

Government Efficiency Bill Senate File 2338

Last Action:

FINAL ACTION

April 25, 2012

An Act relating to government operations and efficiency and other related matters and including effective date and applicability provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>
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SF 2338 - Senate Government Efficiency Bill

Fiscal Summary

Bill Div/Sec	Minimum Estimate	Maximum Estimate	Comments
<i>Expenditure Reductions:</i>			
1 Duplex Printing (DAS)	\$ 138,000	\$ 138,000	DAS estimate. Annual savings.
2 & 3 IT Coordination (DAS)	0	0	Max. potential savings of \$10.9 million when fully implemented. May not all be General Fund savings.
Div. II Medication Therapy Management (MTM)	0	3,914,000	Cost avoidance as reported by pilot project vendor. Savings cannot be verified or disputed by DAS.
82 Electronic Notification (Limitation on Mail)	undetermined	undetermined	Savings will result but cannot be estimated.
Div. VIII State Records	227,000	227,000	Assumes a separate appropriation for records storage rent will not be made.
107 Electric Motor Vehicle Registration Fees	1,365	1,365	Changes the annual flat fee to the weight/value calculation.
132-135 Eliminate E911 Communications System Board	15,000	15,000	This is a savings to the Wireless E911 Emergency Communications Fund.
Total Expenditure Reductions	<u>\$ 381,365</u>	<u>\$ 4,295,365</u>	
<i>Expenditure Increases:</i>			
Div. II MTM Program	\$ 0	\$ 510,000	Contingent appropriation of \$510,000 in Admin/Reg Approps Bill from Board of Pharmacy fees.
Div. III Employee Work Environment Analysis	10,000	10,000	DAS estimate. One-time cost.
Div. IV State Auditor Loss of Revenue	33,000	33,000	A reduction in the Auditor's fee revenue. Assumes they will incur expense from General Fund budget.
Div. VIII State Records	227,000	227,000	Increased cost to agencies for records storage billed through the Dept. of Cultural Affairs.
Total Expenditure Increases	<u>\$ 270,000</u>	<u>\$ 780,000</u>	
<i>Overall Impact (Reductions less Increases)</i>	<u><u>\$ 111,365</u></u>	<u><u>\$ 3,515,365</u></u>	

NOTE: Provisions with minimal or no impact are not listed on this table.

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	7	1	Amend	8A.205.2.g	
2	30	4	New	8A.441	
5	6	7	Amend	11.6.10	
5	20	8	Amend	182.18.1	
5	34	9	Amend	184.14.2	
6	7	10	Amend	184A.6.2	
6	17	11	Amend	184A.9	
6	25	12	Amend	185C.26	
7	12	14	Amend	7E.5.1.p	
7	17	15	Add	7E.5.1.w	
7	27	16	Amend	8A.202.5.e	
7	43	17	Amend	8D.2.5.b	
8	11	18	Amend	8D.9.3	
8	36	19	Amend	16.191.2.e	
8	41	20	Amend	22.7.45	
9	27	21	Amend	23A.2.10.m	
9	33	22	Amend	29.1	
10	4	23	Amend	29.2A	
10	10	24	Amend	29A.3A.4.a	
10	17	25	Amend	29A.12.1	
10	39	26	Amend	29A.56	
11	5	27	Amend	29C.1.1	
11	12	28	Add	29C.2.1A,1B	
11	18	29	Amend	29C.5	
11	39	30	Amend	29C.8	
14	32	31	Amend	29C.8A.2	
14	38	32	Amend	29C.9.1,5,7,8,10	
15	43	33	Amend	29C.11.1	
16	12	34	Amend	29C.12	
16	23	35	Amend	29C.12A	
16	34	36	Amend	29C.14	
17	1	37	Amend	29C.18.1	
17	9	38	Amend	29C.20B	
18	1	39	Amend	29C.22.3.c	
18	10	40	Amend	29C.22.11.b,c	
18	29	41	Amend	30.2.1,2	
19	18	42	Amend	30.5.2	
19	29	43	Amend	30.9	

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
20	18	44	Amend	34A.2.2	
20	23	45	Amend	34A.2A	
20	37	46	Amend	34A.6.3	
20	43	47	Amend	34A.7A.1.a	
21	9	48	Amend	34A.7A.2.a,h	
21	26	49	Amend	34A.15.3	
21	34	50	Amend	35A.5.16	
21	43	51	Amend	80.28.2.a.(3)	
22	4	52	Amend	80B.11C	
22	27	53	Amend	97B.49B.1.e.(8)	
22	32	54	Amend	100B.22.1.a	
24	2	55	Amend	135.141.2.a,j	
24	21	56	Amend	135.145.1,2	
24	41	57	Amend	163.3A.2	
25	8	58	Amend	163.51.2.b	
25	21	59	Amend	305.8.1.b	
25	30	60	Amend	455B.266.1.d	
25	36	61	Amend	455B.385	
26	8	62	Amend	466B.3.4.d	
26	13	63	Repeal	29.2,29.3,29C.7	
26	30	65	Amend	12.87.12	
26	39	66	Amend	16.193.1	
27	9	67	Amend	16.194.2	
27	17	68	Amend	16.194.4.u1	
27	22	69	Amend	16.194.7	
27	29	70	Amend	16.194.8.u1	
27	33	71	Amend	16.194.9.b	
27	41	72	Amend	16.194.10	
28	4	73	Amend	16.194A.2,7,9,10	
28	28	74	Amend	16.194A.4.u1	
28	33	75	Amend	16.194A.8.u1	
28	37	76	Amend	16.195	
29	18	77	Amend	16.196	
31	42	78	Amend	16.197	
32	24	80	Repeal	16.191,16.192	
32	28	81	Add	22.7.65	
33	3	83	Amend	96.11.11	
33	22	84	Amend	305.2.2	

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
33	29	85	Strike	305.2.3,5	
33	31	86	Add	305.2.4A	
33	35	87	Amend	305.2.10	
34	1	88	Amend	305.4.u1	
34	5	89	Amend	305.8.1.u1	
34	8	90	Add	305.8.1.0e	
34	13	91	Add	305.8.1.0f,00f,000f,0000f,00000f,000000f	
35	11	92	Add	305.8.1.0i	
35	19	93	Amend	305.8.2.u1	
35	22	94	Add	305.8.2.0g	
35	27	95	Amend	305.8.2.e	
35	34	96	New	305.8A	
36	31	97	Amend	305.10.1.c,d,e,f,j	
37	9	98	Amend	305.10.2	
37	15	99	Amend	305.11	
37	21	100	Amend	305.14	
37	29	101	Amend	305.15	
37	42	102	Amend	305.16.6.b.(1)	
38	4	103	Amend	321.31.1.b	
38	21	104	Repeal	305.3,305.5,305.6,305.7,305.9	
38	41	106	Amend	321.196.4	
39	17	107	Repeal	321.116	
40	8	112	Amend	455B.481.1-3	
41	27	113	Strike	455B.481.4,5	
41	29	114	Add	455B.482.7A	
41	37	115	Add	455B.484.1A	
41	41	116	Strike	455B.484.2,3,4,6,7,9,10	
41	43	117	Amend	455B.484A.1.c	
42	7	118	Strike	455B.485.3,5	
42	9	119	Strike	455B.486.1	
42	11	120	Amend	455B.487.u1	
42	28	121	Strike	455B.487.u11	
42	30	122	Strike	455B.487.1-3	
42	32	123	Add	455D.1.4A	
43	16	124	Amend	455D.5.2.h	
43	26	125	Amend	455D.7.1	
43	31	126	Strike	455D.7.4	
43	33	127	Strike and Replace	455D.15.2	

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
43	39	128	Strike	455D.15.3	
43	41	129	Strike	455E.8.2,3	
43	43	130	Repeal	455B.516,455B.517,455B.518	
44	4	131	Add	2.69.4.0c	
44	16	132	Amend	34A.2A.2	
44	26	133	Amend	34A.7A.2.h	
44	37	134	Amend	34A.15.3	
45	4	135	Add	80.29.12A	
45	19	136	Amend	190A.3.4	
45	25	137	Strike	256.9.55.j	
45	27	138	Repeal	190A.2	
45	42	140	Repeal	15.112	
46	1	141	Repeal	15C,15D	

<p>1 5 DIVISION I</p> <p>1 6 GOVERNMENT INFORMATION TECHNOLOGY SERVICES</p> <p>1 7 Section 1. Section 8A.205, subsection 2, paragraph g, Code</p> <p>1 8 2011, is amended to read as follows:</p> <p>1 9 g. Encourage participating agencies to utilize <u>duplex</u></p> <p>1 10 <u>printing and</u> a print on demand strategy to reduce <u>printing</u></p> <p>1 11 <u>costs</u>, publication overruns, excessive inventory, and obsolete</p> <p>1 12 printed materials.</p> <p>1 13 Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES —</p> <p>1 14 INFORMATION TECHNOLOGY DEVICE INVENTORY.</p> <p>1 15 1. The department of administrative services shall complete</p> <p>1 16 an inventory of information technology devices utilized by the</p> <p>1 17 department and participating agencies, as defined in section</p> <p>1 18 8A.201. The department shall conduct the inventory with the</p> <p>1 19 goal of identifying potential information technology device</p> <p>1 20 upgrades, changes, or other efficiencies that will meet the</p> <p>1 21 information technology needs of the applicable department or</p> <p>2 1 agency at reduced cost to the state.</p> <p>2 2 2. The department shall submit a report to the general</p> <p>2 3 assembly by January 1, 2013, describing the department's</p> <p>2 4 actions as required by this section. The report shall,</p> <p>2 5 if applicable, identify any statutory barriers or needed</p> <p>2 6 technology investments for pursuing efforts described in this</p> <p>2 7 section and shall include in the report its findings and any</p> <p>2 8 recommendations for legislative action.</p> <p>2 9 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES —</p> <p>2 10 INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.</p> <p>2 11 1. The department of administrative services, in accordance</p> <p>2 12 with the requirements of 2010 Acts, chapter 1031, and Code</p> <p>2 13 section 8A.202, subsection 2, paragraph "g", to coordinate and</p> <p>2 14 manage information technology services within the department,</p> <p>2 15 shall establish a schedule by which all departments subject</p> <p>2 16 to the requirements of that Act and chapter 8A shall comply</p> <p>2 17 with these requirements. The schedule shall provide for</p> <p>2 18 implementation of the requirements to all affected state</p> <p>2 19 agencies and departments by December 31, 2013. The department</p> <p>2 20 shall submit a copy of the schedule to the general assembly</p> <p>2 21 by July 31, 2012, and shall provide periodic updates to the</p> <p>2 22 general assembly on the progress of meeting the time deadlines</p> <p>2 23 contained in the schedule.</p>	<p>Encourages State agencies to use duplex printing to reduce printing costs.</p> <p>FISCAL IMPACT: The Department of Administrative Services (DAS) estimates potential annual savings of \$138,000. The estimated savings affects multiple funding sources. The savings associated with the General Fund cannot be determined separately from the total savings to all funding sources.</p> <p>Requires the DAS to complete an inventory of information technology (IT) devices and equipment with a goal of identifying efficiencies to reduce costs. Requires the DAS to submit a status report to the General Assembly by January 1, 2013, that also identifies any statutory barriers and additional technology investments that may be needed to improve efficiencies and reduce costs.</p> <p>Requires the DAS to coordinate and manage IT services and to establish an implementation schedule for IT consolidation. The schedule is to be submitted to the General Assembly by July 31, 2012, and requires implementation by affected departments and agencies by December 31, 2013. Directs the DAS to explore procuring information technology through leasing.</p> <p>DETAIL: Since the enactment of SF 2088 (FY 2011 Government Reorganization Act), the DAS has been implementing consolidation of the State's information technology. The DAS reported savings of \$149,000 in FY 2010 and an annual cost avoidance of \$1,000,000 since FY 2011.</p> <p>BACKGROUND: The DAS continues to proceed with consolidation of IT services. Consolidation of email messaging is 80.00% complete.</p>
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2 24 2. In procuring information technology as provided in
 2 25 section 8A.207, the department of administrative services
 2 26 should explore strategies of procuring information technology
 2 27 through leasing.

