is subject to submission of the required
141 27 annual report and the state board's determination that the area
141 28 board is measuring, through the use of performance measures and
141 29 community-wide indicators developed by the state board with

existing program provide for the excess carryforward to be deducted from the Area's grant two years hence and for the captured excess to be redistributed to all the Areas using the funding formula. This language requires the excess to be deducted from the Area's grant in the immediately subsequent year and does not specify how the captured excess is to be handled.

141 30 input from area boards, progress toward and is achieving the
141 31 desired results and other results identified in the community
141 32 plan. Each area board shall participate in the levels of
141 33 excellence rating system to measure the area's success. If
141 34 the use of performance measures and community-wide indicators
141 35 does not show that an area board has made progress toward
142 1 achieving the results identified in the community plan, the
142 2 state board shall require a plan of corrective action, withhold
142 3 any increase in funding, or withdraw grant funding.
142 4 b. The state board shall distribute school ready children
142 5 grant moneys to area boards with approved comprehensive
142 6 community plans based upon a determination of an early
142 7 childhood iowa area's readiness to effectively utilize the
142 8 grant moneys. The grant moneys shall be adjusted for other
142 9 federal and state grant moneys to be received by the area for
142 10 services to children from zero through age five.
142 11 c. An area board's readiness shall be determined by
142 12 evidence of successful collaboration among public and private
142 13 early care, education, health, and human services interests
142 14 in the area or a documented program design that supports a
142 15 strong likelihood of a successful collaboration between these
142 16 interests. Other criteria which may be used by the state board
142 17 to determine readiness and funding amounts for an area include
142 18 one or more of the following:
142 19 (1) The levels of excellence rating received by the area.
142 20 (2) Evidence of the area's capacity to successfully
142 21 implement the services in the area's community plan.
142 22 (3) Local public and private funding and other resources
142 23 committed to implementation of the community plan.
142 24 (4) The adequacy of plans for commitment of local funding
142 25 and other resources for implementation of the community plan.
142 26 d. The provisions for distribution of school ready children
142 27 grant moneys shall be determined by the state board.
142 28 e. The amount of school ready children grant funding an area
142 29 board may carry forward from one fiscal year to the succeeding
142 30 fiscal year shall not exceed twenty percent of the grant amount
142 31 for the fiscal year. All of the school ready children grant
142 32 funds received by an area board for a fiscal year which remain

142 33 unencumbered or unobligated at the close of a fiscal year shall
142 34 be carried forward to the succeeding fiscal year. However, the
142 35 grant amount for the succeeding fiscal year shall be reduced
143 1 by the amount in excess of twenty percent of the grant amount
143 2 received for the fiscal year.

143 3 Sec. 287. NEW SECTION . 256I.10 Early childhood Iowa
143 4 internet site.
143 5 1. The department shall provide for the operation of an
143 6 internet site for purposes of widely distributing information
143 7 regarding early care, education, health, and human services and
143 8 other information provided by the departments represented on
143 9 the state board and the public and private agencies addressing
143 10 the comprehensive system for such services.
143 11 2. Information provided on the internet site shall include
143 12 but is not limited to all of the following:
143 13 a. Information about the early childhood Iowa initiative for
143 14 state and local use. The information shall include data from
143 15 the indicators of success and performance measures adopted by
143 16 the state board and fiscal information and other data developed
143 17 by the department.
143 18 b. A link to a special internet site directed to parents,
143 19 including parent-specific information on early care, education,
143 20 health, and human services and links to other resources
143 21 available on the internet and from other sources.
143 22 c. Program standards for early care, education, health, and
143 23 human services that have been approved by state agencies.
143 24 3. The department shall provide to the state board
143 25 information regarding the extent and frequency of usage of the
143 26 internet site or sites and this information shall be included
143 27 in the board's annual report to the governor and general
143 28 assembly.

CODE: Requires the DOM to provide for the operation of an Early Childhood Iowa Internet site and specifies certain content.

DETAIL: These provisions do not differ significantly from the Community Empowerment Initiative.

143 29 Sec. 288. NEW SECTION . 256I.11 Early childhood Iowa fund.
143 30 1. An early childhood Iowa fund is created in the state
143 31 treasury. The moneys credited to the fund are not subject to

CODE: Establishes the Early Childhood Iowa Fund in the State Treasury and specifies the use of funds appropriated to the Early Childhood Iowa Initiative.

143 32 section 8.33 and moneys in the fund shall not be transferred,
143 33 used, obligated, appropriated, or otherwise encumbered except
143 34 as provided by law. Notwithstanding section 12C.7, subsection
143 35 2, interest or earnings on moneys deposited in the fund shall
144 1 be credited to the fund.

144 2 2. A school ready children grants account is created in
144 3 the fund under the authority of the director of the department
144 4 of education. Moneys credited to the account are appropriated
144 5 to and shall be distributed by the department in the form
144 6 of grants to early childhood Iowa areas pursuant to criteria
144 7 established by the state board in accordance with law.

144 8 3. Unless a different amount is authorized by law, up
144 9 to three percent of the school ready children grant moneys
144 10 distributed to an area board may be used by the area board for
144 11 administrative costs.

144 12 4. a. An early childhood programs grants account is
144 13 created in the fund under the authority of the director of the
144 14 department of human services. Moneys credited to the account
144 15 are appropriated to and shall be distributed by the department
144 16 of human services in the form of grants to early childhood Iowa
144 17 areas pursuant to criteria established by the state board in
144 18 accordance with law. The criteria shall include but are not
144 19 limited to a requirement that an early childhood Iowa area must
144 20 be designated by the state board in order to be eligible to
144 21 receive an early childhood programs grant.

144 22 b. The maximum funding amount an early childhood Iowa area
144 23 is eligible to receive from the early childhood programs grant
144 24 account for a fiscal year shall be determined by applying
144 25 the area's percentage of the state's average monthly family
144 26 investment program population in the preceding fiscal year to
144 27 the total amount credited to the account for the fiscal year.

144 28 c. An early childhood Iowa area receiving funding from
144 29 the early childhood programs grant account shall comply with
144 30 any federal reporting requirements associated with the use
144 31 of that funding and other results and reporting requirements
144 32 established by the state board. The department of human
144 33 services shall provide technical assistance in identifying and
144 34 meeting the federal requirements. The availability of funding

DETAIL: These provisions do not differ significantly from the Community Empowerment Initiative, except that the DOM is authorized to use a portion of funding appropriated to the DHS for provision of technical assistance. Existing law authorizes the DHS to use the funding for provision of technical assistance.

144 35 provided from the account is subject to changes in federal
145 1 requirements and amendments to Iowa law.
145 2 d. The moneys distributed from the early childhood programs
145 3 grant account shall be used by early childhood Iowa areas
145 4 for the purposes of enhancing quality child care capacity in
145 5 support of parent capability to obtain or retain employment.
145 6 The moneys shall be used with a primary emphasis on low-income
145 7 families and children from zero to age five. Moneys shall be
145 8 provided in a flexible manner and shall be used to implement
145 9 strategies identified by the early childhood Iowa area to
145 10 achieve such purposes. The department of management may use
145 11 a portion of the funding appropriated to the department under
145 12 this subsection for provision of technical assistance and
145 13 other support to the early childhood Iowa areas developing and
145 14 implementing strategies with grant moneys distributed from the
145 15 account.
145 16 e. Moneys from a federal block grant that are credited
145 17 to the early childhood programs grant account but are not
145 18 distributed to an early childhood Iowa area or otherwise remain
145 19 unobligated or unexpended at the end of the fiscal year shall
145 20 revert to the fund created in section 8.41 to be available for
145 21 appropriation by the general assembly in a subsequent fiscal
145 22 year.
145 23 5. A first years first account is created in the fund under
145 24 the authority of the department of management. The account
145 25 shall consist of gift or grant moneys obtained from any source,
145 26 including but not limited to the federal government. Moneys
145 27 credited to the account are appropriated to the department to
145 28 be used for the early childhood-related purposes for which the
145 29 moneys were received.

145 30 Sec. 289. NEW SECTION . 256I.12 Early childhood stakeholders
145 31 alliance.
145 32 1. Alliance created. An early childhood stakeholders
145 33 alliance is created to support the state board in addressing
145 34 the early care, health, and education systems that affect
145 35 children ages zero through five in Iowa.

CODE: Establishes the Early Childhood Stakeholders Alliance to support the State Board and provide broad input into the development of a high-quality early childhood system. Specifies membership, operating procedures, and duties. Requires the DOM to provide staff support to the Alliance.

146 1 2. Purpose. The purpose of the early childhood stakeholders
146 2 alliance is to oversee and provide broad input into the
146 3 development of a high quality Iowa early childhood system
146 4 that meets the needs of children zero through age five and
146 5 their families and integrates the early care, health, and
146 6 education systems. The alliance shall advise the governor,
146 7 general assembly, state board, and other public and private
146 8 policy bodies and service providers in coordinating activities
146 9 throughout the state to fulfill its purpose.

146 10 3. Vision statement. All system development activities
146 11 addressed by the early childhood stakeholders alliance shall be
146 12 aligned around the following vision statement for the children
146 13 of Iowa: "Every child, beginning at birth, will be healthy and
146 14 successful."

146 15 4. Membership. The early childhood stakeholders alliance
146 16 membership shall include a representative of any organization
146 17 that touches the lives of young children in the state zero
146 18 through age five, has endorsed the purpose and vision statement
146 19 for the alliance, has endorsed the guiding principles adopted
146 20 by the alliance for the early childhood system, and has
146 21 formally asked to be a member and remains actively engaged
146 22 in alliance activities. The alliance shall work to ensure
146 23 there is geographic, cultural, and ethnic diversity among the
146 24 membership.

146 25 5. Procedure. Except as otherwise provided by law, the
146 26 early childhood stakeholders alliance shall determine its own
146 27 rules of procedure and operating provisions.

146 28 6. Steering committee. The early childhood stakeholders
146 29 alliance shall operate with a steering committee to organize,
146 30 manage, and coordinate the activities of the alliance and its
146 31 component groups. The steering committee may act on behalf of
146 32 the alliance as necessary. The steering committee membership
146 33 shall consist of the co-chairpersons of the alliance's
146 34 component groups, the administrator of the early childhood Iowa
146 35 office, and other leaders designated by the alliance.

147 1 7. Component groups. The early childhood stakeholders
147 2 alliance shall maintain component groups to address the
147 3 key components of the Iowa early childhood system. Each

DETAIL: The Alliance is a new feature and not part of the current
Community Empowerment Initiative.

147 4 component group shall have one private and one public agency
147 5 co=chairperson. The alliance may change the component groups
147 6 as deemed necessary by the alliance. Initially, there shall be
147 7 a component group for each of the following:
147 8 a. Governance planning and administration.
147 9 b. Professional development.
147 10 c. Public engagement.
147 11 d. Quality services and programs.
147 12 e. Resources and funding.
147 13 f. Results accountability.
147 14 8. Duties. The early childhood stakeholders alliance duties
147 15 shall include but are not limited to all of the following
147 16 regarding the Iowa early childhood system:
147 17 a. Coordinate with the early childhood Iowa state board.
147 18 b. Serve as the state advisory council required under the
147 19 federal Improving Head Start for School Readiness Act of 2007,
147 20 Pub. L. No. 110=134, as designated by the governor.
147 21 9. Staffing. Staff support for the early childhood
147 22 stakeholders alliance shall be provided by the department.

147 23 Sec. 290. Section 135.106, subsection 3, Code 2009, is
147 24 amended to read as follows:
147 25 3. It is the intent of the general assembly to provide
147 26 communities with the discretion and authority to redesign
147 27 existing local programs and services targeted at and assisting
147 28 families expecting babies and families with children who
147 29 are newborn through five years of age. The Iowa department
147 30 of public health, department of human services, department
147 31 of education, and other state agencies and programs, as
147 32 appropriate, shall provide technical assistance and support
147 33 to communities desiring to redesign their local programs and
147 34 shall facilitate the consolidation of existing state funding
147 35 appropriated and made available to the community for family
148 1 support services. Funds which are consolidated in accordance
148 2 with this subsection shall be used to support the redesigned
148 3 service delivery system. In redesigning services, communities
148 4 are encouraged to implement a single uniform family risk

CODE: Technical change.

148 5 assessment mechanism and shall demonstrate the potential for
148 6 improved outcomes for children and families. Requests by local
148 7 communities for the redesigning of services shall be submitted
148 8 to the Iowa department of public health, department of human
148 9 services, and department of education, and are subject to the
148 10 approval of the early childhood Iowa empowerment state board
148 11 in consultation with the departments, based on the practices
148 12 utilized with ~~community empowerment~~ early childhood Iowa areas
148 13 under chapter ~~28~~ 256I .

148 14 Sec. 291. Section 135.119, subsection 2, paragraph d, Code
148 15 Supplement 2009, is amended to read as follows:

CODE: Technical change.

148 16 d. The program plan shall incorporate a multiyear,
148 17 collaborative approach for implementation of the plan. The
148 18 plan shall address how to involve those who regularly work
148 19 with parents and persons responsible for the care of a
148 20 child, including but not limited to child abuse prevention
148 21 programs, child care resource and referral programs, child
148 22 care providers, family support programs, programs receiving
148 23 funding through the ~~community empowerment~~ early childhood
148 24 Iowa initiative, public and private schools, health care
148 25 providers, local health departments, birth centers, and
148 26 birthing hospitals.

148 27 Sec. 292. Section 135.159, subsection 3, paragraph i, Code
148 28 Supplement 2009, is amended to read as follows:

CODE: Technical change.

148 29 i. For children, coordinate with and integrate guidelines,
148 30 data, and information from existing newborn and child health
148 31 programs and entities, including but not limited to the healthy
148 32 opportunities for parents to experience success = healthy
148 33 families Iowa program, the ~~community empowerment program~~ early
148 34 childhood Iowa initiative , the center for congenital and
148 35 inherited disorders screening and health care programs,
149 1 standards of care for pediatric health guidelines, the office
149 2 of multicultural health established in section 135.12, the oral
149 3 health bureau established in section 135.15, and other similar

149 4 programs and services.

149 5 Sec. 293. Section 142A.4, subsection 8, Code Supplement
149 6 2009, is amended to read as follows:
149 7 8. Assist with the linkage of the initiative with child
149 8 welfare and juvenile justice decategorization projects,
149 9 education programming, ~~community empowerment~~ early childhood
149 10 Iowa areas, and other programs and services directed to youth
149 11 at the state and community level.

CODE: Technical change.

149 12 Sec. 294. Section 142A.8, subsection 2, Code 2009, is
149 13 amended to read as follows:
149 14 2. A community partnership area shall encompass a
149 15 county or multicounty area, school district or multischool
149 16 district area, economic development enterprise zone that
149 17 meets the requirements of an urban or rural enterprise
149 18 community under ~~Title~~ Tit. XIII of the federal Omnibus Budget
149 19 Reconciliation Act of 1993, or ~~community empowerment~~ early
149 20 childhood Iowa area, in accordance with criteria adopted by
149 21 the commission for appropriate population levels and size of
149 22 geographic areas.

CODE: Technical change.

149 23 Sec. 295. Section 216A.140, subsection 5, paragraph j, Code
149 24 Supplement 2009, is amended to read as follows:
149 25 j. ~~Office of community empowerment~~ Early childhood Iowa
149 26 office in the department of management.

CODE: Technical change.

149 27 Sec. 296. Section 217.42, subsection 1, Code 2009, is
149 28 amended to read as follows:
149 29 1. The organizational structure to deliver the department's
149 30 field services shall be based upon service areas. The service
149 31 areas shall serve as a basis for providing field services to
149 32 persons residing in the counties comprising the service area.
149 33 The service areas shall be those designated by the department
149 34 effective January 1, 2002. In determining the service areas,

CODE: Technical change.

149 35 the department shall consider other geographic service areas
150 1 including but not limited to judicial districts and ~~community~~
150 2 ~~empowerment~~ early childhood lowa areas. The department shall
150 3 consult with the county boards of supervisors in a service
150 4 area with respect to the selection of the service area manager
150 5 responsible for the service area who is initially selected for
150 6 the service area designated effective January 1, 2002, and any
150 7 service area manager selected for the service area thereafter.
150 8 Following establishment of the service areas effective January
150 9 1, 2002, if a county seeks to change the boundaries of a
150 10 service area, the change shall only take place if the change is
150 11 mutually agreeable to the department and all affected counties.
150 12 If it is necessary for the department to significantly modify
150 13 its field operations or the composition of a designated service
150 14 area, or if it is necessary for the department to change the
150 15 number of offices operating less than full-time, the department
150 16 shall consult with the affected counties prior to implementing
150 17 such action.

150 18 Sec. 297. Section 232.188, subsection 4, paragraph c, Code
150 19 2009, is amended to read as follows:
150 20 c. A decategorization governance board shall coordinate
150 21 the project's planning and budgeting activities with the
150 22 departmental service area manager for the county or counties
150 23 comprising the project area and the ~~community empowerment~~ early
150 24 childhood lowa area board or boards for the ~~community~~
150 25 ~~empowerment~~ early childhood lowa area or areas within which the
150 26 decategorization project is located.

CODE: Technical change.

150 27 Sec. 298. Section 237A.21, subsection 3, paragraph n, Code
150 28 Supplement 2009, is amended to read as follows:
150 29 n. One designee of the ~~community empowerment office~~ early
150 30 childhood lowa office of the department of management.

CODE: Technical change.

150 31 Sec. 299. Section 237A.21, subsection 3, paragraph q, Code

CODE: Technical change.

150 32 Supplement 2009, is amended to read as follows:

150 33 q. One person who represents the early childhood Iowa

150 34 ~~council~~ state board created in section ~~435.173~~ 256I.3 .

150 35 Sec. 300. Section 237A.22, subsection 1, paragraph j, Code

CODE: Technical change.

151 1 Supplement 2009, is amended to read as follows:

151 2 j. Advise and assist the early childhood Iowa ~~council~~ state

151 3 board in developing the strategic plan required pursuant to

151 4 section ~~435.173~~ 256I.4 .

151 5 Sec. 301. Section 237A.26, subsection 8, Code 2009, is

CODE: Technical change.

151 6 amended to read as follows:

151 7 8. For purposes of improving the quality and consistency

151 8 of data collection, consultation, and other support to child

151 9 care home and child development home providers, a resource and

151 10 referral services agency grantee shall coordinate and assist

151 11 with publicly and privately funded efforts administered at

151 12 the community level to provide the support. The support and

151 13 efforts addressed by a grantee may include but are not limited

151 14 to community=funded child care home and child development home

151 15 consultants. Community members involved with the assistance

151 16 may include but are not limited to the efforts of ~~a community~~

151 17 ~~empowerment~~ an early childhood Iowa area board under chapter

151 18 ~~28~~ 256I , and of community representatives of education, health,

151 19 human services, business, faith, and public interests.

151 20 Sec. 302. Section 237A.30, subsection 1, Code 2009, is

CODE: Technical change.

151 21 amended to read as follows:

151 22 1. The department shall work with the ~~community empowerment~~

151 23 ~~office of~~ early childhood Iowa office in the department of

151 24 management established in section ~~28.3~~ 256I.5 and the state

151 25 child care advisory council in designing and implementing a

151 26 voluntary quality rating system for each provider type of child

151 27 care facility.

151 28 Sec. 303. Section 256C.3, subsection 3, paragraph e, Code

CODE: Technical change.

151 29 2009, is amended to read as follows:
151 30 e. Collaboration with participating families, early care
151 31 providers, and community partners including but not limited to
151 32 ~~community empowerment~~ early childhood iowa area boards, head
151 33 start programs, shared visions and other programs provided
151 34 under the auspices of the child development coordinating
151 35 council, licensed child care centers, registered child
152 1 development homes, area education agencies, child care resource
152 2 and referral services provided under section 237A.26, early
152 3 childhood special education programs, services funded by
152 4 ~~Title Tit.~~ I of the federal Elementary and Secondary Education
152 5 Act of 1965, and family support programs.

152 6 Sec. 304. Section 256C.3, subsection 4, paragraph a, Code
152 7 2009, is amended to read as follows:
152 8 a. Methods of demonstrating community readiness to
152 9 implement high-quality instruction in a local program
152 10 shall be identified. The potential provider shall submit
152 11 a collaborative program proposal that demonstrates the
152 12 involvement of multiple community stakeholders including
152 13 but not limited to, and only as applicable, parents, the
152 14 school district, accredited nonpublic schools and faith-based
152 15 representatives, the area education agency, the ~~community~~
152 16 ~~empowerment~~ early childhood iowa area board, representatives
152 17 of business, head start programs, shared visions and other
152 18 programs provided under the auspices of the child development
152 19 coordinating council, center-based and home-based providers
152 20 of child care services, human services, public health, and
152 21 economic development programs. The methods may include but are
152 22 not limited to a school district providing evidence of a public
152 23 hearing on the proposed programming and written documentation
152 24 of collaboration agreements between the school district,
152 25 existing community providers, and other community stakeholders
152 26 addressing operational procedures and other critical measures.

CODE: Technical change.

152 27 Sec. 305. Section 256C.4, subsection 2, paragraph b, Code

CODE: Technical change.

152 28 2009, is amended to read as follows:
152 29 b. The enrollment count of eligible students shall not
152 30 include a child who is included in the enrollment count
152 31 determined under section 257.6 or a child who is served by
152 32 a program already receiving state or federal funds for the
152 33 purpose of the provision of four-year-old preschool programming
152 34 while the child is being served by the program. Such preschool
152 35 programming includes but is not limited to child development
153 1 assistance programs provided under chapter 256A, special
153 2 education programs provided under section 256B.9, school ready
153 3 children grant programs and other programs provided under
153 4 chapter ~~28~~ 256I , and federal head start programs and the
153 5 services funded by ~~Title~~ Tit. I of the federal Elementary and
153 6 Secondary Education Act of 1965.

153 7 Sec. 306. Section 279.60, Code 2009, is amended to read as
153 8 follows:
153 9 279.60 Kindergarten assessment == access to data == reports.
153 10 Each school district shall administer the dynamic indicators
153 11 of basic early literacy skills kindergarten benchmark
153 12 assessment or other kindergarten benchmark assessment adopted
153 13 by the department of education in consultation with the early
153 14 childhood Iowa ~~empowerment~~ state board to every kindergarten
153 15 student enrolled in the district not later than the date
153 16 specified in section 257.6, subsection 1. The school district
153 17 shall also collect information from each parent, guardian,
153 18 or legal custodian of a kindergarten student enrolled in the
153 19 district, including but not limited to whether the student
153 20 attended preschool, factors identified by the early ~~care~~
153 21 ~~staff~~ childhood Iowa office pursuant to section ~~28-3~~ 256I.5 ,
153 22 and other demographic factors. Each school district shall
153 23 report the results of the assessment and the preschool
153 24 information collected to the department of education in the
153 25 manner prescribed by the department not later than January 1 of
153 26 that school year. The ~~early care staff designated pursuant to~~
153 27 ~~section 28-3~~ early childhood Iowa office in the department of
153 28 management shall have access to the raw data. The department

CODE: Technical change.

153 29 shall review the information submitted pursuant to this section
 153 30 and shall submit its findings and recommendations annually
 153 31 in a report to the governor, the general assembly, the early
 153 32 childhood iowa empowerment state board, and the ~~community~~
 153 33 ~~empowerment~~ early childhood iowa area boards.

153 34 Sec. 307. Section 915.35, subsection 4, paragraph b, Code
 153 35 Supplement 2009, is amended to read as follows:
 154 1 b. A child protection assistance team may also consult
 154 2 with or include juvenile court officers, medical and mental
 154 3 health professionals, physicians or other hospital-based health
 154 4 professionals, court-appointed special advocates, guardians ad
 154 5 litem, and members of a multidisciplinary team created by the
 154 6 department of human services for child abuse investigations. A
 154 7 child protection assistance team may work cooperatively with
 154 8 the ~~local community empowerment~~ early childhood iowa area
 154 9 board established under ~~section 28.6~~ chapter 256I. The child
 154 10 protection assistance team shall work with the department
 154 11 of human services in accordance with section 232.71B,
 154 12 subsection 3, in developing the protocols for prioritizing
 154 13 the actions taken in response to child abuse reports and for
 154 14 law enforcement agencies working jointly with the department
 154 15 at the local level in processes for child abuse reports. The
 154 16 department of justice may provide training and other assistance
 154 17 to support the activities of a child protection assistance
 154 18 team.

154 19 Sec. 308. REPEALS.
 154 20 1. Sections 135.173 and 135.174, Code 2009, are repealed.
 154 21 2. Chapter 28, Code and Code Supplement 2009, is repealed.

154 22 Sec. 309. IMPLEMENTATION OF ACT. Section 25B.2, subsection
 154 23 3, shall not apply to this division of this Act.

154 24 Sec. 310. TRANSITION.

CODE: Technical change.

CODE: Repeals the existing statutes for Early Childhood Iowa and the Community Empowerment Initiative.

CODE: Specifies that the Early Childhood Iowa Area Boards must fulfill State mandates regardless of whether State funding is appropriated.

Specifies a method of transition from the current Community

154 25 1. The initial membership of the early childhood Iowa
 154 26 state board shall be composed of the membership of the Iowa
 154 27 empowerment board.