Other functions are being addressed and potential savings or cost avoidance have been estimated. The DAS has revised statewide estimates for consolidations as follows:

- IT personnel: \$7,240,000
- Desktop, laptop, and related purchasing: \$840,000
- Servers: \$600,000
- Networks: \$1,060,000
- Printers and printing: \$200,000
- Data centers, server farms, and data storage and backup: \$1,000,000

The estimated annual savings totals \$10,940,000 and represents statewide savings to all agencies from multiple funding sources once fully implemented.

2 28
 2 29
 2 30 DIVISION II
 MEDICATION THERAPY MANAGEMENT
 Sec. 4. NEW SECTION 8A.441 MEDICATION THERAPY MANAGEMENT.

2 31 1. As used in this section, unless the context otherwise
 2 32 requires:
 2 33 a. "Eligible employee" means an employee of the state, with
 2 34 the exception of an employee of the state board of regents or
 2 35 institutions under the state board of regents, for whom group
 2 36 health plans are established pursuant to chapter 509A providing
 2 37 for third-party payment or prepayment for health or medical
 2 38 expenses.
 2 39 b. "Medication therapy management" means a systematic
 2 40 process performed by a licensed pharmacist, designed to improve
 2 41 quality outcomes for patients and lower health care costs,
 2 42 including emergency room, hospital, provider, and other costs,
 2 43 by optimizing appropriate medication use linked directly to
 3 1 achievement of the clinical goals of therapy. Medication
 3 2 therapy management shall include all of the following services:
 3 3 (1) A medication therapy review and in-person consultation
 3 4 relating to all medications, vitamins, and herbal supplements
 3 5 currently being taken by an eligible individual.
 3 6 (2) A medication action plan, subject to the limitations
 3 7 specified in this section, communicated to the individual and
 3 8 the individual's primary care physician or other appropriate
 3 9 prescriber to address issues including appropriateness,
 3 10 effectiveness, safety, drug interactions, and adherence. The
 3 11 medication action plan may include drug therapy recommendations
 3 12 to prescribers that are needed to meet clinical goals and

CODE: Establishes the Medication Therapy Management (MTM) Program for State employees, except for employees of the Board of Regents. Defines medication therapy management as a systematic process performed by a licensed pharmacist, designed to optimize therapeutic outcomes through improved medication use and reduced risk of adverse drug events including:

- A review of all medications, vitamins, and supplements being taken by an eligible individual.
- A medication action plan communicated to the individual and the individual's primary health physician. The action plan may include recommendations to the prescriber for drug therapy.
- Documentation and follow-up to ensure consistent levels of pharmacy services and positive outcomes.

DETAIL: An MTM pilot project was implemented in FY 2011. The DAS entered into a contract with a private vendor to implement the requirements of the legislation in July 2010. The vendor provided periodic updates throughout the fiscal year detailing the activity of the Program.

FISCAL IMPACT: At the end of FY 2011, the results reported by the vendor to the DAS indicated a total estimated cost avoidance of \$3,914,000 to the State. The DAS stated that the cost avoidance estimate reported by the vendor could not be validated nor disputed. It is possible that the establishment of the Program on a permanent

3 13 achieve optimal patient outcomes.
 3 14 (3) Documentation and follow-up to ensure consistent levels
 3 15 of pharmacy services and positive outcomes.

basis would, at least initially, yield similar results in terms of cost avoidance.

NOTE: Senate File 2313 (Administration and Regulation Appropriations Bill) makes a contingent transfer of \$510,000 from the fees collected by the Board of Pharmacy, to the DAS, for the MTM Program. The transfer is contingent on enactment of legislation authorizing the Program during the 2012 Legislative Session.

3 16 2. a. The department shall utilize a request for proposals
 3 17 process and shall enter into a contract for the provision of
 3 18 medication therapy management services for eligible employees
 3 19 who meet any of the following criteria:

CODE: Requires the DAS to enter into a contract for MTM services for employees that meet certain eligibility criteria.

3 20 (1) An individual who takes four or more prescription drugs
 3 21 to treat or prevent two or more chronic medical conditions.

3 22 (2) An individual with a prescription drug therapy problem
 3 23 who is identified by the prescribing physician or other
 3 24 appropriate prescriber, and referred to a pharmacist for
 3 25 medication therapy management services.

3 26 (3) An individual who meets other criteria established by
 3 27 the third-party payment provider contract, policy, or plan.

CODE: Requires the contractor that administers the Program to provide annual reports to the General Assembly concerning costs, savings, estimated cost avoidance, and return on investment. Requires the contractor to guarantee an annual savings associated with cost avoidance that is at least equal to the Program's cost. Any shortfall between the calculated cost avoidance and the Program's cost is to be refunded to the State. Requires the DAS to verify that the demonstrated savings reported by the contractor were achieved.

3 28 b. The contract shall require the entity to provide annual
 3 29 reports to the general assembly detailing the costs, savings,
 3 30 estimated cost avoidance and return on investment, and improved
 3 31 patient outcomes related to the medication therapy management
 3 32 services provided. The entity shall guarantee demonstrated
 3 33 annual savings for overall health care costs, including
 3 34 emergency room, hospital, provider, and other costs, with
 3 35 savings including associated cost avoidance, at least equal
 3 36 to the program's costs with any shortfall amount refunded to
 3 37 the state. The contract shall include terms, conditions,
 3 38 and applicable measurement standards associated with the
 3 39 demonstration of savings. The department shall verify the
 3 40 demonstrated savings reported by the entity were achieved in
 3 41 accordance with the agreed upon measurement standards. The
 3 42 entity shall be prohibited from using the entity's employees to
 3 43 provide the medication therapy management services and shall
 4 1 instead be required to contract with licensed pharmacies,
 4 2 pharmacists, or physicians.

4 3 c. The department may establish an advisory committee
 4 4 comprised of an equal number of physicians and pharmacists
 4 5 to provide advice and oversight in evaluating the results of
 4 6 the program. The department shall appoint the members of the

Permits the DAS to form an advisory committee comprised of physicians and pharmacists to provide advice and oversight regarding the request for proposals and the program evaluation process.

4 7 advisory committee based upon designees of the Iowa pharmacy
4 8 association, the Iowa medical society, and the Iowa osteopathic
4 9 medical association.

4 10 d. The fees for pharmacist-delivered medication therapy
4 11 management services shall be separate from the reimbursement
4 12 for prescription drug product or dispensing services; shall
4 13 be determined by each third-party payment provider contract,
4 14 policy, or plan; and must be reasonable based on the resources
4 15 and time required to provide the service.

4 16 e. A fee shall be established for physician reimbursement
4 17 for services delivered for medication therapy management as
4 18 determined by each third-party payment provider contract,
4 19 policy, or plan, and must be reasonable based on the resources
4 20 and time required to provide the service.

4 21 f. If any part of the medication therapy management
4 22 plan developed by a pharmacist incorporates services which
4 23 are outside the pharmacist's independent scope of practice
4 24 including the initiation of therapy, modification of dosages,
4 25 therapeutic interchange, or changes in drug therapy, the
4 26 express authorization of the individual's physician or other
4 27 appropriate prescriber is required.

4 28 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
4 29 Act, being deemed of immediate importance, takes effect upon
4 30 enactment.

4 31 DIVISION III
4 32 STATE PHYSICAL RESOURCES

4 33 Sec. 6. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS
4 34 AND REPORT. By September 30, 2012, the department of
4 35 administrative services shall conduct a high level needs
4 36 analysis of state employee work stations and office standards,
4 37 assessing adequate square footage needs, and creating healthy,
4 38 productive, and efficient work environments in an economical
4 39 manner. Overall objectives of the analysis shall include
4 40 improving employee density; properly allocating space for
4 41 individual and group work; improving worker health and
4 42 safety; improving technology integration; and improving energy
4 43 efficiency and sustainability in state offices. The department
5 1 shall submit findings and recommendations to the capitol
5 2 planning commission and to the legislative fiscal committee by
5 3 October 30, 2012.

Specifies that the fees for pharmacist-related MTM services be separate from the reimbursement for pharmacy-related services. Requires the fees to be reasonable and to be determined by each third-party payment provider contract.

Specifies that the fees for physician-related MTM services to be reasonable and to be determined by each third-party payment provider contract.

Specifies that if any part of the MTM plan developed by a pharmacist incorporates services outside the pharmacist's scope of practice, authorization of an individual's physician is required.

This Division is effective on enactment.

Requires the DAS to analyze State employee work stations and office standards with the objective of making recommendations for improving employee work space density, properly allocating individual and group work space, improving worker health and safety, improving technology integration, and energy efficiency and sustainability in state offices. Requires the DAS to submit a report to the Capitol Planning Commission and to the Legislative Fiscal Committees by October 30, 2012.