154 28 2. Effective on or after July 1, 2011, as determined by
 154 29 the early childhood Iowa state board created pursuant to this
 154 30 division of this Act, the designations granted by the Iowa
 154 31 empowerment board to community empowerment areas and community
 154 32 empowerment area boards under chapter 28, Code 2009, are
 154 33 withdrawn. However, subject to the approval of the early
 154 34 childhood Iowa state board in accordance with the area board
 154 35 designation criteria established by this division of this Act,
 155 1 all or a portion of the membership of a community empowerment
 155 2 area board may be redesignated to serve as the membership of
 155 3 the initial early childhood Iowa area board for the relevant
 155 4 early childhood Iowa area to be served. Subject to rules
 155 5 to be adopted by the state board addressing redesignation of
 155 6 community empowerment areas as early childhood Iowa areas,
 155 7 existing multicounty community empowerment area boards may
 155 8 choose to be redefined as early childhood Iowa area boards.

155 9 3. Until the early childhood Iowa state board has adopted
 155 10 administrative rules to implement the provisions of chapter
 155 11 256I, as enacted by this division of this Act, the department
 155 12 of management shall apply the relevant rules adopted to
 155 13 implement the community empowerment initiative under chapter
 155 14 28, Code 2009. The state board shall also adopt rules
 155 15 addressing transition of contracts entered into by community
 155 16 empowerment area boards that include provisions in effect on
 155 17 or after July 1, 2012.

155 18 4. The department of management and the early childhood
 155 19 Iowa board shall implement requirements for school ready
 155 20 children grant funds or other state, federal, or other funds
 155 21 in possession of a community empowerment area remaining
 155 22 unobligated or unexpended to be remitted to the successor
 155 23 early childhood Iowa area board designated to serve that area.
 155 24 The requirements shall include measures to ensure there is
 155 25 continuity of services in the transition from the community
 155 26 empowerment initiative to the early childhood Iowa initiative.

Empowerment Initiative to the new Early Childhood Iowa Initiative,
 including:

- Requires the initial membership of the Early Childhood Iowa State Board to be composed of the membership of the existing Iowa Empowerment Board.
- The designations of Community Empowerment Area Boards will be withdrawn effective July 1, 2011, or later as determined by the State Board.
- Until the State Board has adopted administrative rules to implement the new Initiative, the DOM is required to apply the relevant existing Community Empowerment rules.
- Requires the State Board to adopt rules to address the transition of ongoing contracts entered into by Community Empowerment Area Boards.

Requires the DOM and the State Board to implement requirements for State, federal, or other funds in possession of Community Empowerment Area Boards to be remitted to the successor Early Childhood Iowa Area Boards and to ensure continuity of services.

155 27 DIVISION XXV

155 28 COMMUNITY COLLEGE ACCREDITATION

155 29 Sec. 311. DEPARTMENT OF EDUCATION == COMMUNITY COLLEGE
 155 30 ACCREDITATION RECOMMENDATIONS IMPLEMENTATION REVIEW. The
 155 31 department of education shall review and evaluate the
 155 32 implementation of the recommendations submitted on January 22,
 155 33 2010, by the community college accreditation advisory committee
 155 34 in its final report to the general assembly. The department
 155 35 shall submit its findings and recommendations to the general
 156 1 assembly on or before December 31, 2010.

Requires the Department of Education to review and evaluate the implementation of the recommendations submitted by the Community College Accreditation Advisory Committee in the final report. Requires the Department to submit findings and recommendations to the General Assembly on or before December 31, 2010.

FISCAL IMPACT: The fiscal impact, if any, of the statutory changes regarding community colleges in this Division cannot be estimated.

156 2 Sec. 312. DEPARTMENT OF EDUCATION == COMMUNITY COLLEGE
 156 3 ACCREDITATION ADVISORY COMMITTEE == INSTRUCTIONAL HOURS
 156 4 STUDY. The department of education shall convene a working
 156 5 group, whose members shall include at a minimum the members
 156 6 of the community college accreditation advisory committee and
 156 7 the community college faculty advisory committee. The working
 156 8 group shall solicit comments from each of the community college
 156 9 quality faculty committees. The working group shall study
 156 10 the maximum academic credit hour per school term workload
 156 11 appropriate for an instructor beyond the standard workload.
 156 12 The working group shall submit its findings and recommendations
 156 13 to the state board of education and the general assembly on or
 156 14 before December 31, 2010.

Requires the Department of Education to convene a working group to study the maximum academic credit hour workload per school term for community college instructors and submit findings and recommendations to the State Board of Education and the General Assembly on or before December 31, 2010.

156 15 Sec. 313. COMMUNITY COLLEGE ACADEMIC WORKLOAD EXCEPTION
 156 16 == FISCAL YEAR 2010=2011. Notwithstanding section 260C.48,
 156 17 subsection 2, a faculty member who has in previous fiscal
 156 18 years exceeded the eighteen credit hour standard set pursuant
 156 19 to section 260C.48, subsection 2, may continue to exceed the
 156 20 eighteen credit hour workload standard for the 2010=2011 fiscal
 156 21 year if the faculty member elects to teach beyond the eighteen
 156 22 credit hour workload standard.

CODE: Permits community college faculty that have previously exceeded the credit hour workload standard to continue to do so for FY 2011 if they so choose.

156 23 DIVISION XXVI

156 24 REGISTRATION OF POSTSECONDARY SCHOOLS

156 25 Sec. 314. Section 261.2, subsection 7, paragraph b, Code
156 26 Supplement 2009, is amended to read as follows:
156 27 b. The commission ~~may require a school seeking registration~~
156 28 ~~under chapter 261B to provide copies of its application to the~~
156 29 ~~Iowa coordinating council for post-high school education. The~~
156 30 ~~commission may consider comments from the council that are~~
156 31 ~~received by the commission within ninety days of the filing of~~
156 32 ~~the application. However, if the council meets to consider~~
156 33 ~~comments for submission to the commission, the meeting shall be~~
156 34 ~~open to the public and subject to the provisions of chapter 21.~~
156 35 ~~The commission shall post an application on the commission's~~
157 1 internet site and shall render a decision on an application for
157 2 registration within one hundred eighty days of the filing of
157 3 the application.

CODE: Eliminates the option that the College Student Aid Commission may require colleges or universities seeking registration in the State to provide copies of applications to the Iowa Coordinating Council for Post-High School Education so the Council can make recommendations to the Commission. Requires the Commission to post applications on its website.

157 4 Sec. 315. REPEAL. Section 261B.10, Code Supplement 2009,
157 5 is repealed.

CODE: Repeals the Advisory Committee on Postsecondary Registration.

DETAIL: This is a seven-member committee that typically meets four times per year. Annual travel costs are approximately \$1,800; meal expenses cost approximately \$1,400; and Commissioner per diems cost \$400 for an annual total cost of \$3,600. These costs are paid from the College Student Aid Commission's administrative budget. Senate File 2376 (Education Appropriations Act) reduces the appropriation for the Commission's administration by a corresponding amount.

FISCAL IMPACT: Elimination of the Committee is estimated to result in General Fund savings of \$3,600 per year.

157 6 DIVISION XXVII
157 7 DIVISION OF LIBRARIES AND INFORMATION SERVICES

157 8 Sec. 316. Section 256.51, subsection 1, paragraph a, Code

CODE: Technical change.

157 9 2009, is amended to read as follows:

157 10 a. Determine policy for providing information service to the
157 11 three branches of state government and to the legal and medical
157 12 ~~communities~~ community in this state.

157 13 Sec. 317. Section 256.52, subsection 1, Code 2009, is
157 14 amended to read as follows:

157 15 1. The state commission of libraries consists of one member
157 16 appointed by the supreme court, the director of the department
157 17 of education, or the director's designee, and six members
157 18 appointed by the governor to serve four-year terms beginning
157 19 and ending as provided in section 69.19. ~~Of the~~ The governor's
157 20 appointees, ~~one member shall be from the medical profession~~
157 21 ~~and five members selected at large. Not more than three of~~
157 22 ~~the members appointed by the governor shall be of the same~~
157 23 ~~gender.~~ The members shall be reimbursed for their actual
157 24 expenditures necessitated by their official duties. Members
157 25 may also be eligible for compensation as provided in section
157 26 7E.6.

CODE: Eliminates the requirement that the Governor's appointees to the State Commission of Libraries include a medical professional.

DETAIL: The State Library no longer maintains a State Medical Library.

FISCAL IMPACT: This fiscal impact is expected to be minimal.

157 27 Sec. 318. Section 256.52, subsection 3, paragraph d, Code
157 28 2009, is amended to read as follows:

157 29 d. Appoint and approve the technical, professional,
157 30 ~~excepting the medical librarian and the law librarian,~~
157 31 secretarial, and clerical staff necessary to accomplish the
157 32 purposes of the division subject to chapter 8A, subchapter IV.

CODE: Technical change.

157 33 Sec. 319. Section 256.54, unnumbered paragraph 1, Code
157 34 2009, is amended to read as follows:

157 35 The state library includes , but is not limited to , ~~a medical~~
158 1 ~~library,~~ a law library, and the state data center.

CODE: Technical change.

158 2 Sec. 320. Section 256.54, subsection 1, Code 2009, is
158 3 amended by striking the subsection.

CODE: Eliminates specific requirements for the State Medical Library.

158 4 Sec. 321. EFFECTIVE UPON ENACTMENT. This division of this
 158 5 Act, being deemed of immediate importance, takes effect upon
 158 6 enactment.

The changes regarding the elimination of the State Medical Library are effective on enactment.

158 7 DIVISION XXVIII
 158 8 LIBRARY DISTRICTS

158 9 Sec. 322. Section 336.2, unnumbered paragraphs 2 and 6, Code
 158 10 2009, are amended to read as follows:
 158 11 Eligible electors residing within the proposed district in a
 158 12 number not less than five percent of those voting for president
 158 13 of the United States or governor, as the case may be, within
 158 14 the district at the last general election may petition the
 158 15 board of supervisors of the county, or the city council, for
 158 16 the establishment of the library district. The petition shall
 158 17 clearly designate the area to be included in the district, the
 158 18 total number of board members, and how representation on the
 158 19 board shall be divided among the jurisdictions .
 158 20 After the establishment of a library district other areas
 158 21 may be included ~~by mutual agreement~~ subject to the approval of
 158 22 the board of trustees of the library district and the governing
 158 23 ~~body~~ passage of a referendum by the electors of the area sought
 158 24 to be included.

CODE: Specifies requirements to petition for establishment of a library district. Requires passage of a referendum to add areas to a library district.

FISCAL IMPACT: Statutory changes regarding library districts in this Division are not expected to have a fiscal impact.

158 25 Sec. 323. Section 336.4, Code 2009, is amended to read as
 158 26 follows:
 158 27 336.4 Library trustees.
 158 28 In any area in which a library district has been established
 158 29 in accordance with this chapter, a board of library trustees,
 158 30 consisting of five, seven, or nine ~~electors of~~ members who
 158 31 resident within the library district, shall be appointed by the
 158 32 ~~board of supervisors of any county or city~~ governing bodies of
 158 33 the jurisdictions comprising the library district.
 158 34 ~~Membership on the library board shall be apportioned between~~
 158 35 ~~the rural and city areas of the district in proportion to~~

CODE: Specifies the membership of a board of library trustees. Eliminates requirements related to apportionment between rural and urban areas of a district and between two or more cities and/or counties.

159 1 ~~the population in each of such areas. In the event the~~
 159 2 ~~library district is composed of two or more counties, two~~
 159 3 ~~or more cities, or any combination of counties and cities,~~
 159 4 ~~representation on the library board shall be equitably divided~~
 159 5 ~~between or among the counties and cities in proportion to the~~
 159 6 ~~population in each of the counties and cities.~~

159 7 Sec. 324. Section 336.5, Code 2009, is amended to read as
 159 8 follows:
 159 9 336.5 Terms ~~==~~ vacancies .
 159 10 1. Of said the trustees ~~se~~ appointed in accordance with
 159 11 section 336.4 on boards ~~to consist~~ consisting of nine members,
 159 12 three shall hold office for two years, three for four years,
 159 13 and three for six years; on boards ~~to consist~~ consisting of
 159 14 seven members, two shall hold office for two years, two
 159 15 for four years, and three for six years; and on boards ~~to~~
 159 16 ~~consist~~ consisting of five members, one shall hold office for
 159 17 two years, two for four years, and two for six years, from the
 159 18 first day of July following their appointment in each case.
 159 19 At their the first meeting they of the board, members shall
 159 20 cast lots for their respective terms, reporting the result of
 159 21 such lot to the board of supervisors the governing body of each
 159 22 jurisdiction forming the library district . All subsequent
 159 23 appointments, whatever the size of the board, shall be for
 159 24 terms of six years each.
 159 25 2. A vacancy exists when a member ceases to be a resident
 159 26 of the jurisdiction the member represents or is absent for six
 159 27 consecutive regular meetings of the board.
 159 28 3. Vacancies shall be filled for unexpired terms by the
 159 29 governing body of the taxing unit of the district jurisdiction
 159 30 represented by the retiring member vacancy .

CODE: Specifies that a vacancy on a board of library trustees exists when a member ceases to be a resident or is absent for six consecutive regular meetings.

159 31 Sec. 325. Section 336.8, Code 2009, is amended to read as
 159 32 follows:
 159 33 336.8 Powers.
 159 34 ~~Said~~ The board of library trustees shall have and exercise

CODE: Technical changes. Requires a board of library trustees to keep a record of proceedings. Authorizes a board of library trustees to make agreements with local county historical associations.

159 35 the following powers:

160 1 1. To meet and ~~organize by the election of one of their~~
160 2 ~~number as~~ elect from among its members a president of the
160 3 board, ~~and by the election of~~ a secretary and such other
160 4 officers as the board may deem necessary.

160 5 2. To direct and control all affairs of the library
160 6 district, as well as to have charge ~~;~~ and supervision of the
160 7 ~~public library ;~~ and its rooms, appurtenances , and fixtures ~~;~~ and
160 8 ~~rooms containing the same, directing and controlling all the~~
160 9 ~~affairs of such library .~~

160 10 3. To employ a librarian, and authorize the librarian to
160 11 employ such assistants and employees as may be necessary for
160 12 the proper management of ~~said~~ the library ; ~~and~~ district. The
160 13 board shall fix their ~~the~~ compensation ~~;~~ but, prior ~~of such~~
160 14 employees. Prior to such employment, the compensation of
160 15 ~~such~~ the librarian, assistants, and employees shall be fixed
160 16 ~~for the term of employment~~ by a majority of the members of
160 17 ~~said~~ the board voting in favor thereof .

160 18 4. To remove ~~such~~ ; by a two-thirds vote of the board,
160 19 the librarian, and provide procedures for the removal
160 20 of assistants ~~;~~ or employees ~~by a vote of two-thirds of such~~
160 21 ~~board~~ for misdemeanor, incompetency, or inattention to ~~the~~
160 22 ~~duties of such employment~~ duty .

160 23 5. To authorize the librarian to select and make purchases
160 24 of books, ~~pamphlets,~~ magazines, periodicals, papers, maps,
160 25 journals, furniture, fixtures, ~~stationery~~ technology , and
160 26 supplies for ~~such~~ the library district .

160 27 6. To authorize the use of ~~such libraries by school~~
160 28 ~~corporations or~~ the public library by nonresidents of the area
160 29 which is taxed to support ~~such libraries~~ the public library and
160 30 to fix charges ~~therefor~~ for library services .

160 31 7. To make and adopt, amend, modify, or repeal bylaws,
160 32 rules ~~;~~ and regulations, not inconsistent with law, for
160 33 the care, use, government, and management of ~~such~~ the
160 34 public library and the business of ~~said~~ the board, fixing and
160 35 enforcing penalties for ~~the violation thereof~~ violations . The
161 1 board shall keep a record of its proceedings.

161 2 8. To have exclusive control of ~~the expenditures~~ all funds

161 3 ~~allocated for public library purposes , as provided by law,~~
 161 4 ~~and of the expenditures of all moneys available by gift or~~
 161 5 ~~otherwise for the erection of public library buildings , and all~~
 161 6 ~~other moneys belonging to the public library, including fines~~
 161 7 ~~and rental fees collected, under the rules of the board . The~~
 161 8 ~~board shall keep a record of its proceedings.~~
 161 9 9. To accept gifts of any real property, personal property,
 161 10 or mixed property, and devises and bequests, including trust
 161 11 funds; to take the title to ~~said~~ the property in the name of
 161 12 ~~said~~ the public library; to execute deeds and bills of sale
 161 13 for the conveyance of ~~said~~ the property; and to expend the
 161 14 funds ~~received by them~~ generated from ~~such~~ the gifts, for the
 161 15 improvement of ~~said~~ the public library.
 161 16 10. To make agreements with local county historical
 161 17 associations to set apart the necessary room and to care for
 161 18 articles that come into the possession of the association. The
 161 19 board may purchase necessary receptacles and materials for
 161 20 the preservation and protection of articles which are of an
 161 21 historical and educational nature.

161 22 Sec. 326. Section 336.10, Code 2009, is amended to read as
 161 23 follows:

161 24 336.10 Library fund.

161 25 1. All moneys received and set apart appropriated or
 161 26 received for the maintenance of the public library shall
 161 27 be deposited in the treasury of the county or city, as
 161 28 determined by the board of library trustees, and paid out upon
 161 29 warrants drawn by the county or city auditor upon requisition
 161 30 of expenditures shall be paid by the treasurer of the county
 161 31 or city in which the moneys are deposited on warrants ordered
 161 32 by the board of trustees, signed by its the board's president
 161 33 and secretary.

161 34 ~~Provided that where a free public library is maintained~~
 161 35 ~~jointly by two or more counties or cities or any combination of~~
 162 1 ~~counties and cities, the library trustees may elect a library~~
 162 2 ~~treasurer, and it shall be the duty of the city and county~~
 162 3 ~~treasurers to pay over to the library treasurer any and all~~

CODE: Technical changes.

162 4 ~~library taxes that may be collected by them monthly.~~
162 5 2. The library treasurer of the county or city in
162 6 which the public library moneys are deposited pursuant to
162 7 subsection 1 shall be required to furnish a bond conditioned
162 8 as provided by section 64.2 in an amount as agreed upon by the
162 9 participating boards of supervisors and city councils and the
162 10 cost shall be paid by the participating counties and cities.

162 11 Sec. 327. Section 336.11, Code 2009, is amended to read as
162 12 follows:

162 13 336.11 Annual report.

162 14 The board of library trustees shall, immediately
162 15 after within ninety days after the close of each fiscal
162 16 year, submit a report to the ~~board of supervisors, and the~~
162 17 ~~city council, as appropriate, a report containing~~ governing
162 18 bodies of the respective jurisdictions comprising the
162 19 library district. The report shall contain a statement
162 20 of the condition of the library, the number of books and
162 21 other resources added ~~thereto~~, the number of books and
162 22 other resources circulated, the number of books and other
162 23 resources not returned or lost, the amount of fines collected,
162 24 and the amount of money expended in the maintenance ~~thereof~~ of
162 25 the public library during ~~such~~ the preceding fiscal year,
162 26 together with ~~such further~~ any other information ~~as it may~~
162 27 ~~deem~~ the board deems important.

CODE: Technical changes.

162 28 Sec. 328. Section 336.12, Code 2009, is amended to read as
162 29 follows:

162 30 336.12 Real estate acquired.

162 31 ~~In any county or city in which a free library has been~~
162 32 ~~established, the~~ The board of library trustees may purchase
162 33 real estate in the name of the county or city library
162 34 district for the location of public library buildings and
162 35 branch libraries, and for the purpose of enlarging the grounds.

CODE: Technical changes.

163 1 Sec. 329. Section 336.13, Code 2009, is amended to read as

CODE: Technical changes.

163 2 follows:
163 3 336.13 Maintenance expense on proportionate basis.
163 4 1. The maintenance of a public library established in
163 5 accordance with this chapter shall be on the basis of each
163 6 participating unit bearing its share of the total cost
163 7 in proportion to its population as compared to the total
163 8 population of the library district.
163 9 2. The board of library trustees shall make an estimate
163 10 of the amount necessary for the maintenance of the library,
163 11 the sources of direct library revenue, and the amount to be
163 12 contributed from taxes or other revenues by the participating
163 13 city or county and hold a hearing on the estimate after notice
163 14 of the hearing is published as provided in section 331.305 or
163 15 section 362.3, as appropriate. On or before January 10 of
163 16 each year, the board of library trustees shall transmit the
163 17 estimate in dollars to the ~~board of supervisors and to the~~
163 18 cities governing bodies of the jurisdictions participating in
163 19 the library district. ~~The unincorporated area of each county~~
163 20 ~~in the library district shall be considered as a separate~~
163 21 ~~supporting unit.~~ Each board of supervisors participating shall
163 22 review the estimate and appropriate for library purposes its
163 23 share ~~in~~ from the county rural services fund budget. Each city
163 24 council participating shall review the estimate for the city
163 25 and appropriate for library purposes its share ~~in~~ from the
163 26 city general fund budget. Each participating city or county
163 27 shall contribute its share from taxation or from other sources
163 28 available for library purposes on an equitable basis. With
163 29 approval of a city council, the county treasurer may withhold a
163 30 reasonable portion of the taxes collected for a city to meet
163 31 the city's contribution for library purposes and deliver a
163 32 receipt to the city clerk for the amount withheld.
163 33 This section shall not affect the taxing authority provided
163 34 under section 256.69.

163 35 Sec. 330. Section 336.15, Code 2009, is amended to read as
164 1 follows:
164 2 336.15 Existing contracts assumed.

CODE: Technical changes.

164 3 Whenever a library district is established in accordance
164 4 with this chapter, its board of trustees shall assume all the
164 5 obligations of the existing library service contracts made by
164 6 ~~cities, townships, school corporations, or counties to receive~~
164 7 ~~library service from free public libraries~~ jurisdictions
164 8 participating in the library district .

164 9 Sec. 331. Section 336.16, Code 2009, is amended to read as
164 10 follows:

CODE: Technical changes.

164 11 336.16 Withdrawal from district == termination.

164 12 1. A city may withdraw from the library district upon a
164 13 majority vote in favor of withdrawal by the electorate of the
164 14 city in an election held on a motion by the city council. The
164 15 election shall be held simultaneously with a general or city
164 16 election. Notice of a favorable vote to withdraw shall be
164 17 sent by certified mail to the board of library trustees of
164 18 the library district and the county auditor or city clerk, as
164 19 appropriate, prior to January 10, and the withdrawal shall be
164 20 effective on July 1.

164 21 2. A county may withdraw from the district after a majority
164 22 of the voters of the unincorporated area of the county voting
164 23 on the issue favor the withdrawal. The board of supervisors
164 24 shall call for the election which shall be held at the next
164 25 general election.

164 26 3. A city or county election shall not be called until a
164 27 hearing has been held on the proposal to submit a proposition
164 28 of withdrawal to an election. A hearing may be held only after
164 29 public notice published as provided in section 362.3 in the
164 30 case of a city or section 331.305 in the case of a county. A
164 31 copy of the notice submitted for publication shall be mailed
164 32 to the public library on or before the date of publication.

164 33 The proposal presented at the hearing must include a plan
164 34 for continuing adequate library service with or without all
164 35 participants and the respective allocated costs and levels of
165 1 service shall be stated. At the hearing, any interested person
165 2 shall be given a reasonable time to be heard, either for or
165 3 against the withdrawal or the plan to accompany it.

165 4 4. A library district may be terminated if a majority of
165 5 the electors of the unincorporated area of the county and the
165 6 cities included in the library district voting on the issue
165 7 favor the termination. ~~The election shall be held upon motion~~
165 8 ~~of the board of supervisors and simultaneously with a general~~
165 9 ~~or other county election.~~ If the vote favors termination, the
165 10 termination shall be effective on the succeeding July 1.
165 11 5. An election for withdrawal from or termination of a
165 12 library district shall not be held more than once each four
165 13 years.

165 14 Sec. 332. Section 336.18, subsection 4, paragraphs c and d,
165 15 Code 2009, are amended to read as follows:
165 16 c. If a majority of those voting upon the question favors
165 17 it, the board of supervisors shall ~~within thirty days appoint~~
165 18 ~~a board of library trustees from residents of the petitioning~~
165 19 ~~area. Vacancies shall be filled by the board.~~
165 20 d. ~~The board of trustees may contract with any~~ a library
165 21 for library use or service for the benefit of the residents and
165 22 area represented by it.

CODE: Technical changes.

165 23 Sec. 333. NEW SECTION . 336.19 Contracts for use of public
165 24 library.
165 25 1. Contracting. The board of library trustees may contract
165 26 with any other board of trustees of a free public library
165 27 or any other city, school corporation, institution of higher
165 28 learning, township, or county, or with the trustees of any
165 29 county library district for the use of the library by their
165 30 respective residents.
165 31 2. Termination. A contract entered into pursuant to
165 32 subsection 1 may be terminated as follows:
165 33 a. By mutual consent of the contracting parties.
165 34 b. By a majority vote of the electors represented by either
165 35 of the contracting parties. Upon a written petition of a
166 1 number of eligible electors equaling five percent or more of
166 2 the number of electors voting at the last general election

CODE: Authorizes a board of library trustees to contract with other local boards for use of the library. Specifies how such contracts may be terminated.

166 3 within the jurisdiction of the contracting party, a termination
166 4 proposition shall be submitted to the electors by the governing
166 5 body of the contracting party. The petition shall be presented
166 6 to the governing body not less than forty days prior to the
166 7 next general election or special election held throughout the
166 8 jurisdiction of the party seeking to terminate the contract.
166 9 The proposition shall be submitted at the next general election
166 10 or next special election held throughout the jurisdiction of
166 11 the party seeking to terminate the contract.

166 12 Sec. 334. REPEAL. Sections 336.6, 336.9, and 336.17, Code
166 13 2009, are repealed.

CODE: Repeals provisions that are now addressed elsewhere in statute.

166 14 DIVISION XXIX
166 15 HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES

166 16 Sec. 335. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN
166 17 SERVICES PROGRAMS. The department of human services shall
166 18 develop and implement strategies to increase efficiencies by
166 19 reducing paperwork, decreasing staff time, and providing more
166 20 streamlined services to the public relative to programs under
166 21 the purview of the department. Such strategies may include
166 22 but are not limited to simplifying and reducing duplication in
166 23 eligibility determinations among programs by utilizing the same
166 24 eligibility processes across programs to the extent allowed by
166 25 federal law. The department shall provide a progress report
166 26 to the joint appropriations subcommittee on health and human
166 27 services on an annual basis.

Requires the DHS to develop and implement strategies to increase efficiencies.

FISCAL IMPACT: Although no fiscal impact can be determined, it is assumed the DHS will free up staff time because of increased efficiency and less duplication. The DHS may also realize minimal savings.

166 28 Sec. 336. PHARMACEUTICAL IMPROVEMENTS. The department
166 29 of human services, department of public health, department
166 30 of corrections, department of management, and any
166 31 other appropriate agency shall review the provision of
166 32 pharmaceuticals to populations they serve and programs under
166 33 their respective purview to determine efficiencies in the

Requires the Departments of Human Services, Public Health, Corrections, Management, and any other appropriate agency to identify strategies to improve efficiencies in pharmaceuticals, including changes to State law or approval from the federal government.

The DOC is in the process of creating a centralized pharmacy for the

166 34 purchase of pharmaceuticals. The departments shall develop
 166 35 strategies to implement efficiencies and reduce costs to the
 167 1 state, and shall determine any changes in state law or approval
 167 2 from the federal government necessary to implement any strategy
 167 3 identified.

prison system, using generics as a base for its formulary. Any
 substitutes of name brand medications are to be documented.

Over the past several years, most, if not all, of these agencies
 (including University of Iowa Hospitals and Clinics) have worked
 together on an intermittent basis to address pharmacy costs. Most
 cost savings ideas have been hampered by federal regulations
 regarding the specific populations of the individual agencies. For
 example, DOC is at a higher cost than DHS for the same medicine,
 because one population is criminals while the other is civilians.

FISCAL IMPACT: The fiscal impact cannot be determined. It is
 anticipated any savings would be generated after FY 2012, when any
 potential changes to State law or federal regulations would take effect.

167 4 DIVISION XXX
 167 5 CHILD SUPPORT

167 6 Sec. 337. Section 252D.17, Code 2009, is amended by adding
 167 7 the following new subsection:
 167 8 NEW SUBSECTION . 13. The department shall establish
 167 9 criteria and a phased-in schedule to require, no later than
 167 10 June 30, 2015, payors of income to electronically transmit
 167 11 the amounts withheld under an income withholding order. The
 167 12 department shall assist payors of income in complying with
 167 13 the required electronic transmission, and shall adopt rules
 167 14 setting forth procedures for use in electronic transmission of
 167 15 funds, and exemption from use of electronic transmission taking
 167 16 into consideration any undue hardship electronic transmission
 167 17 creates for payors of income.

CODE: Requires businesses that collect child support payments from
 employees and transmit them to the State to do so through electronic
 means with exceptions in cases when it may cause a hardship.

DETAIL: Currently only 56.0% of support payments are transmitted
 electronically where businesses are filing 97.0% of their returns
 electronically. The DHS has both an electronic funds transfer option
 and a website available for easy electronic transfer.

FISCAL IMPACT: This change is estimated to save the General Fund
 \$23,000 annually in processing costs beginning in FY 2011.

167 18 DIVISION XXXI
 167 19 FALSE CLAIMS ACT

167 20 Sec. 338. NEW SECTION . 685.1 Definitions.
 167 21 1. "Claim" means any request or demand, whether pursuant to

CODE: Creates a new Iowa Code Chapter, False Claims Act, that is
 an attempt to secure a larger recovery for the State (10.00%) under

167 22 a contract or otherwise, for money or property and whether the
 167 23 state has title to the money or property, which is presented
 167 24 to an officer, employee, agent, or other representative of the
 167 25 state or to a contractor, grantee, or other person if the money
 167 26 or property is to be spent or used on the state's behalf or to
 167 27 advance a state program or interest, and if the state provides
 167 28 any portion of the money or property which is requested or
 167 29 demanded, or if the state will reimburse directly or indirectly
 167 30 such contractor, grantee, or other person for any portion of
 167 31 the money or property which is requested or demanded. "Claim"
 167 32 does not include any requests or demands for money or property
 167 33 that the state has paid to an individual as compensation for
 167 34 state employment or as an income subsidy with no restrictions
 167 35 on that individual's use of the money or property.

168 1 2. "Custodian" means the custodian, or any deputy custodian,
 168 2 designated by the attorney general under section 685.6.

168 3 3. "Documentary material" includes the original or any copy
 168 4 of any book, record, report, memorandum, paper, communication,
 168 5 tabulation, chart, or other document, or data compilations
 168 6 stored in or accessible through computer or other information
 168 7 retrieval systems, together with instructions and all other
 168 8 materials necessary to use or interpret such data compilations,
 168 9 and any product of discovery.

168 10 4. "False claims law" means this chapter.

168 11 5. "False claims law investigation" means any inquiry
 168 12 conducted by a false claims law investigator for the purpose of
 168 13 ascertaining whether any person is or has been engaged in any
 168 14 violation of a false claims law.

168 15 6. "False claims law investigator" means any attorney or
 168 16 investigator employed by the department of justice who is
 168 17 charged with the duty of enforcing or carrying into effect
 168 18 any false claims law, or any officer or employee of the
 168 19 state acting under the direction and supervision of such
 168 20 attorney or investigator in connection with a false claims law
 168 21 investigation.

168 22 7. a. "Knowing" or "knowingly" means that a person with
 168 23 respect to information, does any of the following:
 168 24 (1) Has actual knowledge of the information.

Medicaid fraud actions. The language is broader than Medicaid fraud. The Act provides a procedure for the State and private individuals to bring an action for fraud against a person that may result in financial loss to the government.

Any State statute must be reviewed by the federal Department of Health and Human Services before it can be implemented. The language will not be reviewed until it has been enacted and the review may take at least a year. This will result in implementation being delayed the first year. If the language is rejected, the General Assembly must approve new legislation to attempt to get federal approval. Several states have had their statutes rejected. Iowa currently operates under the federal False Claims Act.

FISCAL IMPACT: The net fiscal impact cannot be determined at this time. Any recoveries under the Medicaid fraud provisions may be offset by increased costs to State agencies for collection actions. Any receipts for FY 2011 will be for a partial year, because no action can be taken until the language is approved by the federal government.

168 25 (2) Acts in deliberate ignorance of the truth or falsity of
168 26 the information.

168 27 (3) Acts in reckless disregard of the truth or falsity of
168 28 the information.

168 29 b. "Knowing" or "knowingly" does not require proof of
168 30 specific intent to defraud.

168 31 8. "Material" means having a natural tendency to influence,
168 32 or be capable of influencing, the payment or receipt of money
168 33 or property.

168 34 9. "Obligation" means an established duty, whether or
168 35 not fixed, arising from an express or implied contractual,
169 1 grantor=grantee, or licensor=licensee relationship, from a
169 2 fee=based or similar relationship, from statute or regulation,
169 3 or from the retention of any overpayment.

169 4 10. "Official use" means any use that is consistent with
169 5 the law, and the regulations and policies of the department of
169 6 justice, including use, in connection with internal department
169 7 of justice memoranda and reports; communications between
169 8 the department of justice and a federal, state, or local
169 9 government agency or a contractor of a federal, state, or local
169 10 government agency, undertaken in furtherance of a department
169 11 of justice investigation or prosecution of a case; interviews
169 12 of any qui tam plaintiff or other witness; oral examinations;
169 13 depositions; preparation for and response to civil discovery
169 14 requests; introduction into the record of a case or proceeding;
169 15 applications, motions, memoranda and briefs submitted to a
169 16 court or other tribunal; and communications with government
169 17 investigators, auditors, consultants and experts, the counsel
169 18 of other parties, and arbitrators and mediators, concerning an
169 19 investigation, case, or proceeding.

169 20 11. "Original source" means an individual who has direct
169 21 and independent knowledge of the information on which the
169 22 allegations are based and has voluntarily provided the
169 23 information to the state before filing an action under section
169 24 685.3 which is based on the information.

169 25 12. "Person" means any natural person, partnership,
169 26 corporation, association, or other legal entity, including any
169 27 state or political subdivision of the state.

169 28 13. "Product of discovery" includes all of the following:
169 29 a. The original or duplicate of any deposition,
169 30 interrogatory, document, thing, result of the inspection of
169 31 land or other property, examination, or admission, which
169 32 is obtained by any method of discovery in any judicial or
169 33 administrative proceeding of an adversarial nature.
169 34 b. Any digest, analysis, selection, compilation, or
169 35 derivation of any item listed in paragraph "a".
170 1 c. Any index or other manner of access to any item listed
170 2 in paragraph "a".
170 3 14. "Qui tam plaintiff" means a private plaintiff who brings
170 4 an action under this chapter on behalf of the state.
170 5 Sec. 339. NEW SECTION . 685.2 Acts subjecting person to
170 6 treble damages, costs, and civil penalties == exceptions.
170 7 1. A person who commits any of the following acts is liable
170 8 to the state for a civil penalty of not less than five thousand
170 9 dollars and not more than ten thousand dollars, plus three
170 10 times the amount of damages which the state sustains because of
170 11 the act of that person:
170 12 a. Knowingly presents, or causes to be presented, a false or
170 13 fraudulent claim for payment or approval.
170 14 b. Knowingly makes, uses, or causes to be made or used, a
170 15 false record or statement material to a false or fraudulent
170 16 claim.
170 17 c. Conspires to commit a violation of paragraph "a", "b",
170 18 "d", "e", "f", or "g".
170 19 d. Has possession, custody, or control of property or money
170 20 used, or to be used, by the state and knowingly delivers,
170 21 or causes to be delivered, less than all of that money or
170 22 property.
170 23 e. Is authorized to make or deliver a document certifying
170 24 receipt of property used, or to be used, by the state and,
170 25 intending to defraud the state, makes or delivers the receipt
170 26 without completely knowing that the information on the receipt
170 27 is true.
170 28 f. Knowingly buys, or receives as a pledge of an obligation
170 29 or debt, public property from an officer or employee of the
170 30 state, or a member of the Iowa national guard, who lawfully may

170 31 not sell or pledge property.
170 32 g. Knowingly makes, uses, or causes to be made or used, a
170 33 false record or statement material to an obligation to pay or
170 34 transmit money or property to the state, or knowingly conceals
170 35 or knowingly and improperly avoids or decreases an obligation
171 1 to pay or transmit money or property to the state.
171 2 2. Notwithstanding subsection 1, the court may assess
171 3 not less than two times the amount of damages which the
171 4 state sustains because of the act of the person described in
171 5 subsection 1, if the court finds all of the following:
171 6 a. The person committing the violation furnished officials
171 7 of the state responsible for investigating false claims
171 8 violations with all information known to such person about the
171 9 violation within thirty days after the date on which the person
171 10 first obtained the information.
171 11 b. The person fully cooperated with the state investigation
171 12 of such violation.
171 13 c. At the time the person furnished the state with the
171 14 information about the violation, a criminal prosecution, civil
171 15 action, or administrative action had not commenced under this
171 16 chapter with respect to such violation, and the person did not
171 17 have actual knowledge of the existence of an investigation into
171 18 such violation.
171 19 3. A person violating this section shall also be liable to
171 20 the state for the costs of a civil action brought to recover
171 21 any such penalty or damages.
171 22 4. Any information furnished pursuant to subsection 2 is
171 23 deemed confidential information exempt from disclosure pursuant
171 24 to chapter 22.
171 25 5. This section shall not apply to claims, records, or
171 26 statements made under Tit. X relating to state revenue and
171 27 taxation.
171 28 Sec. 340. NEW SECTION . 685.3 Investigations and
171 29 prosecutions == powers of prosecuting authority == civil actions
171 30 by individuals as qui tam plaintiffs and as private citizens ==
171 31 jurisdiction of courts.
171 32 1. The attorney general shall diligently investigate a
171 33 violation under section 685.2. If the attorney general finds

171 34 that a person has violated or is violating section 685.2, the
171 35 attorney general may bring a civil action under this section
172 1 against that person.

172 2 2. a. A person may bring a civil action for a violation of
172 3 this chapter for the person and for the state, in the name of
172 4 the state. The person bringing the action shall be referred
172 5 to as the qui tam plaintiff. Once filed, the action may be
172 6 dismissed only if the court and the attorney general provide
172 7 written consent to the dismissal and the reasons for such
172 8 consent.

172 9 b. A copy of the complaint and written disclosure of
172 10 substantially all material evidence and information the person
172 11 possesses shall be served on the attorney general pursuant to
172 12 the Iowa rules of civil procedure. The complaint shall also
172 13 be filed in camera, shall remain under seal for at least sixty
172 14 days, and shall not be served on the defendant until the court
172 15 so orders. The state may elect to intervene and proceed with
172 16 the action within sixty days after the state receives both the
172 17 complaint and the material evidence and the information.

172 18 c. The state may, for good cause shown, move the court for
172 19 extensions of the time during which the complaint remains under
172 20 seal under paragraph "b". Any such motions may be supported by
172 21 affidavits or other submissions in camera. The defendant shall
172 22 not be required to respond to any complaint filed under this
172 23 section until twenty days after the complaint is unsealed and
172 24 served upon the defendant pursuant to rule 1.302 of the Iowa
172 25 rules of civil procedure.

172 26 d. Before the expiration of the sixty-day period or any
172 27 extensions obtained under paragraph "c", the state shall do one
172 28 of the following:

172 29 (1) Proceed with the action, in which case the action shall
172 30 be conducted by the state.

172 31 (2) Notify the court that the state declines to take over
172 32 the action, in which case the qui tam plaintiff shall have the
172 33 right to conduct the action.

172 34 e. When a person brings an action under this section, no
172 35 person other than the state may intervene or bring a related
173 1 action based on the facts underlying the pending action.

173 2 3. a. If the state proceeds with the action, the state
173 3 shall have the primary responsibility for prosecuting the
173 4 action, and shall not be bound by an act of the qui tam
173 5 plaintiff. Such qui tam plaintiff shall have the right to
173 6 continue as a party to the action, subject to the limitations
173 7 specified in paragraph "b".

173 8 b. (1) The state may move to dismiss the action,
173 9 notwithstanding the objections of the qui tam plaintiff if the
173 10 qui tam plaintiff has been notified by the state of the filing
173 11 of the motion and the court has provided the qui tam plaintiff
173 12 with an opportunity for a hearing on the motion.

173 13 (2) The state may settle the action with the defendant
173 14 notwithstanding the objections of the qui tam plaintiff if
173 15 the court determines, after a hearing, that the proposed
173 16 settlement is fair, adequate, and reasonable under all of the
173 17 circumstances. Upon a showing of good cause, such hearing may
173 18 be held in camera.

173 19 (3) Upon a showing by the state that unrestricted
173 20 participation during the course of the litigation by the
173 21 qui tam plaintiff would interfere with or unduly delay the
173 22 state's prosecution of the case, or would be repetitious,
173 23 irrelevant, or for purposes of harassment, the court may, in
173 24 its discretion, impose limitations on the qui tam plaintiff's
173 25 participation, including but not limited to any of the
173 26 following:

173 27 (a) Limiting the number of witnesses the qui tam plaintiff
173 28 may call.

173 29 (b) Limiting the length of the testimony of such witnesses.

173 30 (c) Limiting the qui tam plaintiff's cross-examination of
173 31 witnesses.

173 32 (d) Otherwise limiting the participation by the qui tam
173 33 plaintiff in the litigation.

174 1 (4) Upon a showing by the defendant that unrestricted
174 2 participation during the course of the litigation by the qui
174 3 tam plaintiff would be for purposes of harassment or would
174 4 cause the defendant undue burden or unnecessary expense, the
174 5 court may limit the participation by the qui tam plaintiff in
174 6 the litigation.

174 5 c. If the state elects not to proceed with the action, the
174 6 qui tam plaintiff shall have the right to conduct the action.
174 7 If the state so requests, the state shall be served with copies
174 8 of all pleadings filed in the action and shall be supplied
174 9 with copies of all deposition transcripts at the state's
174 10 expense. When a qui tam plaintiff proceeds with the action,
174 11 the court, without limiting the status and rights of the qui
174 12 tam plaintiff, may permit the state to intervene at a later
174 13 date upon a showing of good cause.

174 14 d. Whether or not the state proceeds with the action,
174 15 upon a showing by the state that certain actions of discovery
174 16 by the qui tam plaintiff would interfere with the state's
174 17 investigation or prosecution of a criminal or civil matter
174 18 arising out of the same facts, the court may stay such
174 19 discovery for a period of not more than sixty days. Such a
174 20 showing shall be conducted in camera. The court may extend
174 21 the sixty-day period upon a further showing in camera that
174 22 the state has pursued the criminal or civil investigation
174 23 or proceedings with reasonable diligence and any proposed
174 24 discovery in the civil action will interfere with the ongoing
174 25 criminal or civil investigation or proceedings.

174 26 e. Notwithstanding subsection 2, the state may elect to
174 27 pursue the state's claim through any alternate remedy available
174 28 to the state, including any administrative proceeding to
174 29 determine a civil penalty. If any such alternate remedy is
174 30 pursued in another proceeding, the qui tam plaintiff shall have
174 31 the same rights in such proceeding as such qui tam plaintiff
174 32 would have had if the action had continued under this section.
174 33 Any finding of fact or conclusion of law made in such other
174 34 proceeding that has become final, shall be conclusive as to all
174 35 such parties to an action under this section. For purposes
175 1 of this paragraph, a finding or conclusion is final if it has
175 2 been finally determined on appeal to the appropriate court of
175 3 the state, if all time for filing such an appeal with respect
175 4 to the finding or conclusion has expired, or if the finding or
175 5 conclusion is not subject to judicial review.

175 6 4. a. (1) If the state proceeds with an action brought by
175 7 a qui tam plaintiff under subsection 2, the qui tam plaintiff

175 8 shall, subject to subparagraph (2), receive at least fifteen
175 9 percent but not more than twenty=five percent of the proceeds
175 10 of the action or settlement of the claim, depending upon the
175 11 extent to which the qui tam plaintiff substantially contributed
175 12 to the prosecution of the action.

175 13 (2) If the action is one which the court finds to be
175 14 based primarily on disclosures of specific information, other
175 15 than information provided by the qui tam plaintiff, relating
175 16 to allegations or transactions in a criminal, civil, or
175 17 administrative hearing, or in a legislative, administrative
175 18 or state auditor report, hearing, audit, or investigation, or
175 19 from the news media, the court may award an amount the court
175 20 considers appropriate, but in no case more than ten percent
175 21 of the proceeds, taking into account the significance of the
175 22 information and the role of the qui tam plaintiff in advancing
175 23 the case to litigation.

175 24 (3) Any payment to a qui tam plaintiff under subparagraph
175 25 (1) or (2) shall be made from the proceeds. Any such qui tam
175 26 plaintiff shall also receive an amount for reasonable expenses
175 27 which the appropriate court finds to have been necessarily
175 28 incurred, plus reasonable attorney fees and costs. All
175 29 such expenses, fees, and costs shall be awarded against the
175 30 defendant.

175 31 b. If the state does not proceed with an action under this
175 32 section, the qui tam plaintiff or person settling the claim
175 33 shall receive an amount which the court decides is reasonable
175 34 for collecting the civil penalty and damages. The amount shall
175 35 be not less than twenty=five percent and not more than thirty
176 1 percent of the proceeds of the action or settlement and shall
176 2 be paid out of such proceeds. Such qui tam plaintiff or person
176 3 shall also receive an amount for reasonable expenses which the
176 4 court finds to have been necessarily incurred, plus reasonable
176 5 attorney fees and costs. All such expenses, fees, and costs
176 6 shall be awarded against the defendant.

176 7 c. Whether or not the state proceeds with the action, if the
176 8 court finds that the action was brought by a qui tam plaintiff
176 9 who planned and initiated the violation of section 685.2 upon
176 10 which the action was brought, the court may, to the extent the

176 11 court considers appropriate, reduce the share of the proceeds
176 12 of the action which the qui tam plaintiff would otherwise
176 13 receive under paragraph "a" or "b", taking into account the role
176 14 of that qui tam plaintiff in advancing the case to litigation
176 15 and any relevant circumstances pertaining to the violation. If
176 16 the qui tam plaintiff is convicted of criminal conduct arising
176 17 from the qui tam plaintiff's role in the violation of section
176 18 685.2, the qui tam plaintiff shall be dismissed from the civil
176 19 action and shall not receive any share of the proceeds of
176 20 the action. Such dismissal shall not prejudice the right of
176 21 the state to continue the action represented by the attorney
176 22 general.

176 23 d. If the state does not proceed with the action and the
176 24 qui tam plaintiff conducts the action, the court may award to
176 25 the defendant reasonable attorney fees and expenses if the
176 26 defendant prevails in the action and the court finds that the
176 27 claim of the qui tam plaintiff was clearly frivolous, clearly
176 28 vexatious, or brought primarily for purposes of harassment.

176 29 5. a. A court shall not have jurisdiction over an action
176 30 brought by a former or present member of the Iowa national
176 31 guard under this chapter against a member of the Iowa national
176 32 guard arising out of such person's services in the Iowa
176 33 national guard.

176 34 b. A qui tam plaintiff shall not bring an action under
176 35 subsection 2 which is based upon allegations or transactions
177 1 which are the subject of a civil suit or an administrative
177 2 civil penalty proceeding in which the state is already a party.

177 3 c. A court shall not have jurisdiction over an action under
177 4 this section based upon the public disclosure of allegations or
177 5 transactions in a criminal, civil, or administrative hearing,
177 6 or in a legislative, administrative, or state auditor report,
177 7 hearing, audit, or investigation, or from the news media,
177 8 unless the action is brought by the attorney general or the qui
177 9 tam plaintiff is an original source of the information.

177 10 d. The state is not liable for expenses which a person
177 11 incurs in bringing an action under this section.

177 12 6. Any employee, contractor, or agent who is discharged,
177 13 demoted, suspended, threatened, harassed, or in any other

177 14 manner discriminated against in the terms and conditions of
177 15 employment because of lawful acts performed by the employee,
177 16 contractor, or agent on behalf of the employee, contractor,
177 17 or agent or associated others in furtherance of other efforts
177 18 to stop a violation of this chapter, shall be entitled to all
177 19 relief necessary to make the employee, contractor, or agent
177 20 whole. Such relief shall include reinstatement with the same
177 21 seniority status such employee, contractor, or agent would have
177 22 had but for the discrimination, two times the amount of back
177 23 pay, interest on the back pay, and compensation for any special
177 24 damages sustained as a result of the discrimination, including
177 25 litigation costs and reasonable attorney fees. An employee,
177 26 contractor, or agent may bring an action in the appropriate
177 27 district court of the state for the relief provided in this
177 28 subsection.

177 29 Sec. 341. NEW SECTION . 685.4 Procedure == statute of
177 30 limitations.

177 31 1. A subpoena requiring the attendance of a witness at a
177 32 trial or hearing conducted under this chapter may be served at
177 33 any place in the state, or through any means authorized in the
177 34 Iowa rules of civil procedure.

177 35 2. A civil action under this chapter may not be brought
178 1 more than six years after the date on which the violation of
178 2 section 685.2 is committed, or more than three years after
178 3 the date when facts material to the right of action are known
178 4 or reasonably should have been known by the official of state
178 5 charged with responsibility to act in the circumstances, but
178 6 in no event more than ten years after the date on which the
178 7 violation is committed, whichever occurs last.

178 8 3. If the state elects to intervene and proceed with an
178 9 action brought under this chapter, the state may file its
178 10 own complaint or amend the complaint of a qui tam plaintiff
178 11 to clarify or add detail to the claims in which the state
178 12 is intervening and to add any additional claims with respect
178 13 to which the state contends it is entitled to relief. For
178 14 statute of limitations purposes, any such state pleading shall
178 15 relate back to the filing date of the complaint of the qui tam
178 16 plaintiff who originally brought the action, to the extent that

178 17 the claim of the state arises out of the conduct, transactions,
178 18 or occurrences set forth, or attempted to be set forth, in the
178 19 prior complaint of that person.