FISCAL IMPACT: The DAS has indicated they may need to hire a consultant to evaluate State employee work environments relative to market trends and private sector standards. The cost of a consultant is estimated at \$10,000.

5 4 DIVISION IV
5 5 AUDITS

5 6 Sec. 7. Section 11.6, subsection 10, Code Supplement 2011,
5 7 is amended to read as follows:
5 8 10. The auditor of state shall adopt rules in accordance
5 9 with chapter 17A to establish and collect a filing fee for
5 10 the filing of each report of audit or examination conducted
5 11 pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "a"
5 12 and "c", subsection 2, and subsection 3. The funds collected
5 13 shall be maintained in a segregated account for use by the
5 14 office of the auditor of state in performing audits conducted
5 15 pursuant to subsection 4 and for work paper reviews conducted
5 16 pursuant to subsection 5. Any funds collected by the auditor
5 17 pursuant to subsection 4 shall be deposited in this account.
5 18 Notwithstanding section 8.33, the funds in this account shall
5 19 not revert at the end of any fiscal year.

5 20 Sec. 8. Section 182.18, subsection 1, Code 2011, is amended
5 21 to read as follows:
5 22 1. Moneys collected under this chapter are subject to audit
5 23 by the auditor of state and shall be used by the Iowa sheep and
5 24 wool promotion board first for the payment of collection and
5 25 refund expenses, second for payment of the costs and expenses
5 26 arising in connection with conducting referendums, and third
5 27 for the purposes identified in section 182.11, ~~and fourth for~~
5 28 ~~the cost of audits for the auditor of state.~~ Moneys of the
5 29 board remaining after a referendum is held at which a majority
5 30 of the voters favor termination of the board and the assessment
5 31 shall continue to be expended in accordance with this chapter
5 32 until exhausted. ~~The auditor of state may seek reimbursement~~
5 33 ~~for the cost of the audit.~~

5 34 Sec. 9. Section 184.14, subsection 2, Code 2011, is amended
5 35 to read as follows:
5 36 2. Moneys collected, deposited in the fund, and transferred
5 37 to the council as provided in this chapter are subject to
5 38 audit by the auditor of state. ~~The auditor of state may~~
5 39 ~~seek reimbursement for the cost of the audit.~~ The moneys
5 40 transferred to the council shall be used by the council first
5 41 for the payment of collection expenses, second for payment of
5 42 the costs and expenses arising in connection with conducting
5 43 referendums, and third to perform the functions and carry out
6 1 the duties of the council as provided in this chapter, ~~and~~
6 2 ~~fourth for the cost of audits by the auditor of state.~~ Moneys
6 3 remaining after the council is abolished and the imposition of

CODE: Exempts community mental health centers (established in Iowa Code chapter 230A), substance abuse programs (established in Iowa Code chapter 125), and community action agencies from being charged a filing fee by the Auditor of State.

DETAIL: This Section makes a corrective change to the Iowa Code that was enacted in HF 536 (Audits of Public Financial Activities Act) during the 2011 Legislative Session, and inadvertently charged these organizations an audit report filing fee.

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Sheep and Wool Promotion Board.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$5,500 annually and will require the Auditor to use other resources to cover the audit costs.

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Egg Council.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$8,500 annually and will require the Auditor to use other resources to cover the audit costs.

6 4 an assessment is terminated pursuant to a referendum conducted
 6 5 pursuant to section 184.5 shall continue to be expended in
 6 6 accordance with this chapter until exhausted.

6 7 Sec. 10. Section 184A.6, subsection 2, Code 2011, is amended
 6 8 to read as follows:

6 9 2. The council shall expend moneys from the account first
 6 10 for the payment of expenses for the collection of assessments,
 6 11 ~~second and then~~ for the payment of expenses related to
 6 12 conducting a referendum as provided in section 184A.12;
 6 13 ~~and third for the cost of audits by the auditor of state as~~
 6 14 ~~required in section 184A.9.~~ The council shall expend remaining
 6 15 moneys for market development, producer education, and the
 6 16 payment of refunds to producers as provided in this chapter.

6 17 Sec. 11. Section 184A.9, Code 2011, is amended to read as
 6 18 follows:

6 19 184A.9 AUDIT.

6 20 Moneys required to be deposited in the turkey council
 6 21 account as provided in section 184A.4 shall be subject to
 6 22 audit by the auditor of state. ~~The auditor of state may seek~~
 6 23 ~~reimbursement for the cost of the audit from moneys deposited~~
 6 24 ~~in the turkey council account.~~

6 25 Sec. 12. Section 185C.26, Code 2011, is amended to read as
 6 26 follows:

6 27 185C.26 DEPOSIT OF MONEYS — CORN PROMOTION FUND.

6 28 A state assessment collected by the board from a sale of corn
 6 29 shall be deposited in the office of the treasurer of state in
 6 30 a special fund known as the corn promotion fund. The fund may
 6 31 include any gifts, rents, royalties, interest, license fees,
 6 32 or a federal or state grant received by the board. Moneys
 6 33 collected, deposited in the fund, and transferred to the board
 6 34 as provided in this chapter shall be subject to audit by the
 6 35 auditor of state. ~~The auditor of state may seek reimbursement~~
 6 36 ~~for the cost of the audit from moneys deposited in the fund as~~
 6 37 ~~provided in this chapter.~~ The department of administrative
 6 38 services shall transfer moneys from the fund to the board
 6 39 for deposit into an account established by the board in a
 6 40 qualified financial institution. The department shall transfer
 6 41 the moneys as provided in a resolution adopted by the board.
 6 42 However, the department is only required to transfer moneys
 6 43 once during each day and only during hours when the offices of
 7 1 the state are open. From moneys collected, the board shall
 7 2 first pay all the direct and indirect costs incurred by the
 7 3 secretary and the costs of referendums, elections, and other
 7 4 expenses incurred in the administration of this chapter, before

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Turkey Marketing Council.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$8,000 annually and will require the Auditor to use other resources to cover the audit costs.

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Corn Promotion Board.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$11,000 annually and will require the Auditor to use other resources to cover the audit costs.

7 5 moneys may be expended for the purpose of carrying out the
7 6 purposes of this chapter as provided in section 185C.11.

7 7 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this
7 8 Act, being deemed of immediate importance, takes effect upon
7 9 enactment.

This Division is effective on enactment.

7 10 DIVISION V
7 11 HOMELAND SECURITY AND EMERGENCY MANAGEMENT ORGANIZATION

7 12 Sec. 14. Section 7E.5, subsection 1, paragraph p, Code
7 13 Supplement 2011, is amended to read as follows:
7 14 p. The department of public defense, created in section
7 15 29.1, which has primary responsibility for state military
7 16 forces ~~and emergency management~~.

CODE: This Division changes the Division of Homeland Security and
Emergency Management Agency of the Department of Public Defense
to a stand alone department within State government. This Division
makes the technical statutory changes to the Iowa Code to conform
with the designation change.

7 17 Sec. 15. Section 7E.5, subsection 1, Code Supplement 2011,
7 18 is amended by adding the following new paragraph:
7 19 NEW PARAGRAPH w. The department of homeland security
7 20 and emergency management, created in section 29C.5, which has
7 21 primary responsibility for the administration of emergency
7 22 planning matters, including emergency resource planning in
7 23 this state, homeland security activities, and coordination of
7 24 available services and resources in the event of a disaster to
7 25 include those services and resources of the federal government
7 26 and private entities.

7 27 Sec. 16. Section 8A.202, subsection 5, paragraph e, Code
7 28 2011, is amended to read as follows:
7 29 e. (1) ~~The department of public defense, including both~~
7 30 ~~the military division and the homeland security and emergency~~
7 31 ~~management division,~~ shall not be required to obtain any
7 32 information technology services pursuant to this subchapter
7 33 for the department of public defense ~~or its divisions~~ that is
7 34 provided by the department pursuant to this chapter without the
7 35 consent of the adjutant general.

7 36 (2) ~~The department of homeland security and emergency~~
7 37 ~~management shall not be required to obtain any information~~
7 38 ~~technology services pursuant to this subchapter for the~~
7 39 ~~department of homeland security and emergency management that~~
7 40 ~~is provided by the department pursuant to this chapter without~~
7 41 ~~the consent of the director of the department of homeland~~
7 42 ~~security and emergency management.~~

7 43 Sec. 17. Section 8D.2, subsection 5, paragraph b, Code
8 1 Supplement 2011, is amended to read as follows:
8 2 b. For the purposes of this chapter, "public agency" also
8 3 includes any homeland security or defense facility or disaster
8 4 response agency established by the ~~administrator~~ director of

8 5 the department of homeland security and emergency management
8 6 ~~division of the department of public defense~~ or the governor
8 7 or any facility connected with a security or defense system or
8 8 disaster response as required by the ~~administrator~~ director of
8 9 the department of homeland security and emergency management
8 10 ~~division of the department of public defense~~ or the governor.

8 11 Sec. 18. Section 8D.9, subsection 3, Code Supplement 2011,
8 12 is amended to read as follows:

8 13 3. A facility that is considered a public agency pursuant
8 14 to section 8D.2, subsection 5, paragraph "b", shall be
8 15 authorized to access the Iowa communications network strictly
8 16 for homeland security communication purposes and disaster
8 17 communication purposes. Any utilization of the network that
8 18 is not related to communications concerning homeland security
8 19 or a disaster, as defined in section 29C.2, is expressly
8 20 prohibited. Access under this subsection shall be available
8 21 only if a state of disaster emergency is proclaimed by the
8 22 governor pursuant to section 29C.6 or a homeland security
8 23 or disaster event occurs requiring connection of disparate
8 24 communications systems between public agencies to provide
8 25 for a multiagency or multijurisdictional response. Access
8 26 shall continue only for the period of time the homeland
8 27 security or disaster event exists. For purposes of this
8 28 subsection, disaster communication purposes includes training
8 29 and exercising for a disaster if public notice of the training
8 30 and exercising session is posted on the ~~website~~ internet site
8 31 of the department of homeland security and emergency management
8 32 ~~division of the department of public defense~~. A scheduled and
8 33 noticed training and exercising session shall not exceed five
8 34 days. Interpretation and application of the provisions of this
8 35 subsection shall be strictly construed.

8 36 Sec. 19. Section 16.191, subsection 2, paragraph e, Code
8 37 Supplement 2011, is amended to read as follows:

8 38 e. The ~~administrator~~ director of the department of homeland
8 39 security and emergency management ~~division of the department of~~
8 40 ~~public defense~~ or the ~~administrator's~~ director's designee.

8 41 Sec. 20. Section 22.7, subsection 45, Code Supplement 2011,
8 42 is amended to read as follows:

8 43 45. The critical asset protection plan or any part of the
9 1 plan prepared pursuant to section 29C.8 and any information
9 2 held by the department of homeland security and emergency
9 3 management ~~division~~ that was supplied to the ~~division~~
9 4 department by a public or private agency or organization and
9 5 used in the development of the critical asset protection plan
9 6 to include, but not be limited to, surveys, lists, maps, or
9 7 photographs. However, the ~~administrator~~ director shall make

9 8 the list of assets available for examination by any person.
9 9 A person wishing to examine the list of assets shall make
9 10 a written request to the ~~administrator~~ director on a form
9 11 approved by the ~~administrator~~ director. The list of assets may
9 12 be viewed at the ~~division's~~ department's offices during normal
9 13 working hours. The list of assets shall not be copied in any
9 14 manner. Communications and asset information not required by
9 15 law, rule, or procedure that are provided to the ~~administrator~~
9 16 director by persons outside of government and for which the
9 17 ~~administrator~~ director has signed a nondisclosure agreement are
9 18 exempt from public disclosures. The department of homeland
9 19 security and emergency management division may provide all or
9 20 part of the critical asset plan to federal, state, or local
9 21 governmental agencies which have emergency planning or response
9 22 functions if the ~~administrator~~ director is satisfied that
9 23 the need to know and intended use are reasonable. An agency
9 24 receiving critical asset protection plan information from the
9 25 ~~division~~ department shall not disseminate the information
9 26 without prior approval of the ~~administrator~~ director.

9 27 Sec. 21. Section 23A.2, subsection 10, paragraph m, Code
9 28 2011, is amended to read as follows:
9 29 m. The repair, calibration, or maintenance of radiological
9 30 detection equipment by the department of homeland security
9 31 and emergency management division of the department of public
9 32 defense.

9 33 Sec. 22. Section 29.1, Code 2011, is amended to read as
9 34 follows:
9 35 29.1 DEPARTMENT OF PUBLIC DEFENSE.
9 36 The department of public defense is composed of the ~~military~~
9 37 ~~division and the homeland security and emergency management~~
9 38 ~~division~~ office of the adjutant general and the military forces
9 39 of the state of Iowa. The adjutant general is the director of
9 40 the department of public defense and the ~~budget and personnel~~
9 41 ~~of all of the divisions are subject to the approval of the~~
9 42 ~~adjutant general shall perform all functions, responsibilities,~~
9 43 ~~powers, and duties over the military forces of the state of~~
10 1 Iowa as provided in the laws of the state. The ~~Iowa emergency~~
10 2 ~~response commission established by section 30.2 is attached to~~
10 3 ~~the department of public defense for organizational purposes~~.

10 4 Sec. 23. Section 29.2A, Code 2011, is amended to read as
10 5 follows:
10 6 29.2A AIRPORT FIRE FIGHTERS — MAXIMUM AGE.
10 7 The maximum age for a person to be employed as an airport
10 8 fire fighter by the ~~military division of the department of~~
10 9 public defense is sixty-five years of age.

10 10 Sec. 24. Section 29A.3A, subsection 4, paragraph a, Code

10 11 2011, is amended to read as follows:

10 12 a. Operations and administration of the civil air patrol
10 13 relating to missions not qualifying for federal mission status
10 14 shall be funded by the state from moneys appropriated to the
10 15 department of homeland security and emergency management
10 16 ~~division of the department of public defense~~ for that purpose.

10 17 Sec. 25. Section 29A.12, subsection 1, Code 2011, is amended
10 18 to read as follows:

10 19 1. The adjutant general shall have command and control of
10 20 the ~~military division~~ department of public defense, and perform
10 21 such duties as pertain to the office of the adjutant general
10 22 under law and regulations, pursuant to the authority vested in
10 23 the adjutant general by the governor. The adjutant general
10 24 shall superintend the preparation of all letters and reports
10 25 required by the United States from the state, and perform all
10 26 the duties prescribed by law. The adjutant general shall
10 27 have charge of the state military reservations, and all other
10 28 property of the state kept or used for military purposes. The
10 29 adjutant general may accept and expend nonappropriated funds
10 30 in accordance with law and regulations. The adjutant general
10 31 shall cause an inventory to be taken at least once each year
10 32 of all military stores, property, and funds under the adjutant
10 33 general's jurisdiction. In each year preceding a regular
10 34 session of the general assembly, the adjutant general shall
10 35 prepare a detailed report of the transactions of that office,
10 36 its expenses, and other matters required by the governor for
10 37 the period since the last preceding report, and the governor
10 38 may at any time require a similar report.

10 39 Sec. 26. Section 29A.56, Code 2011, is amended to read as
10 40 follows:

10 41 29A.56 SPECIAL POLICE.

10 42 The adjutant general may by order entered of record
10 43 commission one or more of the employees of the ~~military~~
11 1 ~~division~~ department of public defense as special police. Such
11 2 special police shall on the premises of any state military
11 3 reservation or other state military property have and exercise
11 4 the powers of regular peace officers.

11 5 Sec. 27. Section 29C.1, subsection 1, Code 2011, is amended
11 6 to read as follows:

11 7 1. To establish a department of homeland security
11 8 and emergency management ~~division of the department of~~
11 9 ~~public defense~~ and to authorize the establishment of local
11 10 organizations for emergency management in the political
11 11 subdivisions of the state.

11 12 Sec. 28. Section 29C.2, Code Supplement 2011, is amended by
11 13 adding the following new subsections:

11 14 NEW SUBSECTION 1A. "Department" means the department of
11 15 homeland security and emergency management.

11 16 NEW SUBSECTION 1B. "Director" means the director of the
11 17 department of homeland security and emergency management.

11 18 Sec. 29. Section 29C.5, Code 2011, is amended to read as
11 19 follows:

11 20 ~~29C.5—HOMELAND DEPARTMENT OF HOMELAND SECURITY AND~~
11 21 ~~EMERGENCY MANAGEMENT DIVISION .~~

11 22 ~~—A The department of homeland security and emergency~~
11 23 ~~management division is created within the department of public~~
11 24 ~~defense. The department of homeland security and emergency~~
11 25 ~~management division shall be responsible for the administration~~
11 26 ~~of emergency planning matters, including emergency resource~~
11 27 ~~planning in this state, cooperation with, support of, funding~~
11 28 ~~for, and tasking of the civil air patrol for missions not~~
11 29 ~~qualifying for federal mission status as described in section~~
11 30 ~~29A.3A in accordance with operational and funding criteria~~
11 31 ~~developed with the adjutant general and coordinated with~~
11 32 ~~the civil air patrol, homeland security activities, and~~
11 33 ~~coordination of available services and resources in the event~~
11 34 ~~of a disaster to include those services and resources of the~~
11 35 ~~federal government and private entities. The Iowa emergency~~
11 36 ~~response commission established by section 30.2 is attached to~~
11 37 ~~the department of homeland security and emergency management~~
11 38 ~~for organizational purposes.~~

11 39 Sec. 30. Section 29C.8, Code Supplement 2011, is amended to
11 40 read as follows:

11 41 29C.8 POWERS AND DUTIES OF ~~ADMINISTRATOR~~ DIRECTOR .

11 42 1. The department of homeland security and emergency
11 43 management division shall be under the management of ~~an~~
12 1 ~~administrator~~ a director appointed by the governor.

12 2 2. The ~~administrator~~ director shall be vested with the
12 3 authority to administer emergency management and homeland
12 4 security affairs in this state and shall be responsible for
12 5 preparing and executing the emergency management and homeland
12 6 security programs of this state subject to the direction of the
12 7 adjutant general governor. In the event of a disaster beyond
12 8 local control, the director may assume direct operational
12 9 control over all or any part of the emergency management
12 10 functions within this state.

12 11 3. The ~~administrator~~ director, upon the direction of
12 12 the governor ~~and supervisory control of the director of the~~
12 13 ~~department of public defense~~, shall:

12 14 a. Prepare a comprehensive emergency plan and emergency
12 15 management program for homeland security, disaster
12 16 preparedness, response, recovery, mitigation, emergency

12 17 operation, and emergency resource management of this state.
12 18 The plan and program shall be integrated into and coordinated
12 19 with the homeland security and emergency plans of the federal
12 20 government and of other states to the fullest possible extent
12 21 ~~and. The director shall also~~ coordinate the preparation of
12 22 plans and programs for emergency management of the political
12 23 subdivisions and various state departments of this state.
12 24 The plans shall be integrated into and coordinated with a
12 25 comprehensive state homeland security and emergency program for
12 26 this state as coordinated by the ~~administrator of the homeland~~
12 27 ~~security and emergency management division~~ director to the
12 28 fullest possible extent.

12 29 b. Make such studies and surveys of the industries,
12 30 resources, and facilities in this state as may be necessary to
12 31 ascertain the vulnerabilities of critical state infrastructure
12 32 and assets to attack and the capabilities of the state for
12 33 disaster recovery, disaster planning and operations, and
12 34 emergency resource management, and to plan for the most
12 35 efficient emergency use thereof.

12 36 c. Provide technical assistance to any commission requiring
12 37 the assistance in the development of an emergency management
12 38 or homeland security program.

12 39 d. Implement planning and training for emergency response
12 40 teams as mandated by the federal government under the
12 41 Comprehensive Environmental Response, Compensation, and
12 42 Liability Act of 1980 as amended by the Superfund Amendments
12 43 and Reauthorization Act of 1986, 42 U.S.C. §9601 et seq.

13 1 e. Prepare a critical asset protection plan that contains
13 2 an inventory of infrastructure, facilities, systems, other
13 3 critical assets, and symbolic landmarks; an assessment of the
13 4 criticality, vulnerability, and level of threat to the assets;
13 5 and information pertaining to the mobilization, deployment, and
13 6 tactical operations involved in responding to or protecting the
13 7 assets.