178 20 4. In any action brought under section 685.3, the state
178 21 shall prove all essential elements of the cause of action,
178 22 including damages, by a preponderance of the evidence.

178 23 5. Notwithstanding any other provision of law, the Iowa
178 24 rules of criminal procedure, or the Iowa rules of evidence,
178 25 a final judgment rendered in favor of the state in any
178 26 criminal proceeding charging fraud or false statements,
178 27 whether upon a verdict after trial or upon a plea of guilty or
178 28 nolo contendere, shall estop the defendant from denying the
178 29 essential elements of the offense in any action which involves
178 30 the same transaction as in the criminal proceeding and which
178 31 is brought under section 685.3.

178 32 Sec. 342. NEW SECTION . 685.5 Jurisdiction.

178 33 1. Any action under section 685.3 may be brought in any
178 34 county in which the defendant or, in the case of multiple
178 35 defendants, any one defendant can be found, resides, transacts
179 1 business, or in which any act proscribed by section 685.2
179 2 occurred. An original notice as required by the Iowa rules of
179 3 civil procedure shall be issued by the appropriate district
179 4 court and served in accordance with the Iowa rules of civil
179 5 procedure.

179 6 2. A seal on the action ordered by the court under section
179 7 685.3 shall not preclude the state, local government, or
179 8 the qui tam plaintiff from serving the complaint, any other
179 9 pleadings, or the written disclosure of substantially all
179 10 material evidence and information possessed by the qui
179 11 tam plaintiff on the law enforcement authorities that are
179 12 authorized under the law of the state or local government
179 13 to investigate and prosecute such actions on behalf of
179 14 such governments, except that such seal applies to the law
179 15 enforcement authorities so served to the same extent as the
179 16 seal applies to other parties in the action.

179 17 Sec. 343. NEW SECTION . 685.6 Civil investigative demands.

179 18 1. Issuance and service.

179 19 a. If the attorney general, or a designee, for the purposes

179 20 of this section, has reason to believe that any person may be
179 21 in possession, custody, or control of any documentary material
179 22 or information relevant to a false claims law investigation,
179 23 the attorney general, or a designee, may, before commencing a
179 24 civil proceeding under section 685.3, subsection 1, or other
179 25 false claims law, or making an election under section 685.3,
179 26 subsection 2, issue in writing and cause to be served upon
179 27 such person, a civil investigative demand requiring any of the
179 28 following of such person:

- 179 29 (1) To produce such documentary material for inspection and
179 30 copying.
- 179 31 (2) To answer in writing, written interrogatories with
179 32 respect to such documentary material or information.
- 179 33 (3) To give oral testimony concerning such documentary
179 34 material or information.
- 179 35 (4) To furnish any combination of such material, answers,
180 1 or testimony.

180 2 b. The attorney general may delegate the authority to issue
180 3 civil investigative demands under this subsection. If a civil
180 4 investigative demand is an express demand for any product of
180 5 discovery, the attorney general, a deputy attorney general,
180 6 or an assistant attorney general shall cause to be served, in
180 7 any manner authorized by this section, a copy of such demand
180 8 upon the person from whom the discovery was obtained and shall
180 9 notify the person to whom such demand is issued of the date on
180 10 which such copy was served. Any information obtained by the
180 11 attorney general or a designee of the attorney general under
180 12 this section may be shared with any qui tam plaintiff if the
180 13 attorney general or designee determines it is necessary as part
180 14 of any false claims law investigation.

180 15 2. Contents and deadlines.

- 180 16 a. Each civil investigative demand issued under subsection 1
180 17 shall state the nature of the conduct constituting the alleged
180 18 violation of a false claims law which is under investigation,
180 19 and the applicable provision of law alleged to be violated.
- 180 20 b. If such demand is for the production of documentary
180 21 material, the demand shall provide all of the following:
 - 180 22 (1) Describe each class of documentary material to be

180 23 produced with such definiteness and certainty as to permit such
180 24 material to be fairly identified.

180 25 (2) Prescribe a return date for each such class which will
180 26 provide a reasonable period of time within which the material
180 27 so demanded may be assembled and made available for inspection
180 28 and copying.

180 29 (3) Identify the false claims law investigator to whom such
180 30 material shall be made available.

180 31 c. If such demand is for answers to written interrogatories,
180 32 the demand shall provide for all of the following:

180 33 (1) Set forth with specificity the written interrogatories
180 34 to be answered.

180 35 (2) Prescribe dates at which time answers to written
181 1 interrogatories shall be submitted.

181 2 (3) Identify the false claims law investigator to whom such
181 3 answers shall be submitted.

181 4 d. If such demand is for the giving of oral testimony, the
181 5 demand shall provide for all of the following:

181 6 (1) Prescribe a date, time, and place at which oral
181 7 testimony shall be commenced.

181 8 (2) Identify a false claims law investigator who shall
181 9 conduct the examination and the custodian to whom the
181 10 transcript of such examination shall be submitted.

181 11 (3) Specify that such attendance and testimony are
181 12 necessary to the conduct of the investigation.

181 13 (4) Notify the person receiving the demand of the right to
181 14 be accompanied by an attorney and any other representative.

181 15 (5) Describe the general purpose for which the demand is
181 16 being issued and the general nature of the testimony, including
181 17 the primary areas of inquiry, which will be taken pursuant to
181 18 the demand.

181 19 e. Any civil investigative demand issued under this section
181 20 which is an express demand for any product of discovery shall
181 21 not be returned or returnable until twenty days after a copy
181 22 of such demand has been served upon the person from whom the
181 23 discovery was obtained.

181 24 f. The date prescribed for the commencement of oral
181 25 testimony pursuant to a civil investigative demand issued under

181 26 this section shall be a date which is not less than seven days
181 27 after the date on which demand is received, unless the attorney
181 28 general or an assistant attorney general designated by the
181 29 attorney general determines that exceptional circumstances are
181 30 present which warrant the commencement of such testimony within
181 31 a lesser period of time.

181 32 g. The attorney general shall not authorize the issuance
181 33 under this section of more than one civil investigative
181 34 demand for oral testimony by the same person, unless the
181 35 person requests otherwise or unless the attorney general,
182 1 after investigation, notifies that person in writing that an
182 2 additional demand for oral testimony is necessary.

182 3 3. Protected material or information.

182 4 a. A civil investigative demand issued under subsection 1
182 5 shall not require the production of any documentary material,
182 6 the submission of any answers to written interrogatories, or
182 7 the giving of any oral testimony if such material, answers, or
182 8 testimony would be protected from disclosure under any of the
182 9 following:

182 10 (1) The standards applicable to subpoenas or subpoenas
182 11 duces tecum issued by a court of the state to aid in a grand
182 12 jury investigation.

182 13 (2) The standards applicable to discovery requests under
182 14 the Iowa rules of civil procedure, to the extent that the
182 15 application of such standards to any such demand is appropriate
182 16 and consistent with the provisions and purposes of this
182 17 section.

182 18 b. Any such demand which is an express demand for any
182 19 product of discovery, supersedes any inconsistent order, rule,
182 20 or provision of law, other than this section, preventing or
182 21 restraining disclosure of such product of discovery to any
182 22 person. Disclosure of any product of discovery pursuant to
182 23 any such express demand does not constitute a waiver of any
182 24 right or privilege which the person making such disclosure may
182 25 be entitled to invoke to resist discovery of trial preparation
182 26 materials.

182 27 4. Service.

182 28 a. Any civil investigative demand issued under subsection

182 29 1 may be served by a false claims law investigator, or by any
182 30 official authorized to issue civil investigative demands.

182 31 b. Service of any civil investigative demand issued under
182 32 subsection 1 or of any petition filed under subsection 9 may
182 33 be made upon a partnership, corporation, association, or other
182 34 legal entity by any of the following methods:

182 35 (1) Delivering an executed copy of such demand or petition
183 1 to any partner, executive officer, managing agent, or general
183 2 agent of the partnership, corporation, association, or entity,
183 3 or to any agent authorized by appointment or by law to receive
183 4 service of process on behalf of such partnership, corporation,
183 5 association, or entity.

183 6 (2) Delivering an executed copy of such demand or
183 7 petition to the principal office or place of business of the
183 8 partnership, corporation, association, or entity.

183 9 (3) Depositing an executed copy of such demand or petition
183 10 in the United States mails by registered or certified mail,
183 11 with a return receipt requested, addressed to such partnership,
183 12 corporation, association, or entity at its principal office or
183 13 place of business.

183 14 c. Service of any such demand or petition may be made upon
183 15 any natural person by any of the following methods:

183 16 (1) Delivering an executed copy of such demand or petition
183 17 to the person.

183 18 (2) Depositing an executed copy of such demand or petition
183 19 in the United States mails by registered or certified mail,
183 20 with a return receipt requested, addressed to the person at the
183 21 person's residence or principal office or place of business.

183 22 d. A verified return by the individual serving any civil
183 23 investigative demand issued under subsection 1 or any petition
183 24 filed under subsection 9 setting forth the manner of such
183 25 service shall be proof of such service. In the case of
183 26 service by registered or certified mail, such return shall be
183 27 accompanied by the return post office receipt of delivery of
183 28 such demand.

183 29 5. Documentary material.

183 30 a. The production of documentary material in response to
183 31 a civil investigative demand served under this section shall

183 32 be made under a sworn certificate, in such form as the demand
183 33 designates, by the following persons, as applicable:
183 34 (1) In the case of a natural person, the person to whom the
183 35 demand is directed.
184 1 (2) In the case of a person other than a natural person, a
184 2 person having knowledge of the facts and circumstances relating
184 3 to such production and authorized to act on behalf of such
184 4 person.
184 5 b. The certificate shall state that all of the documentary
184 6 material required by the demand and in the possession, custody,
184 7 or control of the person to whom the demand is directed has
184 8 been produced and made available to the false claims law
184 9 investigator identified in the demand.
184 10 c. Any person upon whom any civil investigative demand for
184 11 the production of documentary material has been served under
184 12 this section shall make such material available for inspection
184 13 and copying to the false claims law investigator identified in
184 14 such demand at the principal place of business of such person,
184 15 or at such other place as the false claims law investigator
184 16 and the person agree and prescribe in writing, or as the court
184 17 may direct under subsection 9. Such material shall be made
184 18 available on the return date specified in such demand, or
184 19 on such later date as the false claims law investigator may
184 20 prescribe in writing. Such person may, upon written agreement
184 21 between the person and the false claims law investigator,
184 22 substitute copies for originals of all or any part of such
184 23 material.
184 24 6. Interrogatories.
184 25 a. Each interrogatory in a civil investigative demand served
184 26 under this section shall be answered separately and fully
184 27 in writing under oath and shall be submitted under a sworn
184 28 certificate, in such form as the demand designates, by the
184 29 following persons, as applicable:
184 30 (1) In the case of a natural person, the person to whom the
184 31 demand is directed.
184 32 (2) In the case of a person other than a natural person, the
184 33 person or persons responsible for answering each interrogatory.
184 34 b. If any interrogatory is objected to, the reasons for

184 35 the objection shall be stated in the certificate instead of
185 1 an answer. The certificate shall state that all information
185 2 required by the demand and in the possession, custody, control,
185 3 or knowledge of the person to whom the demand is directed has
185 4 been submitted. To the extent that any information is not
185 5 furnished, the information shall be identified and reasons
185 6 set forth with particularity regarding the reasons why the
185 7 information was not furnished.

185 8 7. Oral examinations.

185 9 a. The examination of any person pursuant to a civil
185 10 investigative demand for oral testimony served under this
185 11 section shall be taken before an officer authorized to
185 12 administer oaths and affirmations by the laws of this state
185 13 or of the place where the examination is held. The officer
185 14 before whom the testimony is to be taken shall put the witness
185 15 on oath or affirmation and shall, personally or by someone
185 16 acting under the direction of the officer and in the officer's
185 17 presence, record the testimony of the witness. The testimony
185 18 shall be taken stenographically and shall be transcribed.
185 19 When the testimony is fully transcribed, the officer before
185 20 whom the testimony is taken shall promptly transmit a copy
185 21 of the transcript of the testimony to the custodian. This
185 22 subsection shall not preclude the taking of testimony by any
185 23 means authorized by, and in a manner consistent with, the Iowa
185 24 rules of civil procedure.

185 25 b. The false claims law investigator conducting the
185 26 examination shall exclude from the place where the examination
185 27 is held all persons except the person giving the testimony, the
185 28 attorney for and any other representative of the person giving
185 29 the testimony, the attorney for the state, any person who may
185 30 be agreed upon by the attorney for the state and the person
185 31 giving the testimony, the officer before whom the testimony is
185 32 to be taken, and any stenographer taking such testimony.

185 33 c. The oral testimony of any person taken pursuant to a
185 34 civil investigative demand served under this section shall be
185 35 taken in any state in which such person resides, is found, or
186 1 transacts business, or in such other place as may be agreed
186 2 upon by the false claims law investigator conducting the

186 3 examination and such person.

186 4 d. When the testimony is fully transcribed, the false claims
186 5 law investigator or the officer before whom the testimony is
186 6 taken shall afford the witness, who may be accompanied by
186 7 counsel, a reasonable opportunity to examine and read the
186 8 transcript, unless such examination and reading are waived
186 9 by the witness. Any changes in form or substance which
186 10 the witness desires to make shall be entered and identified
186 11 upon the transcript by the officer or the false claims law
186 12 investigator, with a statement of the reasons given by the
186 13 witness for making such changes. The transcript shall then be
186 14 signed by the witness, unless the witness in writing waives
186 15 the signing, is ill, cannot be found, or refuses to sign. If
186 16 the transcript is not signed by the witness within thirty days
186 17 after being afforded a reasonable opportunity to examine the
186 18 transcript, the officer or the false claims law investigator
186 19 shall sign the transcript and state on the record the fact of
186 20 the waiver, illness, absence of the witness, or the refusal
186 21 to sign, together with the reasons, if any, for the waiver,
186 22 illness, absence, or refusal.

186 23 e. The officer before whom the testimony is taken shall
186 24 certify on the transcript that the witness was sworn by
186 25 the officer and that the transcript is a true record of the
186 26 testimony given by the witness, and the officer or false claims
186 27 law investigator shall promptly deliver the transcript, or
186 28 send the transcript by registered or certified mail, to the
186 29 custodian.

186 30 f. Upon payment of reasonable charges for a copy, the false
186 31 claims law investigator shall furnish a copy of the transcript
186 32 to the witness only, except that the attorney general, the
186 33 deputy attorney general, or an assistant attorney general
186 34 may, for good cause, limit such witness to inspection of the
186 35 official transcript of the witness' testimony.

187 1 g. (1) Any person compelled to appear for oral testimony
187 2 under a civil investigative demand issued under subsection
187 3 1 may be accompanied, represented, and advised by counsel.
187 4 Counsel may advise such person, in confidence, with respect
187 5 to any question asked of such person. Such person or counsel

187 6 may object on the record to any question, in whole or in
187 7 part, and shall briefly state for the record the reason
187 8 for the objection. An objection may be made, received, and
187 9 entered upon the record when it is claimed that such person is
187 10 entitled to refuse to answer the question on the grounds of any
187 11 constitutional or other legal right or privilege, including
187 12 the privilege against self-incrimination. Such person may not
187 13 otherwise object to or refuse to answer any question, and may
187 14 not directly or through counsel otherwise interrupt the oral
187 15 examination. If such person refuses to answer any question, a
187 16 petition may be filed in the district court of the state under
187 17 subsection 9 for an order compelling such person to answer such
187 18 question.

187 19 (2) If such person refuses to answer any question on the
187 20 grounds of the privilege against self-incrimination, the
187 21 testimony of such person may be compelled in accordance with
187 22 applicable law.

187 23 h. Any person appearing for oral testimony under a civil
187 24 investigative demand issued under subsection 1 shall be
187 25 entitled to the same fees and allowances which are paid to
187 26 witnesses in the district courts of the state.

187 27 8. Custodians of documents, answers, and transcripts.

187 28 a. The attorney general shall designate a false claims
187 29 law investigator to serve as custodian of documentary
187 30 material, answers to interrogatories, and transcripts of oral
187 31 testimony received under this section, and shall designate
187 32 such additional false claims law investigators as the attorney
187 33 general determines from time to time to be necessary to serve
187 34 as deputies to the custodian.

187 35 b. (1) A false claims law investigator who receives
188 1 any documentary material, answers to interrogatories, or
188 2 transcripts of oral testimony under this section shall transmit
188 3 them to the custodian. The custodian shall take physical
188 4 possession of such material, answers, or transcripts and shall
188 5 be responsible for their use and for the return of documentary
188 6 material under paragraph "d".

188 7 (2) The custodian may cause the preparation of such copies
188 8 of such documentary material, answers to interrogatories, or

188 9 transcripts of oral testimony as may be required for official
188 10 use by any false claims law investigator, or other officer or
188 11 employee of the department of justice. Such material, answers,
188 12 and transcripts may be used by any such authorized false claims
188 13 law investigator or other officer or employee in connection
188 14 with the taking of oral testimony under this section.

188 15 (3) Except as otherwise provided in this subsection,
188 16 documentary material, answers to interrogatories, or
188 17 transcripts of oral testimony, or copies of documentary
188 18 materials, answers or transcripts, while in the possession of
188 19 the custodian, shall not be available for examination by any
188 20 individual other than a false claims law investigator or other
188 21 officer or employee of the department of justice authorized
188 22 under subparagraph (2). This prohibition on the availability
188 23 of material, answers, or transcripts shall not apply if consent
188 24 is given by the person who produced such material, answers,
188 25 or transcripts, or, in the case of any product of discovery
188 26 produced pursuant to an express demand for such material,
188 27 consent is given by the person from whom the discovery was
188 28 obtained. Nothing in this subparagraph is intended to prevent
188 29 disclosure to the general assembly, including any committee or
188 30 subcommittee of the general assembly, or to any other agency
188 31 of the state for use by such agency in furtherance of its
188 32 statutory responsibilities.

188 33 (4) While in the possession of the custodian and under such
188 34 reasonable terms and conditions as the attorney general shall
188 35 prescribe all of the following shall apply, as applicable:

189 1 (a) Documentary material and answers to interrogatories
189 2 shall be available for examination by the person who produced
189 3 such material or answers, or by a representative of that person
189 4 authorized by that person to examine such material and answers.

189 5 (b) Transcripts of oral testimony shall be available for
189 6 examination by the person who produced such testimony, or by
189 7 a representative of that person authorized by that person to
189 8 examine such transcripts.

189 9 c. If an attorney of the department of justice has
189 10 been designated to appear before any court, grand jury,
189 11 state agency, or federal agency in any case or proceeding,

189 12 the custodian of any documentary material, answers to
189 13 interrogatories, or transcripts of oral testimony received
189 14 under this section may deliver to such attorney such material,
189 15 answers, or transcripts for official use in connection with
189 16 any such case or proceeding as such attorney determines to be
189 17 required. Upon the completion of any such case or proceeding,
189 18 such attorney shall return to the custodian any such material,
189 19 answers, or transcripts delivered which have not passed into
189 20 the control of such court, grand jury, or agency through
189 21 introduction into the record of such case or proceeding.
189 22 d. If any documentary material has been produced by any
189 23 person in the course of any false claims law investigation
189 24 pursuant to a civil investigative demand under this section,
189 25 and any case or proceeding before the court or grand jury
189 26 arising out of such investigation, or any proceeding before
189 27 any state agency or federal agency involving such material,
189 28 has been completed, or a case or proceeding in which such
189 29 material may be used has not been commenced within a reasonable
189 30 time after completion of the examination and analysis of all
189 31 documentary material and other information assembled in the
189 32 course of such investigation, the custodian shall, upon written
189 33 request of the person who produced such material, return to
189 34 such person any such material, other than copies furnished
189 35 to the false claims law investigator under subsection 5 or
190 1 made for the department of justice under paragraph "b" which
190 2 has not passed into the control of any court, grand jury, or
190 3 agency through introduction into the record of such case or
190 4 proceeding.
190 5 e. (1) In the event of the death, disability, or separation
190 6 from service in the department of justice of the custodian
190 7 of any documentary material, answers to interrogatories, or
190 8 transcripts of oral testimony produced pursuant to a civil
190 9 investigative demand under this section, or in the event of the
190 10 official relief of such custodian from responsibility for the
190 11 custody and control of such material, answers, or transcripts,
190 12 the attorney general shall promptly do all of the following:
190 13 (a) Designate another false claims law investigator to
190 14 serve as custodian of such material, answers, or transcripts.

190 15 (b) Transmit in writing to the person who produced such
190 16 material, answers, or testimony notice of the identity and
190 17 address of the successor designated.

190 18 (2) Any person who is designated to be a successor under
190 19 this paragraph "e" shall have, with regard to such material,
190 20 answers, or transcripts, the same duties and responsibilities
190 21 as were imposed by this section upon that person's predecessor
190 22 in office, except that the successor shall not be held
190 23 responsible for any default or dereliction which occurred
190 24 before that designation.

190 25 9. Judicial proceedings.

190 26 a. If a person fails to comply with any civil investigative
190 27 demand issued under subsection 1, or if satisfactory copying or
190 28 reproduction of any material requested in such demand cannot be
190 29 completed and such person refuses to surrender such material,
190 30 the attorney general may file, in the district court of the
190 31 state for any county in which such person resides, is found,
190 32 or transacts business, and serve upon such person, a petition
190 33 for an order of such court for the enforcement of the civil
190 34 investigative demand.

190 35 b. (1) A person who has received a civil investigative
191 1 demand issued under subsection 1 may file, in the district
191 2 court of the state for the county within which such person
191 3 resides, is found, or transacts business, and serve upon the
191 4 false claims law investigator identified in such demand, a
191 5 petition for an order of the court to modify or set aside such
191 6 demand. In the case of a petition addressed to an express
191 7 demand for any product of discovery, a petition to modify or
191 8 set aside such demand may be brought only in the district
191 9 court of the state for the county in which the proceeding in
191 10 which such discovery was obtained is or was last pending. Any
191 11 petition under this paragraph shall be filed in accordance with
191 12 the following, as applicable:

191 13 (a) Within twenty days after the date of service of the
191 14 civil investigative demand, or at any time before the return
191 15 date specified in the demand, whichever date is earlier.

191 16 (b) Within such longer period as may be prescribed in
191 17 writing by any false claims law investigator identified in the

191 18 demand.

191 19 (2) The petition shall specify each ground upon which the
191 20 petitioner relies in seeking relief under subparagraph (1), and
191 21 may be based upon any failure of the demand to comply with the
191 22 provisions of this section or upon any constitutional or other
191 23 legal right or privilege of such person. During the pendency
191 24 of the petition in the court, the court may stay, as it deems
191 25 proper, the running of the time allowed for compliance with
191 26 the demand, in whole or in part, except that the person filing
191 27 the petition shall comply with any portions of the demand not
191 28 sought to be modified or set aside.

191 29 c. (1) In the case of any civil investigative demand issued
191 30 under subsection 1 which is an express demand for any product
191 31 of discovery, the person from whom such discovery was obtained
191 32 may file, in the district court of the state for the county
191 33 in which the proceeding in which such discovery was obtained
191 34 is or was last pending, and serve upon any false claims law
191 35 investigator identified in the demand and upon the recipient
192 1 of the demand, a petition for an order of such court to modify
192 2 or set aside those portions of the demand requiring production
192 3 of any such product of discovery. Any petition under this
192 4 subparagraph shall be filed in accordance with the following,
192 5 as applicable:

192 6 (a) Within twenty days after the date of service of the
192 7 civil investigative demand, or at any time before the return
192 8 date specified in the demand, whichever date is earlier.

192 9 (b) Within such longer period as may be prescribed in
192 10 writing by any false claims law investigator identified in the
192 11 demand.

192 12 (2) The petition shall specify each ground upon which the
192 13 petitioner relies in seeking relief under subparagraph (1), and
192 14 may be based upon any failure of the portions of the demand
192 15 from which relief is sought to comply with the provisions of
192 16 this section, or upon any constitutional or other legal right
192 17 or privilege of the petitioner. During the pendency of the
192 18 petition, the court may stay, as it deems proper, compliance
192 19 with the demand and the running of the time allowed for
192 20 compliance with the demand.

192 21 d. At any time during which any custodian is in custody
192 22 or control of any documentary material or answers to
192 23 interrogatories produced, or transcripts of oral testimony
192 24 given, by any person in compliance with any civil investigative
192 25 demand issued under subsection 1, such person, and in the
192 26 case of an express demand for any product of discovery, the
192 27 person from whom such discovery was obtained, may file, in the
192 28 district court of state for the judicial district within which
192 29 the office of such custodian is located, and serve upon such
192 30 custodian, a petition for an order of such court to require
192 31 the performance by the custodian of any duty imposed upon the
192 32 custodian by this section.

192 33 e. If a petition is filed in any district court of the state
192 34 under this subsection, such court shall have jurisdiction to
192 35 hear and determine the matter so presented, and to enter such
193 1 order or orders as may be required to carry out the provisions
193 2 of this section. Any final order so entered shall be subject
193 3 to appeal in accordance with the Iowa rules of civil procedure.
193 4 Any disobedience of any final order entered under this section
193 5 by any court shall be punished as a contempt of the court.