13 8 f. Approve and support the development and ongoing
13 9 operations of homeland security and emergency response teams to
13 10 be deployed as a resource to supplement and enhance disrupted
13 11 or overburdened local emergency and disaster operations and
13 12 deployed as available to provide assistance to other states
13 13 pursuant to the interstate emergency management assistance
13 14 compact described in section 29C.21. The following shall apply
13 15 to homeland security and emergency response teams:

13 16 (1) A member of a homeland security and emergency response
13 17 team acting under this section upon the directive of the
13 18 ~~administrator~~ director or pursuant to a governor's disaster
13 19 proclamation as provided in section 29C.6 shall be considered

13 20 an employee of the state for purposes of section 29C.21 and
13 21 chapter 669 and shall be afforded protection as an employee
13 22 of the state under section 669.21. Disability, workers'
13 23 compensation, and death benefits for team members working
13 24 under the authority of the ~~administrator~~ director or pursuant
13 25 to the provisions of section 29C.6 shall be paid by the
13 26 state in a manner consistent with the provisions of chapter
13 27 85, 410, or 411 as appropriate, depending on the status of
13 28 the member, provided that the member is registered with the
13 29 ~~homeland security and emergency management division~~ department
13 30 as a member of an approved team and is participating as a
13 31 team member in a response or recovery operation initiated
13 32 by the ~~administrator~~ director or governor pursuant to this
13 33 section or in a training or exercise activity approved by the
13 34 ~~administrator~~ director.

13 35 (2) Each approved homeland security and emergency
13 36 management response team shall establish standards for team
13 37 membership, shall provide the division with a listing of all
13 38 team members, and shall update the list each time a member is
13 39 removed from or added to the team. Individuals so identified
13 40 as team members shall be considered to be registered as team
13 41 members for purposes of subparagraph (1).

13 42 (3) Upon notification of a compensable loss to a member of
13 43 a homeland security and emergency management response team, the
14 1 department of administrative services shall process the claim
14 2 and seek authorization from the executive council to pay as an
14 3 expense paid from the appropriations addressed in section 7D.29
14 4 those costs associated with covered benefits.

14 5 g. Implement and support the national incident management
14 6 system as established by the United States department of
14 7 homeland security to be used by state agencies and local and
14 8 tribal governments to facilitate efficient and effective
14 9 assistance to those affected by emergencies and disasters.

14 10 4. The ~~administrator~~ director, with the approval of the
14 11 governor ~~and upon recommendation of the adjutant general~~, may
14 12 employ a deputy ~~administrator~~ director and such technical,
14 13 clerical, stenographic, and other personnel and make such
14 14 expenditures within the appropriation or from other funds made
14 15 available to the department ~~of public defense for purposes of~~
14 16 ~~emergency management~~, as may be necessary to administer this
14 17 chapter.

14 18 5. The ~~homeland security and emergency management division~~
14 19 department may charge fees for the repair, calibration, or
14 20 maintenance of radiological detection equipment and may expend
14 21 funds in addition to funds budgeted for the servicing of the
14 22 radiological detection equipment. The ~~division~~ department

14 23 shall adopt rules pursuant to chapter 17A providing for the
14 24 establishment and collection of fees for radiological detection
14 25 equipment repair, calibration, or maintenance services and
14 26 for entering into agreements with other public and private
14 27 entities to provide the services. Fees collected for repair,
14 28 calibration, or maintenance services shall be treated as
14 29 repayment receipts as defined in section 8.2 and shall be used
14 30 for the operation of the ~~division's~~ department's radiological
14 31 maintenance facility or radiation incident response training.

14 32 Sec. 31. Section 29C.8A, subsection 2, Code Supplement
14 33 2011, is amended to read as follows:

14 34 2. The emergency response fund shall be administered by the
14 35 ~~homeland security and emergency management division~~ department
14 36 to carry out planning and training for the emergency response
14 37 teams.

14 38 Sec. 32. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code
14 39 Supplement 2011, are amended to read as follows:

14 40 1. The county boards of supervisors, city councils, and
14 41 the sheriff in each county shall cooperate with the ~~homeland~~
14 42 ~~security and emergency management division of the department of~~
14 43 ~~public defense~~ department to establish a commission to carry
15 1 out the provisions of this chapter.

15 2 5. The commission shall model its bylaws and conduct its
15 3 business according to the guidelines provided in the ~~state~~
15 4 ~~division's~~ department's administrative rules.

15 5 7. The commission shall delegate to the emergency
15 6 management coordinator the authority to fulfill the
15 7 commission duties as described in the ~~division's~~ department's
15 8 administrative rules. Each commission shall appoint a
15 9 local emergency management coordinator who shall meet the
15 10 qualifications specified in the administrative rules by the
15 11 ~~administrator of the homeland security and emergency management~~
15 12 ~~division~~ director. Additional emergency management personnel
15 13 may be appointed at the discretion of the commission.

15 14 8. The commission shall develop, adopt, and submit
15 15 for approval by local governments within the commission's
15 16 jurisdiction, a comprehensive emergency plan which meets
15 17 standards adopted by the ~~division~~ department in accordance
15 18 with chapter 17A. If an approved comprehensive emergency
15 19 plan has not been prepared according to established standards
15 20 and the ~~administrator of the homeland security and emergency~~
15 21 ~~management division~~ director finds that satisfactory progress
15 22 is not being made toward the completion of the plan, or if
15 23 the ~~administrator~~ director finds that a commission has failed
15 24 to appoint a qualified emergency management coordinator as
15 25 provided in this chapter, the ~~administrator~~ director shall

15 26 notify the governing bodies of the counties and cities affected
15 27 by the failure and the governing bodies shall not appropriate
15 28 any moneys to the local emergency management fund until the
15 29 comprehensive emergency plan is prepared and approved or a
15 30 qualified emergency management coordinator is appointed.

15 31 If the ~~administrator~~ director finds that a commission has
15 32 appointed an unqualified emergency management coordinator,
15 33 the ~~administrator~~ director shall notify the commission citing
15 34 the qualifications which are not met and the commission shall
15 35 not approve the payment of the salary or expenses of the
15 36 unqualified emergency management coordinator.

15 37 10. Two or more commissions may, upon review by the
15 38 ~~state administrator~~ director and with the approval of their
15 39 respective boards of supervisors and cities, enter into
15 40 agreements pursuant to chapter 28E for the joint coordination
15 41 and administration of emergency management services throughout
15 42 the multicounty area.

15 43 Sec. 33. Section 29C.11, subsection 1, Code Supplement
16 1 2011, is amended to read as follows:

16 2 1. The local emergency management commission shall, in
16 3 collaboration with other public and private agencies within
16 4 this state, develop mutual aid arrangements for reciprocal
16 5 disaster services and recovery aid and assistance in case
16 6 of disaster too great to be dealt with unassisted. The
16 7 arrangements shall be consistent with the ~~homeland security and~~
16 8 ~~emergency management division~~ department plan and program, and
16 9 in time of emergency each local emergency management agency
16 10 shall render assistance in accordance with the provisions of
16 11 the mutual aid arrangements.

16 12 Sec. 34. Section 29C.12, Code 2011, is amended to read as
16 13 follows:

16 14 29C.12 USE OF EXISTING FACILITIES.

16 15 In carrying out the provisions of this chapter, the
16 16 governor, ~~and the director of the department of public defense,~~
16 17 and the executive officers or governing boards of political
16 18 subdivisions of the state shall utilize, to the maximum extent
16 19 practicable, the services, equipment, supplies, and facilities
16 20 of existing departments, officers, and agencies of the state
16 21 and of political subdivisions at their respective levels of
16 22 responsibility.

16 23 Sec. 35. Section 29C.12A, Code 2011, is amended to read as
16 24 follows:

16 25 29C.12A PARTICIPATION IN FUNDING DISASTER RECOVERY FACILITY.

16 26 All state government departments and agencies may
16 27 participate in sharing the cost of the design, construction,
16 28 and operation of a disaster recovery facility located in the

16 29 STARC joint forces headquarters armory at Camp Dodge. State
16 30 departments and agencies may use funds from any source,
16 31 including but not limited to user fees and appropriations
16 32 for operational or capital purposes, to participate in the
16 33 facility.

16 34 Sec. 36. Section 29C.14, Code 2011, is amended to read as
16 35 follows:

16 36 29C.14 DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES
16 37 TO ISSUE WARRANTS.

16 38 The director of the department of administrative services
16 39 shall draw warrants on the treasurer of state for the purposes
16 40 specified in this chapter, upon duly itemized and verified
16 41 vouchers that have been approved by the ~~administrator~~ director
16 42 of the department of homeland security and emergency management
16 43 ~~division~~.

17 1 Sec. 37. Section 29C.18, subsection 1, Code 2011, is amended
17 2 to read as follows:

17 3 1. Every organization for homeland security and emergency
17 4 management established pursuant to this chapter and its
17 5 officers shall execute and enforce the orders or rules made by
17 6 the governor, or under the governor's authority and the orders
17 7 or rules made by subordinate organizations and not contrary or
17 8 inconsistent with the orders or rules of the governor.

17 9 Sec. 38. Section 29C.20B, Code Supplement 2011, is amended
17 10 to read as follows:

17 11 29C.20B DISASTER CASE MANAGEMENT.

17 12 1. The department of homeland security and emergency
17 13 management ~~division~~ shall work with the department of
17 14 human services and nonprofit, voluntary, and faith-based
17 15 organizations active in disaster recovery and response in
17 16 coordination with the department of human services to establish
17 17 a statewide system of disaster case management to be activated
17 18 following the governor's proclamation of a disaster emergency
17 19 or the declaration of a major disaster by the president of
17 20 the United States for individual assistance purposes. Under
17 21 the system, the department of homeland security and emergency
17 22 management ~~division~~ shall coordinate case management services
17 23 locally through local committees as established in each
17 24 commission's emergency plan.

17 25 2. The department of homeland security and emergency
17 26 management ~~division~~, in conjunction with the department of
17 27 human services and an Iowa representative to the national
17 28 voluntary organizations active in disaster, shall adopt rules
17 29 pursuant to chapter 17A to create coordination mechanisms
17 30 and standards for the establishment and implementation of
17 31 a statewide system of disaster case management which shall

17 32 include at least all of the following:

17 33 a. Disaster case management standards.

17 34 b. Disaster case management policies.

17 35 c. Reporting requirements.

17 36 d. Eligibility criteria.

17 37 e. Coordination mechanisms necessary to carry out the

17 38 services provided.

17 39 f. Development of formal working relationships with agencies

17 40 and creation of interagency agreements for those considered to

17 41 provide disaster case management services.

17 42 g. Coordination of all available services for individuals

17 43 from multiple agencies.