193 6 f. The Iowa rules of civil procedure shall apply to any
193 7 petition under this subsection, to the extent that such rules
193 8 are not inconsistent with the provisions of this section.

193 9 10. Disclosure exemption. Any documentary material, answers
193 10 to written interrogatories, or oral testimony provided under
193 11 any civil investigative demand issued under subsection 1 shall
193 12 be deemed confidential and exempt from disclosure under chapter
193 13 22.

193 14 Sec. 344. NEW SECTION . 685.7 Rulemaking authority.
193 15 The attorney general may adopt such rules and regulations as
193 16 are necessary to effectuate the purposes of this chapter.

193 17 Sec. 345. ANNUAL REPORTING REQUIREMENT. On the thirtieth
193 18 day after the effective date of this division of this Act,
193 19 and on the anniversary of the effective date of this division
193 20 of this Act each year thereafter, the attorney general shall
193 21 submit to the chairpersons and ranking members of the house and
193 22 senate committees on judiciary, the legislative caucus staffs,
193 23 and the legislative services agency, in electronic format, a

193 24 report containing all of the following information:
 193 25 1. The number of cases the attorney general filed during the
 193 26 previous calendar year under this chapter.
 193 27 2. The number of cases qui tam plaintiffs filed under
 193 28 this chapter during the previous calendar year, including
 193 29 those cases that remain under seal, and specifying all of the
 193 30 following for the cases:
 193 31 a. The state or federal court in which each case was filed
 193 32 and the total number filed in each court.
 193 33 b. The state program or agency involved in each case.
 193 34 c. The number of cases filed by qui tam plaintiffs who
 193 35 previously filed an action based on the same or similar
 194 1 transaction or allegation under the federal False Claims Act or
 194 2 the false claims act of another state.
 194 3 3. The amount recovered by the state in the form of
 194 4 settlement, damages, penalties, and litigation costs, if known,
 194 5 and specifying the following for each case:
 194 6 a. The case number and parties for each case in which there
 194 7 was a recovery.
 194 8 b. The amount of funds recovered respectively for damages,
 194 9 penalties, and litigation costs.
 194 10 c. The percentage of the recovery and the amount that the
 194 11 state paid to any qui tam plaintiff.

194 12 Sec. 346. DEPARTMENT OF JUSTICE == FALSE CLAIMS ACT
 194 13 ENFORCEMENT. There is appropriated from the general fund of
 194 14 the state to the department of justice for the fiscal year
 194 15 beginning July 1, 2010, and ending June 30, 2011, the following
 194 16 amount, or so much thereof as is necessary, to be used for the
 194 17 purposes designated:
 194 18 For the general office of the attorney general, including
 194 19 salaries, support, maintenance, miscellaneous purposes, and for
 194 20 not more than the following full-time equivalent positions:
 194 21 \$ 60,000
 194 22 FTEs 1.00

General Fund appropriation to the Office of the Attorney General for enforcement of the False Claims Act.

DETAIL: This is a new appropriation for FY 2011.

194 23 DIVISION XXXII

194 24 MEDICAID PRESCRIPTION DRUGS

194 25 Sec. 347. Section 249A.20A, subsection 4, Code 2009, is
 194 26 amended to read as follows:
 194 27 4. With the exception of drugs prescribed for the treatment
 194 28 of human immunodeficiency virus or acquired immune deficiency
 194 29 syndrome, transplantation, or cancer ~~and drugs prescribed~~
 194 30 ~~for mental illness~~ with the exception of drugs and drug
 194 31 compounds that do not have a significant variation in a
 194 32 therapeutic profile or side effect profile within a therapeutic
 194 33 class, prescribing and dispensing of prescription drugs not
 194 34 included on the preferred drug list shall be subject to prior
 194 35 authorization.

CODE: Removes Medicaid drugs prescribed for mental illness from the list of drugs that are exempt from prior authorization when the drug is not on the preferred drug list.

195 1 Sec. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

195 2 1. The department shall adopt rules pursuant to chapter 17A
 195 3 to restrict physicians and other prescribers to prescribing
 195 4 not more than a 72-hour or three-day supply of a prescription
 195 5 drug not included on the medical assistance preferred drug list
 195 6 while seeking approval to continue prescribing the medication.
 195 7 2. Notwithstanding subsection 1, the department shall
 195 8 adopt rules pursuant to chapter 17A to restrict a physician or
 195 9 other prescriber prescribing a chemically unique mental health
 195 10 prescription drug to prescribing not more than a seven-day
 195 11 supply of the prescription drug while requesting approval to
 195 12 continue to prescribe the medication. The rules shall provide
 195 13 that if an approval or disapproval is not received by the
 195 14 physician or other prescriber within 48 hours of the request,
 195 15 the request is deemed approved.

Requires the DHS to adopt rules to restrict physicians and other prescribers to a maximum of three days of prescription drugs that are not on the Medicaid Preferred Drug List (PDL) while seeking approval to continue the medication.

DETAIL: The DHS currently allows physicians to prescribe a one-time 30-day supply of prescription drugs while they are waiting for prior authorization if a drug is not on the PDL. Federal law requires only an emergency three-day supply while waiting for approval. Currently, the average wait time to receive prior authorization is two business hours.

FISCAL IMPACT: Reducing the length of a prescription from 30 days to three days is estimated to save the General Fund \$156,000 in FY 2011 and \$187,000 in FY 2012.

195 16 Sec. 349. MEDICAID MENTAL HEALTH MEDICATIONS. The
 195 17 department shall adopt rules pursuant to chapter 17A to require
 195 18 that unless the manufacturer of a chemically unique mental
 195 19 health prescription drug enters into a contract to provide the
 195 20 state with a supplemental rebate, the drug may be placed on
 195 21 the nonpreferred drug list and subject to prior authorization

Requires the DHS to adopt rules to place chemically unique mental health drugs on the nonpreferred drug list and require prior authorization if the drug does not receive supplemental rebates. This Section is to be implemented January 1, 2011.

DETAIL: It is the current policy of the DHS to put all chemically

195 22 before a medical assistance program recipient is able to obtain
 195 23 the drug. The department shall consult with the national
 195 24 alliance on mental illness, Iowa chapter, and other mental
 195 25 health patient organizations in the development of the rules
 195 26 and the development of associated formularies. The rules shall
 195 27 provide that a medical assistance program recipient whose
 195 28 drug regimen is established prior to January 1, 2011, on a
 195 29 chemically unique mental health prescription drug that would
 195 30 otherwise be placed on the nonpreferred drug list and subject
 195 31 to prior authorization under this section, shall be exempt from
 195 32 the restrictions of this section. The department shall not
 195 33 adopt rules under this section by emergency rulemaking pursuant
 195 34 to section 17A.4, subsection 3, and section 17A.5, subsection
 195 35 2, paragraph "b". The rules adopted pursuant to this section
 196 1 shall not take effect prior to January 1, 2011.

unique mental health drugs on the PDL, even if they don't receive any rebates for the drugs.

FISCAL IMPACT: By requiring only mental health drugs that receive supplemental rebates to be placed on the PDL, it is estimated to save the State \$200,000 in FY 2011 and \$479,000 in FY 2012.

196 2 DIVISION XXXIII
 196 3 MEDICAID DISEASE MANAGEMENT

196 4 Sec. 350. MEDICAID DISEASE MANAGEMENT FOR CHILDREN. The
 196 5 department of human services shall design and implement a
 196 6 disease management program for children to address the most
 196 7 prevalent chronic diseases among children in Iowa. The program
 196 8 may include technology-based disease management, in-person or
 196 9 telephonic care management, self-management strategies, and
 196 10 health literacy education and training.

Requires the DHS to design and implement a chronic disease management program for children.

DETAIL: By implementing a chronic disease management program, Iowa can assure that providers are using best practices to treat patients. A number of other states have implemented similar programs and it has been shown to save significant amounts of money.

FISCAL IMPACT: This change is estimated to save the State \$2.7 million in FY 2011 and \$6.5 million in FY 2012.

196 11 DIVISION XXXIV
 196 12 MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER
 PAYMENTS

196 13 Sec. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER

Requires the DHS to set a trigger for review of payments for services

196 14 PAYMENTS == REVIEW. The department of human services shall
 196 15 evaluate payment records and determine the proper mechanism to
 196 16 trigger a review of payments for services provided under each
 196 17 home and community-based services waiver that are in excess of
 196 18 the median amount for payments through the applicable waiver.
 196 19 Following development of the trigger mechanism, the department
 196 20 shall require advance approval for services for which payment
 196 21 is projected to exceed the median as applicable to each
 196 22 waiver. The use of trigger mechanism and the approval process
 196 23 is intended to preserve necessary services while preventing
 196 24 overuse of services.

provided under the Home and Community-Based Services (HCBS) waivers. After the development of the trigger mechanism, the DHS must require advanced approval for services when the payment is projected to exceed the median.

DETAIL: Payments for waiver services tend to vary greatly, with the median value of payments for the Intellectual Disability Waiver being \$16,953. By evaluating all of the costs above the median for each waiver, the State should be able to identify unnecessary services.

FISCAL IMPACT: This change is estimated to have a net savings to the General Fund of \$1.9 million in FY 2011 and \$2.2 million in FY 2012. This change will also save counties \$2.8 million in FY 2011 and \$3.2 million in FY 2012.

196 25 DIVISION XXXV
 196 26 DIVESTITURE == MEDICAID PROGRAM

196 27 Sec. 352. Section 249F.1, subsection 2, paragraph a, Code
 196 28 2009, is amended to read as follows:
 196 29 a. "Transfer of assets" means any transfer or assignment
 196 30 of a legal or equitable interest in property, as defined in
 196 31 section 702.14, from a transferor to a transferee for less than
 196 32 fair consideration, made while the transferor is receiving
 196 33 medical assistance or within five years prior to application
 196 34 for medical assistance by the transferor. Any such transfer
 196 35 or assignment is presumed to be made with the intent, on the
 197 1 part of the transferee ; transferor; or another person acting
 197 2 on behalf of a transferor who is an actual or implied agent,
 197 3 guardian, attorney-in-fact, or person acting as a fiduciary ,
 197 4 of enabling the transferor to obtain or maintain eligibility
 197 5 for medical assistance or of impacting the recovery or payment
 197 6 of a medical assistance debt . This presumption is rebuttable
 197 7 only by clear and convincing evidence that the transferor's
 197 8 eligibility or potential eligibility for medical assistance or
 197 9 the impact on the recovery or payment of a medical assistance

CODE: Strengthens the Medicaid law to increase recoveries of improperly claimed Medicaid benefits and prevent ineligible individuals from receiving these benefits.

DETAIL: It is illegal for individuals to transfer assets to another person for the sole purpose of qualifying for Medicaid. By hiring additional FTE positions to review possible Medicaid fraud, the State could collect assets owed and deter people from defrauding the State in the future with a cost/benefit ratio of two to one.

FISCAL IMPACT: It is assumed that after hiring additional employees to investigate fraud and abuse, the State would see a net savings to the General Fund of \$586,000 in FY 2011 and \$772,000 in FY 2012.

NOTE: Senate File 2367 (Administration and Regulation Appropriations Act) appropriates additional funding of \$350,000 and 6.00 FTE positions to the Investigations Division of the Department of Inspections and Appeals to increase recoveries of improperly claimed Medicaid benefits.

197 10 debt was no part of the transferee's reason of the transferee;
 197 11 transferor; or other person acting on behalf of a transferor
 197 12 who is an actual or implied agent, guardian, attorney-in-fact,
 197 13 or person acting as a fiduciary for making or accepting the
 197 14 transfer or assignment. A transfer of assets includes a
 197 15 transfer of an interest in the transferor's home, domicile, or
 197 16 land appertaining to such home or domicile while the transferor
 197 17 is receiving medical assistance, unless otherwise exempt under
 197 18 paragraph "b".
 197 19 Sec. 353. Section 249F.1, subsection 2, paragraph b,
 197 20 subparagraph (6), Code 2009, is amended to read as follows:
 197 21 (6) Transfers of assets that would, at the time of the
 197 22 transferor's application for medical assistance, have been
 197 23 exempt from consideration as a resource if retained by the
 197 24 transferor, pursuant to 42 U.S.C. 1382b(a), as implemented
 197 25 by regulations adopted by the secretary of the United States
 197 26 department of health and human services , excluding the home and
 197 27 land appertaining to the home .

197 28 DIVISION XXXVI
 197 29 CHILD CARE ADVISORY COMMITTEE

197 30 Sec. 354. NEW SECTION . 135.173A Child care advisory
 197 31 committee.
 197 32 1. The early childhood Iowa council shall establish a state
 197 33 child care advisory committee as part of the council. The
 197 34 advisory committee shall advise and make recommendations to the
 197 35 governor, general assembly, department of human services, and
 198 1 other state agencies concerning child care.
 198 2 2. The membership of the advisory committee shall consist of
 198 3 a broad spectrum of parents and other persons from across the
 198 4 state with an interest in or involvement with child care.
 198 5 3. Except as otherwise provided, the voting members of
 198 6 the advisory committee shall be appointed by the council
 198 7 from a list of names submitted by a nominating committee to
 198 8 consist of one member of the advisory committee, one member

CODE: Requires the Early Childhood Iowa Council to establish a State Child Care Advisory Committee. Specifies membership and duties of the Committee. Makes technical changes to Code cites for the name of the existing State Child Care Advisory Council to Committee. Provides for the transition of membership from the Council to the Committee. The Division is effective July 1, 2011.

FISCAL IMPACT: None.

198 9 of the department of human services' child care staff, three
198 10 consumers of child care, and one member of a professional child
198 11 care organization. Two names shall be submitted for each
198 12 appointment. The voting members shall be appointed for terms
198 13 of three years.

198 14 4. The voting membership of the advisory committee shall be
198 15 appointed in a manner so as to provide equitable representation
198 16 of persons with an interest in child care and shall include all
198 17 of the following:

- 198 18 a. Two parents of children served by a registered child
198 19 development home.
- 198 20 b. Two parents of children served by a licensed center.
- 198 21 c. Two not=for=profit child care providers.
- 198 22 d. Two for=profit child care providers.
- 198 23 e. One child care home provider.
- 198 24 f. Three child development home providers.
- 198 25 g. One child care resource and referral service grantee.
- 198 26 h. One nongovernmental child advocacy group representative.
- 198 27 i. One designee of the department of human services.
- 198 28 j. One designee of the Iowa department of public health.
- 198 29 k. One designee of the department of education.
- 198 30 l. One head start program provider.
- 198 31 m. One person who is a business owner or executive officer
198 32 from nominees submitted by the Iowa chamber of commerce
198 33 executives.
- 198 34 n. One designee of the community empowerment office of the
198 35 department of management.
- 199 1 o. One person who is a member of the Iowa afterschool
199 2 alliance.
- 199 3 p. One person who is part of a local program implementing
199 4 the statewide preschool program for four=year=old children
199 5 under chapter 256C.
- 199 6 q. One person who represents the early childhood Iowa
199 7 council.

199 8 5. In addition to the voting members of the advisory
199 9 committee, the membership shall include four legislators as
199 10 ex officio, nonvoting members. The four legislators shall
199 11 be appointed one each by the majority leader of the senate,

199 12 the minority leader of the senate, the speaker of the house
199 13 of representatives, and the minority leader of the house of
199 14 representatives for terms as provided in section 69.16B.
199 15 6. In fulfilling the advisory committee's role, the
199 16 committee shall do all of the following:
199 17 a. Consult with the department of human services and make
199 18 recommendations concerning policy issues relating to child
199 19 care.
199 20 b. Advise the department of human services concerning
199 21 services relating to child care, including but not limited to
199 22 any of the following:
199 23 (1) Resource and referral services.
199 24 (2) Provider training.
199 25 (3) Quality improvement.
199 26 (4) Public-private partnerships.
199 27 (5) Standards review and development.
199 28 (6) The federal child care and development block grant,
199 29 state funding, grants, and other funding sources for child
199 30 care.
199 31 c. Assist the department of human services in developing an
199 32 implementation plan to provide seamless service to recipients
199 33 of public assistance, which includes child care services.
199 34 For the purposes of this subsection, "seamless service"
199 35 means coordination, where possible, of the federal and state
200 1 requirements which apply to child care.
200 2 d. Advise and provide technical services to the director of
200 3 the department of education or the director's designee relating
200 4 to prekindergarten, kindergarten, and before and after school
200 5 programming and facilities.
200 6 e. Make recommendations concerning child care expansion
200 7 programs that meet the needs of children attending a core
200 8 education program by providing child care before and after the
200 9 core program hours and during times when the core program does
200 10 not operate.
200 11 f. Make recommendations for improving collaborations
200 12 between the child care programs involving the department of
200 13 human services and programs supporting the education and
200 14 development of young children including but not limited to the

200 15 federal head start program, the statewide preschool program for
200 16 four-year-old children and the early childhood, at-risk, and
200 17 other early education programs administered by the department
200 18 of education.

200 19 g. Make recommendations for eliminating duplication and
200 20 otherwise improving the eligibility determination processes
200 21 used for the state child care assistance program and other
200 22 programs supporting low-income families, including but not
200 23 limited to the federal head start, early head start, and even
200 24 start programs; the early childhood, at-risk, and preschool
200 25 programs administered by the department of education; the
200 26 family and self-sufficiency grant program; and the family
200 27 investment program.

200 28 h. Make recommendations as to the most effective and
200 29 efficient means of managing the state and federal funding
200 30 available for the state child care assistance program.

200 31 i. Review program data from the department of human services
200 32 and other departments concerning child care as deemed to be
200 33 necessary by the advisory committee, although a department
200 34 shall not provide personally identifiable data or information.

200 35 j. Advise and assist the early childhood Iowa council in
201 1 developing the strategic plan required pursuant to section
201 2 135.173.

201 3 7. The department of human services shall provide
201 4 information to the advisory committee semiannually on all of
201 5 the following:

201 6 a. Federal, state, local, and private revenues and
201 7 expenditures for child care, including but not limited to
201 8 updates on the current and future status of the revenues and
201 9 expenditures.

201 10 b. Financial information and data relating to regulation of
201 11 child care by the department of human services and the usage of
201 12 the state child care assistance program.

201 13 c. Utilization and availability data relating to child care
201 14 regulation, quantity, and quality from consumer and provider
201 15 perspectives.

201 16 d. Statistical and demographic data regarding child care
201 17 providers and the families utilizing child care.

201 18 e. Statistical data regarding the processing time for
201 19 issuing notices of decision to state child care assistance
201 20 applicants and for issuing payments to child care providers.
201 21 8. The advisory committee shall coordinate with the early
201 22 childhood Iowa council its reporting annually in December
201 23 to the governor and general assembly concerning the status
201 24 of child care in the state, providing findings, and making
201 25 recommendations. The annual report may be personally presented
201 26 to the general assembly's standing committees on human
201 27 resources by a representative of the advisory committee.
201 28 Sec. 355. Section 237A.1, subsection 16, Code 2009, is
201 29 amended to read as follows:
201 30 16. "State child care advisory ~~council~~ committee" means
201 31 the state child care advisory ~~council~~ committee established
201 32 pursuant to ~~sections 237A.21 and 237A.22~~ section 135.173A .
201 33 Sec. 356. Section 237A.12, subsection 3, Code 2009, is
201 34 amended to read as follows:
201 35 3. Rules relating to fire safety for child care centers
202 1 shall be adopted under this chapter by the state fire marshal
202 2 in consultation with the department. Rules adopted by the
202 3 state fire marshal for a building which is owned or leased by a
202 4 school district or accredited nonpublic school and used as a
202 5 child care facility shall not differ from standards adopted by
202 6 the state fire marshal for school buildings under chapter 100.
202 7 Rules relating to sanitation shall be adopted by the department
202 8 in consultation with the director of public health. All rules
202 9 shall be developed in consultation with the state child care
202 10 advisory ~~council~~ committee . The state fire marshal shall
202 11 inspect the facilities.
202 12 Sec. 357. Section 237A.25, subsection 1, Code 2009, is
202 13 amended to read as follows:
202 14 1. The department shall develop consumer information
202 15 material to assist parents in selecting a child care provider.
202 16 In developing the material, the department shall consult with
202 17 department of human services staff, department of education
202 18 staff, the state child care advisory ~~council~~ committee , the
202 19 Iowa empowerment board, and child care resource and referral
202 20 services. In addition, the department may consult with other

202 21 entities at the local, state, and national level.
202 22 Sec. 358. Section 237A.30, subsection 1, Code 2009, is
202 23 amended to read as follows:
202 24 1. The department shall work with the community empowerment
202 25 office of the department of management established in section
202 26 28.3 and the state child care advisory ~~council~~ committee in
202 27 designing and implementing a voluntary quality rating system
202 28 for each provider type of child care facility.
202 29 Sec. 359. Section 256.9, subsection 32, paragraph b, Code
202 30 Supplement 2009, is amended to read as follows:
202 31 b. Standards and materials developed shall include
202 32 materials which employ developmentally appropriate practices
202 33 and incorporate substantial parental involvement. The
202 34 materials and standards shall include alternative teaching
202 35 approaches including collaborative teaching and alternative
203 1 dispute resolution training. The department shall consult
203 2 with the child development coordinating council, the state
203 3 child care advisory ~~council~~ committee established pursuant
203 4 to section 135.173A, the department of human services,
203 5 the state board of regents center for early developmental
203 6 education, the area education agencies, the department of
203 7 ~~child~~ human development and family studies in the college of
203 8 ~~family and consumer~~ human sciences at Iowa state university of
203 9 science and technology, the early childhood elementary division
203 10 of the college of education at the university of Iowa, and the
203 11 college of education at the university of northern Iowa, in
203 12 developing these standards and materials.
203 13 Sec. 360. REPEAL. Sections 237A.21 and 237A.22, Code
203 14 Supplement 2009, are repealed.
203 15 Sec. 361. IMPLEMENTATION == EFFECTIVE DATE.
203 16 1. The early childhood Iowa council shall develop a
203 17 legislation proposal identifying memberships slots for
203 18 the state child care advisory committee as created by this
203 19 division of this Act. The proposal shall ensure that there
203 20 is appropriate representation for the various types of child
203 21 care arrangements available in the state and for expertise.
203 22 The proposal shall be submitted to the governor and general
203 23 assembly on or before December 15, 2010.

203 24 2. If a provision of this Act or another enactment of
 203 25 the Eighty=third General Assembly repeals section 135.173
 203 26 and creates the early childhood Iowa state board in new Code
 203 27 chapter 256I, the early childhood Iowa state board shall
 203 28 fulfill the responsibilities assigned to the early childhood
 203 29 Iowa council in subsection 1 and the department of education
 203 30 shall propose corrective legislation for the provisions of
 203 31 this division of this Act in accordance with section 2.16 for
 203 32 consideration by the Eighty=fourth General Assembly, 2011
 203 33 Regular Session.
 203 34 3. The provisions of this division of this Act other than
 203 35 this section take effect July 1, 2011.

204 1 DIVISION XXXVII

204 2 MH/MR/DD/BI COMMISSION DUTIES

204 3 Sec. 362. Section 229.24, subsection 3, unnumbered
 204 4 paragraph 1, Code 2009, is amended to read as follows:
 204 5 If all or part of the costs associated with hospitalization
 204 6 of an individual under this chapter are chargeable to a
 204 7 county of legal settlement, the clerk of the district court
 204 8 shall provide to the county of legal settlement and to the
 204 9 county in which the hospitalization order is entered ~~in a~~
 204 10 ~~form prescribed by the mental health, mental retardation,~~
 204 11 ~~developmental disabilities, and brain injury commission,~~ the
 204 12 following information pertaining to the individual which would
 204 13 be confidential under subsection 1:
 204 14 Sec. 363. Section 230A.2, Code 2009, is amended to read as
 204 15 follows:
 204 16 230A.2 Services offered.
 204 17 A community mental health center established or operating
 204 18 as authorized by section 230A.1 may offer to residents of the
 204 19 county or counties it serves any or all of the mental health
 204 20 services defined by ~~the mental health, mental retardation,~~
 204 21 ~~developmental disabilities, and brain injury commission~~ in the
 204 22 comprehensive state mental health and disability services plan

CODE: Updates statutory language regarding mental health, mental retardation, developmental disability, and brain injury (MH/MR/DD/BI) services. The majority of the changes conform statutory language to the current practices of the Commission and the DHS.

FISCAL IMPACT: None.