18 1 Sec. 39. Section 29C.22, subsection 3, paragraph c, Code

18 2 Supplement 2011, is amended to read as follows:

18 3 c. The authorized representative of a participating

18 4 government may initiate a request by contacting the department

18 5 of homeland security and emergency management ~~division of the~~

18 6 ~~state department of public defense~~. When a request is received

18 7 by the ~~division~~ department, the ~~division~~ department shall

18 8 directly contact other participating governments to coordinate

18 9 the provision of mutual aid.

18 10 Sec. 40. Section 29C.22, subsection 11, paragraphs b and c,

18 11 Code Supplement 2011, are amended to read as follows:

18 12 b. Any participating government may withdraw from this

18 13 compact by adopting an ordinance or resolution repealing the

18 14 same, but a withdrawal shall not take effect until thirty days

18 15 after the governing body of the withdrawing participating

18 16 government has given notice in writing of the withdrawal to the

18 17 ~~administrator~~ director of the department of homeland security

18 18 and emergency management ~~division~~ who shall notify all other

18 19 participating governments. The action shall not relieve the

18 20 withdrawing political subdivision from obligations assumed

18 21 under this compact prior to the effective date of withdrawal.

18 22 c. Duly authenticated copies of this compact and any

18 23 supplementary agreements as may be entered into shall

18 24 be deposited, at the time of their approval, with the

18 25 ~~administrator~~ director of the department of homeland security

18 26 and emergency management ~~division~~ who shall notify all

18 27 participating governments and other appropriate agencies of

18 28 state government.

18 29 Sec. 41. Section 30.2, subsections 1 and 2, Code Supplement

18 30 2011, are amended to read as follows:

18 31 1. The Iowa emergency response commission is established.

18 32 The commission is responsible directly to the governor. The

18 33 commission is attached to the department of ~~public defense~~

18 34 homeland security and emergency management for routine

18 35 administrative and support services only.
18 36 2. a. The commission is composed of ~~fifteen~~ sixteen members
18 37 appointed by the governor. One member shall be appointed to
18 38 represent the department of homeland security and emergency
18 39 management, one to represent the department of agriculture and
18 40 land stewardship, one to represent the department of workforce
18 41 development, one to represent the department of justice, one to
18 42 represent the department of natural resources, one to represent
18 43 the department of public defense, one to represent the Iowa
19 1 department of public health, one to represent the department
19 2 of public safety, one to represent the state department of
19 3 transportation, one to represent the state fire service and
19 4 emergency response council, one to represent a local emergency
19 5 planning committee, one to represent the Iowa hazardous
19 6 materials task force, and one to represent the office of the
19 7 governor. Three representatives from private industry shall
19 8 also be appointed by the governor, subject to confirmation by
19 9 the senate.

19 10 b. The commission members representing the departments
19 11 of homeland security and emergency management, workforce
19 12 development, natural resources, public defense, public safety,
19 13 and transportation, a local emergency planning committee,
19 14 and one private industry representative designated by the
19 15 commission shall be voting members of the commission. The
19 16 remaining members of the commission shall serve as nonvoting,
19 17 advisory members.

19 18 Sec. 42. Section 30.5, subsection 2, Code 2011, is amended
19 19 to read as follows:

19 20 2. The commission may enter into agreements pursuant to
19 21 chapter 28E to accomplish any duty imposed upon the commission
19 22 by the Emergency Planning and Community Right-to-know Act,
19 23 but the commission shall not compensate any governmental unit
19 24 for the performance of duties pursuant to such an agreement.
19 25 Funding for administering the duties of the commission under
19 26 sections 30.7, 30.8, and 30.9 shall be included in the budgets
19 27 of the department of natural resources and the department of
19 28 ~~public defense~~ homeland security and emergency management.

19 29 Sec. 43. Section 30.9, Code Supplement 2011, is amended to
19 30 read as follows:

19 31 30.9 DUTIES TO BE ALLOCATED TO DEPARTMENT OF ~~PUBLIC DEFENSE~~
19 32 HOMELAND SECURITY AND EMERGENCY MANAGEMENT .

19 33 Agreements negotiated by the commission and the department
19 34 of ~~public defense~~ homeland security and emergency management
19 35 shall provide for the allocation of duties to the department
19 36 of ~~public defense~~ homeland security and emergency management
19 37 as follows:

19 38 1. Comprehensive emergency plans required to be developed
19 39 under section 303 of the Emergency Planning and Community
19 40 ~~Right-to-Know Right-to-know~~ Act, 42 U.S.C. §11003, shall
19 41 be submitted to the department of ~~public defense homeland~~
19 42 ~~security and emergency management~~. Committee submission to
19 43 that department constitutes compliance with the requirement for
20 1 reporting to the commission. After initial submission, a plan
20 2 need not be resubmitted unless revisions are requested by the
20 3 commission. The department of ~~public defense homeland security~~
20 4 ~~and emergency management~~ shall review the plan on behalf of the
20 5 commission and shall incorporate the provisions of the plan
20 6 into its responsibilities under chapter 29C.

20 7 2. The department of ~~public defense homeland security and~~
20 8 ~~emergency management~~ shall advise the commission of the failure
20 9 of any committee to submit an initial comprehensive ~~emergency~~
20 10 ~~response and recovery~~ plan or a revised plan requested by the
20 11 commission.

20 12 3. The department of ~~public defense homeland security and~~
20 13 ~~emergency management~~ shall make available to the public upon
20 14 request during normal working hours the information in its
20 15 possession pursuant to section 324 of the Emergency Planning
20 16 and Community ~~Right-to-Know Right-to-know~~ Act, 42 U.S.C.
20 17 §11044.

20 18 Sec. 44. Section 34A.2, subsection 2, Code 2011, is amended
20 19 to read as follows:
20 20 —2. ~~3A.~~ “~~Administrator~~” “Director” means the ~~administrator~~
20 21 ~~director~~ of the ~~department of~~ homeland security and emergency
20 22 ~~management division of the department of public defense~~.

20 23 Sec. 45. Section 34A.2A, Code 2011, is amended to read as
20 24 follows:
20 25 34A.2A PROGRAM MANAGER — APPOINTMENT — DUTIES.

20 26 1. The ~~administrator director~~ of the ~~department of~~ homeland
20 27 ~~security and emergency management division of the department~~
20 28 ~~of public defense~~ shall appoint an E911 program manager to
20 29 administer this chapter.

20 30 2. The E911 program manager shall act under the supervisory
20 31 control of the ~~administrator director~~ of the ~~department of~~
20 32 ~~homeland security and emergency management division of the~~
20 33 ~~department of public defense~~, and in consultation with the
20 34 E911 communications council, and ~~shall~~ perform the duties
20 35 specifically set forth in this chapter and as assigned by the
20 36 ~~administrator director~~.

20 37 Sec. 46. Section 34A.6, subsection 3, Code 2011, is amended
20 38 to read as follows:
20 39 3. The secretary of state, in consultation with the
20 40 ~~administrator director~~, shall adopt rules for the conduct of

20 41 joint E911 service referendums as required by and consistent
20 42 with subsections 1 and 2.

20 43 Sec. 47. Section 34A.7A, subsection 1, paragraph a, Code
21 1 2011, is amended to read as follows:

21 2 a. Notwithstanding section 34A.6, the ~~administrator~~ director
21 3 shall adopt by rule a monthly surcharge of up to sixty-five
21 4 cents to be imposed on each wireless communications service
21 5 number provided in this state. The surcharge shall be imposed
21 6 uniformly on a statewide basis and simultaneously on all
21 7 wireless communications service numbers as provided by rule of
21 8 the ~~administrator~~ director.

21 9 Sec. 48. Section 34A.7A, subsection 2, paragraphs a and h,
21 10 Code 2011, are amended to read as follows:

21 11 a. An amount as appropriated by the general assembly to the
21 12 ~~administrator~~ director shall be allocated to the ~~administrator~~
21 13 director and program manager for implementation, support, and
21 14 maintenance of the functions of the ~~administrator~~ director and
21 15 program manager and to employ the auditor of state to perform
21 16 an annual audit of the wireless E911 emergency communications
21 17 fund.

21 18 h. The ~~administrator~~ director, in consultation with the
21 19 program manager and the E911 communications council, shall
21 20 adopt rules pursuant to chapter 17A governing the distribution
21 21 of the surcharge collected and distributed pursuant to this
21 22 subsection. The rules shall include provisions that all joint
21 23 E911 service boards and the department of public safety which
21 24 answer or service wireless E911 calls are eligible to receive
21 25 an equitable portion of the receipts.

21 26 Sec. 49. Section 34A.15, subsection 3, Code Supplement
21 27 2011, is amended to read as follows:

21 28 3. The council shall advise and make recommendations to
21 29 the ~~administrator~~ director and program manager regarding
21 30 the implementation of this chapter. Such advice and
21 31 recommendations shall be provided on issues at the request of
21 32 the ~~administrator~~ director or program manager or as deemed
21 33 necessary by the council.

21 34 Sec. 50. Section 35A.5, subsection 16, Code Supplement
21 35 2011, is amended to read as follows:

21 36 16. In coordination with the ~~military division of the~~
21 37 department of public defense, advise service members prior to,
21 38 and after returning from, deployment on active duty service
21 39 outside the United States of issues related to the filing
21 40 of tax returns and the payment of taxes due and encourage a
21 41 service member who has not filed a return or who owes taxes to
21 42 contact the department of revenue prior to deployment.