204 23 under section 225C.6B .
204 24 Sec. 364. Section 230A.15, Code 2009, is amended to read as
204 25 follows:
204 26 230A.15 Comprehensive community mental health program.
204 27 A community mental health center established or operating
204 28 as authorized by section 230A.1, or which a county or group
204 29 of counties has agreed to establish or support pursuant
204 30 to that section, may with approval of the board or boards
204 31 of supervisors of the county or counties supporting or
204 32 establishing the center, undertake to provide a comprehensive
204 33 community mental health program for the county or counties.
204 34 A center providing a comprehensive community mental health
204 35 program shall, at a minimum, make available to residents of the
205 1 county or counties it serves all of the ~~comprehensive~~ mental
205 2 health services described in the comprehensive state mental
205 3 health and disability services plan under section 225C.6B .
205 4 Sec. 365. Section 331.438, subsection 1, paragraph b, Code
205 5 2009, is amended to read as follows:
205 6 b. "Qualified mental health, mental retardation, and
205 7 developmental disabilities services" means the services
205 8 ~~specified on forms issued in the rules adopted by the county~~
205 9 ~~finance committee following consultation with the state~~
205 10 ~~commission for administering the services fund, pursuant to~~
205 11 section 331.424A .
205 12 Sec. 366. Section 331.438, subsection 4, paragraph b, Code
205 13 2009, is amended to read as follows:
205 14 b. The state commission shall do all of the following:
205 15 (1) ~~Identify~~ Receive and review reports from the department
205 16 of human services identifying characteristics of the
205 17 ~~service~~ county services system, including amounts expended,
205 18 equity of funding among counties, funding sources, provider
205 19 types, service availability, and equity of service availability
205 20 among counties and among persons served.
205 21 ~~(2) Assess the accuracy and uniformity of recordkeeping and~~
205 22 ~~reporting in the service system.~~
205 23 ~~(3) Identify for each county the factors associated with~~
205 24 ~~inflationary growth of the service system.~~
205 25 ~~(4) Identify opportunities for containing service system~~

205 26 growth.

205 27 (5) (2) Consider proposals for revising service county

205 28 services system administrative rules.

205 29 (6) Consider provisions and adopt rules for counties to

205 30 implement a central point of coordination to plan, budget,

205 31 and monitor county expenditures for the service system. The

205 32 provisions shall provide options for counties to implement

205 33 the central point of coordination in collaboration with other

205 34 counties.

205 35 (7) Develop criteria for annual county mental health,

206 1 mental retardation, and developmental disabilities plans.

206 2 (8) (3) Adopt administrative rules identifying qualified

206 3 mental health, mental retardation, and developmental

206 4 disabilities service expenditures for purposes of state payment

206 5 pursuant to subsection 4 relating to county management plans .

206 6 (9) Adopt rules for the county central point of coordination

206 7 and clinical assessment processes required under section

206 8 331.440 and other rules necessary for the implementation of

206 9 county management plans and expenditure reports required for

206 10 state payment pursuant to section 331.439.

206 11 (10) Consider recommendations to improve the programs and

206 12 cost-effectiveness of state and county contracting processes

206 13 and procedures, including strategies for negotiations relating

206 14 to managed care. The recommendations implemented by the

206 15 commission for the state and county regarding managed care

206 16 shall include but are not limited to standards for limiting

206 17 excess costs and profits, and for restricting cost shifting

206 18 under a managed care system.

206 19 (11) (4) Provide input, when appropriate, to the director

206 20 of human services in any decision involving administrative

206 21 rules which were adopted by the department of human services

206 22 pertaining to the mental illness, mental retardation, and

206 23 developmental disabilities services system administered by

206 24 counties.

206 25 (12) Identify the fiscal impact of existing or proposed

206 26 legislation and administrative rules on state and county

206 27 expenditures.

206 28 (13) Adopt administrative rules providing statewide

206 29 ~~standards and a monitoring methodology to determine whether~~
206 30 ~~cost-effective individualized services are available as~~
206 31 ~~required pursuant to section 331.439, subsection 1, paragraph~~
206 32 ~~"b".~~
206 33 (14) (5) Consider recommendations for and adopt
206 34 administrative rules establishing statewide minimum standards
206 35 for services and other support required to be available to
207 1 persons covered by a county management plan under section
207 2 331.439.
207 3 (15) (6) Consider recommendations for measuring and
207 4 improving the quality of state and county mental health, mental
207 5 retardation, and developmental disabilities services and other
207 6 support.
207 7 (16) ~~Develop a procedure for each county to disclose to~~
207 8 ~~the department of human services information approved by the~~
207 9 ~~commission concerning the mental health, mental retardation,~~
207 10 ~~developmental disabilities, and brain injury services provided~~
207 11 ~~to the individuals served through the county central point~~
207 12 ~~of coordination process. The procedure shall incorporate~~
207 13 ~~protections to ensure that if individually identified~~
207 14 ~~information is disclosed, it is disclosed and maintained in~~
207 15 ~~compliance with applicable Iowa and federal confidentiality~~
207 16 ~~laws, including but not limited to federal Health Insurance~~
207 17 ~~Portability and Accountability Act, Pub. L. No. 104-191,~~
207 18 ~~requirements.~~
207 19 Sec. 367. Section 331.439, subsection 1, unnumbered
207 20 paragraph 1, Code 2009, is amended to read as follows:
207 21 The state payment to eligible counties under this section
207 22 shall be made as provided in sections 331.438 and 426B.2. A
207 23 county is eligible for the state payment, as defined in section
207 24 331.438, for a fiscal year if the director of human services,
207 25 ~~in consultation with the state commission,~~ determines for a
207 26 specific fiscal year that all of the following conditions are
207 27 met:
207 28 Sec. 368. Section 331.439, subsection 1, paragraph a, Code
207 29 2009, is amended to read as follows:
207 30 a. The county accurately reported by December 1 the
207 31 county's expenditures for mental health, mental retardation,

207 32 and developmental disabilities services and the information
207 33 required under section 225C.6A, subsection 2 3 , paragraph
207 34 "c", for the previous fiscal year ~~on forms prescribed by~~ in
207 35 accordance with rules adopted by the state commission. If
208 1 the department determines good cause exists, the department
208 2 may extend a deadline otherwise imposed under this chapter,
208 3 chapter 225C, or chapter 426B for a county's reporting
208 4 concerning mental health, mental retardation, or developmental
208 5 disabilities services or related revenues and expenditures.
208 6 Sec. 369. Section 331.439, subsection 1, paragraph b,
208 7 unnumbered paragraph 1, Code 2009, is amended to read as
208 8 follows:
208 9 The county developed and implemented a county management
208 10 plan for the county's mental health, mental retardation, and
208 11 developmental disabilities services system in accordance with
208 12 the provisions of this paragraph "b". The plan shall comply
208 13 with the administrative rules adopted for this purpose by the
208 14 state commission and is subject to the approval of the director
208 15 of human services in consultation with the state commission.
208 16 The plan shall include a description of the county's service
208 17 management provision for mental health, mental retardation, and
208 18 developmental disabilities services. For mental retardation
208 19 and developmental disabilities service management, the plan
208 20 shall describe the county's development and implementation of a
208 21 ~~managed~~ system of cost-effective individualized services and
208 22 shall comply with the provisions of paragraph "f". The goal
208 23 of this part of the plan shall be to assist the individuals
208 24 served to be as independent, productive, and integrated into
208 25 the community as possible. The service management provisions
208 26 for mental health shall comply with the provisions of paragraph
208 27 "e". A county is subject to all of the following provisions
208 28 in regard to the county's services system management plan and
208 29 planning process:
208 30 Sec. 370. Section 331.439, subsection 1, paragraph b,
208 31 subparagraphs (2) and (3), Code 2009, are amended to read as
208 32 follows:
208 33 (2) For informational purposes, the county shall submit a
208 34 management plan review to the department of human services by

208 35 December 1 of each year. The annual review shall incorporate
209 1 an analysis of the data associated with the services
209 2 system managed during the preceding fiscal year by the county
209 3 or by a ~~managed-care~~ private entity on behalf of the county.
209 4 The annual review shall also identify measurable outcomes
209 5 and results showing the county's progress in fulfilling
209 6 the purposes listed in paragraph "c", and in achieving the
209 7 disability services outcomes and indicators identified by the
209 8 commission pursuant to section 225C.6.

209 9 (3) For informational purposes, every three years the
209 10 county shall submit to the department of human services a
209 11 three-year strategic plan. The strategic plan shall describe
209 12 how the county will proceed to attain the plan's goals and
209 13 objectives, and the measurable outcomes and results necessary
209 14 for moving the county's ~~service~~ services system toward an
209 15 individualized, community-based focus in accordance with
209 16 paragraph "c". The three-year strategic plan shall be
209 17 submitted by April 1, 2000, and by April 1 of every third year
209 18 thereafter.

209 19 Sec. 371. Section 331.439, subsection 1, paragraphs c, e,
209 20 and f, Code 2009, are amended to read as follows:

209 21 c. The county implements its county management plan under
209 22 paragraph "b" and other service management functions in a
209 23 manner that seeks to achieve all of the following purposes
209 24 identified in section 225C.1 for persons who are covered by the
209 25 plan or are otherwise subject to the county's ~~service~~ services
209 26 system management functions:

209 27 (1) The ~~service~~ services system seeks to empower persons
209 28 to exercise their own choices about the amounts and types of
209 29 services and other support received.

209 30 (2) The ~~service~~ services system seeks to empower the persons
209 31 to accept responsibility, exercise choices, and take risks.

209 32 (3) The ~~service~~ services system seeks to provide services
209 33 and other support that are individualized, provided to produce
209 34 results, flexible, and cost-effective.

209 35 (4) The ~~service~~ services system seeks to provide services
210 1 and other ~~supports~~ support in a manner which supports the
210 2 ability of the persons to live, learn, work, and recreate in

210 3 communities of their choice.

210 4 e. (1) For mental health service management, the county
210 5 may either directly implement a system of service management
210 6 and contract with service providers, or contract with a
210 7 private entity to manage the county services system, provided
210 8 all requirements of this lettered paragraph are met by the
210 9 private entity. The mental health ~~service management~~ services
210 10 system shall incorporate a central point of coordination and
210 11 clinical assessment process developed in accordance with the
210 12 provisions of section 331.440.

210 13 (2) ~~A managed care~~ The county services system for mental
210 14 health proposed by a county shall include but is not limited
210 15 to all of the following elements which shall be specified in
210 16 administrative rules adopted by the state commission:

210 17 (a) The enrollment and eligibility process.
210 18 (b) The scope of services included.
210 19 (c) The method of plan administration.
210 20 (d) The process for managing utilization and access to
210 21 services and other assistance.
210 22 (e) The quality assurance process.
210 23 (f) The risk management provisions and fiscal viability of
210 24 the provisions, if the county contracts with a private ~~managed~~
210 25 ~~care~~ entity.

210 26 f. For mental retardation and developmental disabilities
210 27 services management, the county must either develop and
210 28 implement a ~~managed~~ system of care which addresses a full
210 29 array of appropriate services and cost-effective delivery of
210 30 services by contracting directly with service providers or
210 31 ~~contract~~ by contracting with a state-approved ~~managed care~~
210 32 ~~contractor or contractors~~ private entity to manage the county
210 33 services system . ~~Any system or contract implemented under~~
210 34 ~~this paragraph~~ The county services system shall incorporate a
210 35 central point of coordination and clinical assessment process
211 1 developed in accordance with the provisions of section 331.440.
211 2 The elements of ~~the county managed system of care~~ a county
211 3 services system shall be specified in rules developed by the
211 4 department of human services in consultation with and adopted
211 5 by the state commission.

211 6 Sec. 372. Section 331.439, subsection 3, paragraph b, Code
211 7 2009, is amended to read as follows:
211 8 b. Based upon information contained in county management
211 9 plans and budgets and proposals made by representatives of
211 10 counties, the state commission shall recommend an allowed
211 11 growth factor adjustment to the governor by November 15
211 12 for the fiscal year which commences two years from the
211 13 beginning date of the fiscal year in progress at the time the
211 14 recommendation is made. The allowed growth factor adjustment
211 15 ~~shall~~ may address various costs including but not limited to
211 16 the costs associated with new consumers of service, service
211 17 cost inflation, and investments for economy and efficiency. In
211 18 developing the service cost inflation recommendation, the state
211 19 commission shall consider the cost trends indicated by the
211 20 gross expenditure amount reported in the expenditure reports
211 21 submitted by counties pursuant to subsection 1, paragraph
211 22 "a". The governor shall consider the state commission's
211 23 recommendation in developing the governor's recommendation for
211 24 an allowed growth factor adjustment for such fiscal year. The
211 25 governor's recommendation shall be submitted at the time the
211 26 governor's proposed budget for the succeeding fiscal year is
211 27 submitted in accordance with chapter 8.

211 28 Sec. 373. Section 331.439, subsection 7, Code 2009, is
211 29 amended to read as follows:
211 30 7. A county shall annually report data concerning the
211 31 county's services system managed by in accordance with the
211 32 county management plan . At a minimum, the data reported shall
211 33 indicate the number of different individuals who utilized
211 34 services in a fiscal year and the various types of services.
211 35 Data reported under this subsection shall be submitted with
212 1 the county's expenditure report required under subsection 1,
212 2 paragraph "a".
212 3 DIVISION XXXVIII
212 4 MH/MR/DD/BI SERVICES

212 5 Sec. 374. Section 225C.4, subsection 1, paragraph a, Code
212 6 2009, is amended to read as follows:
212 7 a. Prepare and administer the comprehensive mental health
212 8 and disability services plan as provided in section 225C.6B,

212 9 including state mental health and mental retardation plans
212 10 for the provision of disability services within the state and
212 11 ~~prepare and administer~~ the state developmental disabilities
212 12 plan. The administrator shall consult with the Iowa department
212 13 of public health, the state board of regents or a body
212 14 designated by the board for that purpose, the department
212 15 of management or a body designated by the director of the
212 16 department for that purpose, the department of education, the
212 17 department of workforce development and any other appropriate
212 18 governmental body, in order to facilitate coordination of
212 19 disability services provided in this state. The state mental
212 20 health and mental retardation plans shall be consistent with
212 21 the state health plan, and shall incorporate county disability
212 22 services plans.

212 23 Sec. 375. Section 225C.6, subsections 1 and 3, Code 2009,
212 24 are amended to read as follows:

212 25 1. To the extent funding is available, the commission shall
212 26 perform the following duties:

212 27 a. Advise the administrator on the administration of the
212 28 overall state disability services system.

212 29 b. Adopt necessary rules pursuant to chapter 17A which
212 30 relate to disability programs and services, including but not
212 31 limited to definitions of each disability included within the
212 32 term "disability services" as necessary for purposes of state,
212 33 county, and regional planning, programs, and services.

212 34 c. Adopt standards for community mental health centers,
212 35 services, and programs as recommended under section 230A.16.

213 1 The ~~commission~~ administrator shall determine whether to grant,
213 2 deny, or revoke the accreditation of the centers, services, and
213 3 programs.

213 4 d. Adopt standards for ~~the care of and services to persons~~
213 5 ~~with mental illness and mental retardation residing in county~~
213 6 ~~care facilities recommended under section 227.4~~ the provision
213 7 under medical assistance of individual case management
213 8 services .

213 9 e. Unless another governmental body sets standards for a
213 10 service available to persons with disabilities, adopt state
213 11 standards for that service. ~~The commission shall provide that~~

213 12 ~~a service provider's compliance with standards for a service~~
213 13 ~~set by a nationally recognized body shall be deemed to be in~~
213 14 ~~compliance with the state standards adopted by the commission~~
213 15 ~~for that service. The commission shall adopt state standards~~
213 16 ~~for those residential and community-based providers of services~~
213 17 ~~to persons with mental illness or developmental disabilities~~
213 18 ~~that are not otherwise subject to licensure by the department~~
213 19 ~~of human services or department of inspections and appeals,~~
213 20 ~~including but not limited to remedial services payable under~~
213 21 ~~the medical assistance program and other services payable from~~
213 22 ~~funds credited to a county mental health, mental retardation,~~
213 23 ~~and developmental disabilities services fund created in section~~
213 24 ~~331.424A. In addition, the The commission shall review the~~
213 25 ~~licensing standards used by the department of human services~~
213 26 ~~or department of inspections and appeals for those facilities~~
213 27 ~~providing disability services to persons with mental illness~~
213 28 ~~or developmental disabilities .~~
213 29 f. Assure that proper reconsideration and appeal procedures
213 30 are available to persons aggrieved by decisions, actions, or
213 31 circumstances relating to accreditation.
213 32 g. Adopt necessary rules for awarding grants from the state
213 33 and federal government as well as other moneys that become
213 34 available to the division for grant purposes.
213 35 h. Annually submit to the governor and the general assembly:
214 1 (1) A report concerning the activities of the commission.
214 2 (2) Recommendations formulated by the commission for
214 3 changes in law.
214 4 i. By January 1 of each odd-numbered year, submit to the
214 5 governor and the general assembly an evaluation of:
214 6 (1) The extent to which services to persons with
214 7 disabilities are actually available to persons in each county
214 8 in the state and the quality of those services.
214 9 (2) The effectiveness of the services being provided by
214 10 disability service providers in this state and by each of the
214 11 state mental health institutes established under chapter 226
214 12 and by each of the state resource centers established under
214 13 chapter 222.
214 14 j. Advise the administrator, the council on human services,

214 15 the governor, and the general assembly on budgets and
214 16 appropriations concerning disability services.

214 17 k. Coordinate activities with the governor's developmental
214 18 disabilities council and the mental health planning council,
214 19 created pursuant to federal law . Work with other state
214 20 agencies on coordinating, collaborating, and communicating
214 21 concerning activities involving persons with disabilities.

214 22 ~~l. Establish standards for the provision under medical~~
214 23 ~~assistance of individual case management services. The~~
214 24 ~~commission shall determine whether to grant, deny, or revoke~~
214 25 ~~the accreditation of the services.~~

214 26 ~~m.~~ l. Identify basic financial eligibility standards for
214 27 disability services. The standards shall include but are not
214 28 limited to the following:

214 29 (1) A financial eligibility standard providing that a
214 30 person with an income equal to or less than one hundred fifty
214 31 percent of the federal poverty level, as defined by the most
214 32 recently revised poverty income guidelines published by the
214 33 United States department of health and human services, is
214 34 eligible for disability services paid with public funding.
214 35 However, a county may apply a copayment requirement for a
215 1 particular disability service to a person with an income
215 2 equal to or less than one hundred fifty percent of the
215 3 federal poverty level, provided the disability service and
215 4 the copayment amount both comply with rules adopted by the
215 5 commission applying uniform standards with respect to copayment
215 6 requirements. A person with an income above one hundred fifty
215 7 percent of the federal poverty level may be eligible subject
215 8 to a copayment or other cost-sharing arrangement subject to
215 9 limitations adopted in rule by the commission.

215 10 (2) A requirement that a person who is eligible for
215 11 federally funded services and other support must apply for the
215 12 services and support.

215 13 (3) Resource limitations that are derived from the federal
215 14 supplemental security income program limitations. A person
215 15 with resources above the federal supplemental security income
215 16 program limitations may be eligible subject to limitations
215 17 adopted in rule by the commission. If a person does not

215 18 qualify for federally funded services and other support
215 19 but meets income, resource, and functional eligibility
215 20 requirements, the following types of resources shall be
215 21 disregarded:
215 22 (a) A retirement account that is in the accumulation stage.
215 23 (b) A burial, medical savings, or assistive technology
215 24 account.
215 25 ~~n. m.~~ Identify disability services outcomes and indicators
215 26 to support the ability of eligible persons with a disability to
215 27 live, learn, work, and recreate in communities of the persons'
215 28 choice. The identification duty includes but is not limited to
215 29 responsibility for identifying, collecting, and analyzing data
215 30 as necessary to issue reports on outcomes and indicators at the
215 31 county and state levels.
215 32 ~~o. Prepare five-year plans based upon the county management~~
215 33 ~~plans developed pursuant to section 331.439.~~
215 34 ~~p. Work with other state agencies on coordinating,~~
215 35 ~~collaborating, and communicating concerning activities~~
216 1 ~~involving persons with disabilities.~~
216 2 ~~q. Perform analyses and other functions associated with~~
216 3 ~~a redesign of the mental health and developmental disability~~
216 4 ~~services systems for adults and for children.~~
216 5 3. If the executive branch creates a committee, task force,
216 6 council, or other advisory body to consider ~~mental health~~
216 7 ~~and developmental disabilities~~ disability services policy ;
216 8 ~~services~~, or program options involving children or adult
216 9 consumers, the commission is designated to receive and consider
216 10 any report, findings, recommendations, or other work product
216 11 issued by such body. The commission may address the report,
216 12 findings, recommendations, or other work product in fulfilling
216 13 the commission's functions and to advise the department,
216 14 council on human services, governor, and general assembly
216 15 concerning disability services.
216 16 Sec. 376. Section 225C.6A, Code 2009, is amended to read as
216 17 follows:
216 18 225C.6A Mental health, developmental disability, and brain
216 19 injury service system redesign ~~implementation~~ .
216 20 1. ~~Purpose. It is the intent of the general assembly~~

216 21 to implement a redesign of the mental health, developmental
216 22 disability, and brain injury service system over a period of
216 23 years in order to transition to a coordinated system for lowans
216 24 with mental illness, mental retardation or other developmental
216 25 disabilities, or brain injury. Because of the significance of
216 26 the redesign to the persons who may be affected by it and the
216 27 degree of uncertainty regarding the extent of funding changes
216 28 necessary for implementation, the department and the commission
216 29 shall not implement a redesign provision through rulemaking or
216 30 other means unless specific statutory authority provides for
216 31 the provision's implementation.

216 32 ~~2. Initial activities.~~ For the fiscal years beginning
216 33 July 1, 2004, and July 1, 2005, the The commission shall do
216 34 the following relating to redesign of the disability services
216 35 system in the state :

217 1 ~~a.~~ 1. Identify sources of revenue to support statewide
217 2 delivery of core disability services to eligible disability
217 3 populations.

217 4 ~~b.~~ Further develop adult disability services system redesign
217 5 proposals and propose a redesign of the children's disability
217 6 service system. The redesign of the children's system shall
217 7 address issues associated with an individual's transition
217 8 between the two systems.

217 9 2. Ensure there is a continuous improvement process for
217 10 development and maintenance of the disability services system
217 11 for adults and children. The process shall include but is not
217 12 limited to data collection and reporting provisions.

217 13 ~~c.~~(1) 3. a. Plan, collect, and analyze data as necessary
217 14 to issue cost estimates for serving additional populations and
217 15 providing core disability services statewide. The department
217 16 shall maintain compliance with applicable federal and state
217 17 privacy laws to ensure the confidentiality and integrity of
217 18 individually identifiable disability services data. The
217 19 department shall regularly assess the status of the compliance
217 20 in order to assure that data security is protected.

217 21 ~~(2)~~ b. In implementing a system under this ~~paragraph~~
217 22 ~~"c"~~ subsection for collecting and analyzing state, county,
217 23 and private contractor data, the department shall establish a

217 24 client identifier for the individuals receiving services. The
217 25 client identifier shall be used in lieu of the individual's
217 26 name or social security number. The client identifier shall
217 27 consist of the last four digits of an individual's social
217 28 security number, the first three letters of the individual's
217 29 last name, the individual's date of birth, and the individual's
217 30 gender in an order determined by the department.

217 31 ~~(3)~~ c. Each county shall report to the department annually
217 32 on or before December 1, for the preceding fiscal year the
217 33 following information for each individual served: demographic
217 34 information, expenditure data, and data concerning the services
217 35 and other support provided to each individual, as specified in
218 1 administrative rule adopted by the commission.

218 2 ~~d. With consumer input, identify and propose standardized~~
218 3 ~~functional assessment tools and processes for use in the~~
218 4 ~~eligibility determination process when eligibility for a~~
218 5 ~~particular disability population group is implemented. The~~
218 6 ~~tools and processes shall be integrated with those utilized~~
218 7 ~~for the medical assistance program under chapter 249A. For~~
218 8 ~~the initial diagnostic criteria, the commission shall consider~~
218 9 ~~identifying a qualifying functional assessment score and any~~
218 10 ~~of the following diagnoses: mental illness, chronic mental~~
218 11 ~~illness, mental retardation, developmental disability, or brain~~
218 12 ~~injury.~~

218 13 ~~e. The commission shall adopt a multiyear plan for~~
218 14 ~~developing and providing the data, cost projections, revenue~~
218 15 ~~requirements, and other information needed to support decision~~
218 16 ~~making concerning redesign provisions. The information shall~~
218 17 ~~be provided as part of the commission's regular reports to the~~
218 18 ~~governor and general assembly or more often as determined to be~~
218 19 ~~appropriate by the commission.~~

218 20 ~~f. Propose case rates for disability services.~~

218 21 ~~g.~~ 4. Work with county representatives and other qualified
218 22 persons to develop an implementation plan for replacing the
218 23 county of legal settlement approach to determining service
218 24 system funding responsibilities with an approach based upon
218 25 residency. The plan shall address a statewide standard for
218 26 proof of residency, outline a plan for establishing a data

218 27 system for identifying residency of eligible individuals,
218 28 address residency issues for individuals who began residing in
218 29 a county due to a court order or criminal sentence or to obtain
218 30 services in that county, recommend an approach for contesting
218 31 a residency determination, and address other implementation
218 32 issues.

218 33 Sec. 377. Section 225C.6B, subsection 1, Code 2009, is
218 34 amended to read as follows:

218 35 1. Intent.

219 1 a. The general assembly intends for the state to implement
219 2 a comprehensive, continuous, and integrated state mental
219 3 health and disability services plan in accordance with
219 4 the requirements of sections 225C.4 and 225C.6 and other
219 5 provisions of this chapter, by increasing the department's
219 6 responsibilities in the development, funding, oversight, and
219 7 ongoing leadership of mental health and disability services in
219 8 this state.