21 43 Sec. 51. Section 80.28, subsection 2, paragraph a,

22 1 subparagraph (3), Code 2011, is amended to read as follows:
22 2 (3) One member representing the department of homeland
22 3 security and emergency management ~~division~~.
22 4 Sec. 52. Section 80B.11C, Code 2011, is amended to read as
22 5 follows:
22 6 80B.11C TELECOMMUNICATOR TRAINING STANDARDS.
22 7 The director of the academy, subject to the approval of
22 8 the council, in consultation with the Iowa state sheriffs'
22 9 and deputies' association, the Iowa police executive forum,
22 10 the Iowa association of chiefs of police and peace officers,
22 11 the Iowa state police association, the Iowa association
22 12 of professional fire fighters, the Iowa emergency medical
22 13 services association, the joint council of Iowa fire service
22 14 organizations, the Iowa department of public safety, the Iowa
22 15 chapter of the association of public safety communications
22 16 officials-international, inc., the Iowa chapter of the
22 17 national emergency number association, the department of
22 18 homeland security and emergency management ~~division of the Iowa~~
22 19 ~~department of public defense~~, and the Iowa department of public
22 20 health, shall adopt rules pursuant to chapter 17A establishing
22 21 minimum standards for training of telecommunicators. For
22 22 purposes of this section, "telecommunicator" means a person who
22 23 receives requests for, or dispatches requests to, emergency
22 24 response agencies which include, but are not limited to, law
22 25 enforcement, fire, rescue, and emergency medical services
22 26 agencies.
22 27 Sec. 53. Section 97B.49B, subsection 1, paragraph e,
22 28 subparagraph (8), Code Supplement 2011, is amended to read as
22 29 follows:
22 30 (8) An airport fire fighter employed by the ~~military~~
22 31 ~~division of the~~ department of public defense.
22 32 Sec. 54. Section 100B.22, subsection 1, paragraph a, Code
22 33 2011, is amended to read as follows:
22 34 a. Regional emergency response training centers shall be
22 35 established to provide training to fire fighters and other
22 36 emergency responders. The lead public agency for the training
22 37 centers shall be the following community colleges for the
22 38 following merged areas:
22 39 (1) Northeast Iowa community college for merged area I
22 40 in partnership with the Dubuque county firemen's association
22 41 and to provide advanced training in agricultural emergency
22 42 response as such advanced training is funded by the department
22 43 of homeland security and emergency management ~~division of the~~
23 1 ~~department of public defense~~.
23 2 (2) North Iowa area community college for merged area II in
23 3 partnership with the Mason City fire department.

23 4 (3) Iowa lakes community college for merged area III and
23 5 northwest Iowa community college for merged area IV.
23 6 (4) Iowa central community college for merged area V and to
23 7 provide advanced training in homeland security as such advanced
23 8 training is funded by the department of homeland security and
23 9 emergency management ~~division of the department of public~~
23 10 ~~defense~~.
23 11 (5) Hawkeye community college for merged area VII in
23 12 partnership with the Waterloo regional hazardous materials
23 13 training center and to provide advanced training in hazardous
23 14 materials emergency response as such advanced training is
23 15 funded by the department of homeland security and emergency
23 16 management ~~division of the department of public defense~~.
23 17 (6) Eastern Iowa community college for merged area IX in
23 18 partnership with the city of Davenport fire department.
23 19 (7) Kirkwood community college for merged area X in
23 20 partnership with the city of Coralville fire department and the
23 21 Iowa City fire department and to provide advanced training in
23 22 agricultural terrorism response and mass casualty and fatality
23 23 response as such advanced training is funded by the department
23 24 of homeland security and emergency management ~~division of the~~
23 25 ~~department of public defense~~.
23 26 (8) Des Moines area community college for merged area XI and
23 27 Iowa valley community college for merged area VI and to provide
23 28 advanced training in operations integration in compliance
23 29 with the national incident management system as such advanced
23 30 training is funded by the department of homeland security and
23 31 emergency management ~~division of the department of public~~
23 32 ~~defense~~.
23 33 (9) Western Iowa technical community college for merged
23 34 area XII in partnership with the Sioux City fire department
23 35 and to provide advanced training in emergency responder
23 36 communications as such advanced training is funded by the
23 37 department of homeland security and emergency management
23 38 ~~division of the department of public defense~~.
23 39 (10) Iowa western community college for merged areas XIII
23 40 and XIV in partnership with southwestern community college and
23 41 the Council Bluffs fire department.
23 42 (11) Southeastern Iowa community college for merged areas
23 43 XV and XVI in partnership with Indian hills community college
24 1 and the city of Fort Madison fire department.
24 2 Sec. 55. Section 135.141, subsection 2, paragraphs a and j,
24 3 Code 2011, are amended to read as follows:
24 4 a. Coordinate with the department of homeland security
24 5 and emergency management ~~division of the department of public~~
24 6 ~~defense~~ the administration of emergency planning matters

24 7 which involve the public health, including development,
24 8 administration, and execution of the public health components
24 9 of the comprehensive emergency plan and emergency management
24 10 program pursuant to section 29C.8.

24 11 j. Adopt rules pursuant to chapter 17A for the
24 12 administration of this division of this chapter including rules
24 13 adopted in cooperation with the Iowa pharmacy association
24 14 and the Iowa hospital association for the development of a
24 15 surveillance system to monitor supplies of drugs, antidotes,
24 16 and vaccines to assist in detecting a potential public health
24 17 disaster. Prior to adoption, the rules shall be approved by
24 18 the state board of health and the ~~administrator~~ director of
24 19 the department of homeland security and emergency management
24 20 ~~division of the department of public defense~~.

24 21 Sec. 56. Section 135.145, subsections 1 and 2, Code 2011,
24 22 are amended to read as follows:

24 23 1. When the department of public safety or other federal,
24 24 state, or local law enforcement agency learns of a case of a
24 25 disease or health condition, unusual cluster, or a suspicious
24 26 event that may be the cause of a public health disaster, the
24 27 department or agency shall immediately notify the department,
24 28 the ~~administrator~~ director of the department of homeland
24 29 security and emergency management ~~division of the department~~
24 30 ~~of public defense~~, the department of agriculture and land
24 31 stewardship, and the department of natural resources as
24 32 appropriate.

24 33 2. When the department learns of a case of a disease
24 34 or health condition, an unusual cluster, or a suspicious
24 35 event that may be the cause of a public health disaster, the
24 36 department shall immediately notify the department of public
24 37 safety, the department of homeland security and emergency
24 38 management ~~division of the department of public defense~~, and
24 39 other appropriate federal, state, and local agencies and
24 40 officials.

24 41 Sec. 57. Section 163.3A, subsection 2, Code Supplement
24 42 2011, is amended to read as follows:

24 43 2. The services shall be performed under the direction of
25 1 the department and may be part of measures authorized by the
25 2 governor under a declaration or proclamation issued pursuant to
25 3 chapter 29C. In such case, the department shall cooperate with
25 4 the Iowa department of public health under chapter 135, and the
25 5 department of ~~public defense~~, homeland security and emergency
25 6 management ~~division~~, and local emergency management agencies as
25 7 provided in chapter 29C.

25 8 Sec. 58. Section 163.51, subsection 2, paragraph b, Code
25 9 2011, is amended to read as follows:

25 10 b. If the department confirms an outbreak of foot and
25 11 mouth disease in this state, the department shall cooperate
25 12 with the governor; federal agencies, including the United
25 13 States department of agriculture; and state agencies, including
25 14 the department of homeland security and emergency management
25 15 ~~division of the department of public defense~~, in order to
25 16 provide the public with timely and accurate information
25 17 regarding the outbreak. The department shall cooperate with
25 18 organizations representing agricultural producers in order to
25 19 provide all necessary information to agricultural producers
25 20 required to control the outbreak.

25 21 Sec. 59. Section 305.8, subsection 1, paragraph b, Code
25 22 2011, is amended to read as follows:

25 23 b. In consultation with the department of homeland security
25 24 and emergency management ~~division of the department of public~~
25 25 ~~defense~~, establish policies, standards, and guidelines for
25 26 the identification, protection, and preservation of records
25 27 essential for the continuity or reestablishment of governmental
25 28 functions in the event of an emergency arising from a natural
25 29 or other disaster.

25 30 Sec. 60. Section 455B.266, subsection 1, paragraph d, Code
25 31 2011, is amended to read as follows:

25 32 d. Determination by the department in conjunction with
25 33 the department of homeland security and emergency management
25 34 ~~division of the department of public defense~~ of a local crisis
25 35 which affects availability of water.

25 36 Sec. 61. Section 455B.385, Code 2011, is amended to read as
25 37 follows:

25 38 455B.385 STATE HAZARDOUS CONDITION CONTINGENCY PLAN.

25 39 All public agencies, as defined in chapter 28E, shall
25 40 cooperate in the development and implementation of a state
25 41 hazardous condition contingency plan. The plan shall detail
25 42 the manner in which public agencies shall participate in the
25 43 response to a hazardous condition. The director may enter
26 1 into agreements, with approval of the commission, with any
26 2 state agency or unit of local government or with the federal
26 3 government, as necessary to develop and implement the plan.
26 4 The plan shall be coordinated with the department of homeland
26 5 security and emergency management ~~division of the department~~
26 6 ~~of public defense~~ and any joint emergency management agencies
26 7 established pursuant to chapter 29C.

26 8 Sec. 62. Section 466B.3, subsection 4, paragraph d, Code
26 9 Supplement 2011, is amended to read as follows:

26 10 d. The ~~administrator~~ director of the department of homeland
26 11 security and emergency management ~~division of the department of~~
26 12 ~~public defense~~ or the ~~administrator's~~ director's designee.

26 13 Sec. 63. REPEAL. Sections 29.2, 29.3, and 29C.7, Code and
 26 14 Code Supplement 2011, are repealed.
 26 15 Sec. 64. TRANSITION PROVISIONS.
 26 16 1. Any rule, regulation, form, order, or directive
 26 17 promulgated by the division of homeland security and
 26 18 emergency management of the department of public defense shall
 26 19 continue in full force and effect until amended, repealed,
 26 20 or supplemented by affirmative action of the department of
 26 21 homeland security and emergency management as established in
 26 22 this Act.
 26 23 2. All employees of the division of homeland security and
 26 24 emergency management of the department of public defense shall
 26 25 be considered employees of the department of homeland security
 26 26 and emergency management upon the elimination of the former and
 26 27 creation of the latter as provided in this Act.

26 28 DIVISION VI
 26 29 IOWA JOBS BOARD

26 30 Sec. 65. Section 12.87, subsection 12, Code Supplement
 26 31 2011, is amended to read as follows:

26 32 12. Neither the treasurer of state, the Iowa ~~jobs board~~
 26 33 finance authority, nor any person acting on behalf of the
 26 34 treasurer of state or the Iowa ~~jobs board~~ finance authority
 26 35 while acting within the scope of their employment or agency, is
 26 36 subject to personal liability resulting from carrying out the
 26 37 powers and duties conferred by this section and sections 12.88
 26 38 through 12.90.