219 9 b. In order to further the purposes listed in
219 10 ~~sections section~~ section 225C.1 ~~and 225C.27~~ and in other provisions
219 11 of this chapter, the general assembly intends that efforts
219 12 focus on the goal of making available a comprehensive array
219 13 of high=quality, evidence=based consumer and family=centered
219 14 mental health and disability services and other support in the
219 15 least restrictive, community=based setting appropriate for a
219 16 consumer.

219 17 c. In addition, it is the intent of the general assembly
219 18 to promote policies and practices that achieve for consumers
219 19 the earliest possible detection of mental health problems and
219 20 the need for disability services and for early intervention;
219 21 to stress that all health care programs address mental
219 22 health disorders with the same urgency as physical health
219 23 disorders; to promote the policies of all public programs
219 24 that serve adults and children with mental disorders or with
219 25 a need for disability services , including but not limited to
219 26 child welfare, Medicaid, education, housing, criminal and
219 27 juvenile justice, substance abuse treatment, and employment
219 28 services; to consider the special mental health and disability
219 29 services needs of adults and children; and to promote recovery

219 30 and resiliency as expected outcomes for all consumers.
219 31 Sec. 378. Section 225C.6B, subsection 2, Code 2009, is
219 32 amended by striking the subsection and inserting in lieu
219 33 thereof the following:
219 34 2. Comprehensive plan. The division shall develop a
219 35 comprehensive written five-year state mental health and
220 1 disability services plan with annual updates and readopt
220 2 the plan every five years. The plan shall describe the key
220 3 components of the state's mental health and disability services
220 4 system, including the services that are community-based, state
220 5 institution-based, or regional or state-based. The five-year
220 6 plan and each update shall be submitted annually to the
220 7 commission on or before October 30 for review and approval.
220 8 Sec. 379. Section 225C.21, subsection 2, Code 2009, is
220 9 amended to read as follows:
220 10 2. The commission shall adopt rules pursuant to chapter 17A
220 11 establishing minimum standards for supported community living
220 12 services. The ~~commission~~ administrator shall determine whether
220 13 to grant, deny, or revoke approval for any supported community
220 14 living service.
220 15 Sec. 380. Section 225C.52, subsection 1, Code 2009, is
220 16 amended to read as follows:
220 17 1. Establishing a comprehensive community-based mental
220 18 health services system for children and youth is part of
220 19 fulfilling the requirements of the division and the commission
220 20 to facilitate a comprehensive, continuous, and integrated state
220 21 mental health and disability services plan in accordance with
220 22 sections 225C.4, 225C.6, and 225C.6A, and other provisions
220 23 of this chapter. The purpose of establishing the children's
220 24 system is to improve access for children and youth with
220 25 serious emotional disturbances and youth with other qualifying
220 26 mental health disorders to mental health treatment, services,
220 27 and other support in the least restrictive setting possible
220 28 so the children and youth can live with their families
220 29 and remain in their communities. The children's system is
220 30 also intended to meet the needs of children and youth who
220 31 have mental health disorders that co-occur with substance
220 32 abuse, mental retardation, developmental disabilities, or

220 33 other disabilities. The children's system shall emphasize
 220 34 community-level collaborative efforts between children and
 220 35 youth and the families and the state's systems of education,
 221 1 child welfare, juvenile justice, health care, substance abuse,
 221 2 and mental health.
 221 3 Sec. 381. REPEAL. Section 225C.27, Code 2009, is repealed.

221 4 DIVISION XXXIX
 221 5 MH/MR/DD/BI COMMISSION AND WAIVER NAME CHANGE

221 6 Sec. 382. Section 225C.2, subsection 3, Code 2009, is
 221 7 amended to read as follows:
 221 8 3. "Commission" means the mental health ~~, mental retardation,~~
 221 9 ~~developmental disabilities, and brain injury~~ and disability
 221 10 services commission.

221 11 Sec. 383. Section 225C.5, subsection 1, unnumbered
 221 12 paragraph 1, Code Supplement 2009, is amended to read as
 221 13 follows:

221 14 A mental health ~~, mental retardation, developmental~~
 221 15 ~~disabilities, and brain injury~~ and disability services
 221 16 commission is created as the state policy-making body for the
 221 17 provision of services to persons with mental illness, mental
 221 18 retardation or other developmental disabilities, or brain
 221 19 injury. The commission's voting members shall be appointed
 221 20 to three-year staggered terms by the governor and are subject
 221 21 to confirmation by the senate. Commission members shall be
 221 22 appointed on the basis of interest and experience in the fields
 221 23 of mental health, mental retardation or other developmental
 221 24 disabilities, and brain injury, in a manner so as to ensure
 221 25 adequate representation from persons with disabilities and
 221 26 individuals knowledgeable concerning disability services. The
 221 27 department shall provide staff support to the commission, and
 221 28 the commission may utilize staff support and other assistance
 221 29 provided to the commission by other persons. The commission
 221 30 shall meet at least four times per year. The membership of the
 221 31 commission shall consist of the following persons who, at the

CODE: Updates statutory language regarding the name change of
 the MH/MR/DD/BI Commission and waiver.

FISCAL IMPACT: None.

221 32 time of appointment to the commission, are active members of
221 33 the indicated groups:
221 34 Sec. 384. Section 249A.12, subsection 4, paragraph b, Code
221 35 2009, is amended to read as follows:
222 1 b. ~~Effective July 1, 1995, the~~ The state shall be
222 2 responsible for all of the nonfederal share of medical
222 3 assistance home and community=based services waivers
222 4 for persons with ~~mental retardation~~ intellectual
222 5 disabilities services provided to minors and a county is not
222 6 required to reimburse the department and shall not be billed
222 7 for the nonfederal share of the costs of the services.
222 8 Sec. 385. Section 249A.12, subsection 5, paragraph a,
222 9 unnumbered paragraph 1, Code 2009, is amended to read as
222 10 follows:
222 11 The mental health ~~, mental retardation, developmental~~
222 12 ~~disabilities, and brain injury~~ and disability services
222 13 commission shall recommend to the department the actions
222 14 necessary to assist in the transition of individuals being
222 15 served in an intermediate care facility for persons with
222 16 mental retardation, who are appropriate for the transition,
222 17 to services funded under a medical assistance home and
222 18 community=based services waiver for persons with ~~mental~~
222 19 ~~retardation~~ intellectual disabilities in a manner which
222 20 maximizes the use of existing public and private facilities.
222 21 The actions may include but are not limited to submitting any
222 22 of the following or a combination of any of the following
222 23 as a request for a revision of the medical assistance home
222 24 and community=based services waiver for persons with ~~mental~~
222 25 ~~retardation in effect as of June 30, 1996~~ intellectual
222 26 disabilities :
222 27 Sec. 386. Section 249A.12, subsection 5, paragraph a,
222 28 subparagraph (1), Code 2009, is amended to read as follows:
222 29 (1) Allow for the transition of intermediate care
222 30 facilities for persons with mental retardation licensed under
222 31 chapter 135C ~~as of June 30, 1996~~ , to services funded under the
222 32 medical assistance home and community=based services waiver for
222 33 persons with ~~mental retardation~~ intellectual disabilities . The
222 34 request shall be for inclusion of additional persons under the

222 35 waiver associated with the transition.
223 1 Sec. 387. Section 249A.12, subsection 6, paragraphs a and b,
223 2 Code 2009, are amended to read as follows:
223 3 a. ~~Effective July 1, 2003, the~~ The provisions of the
223 4 home and community-based services waiver for persons with
223 5 ~~mental retardation~~ intellectual disabilities shall include
223 6 adult day care, prevocational, and transportation services.
223 7 Transportation shall be included as a separately payable
223 8 service.
223 9 b. The department of human services shall seek federal
223 10 approval to amend the home and community-based services
223 11 waiver for persons with ~~mental retardation~~ intellectual
223 12 disabilities to include day habilitation services. Inclusion
223 13 of day habilitation services in the waiver shall take effect
223 14 upon receipt of federal approval ~~and no later than July 1,~~
223 15 ~~2004~~ .
223 16 Sec. 388. Section 423.3, subsection 18, paragraph f,
223 17 subparagraph (6), Code Supplement 2009, is amended to read as
223 18 follows:
223 19 (6) ~~MR~~ Intellectual disabilities waiver service providers,
223 20 described in 441 IAC 77.37.

223 21 Sec. 389. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
223 22 DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES

==

223 23 CODE EDITOR'S DIRECTIVE.

223 24 1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438,
223 25 and 426B.4, Code 2009, and sections 249A.4, 249A.31, and
223 26 426B.5, Code Supplement 2009, are amended by striking the term
223 27 "mental health, mental retardation, developmental disabilities,
223 28 and brain injury commission" and inserting in lieu thereof the
223 29 term "mental health and disability services commission".
223 30 2. This division of this Act changes the name of the mental
223 31 health, mental retardation, developmental disabilities, and
223 32 brain injury commission to the mental health and disability

223 33 services commission. The Code editor shall correct any
223 34 references to the term "mental health, mental retardation,
223 35 developmental disabilities, and brain injury commission"
224 1 anywhere else in the Iowa Code or Iowa Code Supplement, in any
224 2 bills awaiting codification, in this Act, and in any bills
224 3 enacted by the Eighty-third General Assembly, 2010 Regular
224 4 Session, or any extraordinary session.

224 5 Sec. 390. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR
224 6 PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES ==
224 7 CODE EDITOR'S DIRECTIVE.

224 8 1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009,
224 9 are amended by striking the term "waiver for persons with
224 10 mental retardation" and inserting in lieu thereof the term
224 11 "waiver for persons with intellectual disabilities".
224 12 2. This division of this Act changes the name of the home
224 13 and community-based services waiver for persons with mental
224 14 retardation under the medical assistance program to the waiver
224 15 for persons with intellectual disabilities. The Code editor
224 16 shall correct any references to the term "waiver for persons
224 17 with mental retardation" or other forms of the term anywhere
224 18 else in the Iowa Code or Iowa Code Supplement, in any bills
224 19 awaiting codification, in this Act, and in any bills enacted by
224 20 the Eighty-third General Assembly, 2010 Regular Session, or any
224 21 extraordinary session.

CODE: Makes corrective statutory changes to update the change in name of the Home and Community-Based Services Waiver.

224 22 DIVISION XL
224 23 CONSOLIDATION OF ADVISORY
224 24 BODIES == COUNCIL ON HUMAN SERVICES

224 25 Sec. 391. NEW SECTION . 217.3A Advisory committees.
224 26 1. General. The council on human services shall establish
224 27 and utilize the advisory committees identified in this section
224 28 and may establish and utilize other advisory committees. The

CODE: Permits the Council on Human Services to establish advisory committees under the purview of the Council. Requires the Council to establish specific provisions for any advisory committee that is created.

224 29 council shall establish appointment provisions, membership
224 30 terms, operating guidelines, and other operational requirements
224 31 for committees established pursuant to this section.

FISCAL IMPACT: None.

224 32 2. Child abuse prevention. The council shall establish a
224 33 child abuse prevention program advisory committee to support
224 34 the child abuse prevention program implemented in accordance
224 35 with section 235A.1. The duties of the advisory committee

CODE: Requires the Council on Human Services to establish a child abuse prevention program advisory committee under the purview of the Council and provides for the duties of the committee.

225 1 shall include all of the following:

DETAIL: The current Child Abuse Prevention Program Advisory Council will be re-established as an advisory committee under the purview of the Council of Human Services. It is assumed that the Council's operations will not be affected by the change.

225 2 a. Advise the director of human services and the
225 3 administrator of the division of the department of human
225 4 services responsible for child and family programs regarding
225 5 expenditures of funds received for the child abuse prevention
225 6 program.

FISCAL IMPACT: None.

225 7 b. Review the implementation and effectiveness of
225 8 legislation and administrative rules concerning the child abuse
225 9 prevention program.

225 10 c. Recommend changes in legislation and administrative rules
225 11 to the general assembly and the appropriate administrative
225 12 officials.

225 13 d. Require reports from state agencies and other entities as
225 14 necessary to perform its duties.

225 15 e. Receive and review complaints from the public concerning
225 16 the operation and management of the child abuse prevention
225 17 program.

225 18 f. Approve grant proposals.

225 19 3. a. The council shall establish a child support advisory
225 20 committee.

CODE: Requires the Council on Human Services to establish a child support advisory committee under the purview of the Council and provides for the duties of the committee.

225 21 (1) Members of the advisory committee shall include at least
225 22 one district judge and representatives of custodial parent
225 23 groups, noncustodial parent groups, the general assembly, the
225 24 office of citizens' aide, the Iowa state bar association, the
225 25 Iowa county attorneys association, and other constituencies
225 26 which have an interest in child support enforcement issues,
225 27 appointed by the respective entity.

DETAIL: The current Child Support Advisory Committee under the DHS will be re-established as an advisory committee under the purview of the Council of Human Services. It is assumed that the Committee's operations will not be affected by the change.

FISCAL IMPACT: None.

225 28 (2) The legislative members of the advisory committee shall
 225 29 be appointed as follows: one senator each by the majority
 225 30 leader of the senate, after consultation with the president
 225 31 of the senate, and by the minority leader of the senate, and
 225 32 one member of the house of representatives each by the speaker
 225 33 of the house of representatives, after consultation with the
 225 34 majority leader of the house of representatives, and by the
 225 35 minority leader of the house of representatives.

226 1 b. The legislative members of the advisory committee shall
 226 2 serve for terms as provided in section 69.16B. Appointments
 226 3 shall comply with sections 69.16 and 69.16A. Vacancies shall
 226 4 be filled by the original appointing authority and in the
 226 5 manner of the original appointments.

226 6 c. The child support advisory committee shall assist the
 226 7 department in all of the following activities:

226 8 (1) Review of existing child support guidelines and
 226 9 recommendations for revision.

226 10 (2) Examination of the operation of the child support system
 226 11 to identify program improvements or enhancements which would
 226 12 increase the effectiveness of securing parental support and
 226 13 parental involvement.

226 14 (3) Recommendation of legislation which would clarify and
 226 15 improve state law regarding support for children.

226 16 d. The committee shall receive input from the public
 226 17 regarding any child support issues.

226 18 4. Child welfare.

226 19 a. The council shall establish a child welfare advisory
 226 20 committee to advise the department of human services on
 226 21 programmatic and budgetary matters related to the provision
 226 22 or purchase of child welfare services. The committee shall
 226 23 meet to review departmental budgets, policies, and programs,
 226 24 and proposed budgets, policies, and programs, and to make
 226 25 recommendations and suggestions to make the state child welfare
 226 26 budget, programs, and policies more effective in serving
 226 27 families and children.

226 28 b. The membership of the advisory committee shall

CODE: Requires the Council on Human Services to establish a child welfare advisory council under the purview of the Council and provides for the duties of the committee.

DETAIL: The current Child Welfare Advisory Committee under the DHS Child and Family Services budget will be re-established as an advisory committee under the purview of the Council of Human Services. It is assumed that the Committee's operations will not be affected by the change.

FISCAL IMPACT: None.

226 29 include representatives of child welfare service providers,
 226 30 juvenile court services, the Iowa foster and adoptive parent
 226 31 association, the child advocacy board, the coalition for
 226 32 family and children's services in Iowa, children's advocates,
 226 33 service consumers, and others who have training or knowledge
 226 34 related to child welfare services. In addition, four members
 226 35 shall be legislators, all serving as ex officio, nonvoting
 227 1 members, with one each appointed by the speaker of the house
 227 2 of representatives, the minority leader of the house of
 227 3 representatives, the majority leader of the senate, and the
 227 4 minority leader of the senate. The director of human services
 227 5 and the administrator of the division of the department of
 227 6 human services responsible for child welfare services, or their
 227 7 designees, shall also be ex officio, nonvoting members, and
 227 8 shall serve as resource persons to the advisory committee.

227 9 Sec. 392. Section 235A.1, subsections 3 and 4, Code
 227 10 Supplement 2009, are amended by striking the subsections.

CODE: Repeals the Child Abuse Prevention Program Advisory Council.

FISCAL IMPACT: None.

227 11 Sec. 393. REPEAL. Sections 234.3 and 252B.18, Code 2009,
 227 12 are repealed.

CODE: Repeals the Child Welfare Advisory Committee and the Child Support Advisory Committee.

FISCAL IMPACT: None.

227 13 Sec. 394. IMPLEMENTATION. In establishing the child abuse
 227 14 prevention program, child support, and child welfare advisory
 227 15 committees and appointing members, the council on human
 227 16 services shall consider reappointing those individuals who
 227 17 were serving as members of the child abuse prevention advisory
 227 18 council, the child support advisory committee, and the child
 227 19 welfare advisory committee as of June 30, 2009.

Requires the Council on Human Services to consider reappointment of members on the existing advisory committees when establishing the new child abuse prevention program, child support, and child welfare advisory committees.

FISCAL IMPACT: None.

227 20 DIVISION XLI

227 21 HEALTH ADVISORY BODIES

227 22 Sec. 395. Section 135.29, subsection 3, Code 2009, is
227 23 amended to read as follows:

227 24 3. The local substitute medical decision-making board and
227 25 its members shall not be held liable, jointly or severally,
227 26 for any actions or omissions taken or made in the official
227 27 discharge of their duties, except those acts or omissions
227 28 constituting willful or wanton misconduct. A physician or
227 29 other health care provider who acts on a decision or directive
227 30 of the local substitute medical decision-making board or
227 31 ~~state substitute medical decision-making board~~ shall not be
227 32 held liable for any damages resulting from that act, unless
227 33 such physician's or other health care provider's actions
227 34 or omissions constitute negligence in the practice of the
227 35 profession or occupation, or willful or wanton misconduct.

CODE: Removes the State Substitute Decision-Making Board from Code Section 135.29(3) relating to Local Substitute Decision-Making Board due to its repeal in Section 399 of this Act.

FISCAL IMPACT: None.

228 1 Sec. 396. Section 135.107, subsection 5, paragraph a, Code
228 2 Supplement 2009, is amended to read as follows:

228 3 a. There is established an advisory committee to the
228 4 center for rural health and primary care consisting of one
228 5 representative, approved by the respective agency, of each of
228 6 the following agencies: the department of agriculture and
228 7 land stewardship, the Iowa department of public health, the
228 8 department of inspections and appeals, the national institute
228 9 for rural health policy, the rural health resource center, the
228 10 institute of agricultural medicine and occupational health,
228 11 and the Iowa state association of counties. The governor
228 12 shall appoint two representatives of consumer groups active in
228 13 rural health issues and a representative of each of two farm
228 14 organizations active within the state, a representative of
228 15 an agricultural business in the state, a representative of a
228 16 critical needs hospital, a practicing rural family physician,
228 17 a practicing rural physician assistant, a practicing rural
228 18 advanced registered nurse practitioner, and a rural health
228 19 practitioner who is not a physician, physician assistant, or

CODE: Adds one representative of a critical needs hospital to the membership of the Advisory Committee to the Center for Rural Health and Primary Care.

FISCAL IMPACT: None.

228 20 advanced registered nurse practitioner, as members of the
228 21 advisory committee. The advisory committee shall also include
228 22 as members two state representatives, one appointed by the
228 23 speaker of the house of representatives and one by the minority
228 24 leader of the house, and two state senators, one appointed
228 25 by the majority leader of the senate and one by the minority
228 26 leader of the senate.

228 27 Sec. 397. Section 136C.3, subsection 2, paragraph b, Code
228 28 Supplement 2009, is amended by striking the paragraph.

CODE: Repeals the Technical Advisory Committee for Radiation
Machines and Radioactive Materials.

FISCAL IMPACT: None. The Advisory Committee was not actively
meeting.

228 29 Sec. 398. Section 691.6, subsection 3, Code Supplement
228 30 2009, is amended to read as follows:
228 31 3. To adopt rules pursuant to chapter 17A, and subject to
228 32 the approval of the director of public health ~~, with the advice~~
228 33 ~~and approval of the state medical examiner advisory council .~~

CODE: Removes the requirement that the Office of the State Medical
Examiner seek advice and approval of administrative rules from the
State Medical Examiner Advisory Council.

FISCAL IMPACT: None.

228 34 Sec. 399. REPEAL. Sections 135.28, 135N.1, 135N.2, 135N.3,
228 35 135N.4, 135N.5, 135N.6, and 142C.16, Code 2009, are repealed.

CODE: Repeals the State Substitute Decision-Making Board, the
Hemophilia Advisory Committee, and the Anatomical Gift Public
Awareness Advisory Committee.

FISCAL IMPACT: This Section will not have a fiscal impact. The
State Substitute Decision-Making Board is not actively meeting. The
Hemophilia Advisory Committee's funding was eliminated in FY 2010.
The Anatomical Gift Public Awareness Advisory Committee meets
infrequently and is funded by a private donation that will now be
directed to the Department of Public Health (DPH) staff that will
absorb the Committee's work.

NOTE: House File 2526 (Health and Human Services Appropriations
Act) reinstates the Hemophilia Advisory Committee and requires the
Committee to coordinate with the Congenital and Inherited Disease
Advisory Council.

229 1 Sec. 400. ELIMINATION OF SWIMMING POOL ADVISORY
229 2 COMMITTEE. On or before July 1, 2010, the department of
229 3 public health shall no longer operate any advisory committee
229 4 on swimming pools created by the department for purposes of
229 5 chapter 135I.

Prohibits the DPH from operating the Swimming Pool Advisory Committee or any other advisory committee related to Iowa Code Chapter 135I.

FISCAL IMPACT: This Section will not have a fiscal impact. The Swimming Pool Advisory Committee was not actively meeting.

229 6 DIVISION XLII
229 7 DEPARTMENT OF HUMAN SERVICES == FIELD SERVICES ORGANIZATION

229 8 Sec. 401. Section 217.42, subsection 1, Code 2009, is
229 9 amended to read as follows:
229 10 1. The organizational structure to deliver the department's
229 11 field services shall be based upon service areas designated by
229 12 the department . The service areas shall serve as a basis for
229 13 providing field services to persons residing in the counties
229 14 comprising the service area. ~~The service areas shall be those~~
229 15 ~~designated by the department effective January 1, 2002. In~~
229 16 ~~determining the service areas, the department shall consider~~
229 17 ~~other geographic service areas including but not limited to~~
229 18 ~~judicial districts and community empowerment areas. The~~
229 19 ~~department shall consult with the county boards of supervisors~~
229 20 ~~in a service area with respect to the selection of the service~~
229 21 ~~area manager responsible for the service area who is initially~~
229 22 ~~selected for the service area designated effective January 1,~~
229 23 ~~2002, and any service area manager selected for the service~~
229 24 ~~area thereafter. Following establishment of the service areas~~
229 25 ~~effective January 1, 2002, if a county seeks to change the~~
229 26 ~~boundaries of a service area, the change shall only take place~~
229 27 ~~if the change is mutually agreeable to the department and all~~
229 28 ~~affected counties. If it is necessary for the department to~~
229 29 ~~significantly modify its field operations or the composition~~
229 30 ~~of a designated service area, or if it is necessary for the~~
229 31 ~~department to change the number of offices operating less than~~
229 32 ~~full-time, the department shall consult with the affected~~
229 33 ~~counties prior to implementing such action.~~

CODE: Permits the DHS to have more flexibility for the organizational structure of the Department.

DETAIL: The Section is effective on enactment.

FISCAL IMPACT: None.

229 34 Sec. 402. EFFECTIVE UPON ENACTMENT. This division of this
 229 35 Act, being deemed of immediate importance, takes effect upon
 230 1 enactment.

230 2 DIVISION XLIII
 230 3 DEPARTMENT OF HUMAN SERVICES == FAMILY SUPPORT SUBSIDY

230 4 Sec. 403. Section 225C.37, Code Supplement 2009, is amended
 230 5 by adding the following new subsection:
 230 6 NEW SUBSECTION . 3. Effective July 1, 2010, the department
 230 7 shall not accept new applications for the family support
 230 8 subsidy program and shall not approve pending applications
 230 9 for the program. Subsidy termination or application denial
 230 10 relating to family members enrolled in the family support
 230 11 subsidy program as of July 1, 2010, is subject to section
 230 12 225C.40.

CODE: Prohibits the DHS from accepting any new enrollments in the Family Support Subsidy (FSS) Program effective July 1, 2010 (FY 2011). The DHS will not be permitted to approve any pending applications for the FSS Program after this date.

FISCAL IMPACT: This Division is estimated to reduce General Fund expenditures for FY 2011 by \$355,000 for subsidy payments to families in the FSS Program compared to FY 2010. For FY 2012, the estimated General Fund expenditure reduction is \$121,800 compared to FY 2011.

230 13 DIVISION XLIV
 230 14 DEPARTMENT OF HUMAN
 230 15 SERVICES == LEVEL OF CARE

230 16 Sec. 404. LEVEL OF CARE EVALUATION. The department of human
 230 17 services shall amend the medical assistance program home and
 230 18 community-based services waiver for persons with intellectual
 230 19 disabilities so that required evaluations performed subsequent
 230 20 to the initial diagnosis of mental retardation are for the
 230 21 purpose of determining the appropriate level of care rather
 230 22 than confirming the original diagnosis.

Requires the DHS to amend the Medicaid HCBS persons with intellectual disabilities waiver to specify that the required evaluations conducted are to determine the level of care rather than confirming the diagnosis.

FISCAL IMPACT: The annual savings from this change is estimated at \$105,000 for the General Fund.

230 23 DIVISION XLV
 230 24 DEPARTMENT OF HUMAN
 230 25 SERVICES == TRANSPORTATION SERVICES

230 26 Sec. 405. INCLUSION OF TRANSPORTATION SERVICES. The
230 27 department of human services shall amend the medical
230 28 assistance program home and community-based services waiver
230 29 for persons with intellectual disabilities as necessary
230 30 for employment-related transportation to be covered by the
230 31 supported community living services provider.

Requires the DHS to amend the Medicaid HCBS persons with intellectual disabilities waiver to include employment-related transportation provided or arranged by the supported community living services provider.

FISCAL IMPACT: There is no fiscal impact as a result of this change.

230 32 DIVISION XLVI
230 33 DEPARTMENT OF HUMAN SERVICES == ELECTRONIC TRANSACTIONS

230 34 Sec. 406. Section 217.6, Code 2009, is amended by adding the
230 35 following new unnumbered paragraph:
231 1 NEW UNNUMBERED PARAGRAPH If the department of human
231 2 services requires or requests a service consumer, service
231 3 provider, or other person to maintain required documentation in
231 4 electronic form, the department shall accept such documentation
231 5 submitted by electronic means and shall not require a physical
231 6 copy of the documentation unless required by state or federal
231 7 law.

CODE: Prohibits the DHS from requiring submission of a physical copy of documents that they require providers, vendors, or consumers to keep in electronic form, unless required by State or federal law.

FISCAL IMPACT: None.

231 8 Sec. 407. NEW SECTION . 217.24 Payment by electronic funds
231 9 transfer.
231 10 The department of human services shall continue expanding
231 11 the practice of making payments to program participants and
231 12 vendors by means of electronic funds transfer. The department
231 13 shall seek the capacity for making payment by such means for
231 14 all programs administered by the department.

CODE: Requires the DHS to continue to expand the practice of making payments to program participants and vendors by means of electronic funds transfer (EFT) for all of their programs.

FISCAL IMPACT: None.

231 15 DIVISION XLVII
231 16 DEPARTMENT OF HUMAN SERVICES == ADOPTION SUBSIDY PROGRAM

231 17 Sec. 408. ADOPTION SUBSIDY PROGRAM RATES. For the
231 18 fiscal year beginning July 1, 2010, the maximum payment for

Requires the DHS to cap the maximum legal fee reimbursement at \$500 for the Adoption Subsidy Program for FY 2010.

231 19 nonrecurring expenses shall be limited to \$500 and additional
 231 20 amounts for court costs and other related legal expenses shall
 231 21 no longer be allowed.

DETAIL: This continues the across-the-board (ATB) reduction strategy from FY 2010 in FY 2011. The maximum legal fee reimbursement was reduced from \$700 to \$500.

FISCAL IMPACT: This Section is estimated to result in a reduction of General Fund expenditures for legal fee reimbursements of \$145,800 for FY 2011.

231 22 DIVISION XLVIII
 231 23 COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND

231 24 Sec. 409. Section 35A.16, subsection 3, paragraph a, Code
 231 25 Supplement 2009, is amended to read as follows:
 231 26 a. If sufficient moneys are available, the department
 231 27 shall annually allocate ten thousand dollars to each county
 231 28 commission of veteran affairs, or to each county sharing the
 231 29 services of an executive director or administrator pursuant
 231 30 to chapter 28E, to be used to provide services to veterans
 231 31 pursuant to section 35B.6. Each county receiving an allocation
 231 32 shall annually report on expenditure of the allocation in a
 231 33 form agreed to by the department and county representatives.

CODE: Requires counties receiving funds from the Veteran County Grant Program from the Department of Veteran Affairs to submit an annual report to the Department regarding expenditure of the funds.

FISCAL IMPACT: None.

231 34 DIVISION XLIX
 231 35 DEPARTMENT OF CORRECTIONS

232 1 Sec. 410. Section 904.106, Code 2009, is amended to read as
 232 2 follows:
 232 3 904.106 Meetings == expenses.
 232 4 The board shall meet at least ~~twelve times a~~ quarterly
 232 5 throughout the year. Special meetings may be called by the
 232 6 chairperson or upon written request of any three members of the
 232 7 board. The chairperson shall preside at all meetings or in the
 232 8 chairperson's absence, the vice chairperson shall preside. The
 232 9 members of the board shall be paid their actual expenses while

CODE: Requires the Board of Corrections to meet at least quarterly. The Board is currently required to meet at least 12 times per year.

FISCAL IMPACT: The estimated savings for FY 2011 are based on FY 2009 actual expenditures of \$9,600 for 12 meetings. The average cost per meeting is \$800. The total savings due to holding fewer Board meetings is estimated at \$6,400 per year for FY 2011 and FY 2012.

232 10 attending the meetings. Each member of the board may also be
232 11 able to receive compensation as provided in section 7E.6.

232 12 Sec. 411. Section 904.505, Code 2009, is amended by adding
232 13 the following new subsection:
232 14 NEW SUBSECTION . 4. The disciplinary rules may impose a
232 15 reasonable administrative fee for the filing of a report of a
232 16 major disciplinary rule infraction for which an inmate is found
232 17 guilty. A fee charged pursuant to this subsection shall be
232 18 deposited in the general fund of the state.

232 19 Sec. 412. CORRECTIONAL FACILITY CLOSURE. The department of
232 20 corrections shall close by July 1, 2010, farm 1 and by January
232 21 1, 2011, farm 3, which are satellite facilities of the Iowa
232 22 state penitentiary, and shall transfer the inmates confined at
232 23 such facilities to other institutions under the control of the
232 24 department of corrections.

232 25 Sec. 413. EFFECTIVE UPON ENACTMENT. The section of this

Permits the DOC to impose a fee for the filing of a major disciplinary report when an inmate is found guilty. Receipts from the fee are deposited in the General Fund.

FISCAL IMPACT: The fee is estimated to generate revenue of \$6,000 in FY 2011 and FY 2012 for the General Fund.

Requires the DOC to close Farm One by July 1, 2010, and Farm Three by January 1, 2011, at the Iowa State Penitentiary at Fort Madison. Farm One is scheduled to close in FY 2011 because the new maximum security facility is being constructed on that land.

As of January 11, 2010:

- Farm One was at 75.00% of capacity (60 offenders and 80 beds).
- Farm Three was at 54.00% of capacity (54 offenders and 100 beds).
- The prison system was at 111.00% of capacity, with 8,293 offenders and 7,414 beds.

Closing these facilities reduces capacity from 7,414 beds to 7,234 beds. If the population remains stable, the prison system would be operating at 114.6% of capacity.

FISCAL IMPACT: The total savings due to these closures is estimated to be \$1,451,000 annually, as follows:

- Farm One - \$688,000
- Farm Three - \$763,000

This Section is effective on enactment.

The provision that requires closure of correctional facilities at Fort

232 26 division of this Act concerning correctional facility closure,
 232 27 being deemed of immediate importance, takes effect upon
 232 28 enactment.

Madison is effective on enactment.

232 29 DIVISION L
 232 30 STATE PUBLIC DEFENDER

232 31 Sec. 414. Section 13B.2A, Code 2009, is amended by striking
 232 32 the section and inserting in lieu thereof the following:
 232 33 13B.2A Indigent defense == report == court=appointed counsel
 232 34 fees.

CODE: Repeals the Indigent Defense Advisory Commission and requires the State Public Defender to file a written report every three years with the Governor and General Assembly relating to the recommendations and activities of the indigent defense system. Currently, the Advisory Commission meets every three years.

232 35 1. The state public defender shall file a written report
 233 1 every three years with the governor and the general assembly
 233 2 by January 1 of a year in which a report is due relating to the
 233 3 recommendations and activities of the state public defender
 233 4 relating to the state indigent defense system. The first such
 233 5 report shall be due on January 1, 2012.

FISCAL IMPACT: None.

233 6 2. The report shall contain recommendations to the general
 233 7 assembly regarding the hourly rates paid to court=appointed
 233 8 counsel and per case fee limitations. These recommendations
 233 9 shall be consistent with the constitutional requirement to
 233 10 provide effective assistance of counsel to those indigent
 233 11 persons for whom the state is required to provide counsel.

233 12 Sec. 415. PUBLIC DEFENDERS. There is appropriated from the
 233 13 general fund of the state to the office of the state public
 233 14 defender of the department of inspections and appeals for the
 233 15 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 233 16 the following amount, or so much thereof as is necessary, to be
 233 17 used for the purposes designated:

General Fund appropriation for FY 2011 to the Department of Inspections and Appeals for the Office of the State Public Defender.

233 18 For additional public defender positions and staff,
 233 19 including salaries, support, maintenance, and miscellaneous
 233 20 purposes:

DETAIL: The funds will be used to add staff in four local offices. Three established offices (Iowa City, Cedar Rapids, and Davenport) will each add two local public defenders. The Civil Commitment/Special Defense Unit will add two local public defenders, one secretary, and one investigator. A new local office will be established with 6.00 FTE positions (one supervisor, three local public defenders, one secretary, and one investigator).

233 21 \$ 1,140,000
 233 22 FTEs 16.00

FISCAL IMPACT: Total savings to General Fund expenditures are estimated at \$3,753,000 annually. The net savings, after deduction of

the additional appropriation, is an estimated \$2,613,000 for FY 2011 as follows:

- Adding positions to the State Public Defender's Office is estimated to save a net \$1,860,000 (an increase of \$640,000 and 8.00 FTE positions to the State Public Defender's Office and a decrease of \$2,500,000 to the Indigent Defense Fund appropriation).
- Creating a local office is estimated to save \$753,000 (increase of \$500,000 and 6.00 FTE positions to the State Public Defender's Office and decrease of \$1,253,000 to the Indigent Defense Fund appropriation).

233 23 DIVISION LI

233 24 IOWA LAW ENFORCEMENT ACADEMY

233 25 Sec. 416. Section 80.13, Code 2009, is amended to read as
233 26 follows:

233 27 80.13 Training schools.

233 28 The commissioner may hold a training school for peace
233 29 officer candidates or for peace officers of the department,
233 30 and may send to recognized training schools peace officers of
233 31 the department as the commissioner may deem advisable. The
233 32 ~~expenses~~ candidate shall pay one-third of the costs of such
233 33 school of training, and the remaining costs shall be paid ~~in~~
233 34 ~~the same manner as other expenses paid~~ by the department. The
233 35 department may pay for all or a portion of the candidate's
234 1 share of the costs.

CODE: Permits the Department of Public Safety (DPS) to charge one-third of the tuition cost to the candidate for attending the DPS Academy.

DETAIL: The last time DPS held an Academy was November 2008. The Department uses vacancy savings to fund the Academy. The length of the DPS Academy is 20 weeks. The cost for one recruit to attend the DPS Academy in FY 2009 was \$4,000.

FISCAL IMPACT: Each recruit will now pay \$1,300 to attend. This change will generate approximately \$46,000 of revenue annually that will be retained by the DPS to offset expenditures. (NOTE: This item is shown on the financial summary as other funds revenues.)

234 2 Sec. 417. Section 80B.11B, subsection 2, Code 2009, is
234 3 amended by striking the subsection and inserting in lieu
234 4 thereof the following:

234 5 2. The Iowa law enforcement academy shall charge to the

CODE: Permits the Iowa Law Enforcement Academy (ILEA) to charge the Departments of Transportation and Natural Resources the full cost of training.

DETAIL: Since FY 2005, language in the Justice System

234 6 following entities the following costs to provide the basic
 234 7 training course which is designed to meet the minimum basic
 234 8 training requirements for a law enforcement officer:
 234 9 a. To the department of natural resources and the department
 234 10 of transportation, the total cost.
 234 11 b. To a candidate from any other state agency or department
 234 12 of the state, one-third of the total cost, and to the agency or
 234 13 department the remaining cost. The agency or department may
 234 14 pay for all or a portion of the candidate's share of the costs.

Appropriation Act allowed the Iowa Law Enforcement Academy (ILEA) to charge more than 50.0% of the cost of tuition to help offset a potential revenue shortfall in the operating budget resulting from a decrease in attendees to the Basic Academy. Prior to this language, 50.0% of the Academy revenue was from tuition and fees and 50.0% was from the General Fund appropriation. Since 2006, the ILEA has been charging agencies approximately 60.0% of the costs associated with training and the remaining 40.0% is funded by the State General Fund appropriation. Under current law, for FY 2011, ILEA will be charging the agencies 67.0% and the remainder will be 33.0% from the State General Fund.

FISCAL IMPACT: The fiscal impact for charging the DOT and DNR the full cost of tuition for the ILEA Academy is an increase in revenue of approximately \$11,500 (\$9,200 other fund expense for the DOT and \$2,300 General Fund expense for the DNR). The fees charged for training are retained by the ILEA. (NOTE: This is reflected in the financial summary as additional other funds revenue of \$11,500 (to be retained by ILEA) and additional other funds expense for the DNR and the DOT.)

234 15 c. For a candidate sponsored by a political subdivision
 234 16 and hired by the political subdivision, to the political
 234 17 subdivision, one-third of the total cost; to the candidate,
 234 18 one-third of the total cost; and to the state, the remainder of
 234 19 the total cost. The political subdivision may pay for all or a
 234 20 portion of the candidate's share of the costs.
 234 21 d. For all other candidates, including a candidate from a
 234 22 tribal government, to the candidate the total costs.

CODE: Permits the ILEA to charge one-third of the tuition cost to the State, one-third to the local government, and one-third to the candidate.

DETAIL: Under current law, the cost of full tuition for one candidate at the ILEA in FY 2011 will be \$6,900. Currently, ILEA charges local governments 67.0% (\$4,600) of the tuition cost and the remainder of 33.0% (\$2,300) is covered by the ILEA.

FISCAL IMPACT: The savings to local governments will be approximately \$455,000. The candidate will now pay \$2,300 to attend.

234 23 Sec. 418. Section 80B.11E, subsection 1, Code 2009, is
 234 24 amended to read as follows:
 234 25 1. Notwithstanding any other provision of law to the
 234 26 contrary, an individual who is not a certified law enforcement

CODE: This language conforms to changes made in Section 417 as it applies to a sponsored but not yet hired person attending the ILEA.

FISCAL IMPACT: The fiscal impact for this item is included in the

234 27 officer may apply for attendance at the law enforcement academy
 234 28 ~~at their own expense~~ if such individual is sponsored by a law
 234 29 enforcement agency that either intends to hire or has hired
 234 30 the individual as a law enforcement officer on the condition
 234 31 that the individual meets the minimum eligibility standards
 234 32 described in subsection 2. The costs for attendance by such
 234 33 an individual at the law enforcement academy shall be paid as
 234 34 provided in section 80B.11B.

impact for Section 417.

234 35 Sec. 419. IOWA LAW ENFORCEMENT ACADEMY == PILOT TRAINING
 235 1 PROGRAM == PRIVATE SECURITY PERSONNEL. The Iowa law
 235 2 enforcement academy, subject to the approval of the Iowa law
 235 3 enforcement academy council, shall develop and administer a
 235 4 pilot program consisting of training seminars for private
 235 5 security personnel. The pilot program shall consist of fifty
 235 6 hours of training for each of ten trainees at a cost of fifty
 235 7 dollars per hour of training. All moneys received from the
 235 8 training seminars shall be deposited in the general fund of the
 235 9 state.

Requires the ILEA to develop and administer a pilot program for training private security personnel.

FISCAL IMPACT: The cost to train 10 security personnel at \$50 per hour for 50 hours is \$25,000. This cost will be charged to the participants as a fee and deposited in the General Fund. This will result in additional General Fund revenue of \$25,000 annually.

235 10 DIVISION LII
 235 11 STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

235 12 Sec. 420. NEW SECTION . 2.69 State government efficiency
 235 13 review committee established.
 235 14 1. A state government efficiency review committee is
 235 15 established which shall meet at least every two years to review
 235 16 the operations of state government. The committee shall meet
 235 17 as directed by the legislative council.
 235 18 2. a. The committee shall consist of three members of the
 235 19 senate appointed by the majority leader of the senate, two
 235 20 members of the senate appointed by the minority leader of the
 235 21 senate, three members of the house of representatives appointed
 235 22 by the speaker of the house of representatives, and two members
 235 23 of the house of representatives appointed by the minority

CODE: Creates a legislative State Government Efficiency Committee to review State government operations at least every two years. Specifies membership and duties. Requires the first of annual reports by January 1, 2013. Requires administrative assistance from the Legislative Services Agency.

FISCAL IMPACT: The fiscal impact is expected to be minimal.

235 24 leader of the house of representatives.

235 25 b. Members shall be appointed prior to January 31 of the
235 26 first regular session of each general assembly and shall serve
235 27 for terms ending upon the convening of the following general
235 28 assembly or when their successors are appointed, whichever is
235 29 later. A vacancy shall be filled in the same manner as the
235 30 original appointment and shall be for the remainder of the
235 31 unexpired term of the vacancy.

235 32 c. The committee shall elect a chairperson and vice
235 33 chairperson.

235 34 3. The members of the committee shall be reimbursed for
235 35 actual and necessary expenses incurred in the performance
236 1 of their duties and shall be paid a per diem as specified
236 2 in section 7E.6 for each day in which they engaged in the
236 3 performance of their duties. However, per diem compensation
236 4 and expenses shall not be paid when the general assembly is
236 5 actually in session at the seat of government. Expenses and
236 6 per diem shall be paid from funds appropriated pursuant to
236 7 section 2.12.

236 8 4. The committee shall do the following:

236 9 a. Review and consider options for reorganizing state
236 10 government to improve efficiency, modernize processes,
236 11 eliminate duplication and outdated processes, reduce costs, and
236 12 increase accountability. The review shall address the expanded
236 13 use of the internet and other technology, and the incorporation
236 14 of productivity improvement measures.

236 15 b. Review recommendations received though a process to
236 16 receive state government efficiency suggestions offered by the
236 17 public and public employees.

236 18 c. Issue a report, including its findings and
236 19 recommendations, to the general assembly.

236 20 5. The first report required by this section shall be
236 21 submitted to the general assembly no later than January 1,
236 22 2013, with subsequent reports developed and submitted by
236 23 January 1 at least every second year thereafter.

236 24 6. Administrative assistance shall be provided by the
236 25 legislative services agency.

236 26 DIVISION LIII
236 27 BOARDS AND COMMISSIONS == ESTABLISHMENT CRITERIA

236 28 Sec. 421. NEW SECTION . 69.16D Boards and commissions ==
236 29 criteria for establishing.
236 30 1. Prior to establishing a new appointive board,
236 31 commission, committee, or council of the state, the general
236 32 assembly shall consider all of the following:
236 33 a. Whether there is an existing board or commission
236 34 that would be able to perform the duties of the new board,
236 35 commission, committee, or council.
237 1 b. The estimated annual cost of the new board, commission,
237 2 committee, or council, including any additional personnel costs
237 3 arising out of the creation of the new board, commission,
237 4 committee, or council.
237 5 c. Whether a repeal date is needed for the new board,
237 6 commission, committee, or council. Whenever possible, an
237 7 appropriate repeal date should be included.
237 8 2. This section shall apply to appointive boards,
237 9 commissions, committees, and councils of the state established
237 10 by the Code on or after July 1, 2010.

CODE: Requires the General Assembly to consider various factors prior to establishing a new statutorily appointed board, commission, committee, or council for those created after July 1, 2010.

FISCAL IMPACT: None.

Summary Data

General Fund

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Action FY 2011 <u>(3)</u>	House Action FY 2011 <u>(4)</u>	Final Action FY 2011 <u>(5)</u>	Final Action vs. Est Net 2010 <u>(6)</u>	Page and Line # <u>(7)</u>
Administration and Regulation	\$ 0	\$ 0	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	
Justice System	<u>0</u>	<u>0</u>	<u>1,200,000</u>	<u>1,200,000</u>	<u>1,200,000</u>	<u>1,200,000</u>	
Grand Total	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 1,700,000</u>	<u>\$ 1,700,000</u>	<u>\$ 1,700,000</u>	<u>\$ 1,700,000</u>	

Administration and Regulation

General Fund

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Action FY 2011 <u>(3)</u>	House Action FY 2011 <u>(4)</u>	Final Action FY 2011 <u>(5)</u>	Final Action vs. Est Net 2010 <u>(6)</u>	Page and Line # <u>(7)</u>
<u>Management, Dept. of</u>							
Management, Dept. of GEMS Program	\$ 0	\$ 0	\$ 175,000	\$ 175,000	\$ 175,000	\$ 175,000	PG 116 LN 13
Total Management, Dept. of	\$ 0	\$ 0	\$ 175,000	\$ 175,000	\$ 175,000	\$ 175,000	
<u>Revenue, Dept. of</u>							
Revenue, Dept. of Revenue Examiners	\$ 0	\$ 0	\$ 325,000	\$ 325,000	\$ 325,000	\$ 325,000	PG 115 LN 35
Total Revenue, Dept. of	\$ 0	\$ 0	\$ 325,000	\$ 325,000	\$ 325,000	\$ 325,000	
Total Administration and Regulation	\$ 0	\$ 0	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	

Justice System General Fund

	<u>Actual FY 2009</u> (1)	<u>Estimated Net FY 2010</u> (2)	<u>Senate Action FY 2011</u> (3)	<u>House Action FY 2011</u> (4)	<u>Final Action FY 2011</u> (5)	<u>Final Action vs. Est Net 2010</u> (6)	<u>Page and Line #</u> (7)
<u>Justice, Department of</u>							
Justice, Dept. of							
False Claims Enforcement	\$ 0	\$ 0	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	PG 194 LN 12
Total Justice, Department of	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 60,000</u>	<u>\$ 60,000</u>	<u>\$ 60,000</u>	<u>\$ 60,000</u>	
<u>Inspections & Appeals, Dept. of</u>							
Public Defender							
Public Defender Positions	\$ 0	\$ 0	\$ 1,140,000	\$ 1,140,000	\$ 1,140,000	\$ 1,140,000	PG 233 LN 12
Total Inspections & Appeals, Dept. of	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 1,140,000</u>	<u>\$ 1,140,000</u>	<u>\$ 1,140,000</u>	<u>\$ 1,140,000</u>	
Total Justice System	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 1,200,000</u></u>	<u><u>\$ 1,200,000</u></u>	<u><u>\$ 1,200,000</u></u>	<u><u>\$ 1,200,000</u></u>	

Summary Data

FTE

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Action FY 2011 <u>(3)</u>	House Action FY 2011 <u>(4)</u>	Final Action FY 2011 <u>(5)</u>	Final Action vs. Est Net 2010 <u>(6)</u>	Page and Line # <u>(7)</u>
Administration and Regulation	0.00	0.00	6.00	6.00	6.00	6.00	
Justice System	0.00	0.00	17.00	17.00	17.00	17.00	
Grand Total	<u>0.00</u>	<u>0.00</u>	<u>23.00</u>	<u>23.00</u>	<u>23.00</u>	<u>23.00</u>	

Administration and Regulation

FTE

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Action FY 2011 <u>(3)</u>	House Action FY 2011 <u>(4)</u>	Final Action FY 2011 <u>(5)</u>	Final Action vs. Est Net 2010 <u>(6)</u>	Page and Line # <u>(7)</u>
<u>Management, Dept. of</u>							
Management, Dept. of GEMS Program	0.00	0.00	1.00	1.00	1.00	1.00	PG 116 LN 13
Total Management, Dept. of	<u>0.00</u>	<u>0.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	
<u>Revenue, Dept. of</u>							
Revenue, Dept. of Revenue Examiners	0.00	0.00	5.00	5.00	5.00	5.00	PG 115 LN 35
Total Revenue, Dept. of	<u>0.00</u>	<u>0.00</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	
Total Administration and Regulation	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>6.00</u></u>	<u><u>6.00</u></u>	<u><u>6.00</u></u>	<u><u>6.00</u></u>	

Justice System

FTE

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Action FY 2011 <u>(3)</u>	House Action FY 2011 <u>(4)</u>	Final Action FY 2011 <u>(5)</u>	Final Action vs. Est Net 2010 <u>(6)</u>	Page and Line # <u>(7)</u>
<u>Justice, Department of</u>							
Justice, Dept. of							
False Claims Enforcement	0.00	0.00	1.00	1.00	1.00	1.00	PG 194 LN 12
Total Justice, Department of	<u>0.00</u>	<u>0.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	
<u>Inspections & Appeals, Dept. of</u>							
Public Defender							
Public Defender Positions	0.00	0.00	16.00	16.00	16.00	16.00	PG 233 LN 12
Total Inspections & Appeals, Dept. of	<u>0.00</u>	<u>0.00</u>	<u>16.00</u>	<u>16.00</u>	<u>16.00</u>	<u>16.00</u>	
Total Justice System	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>17.00</u></u>	<u><u>17.00</u></u>	<u><u>17.00</u></u>	<u><u>17.00</u></u>	