26 39 Sec. 66. Section 16.193, subsection 1, Code Supplement
 26 40 2011, is amended to read as follows:

26 41 ~~—1. The Iowa finance authority, subject to approval by the~~
 26 42 ~~Iowa jobs board,~~ shall adopt administrative rules pursuant to
 26 43 chapter 17A necessary to administer the Iowa jobs program and
 27 1 Iowa jobs II program. The authority shall ~~provide the board~~
 27 2 ~~with assistance in implementing administrative functions; be~~
 27 3 responsible for providing technical assistance and application
 27 4 assistance to applicants under the programs, negotiating
 27 5 contracts, and providing project follow up. ~~The authority, in~~
 27 6 ~~cooperation with the board, may conduct negotiations on behalf~~
 27 7 ~~of the board with applicants regarding terms and conditions~~
 27 8 ~~applicable to awards under the program.~~

27 9 Sec. 67. Section 16.194, subsection 2, Code 2011, is amended
 27 10 to read as follows:

27 11 2. A city or county or a public organization in this
 27 12 state may submit an application to the ~~Iowa jobs board~~
 27 13 authority for financial assistance for a local infrastructure

CODE: This Division repeals the Iowa Jobs (IJOBS) Board and changes the statutory references in the IJOBS Program and IJOBS Program II from the Board to the Iowa Finance Authority (IFA). Repeals the IJOBS Restricted Capitals Fund.

DETAIL: This Division transfers all duties from the IJOBS Board to the IFA. The IJOBS Board was established in SF 376 (Revenue Bonding and IJOBS Program Act) during the 2009 Legislative Session and is comprised of 11 members. A total of \$225,900,000 in appropriations from the Revenue Bonds Capitals Fund (RBC) and Revenue Bonds Capitals II Fund (RBC2) was overseen by the Board. Of that amount, \$148,500,000 was allocated through competitive grants for local infrastructure and disaster prevention infrastructure approved by the Board and \$77,400,000 was allocated by the Board to specified targeted rebuilding and flood mitigation projects.

While the Board has completed its work granting the funds to local recipients, it does meet occasionally and continues to oversee the projects. For example, if a project has a change in scope, funding, or timing, the amendment to the grant agreement is approved by the Board. The IFA staffs the Board, administers the programs under the Board, and pays per diem and expenses for the Board. For FY 2010 and FY 2011, the IFA received a standing appropriation of \$200,000 from the Rebuild Iowa Infrastructure Fund (RIIF) for administration of the IJOBS Programs and for per diem expenses for the Board. This appropriation was eliminated in HF 648 (FY 2012 Infrastructure Appropriations Act) and costs of administering the two Programs and

27 14 competitive grant for an eligible project under the program,
 27 15 notwithstanding any limitation on the state's percentage in
 27 16 funding as contained in section 29C.6, subsection 17.
 27 17 Sec. 68. Section 16.194, subsection 4, unnumbered paragraph
 27 18 1, Code 2011, is amended to read as follows:
 27 19 The ~~board~~ authority shall consider the following criteria in
 27 20 evaluating eligible projects to receive financial assistance
 27 21 under the program:
 27 22 Sec. 69. Section 16.194, subsection 7, Code 2011, is amended
 27 23 to read as follows:
 27 24 7. In order for a project to be eligible to receive
 27 25 financial assistance from the ~~board~~ authority, the project
 27 26 must be a public construction project pursuant to subsection 1
 27 27 with a demonstrated substantial local, regional, or statewide
 27 28 economic impact.
 27 29 Sec. 70. Section 16.194, subsection 8, unnumbered paragraph
 27 30 1, Code 2011, is amended to read as follows:
 27 31 The ~~board~~ authority shall not approve an application for
 27 32 assistance for any of the following purposes:
 27 33 Sec. 71. Section 16.194, subsection 9, paragraph b, Code
 27 34 2011, is amended to read as follows:
 27 35 b. Any portion of an amount allocated for projects
 27 36 that remains unexpended or unencumbered one year after the
 27 37 allocation has been made may be reallocated to another project
 27 38 category, at the discretion of the ~~board~~ authority. The ~~board~~
 27 39 authority shall ensure that all bond proceeds be expended
 27 40 within three years from when the allocation was initially made.
 27 41 Sec. 72. Section 16.194, subsection 10, Code 2011, is
 27 42 amended to read as follows:
 27 43 10. The ~~board~~ authority shall ensure that funds obligated
 28 1 under this section are coordinated with other federal program
 28 2 funds received by the state, and that projects receiving funds
 28 3 are located in geographically diverse areas of the state.
 28 4 Sec. 73. Section 16.194A, subsections 2, 7, 9, and 10, Code
 28 5 2011, are amended to read as follows:
 28 6 2. A city or county in this state that applies the smart
 28 7 planning principles and guidelines pursuant to sections 18B.1
 28 8 and 18B.2 may submit an application to the ~~Iowa jobs board~~
 28 9 authority for financial assistance for a local infrastructure
 28 10 competitive grant for an eligible project under the program,
 28 11 notwithstanding any limitation on the state's percentage in
 28 12 funding as contained in section 29C.6, subsection 17.
 28 13 7. In order for a project to be eligible to receive
 28 14 financial assistance from the ~~board~~ authority, the project
 28 15 must be a public construction project pursuant to subsection 1
 28 16 with a demonstrated substantial local, regional, or statewide

per diems expenses were assumed within the IFA operating budget.
 The IFA operating budget is estimated at \$63,400,000 for FY 2012 and
 is derived solely from income from its financings. The Authority does
 not receive General Fund moneys for operations. Costs for
 administration and per diem expenses of the Board were \$169,470 in
 FY 2011 and are estimated at \$36,350 for FY 2012.

FISCAL IMPACT: The changes in this Division have no impact on the
 General Fund. The elimination of the Board may result in some
 savings to the IFA operating budget, but it is not expected to be
 significant. Additionally, there is no impact from the repeal of the
 IJOBS Restricted Capitals Fund. In practice, the \$165,000,000 in
 appropriations from the RBC that was overseen by the IJOBS Board
 were not deposited in the IJOBS Restricted Capitals Fund, but were
 appropriated directly from the RBC. This was due to advice from the
 Treasurer of State and bond counsel regarding accounting practices for
 the bond proceeds. Iowa Code section 16.196 was not changed to
 reflect what was in practice. The repeal of the unused IJOBS
 Restricted Capitals Fund does not affect the \$165,000,000 from the
 RBC or the grants and allocations made from the Fund.

28 17 economic impact.

28 18 9. Any portion of an amount allocated for projects
28 19 that remains unexpended or unencumbered one year after the
28 20 allocation has been made may be reallocated to another project
28 21 category, at the discretion of the ~~board~~ authority. The ~~board~~
28 22 authority shall ensure that all bond proceeds be expended
28 23 within three years from when the allocation was initially made.

28 24 10. The ~~board~~ authority shall ensure that funds obligated
28 25 under this section are coordinated with other federal program
28 26 funds received by the state, and that projects receiving funds
28 27 are located in geographically diverse areas of the state.

28 28 Sec. 74. Section 16.194A, subsection 4, unnumbered
28 29 paragraph 1, Code 2011, is amended to read as follows:
28 30 The ~~board~~ authority shall consider the following criteria in
28 31 evaluating eligible projects to receive financial assistance
28 32 under the program:

28 33 Sec. 75. Section 16.194A, subsection 8, unnumbered
28 34 paragraph 1, Code 2011, is amended to read as follows:
28 35 The ~~board~~ authority shall not approve an application for
28 36 assistance for any of the following purposes:

28 37 Sec. 76. Section 16.195, Code Supplement 2011, is amended
28 38 to read as follows:

28 39 16.195 IOWA JOBS PROGRAM APPLICATION REVIEW.

28 40 1. Applications for assistance under the Iowa jobs program
28 41 and Iowa jobs II program shall be submitted to the ~~Iowa finance~~
28 42 authority for review and approval. ~~The authority shall provide~~
28 43 ~~a staff review and evaluation of applications to the Iowa jobs~~
29 1 ~~program review committee referred to in subsection 2 and to the~~
29 2 ~~Iowa jobs board.~~

29 3 2.—A review committee composed of members of the board
29 4 ~~as determined by the board shall review Iowa jobs program~~
29 5 ~~applications submitted to the board and make recommendations~~
29 6 ~~regarding the applications to the board.~~ When reviewing the
29 7 applications, the ~~review committee and the~~ authority shall
29 8 consider the project criteria specified in sections 16.194 and
29 9 16.194A. The ~~board~~ authority shall develop the appropriate
29 10 level of transparency regarding project fund allocations.

29 11 3. Upon approval of an application for financial assistance
29 12 under the program, the ~~board~~ authority shall notify the
29 13 treasurer of state regarding the amount of moneys needed to
29 14 satisfy the award of financial assistance and the terms of the
29 15 award. The treasurer of state shall notify the ~~Iowa finance~~
29 16 authority any time moneys are disbursed to a recipient of
29 17 financial assistance under the program.

29 18 Sec. 77. Section 16.196, Code 2011, is amended to read as
29 19 follows:

29 20 16.196 IOWA JOBS RESTRICTED CAPITALS FUND — APPROPRIATIONS.

29 21 ~~—1. An Iowa jobs restricted capitals fund is created and~~
29 22 ~~established as a separate and distinct fund in the state~~
29 23 ~~treasury. The fund consists of moneys appropriated from~~
29 24 ~~the revenue bonds capitals fund created in section 12.88.~~
29 25 ~~The moneys in the fund are appropriated to the Iowa jobs~~
29 26 ~~board for purposes of the Iowa jobs program established in~~
29 27 ~~section 16.194. Moneys in the fund shall not be subject to~~
29 28 ~~appropriation for any other purpose by the general assembly,~~
29 29 ~~but shall be used only for the purposes of the Iowa jobs~~
29 30 ~~program. The treasurer of state shall act as custodian of the~~
29 31 ~~fund and disburse moneys contained in the fund. The fund shall~~
29 32 ~~be administered by the board which shall make allocations from~~
29 33 ~~the fund consistent with the purposes of the Iowa jobs program.~~

29 34 ~~—2. 1. There is appropriated from the revenue bonds capitals~~
29 35 ~~fund created in section 12.88, to the Iowa jobs restricted~~
29 36 ~~capitals fund, for the fiscal year beginning July 1, 2009, and~~
29 37 ~~ending June 30, 2010, one hundred sixty-five million dollars to~~
29 38 ~~be allocated as follows:~~

29 39 a. One hundred eighteen million five hundred thousand
29 40 dollars for competitive grants for local infrastructure
29 41 projects relating to disaster rebuilding, reconstruction
29 42 and replacement of local buildings, flood control and flood
29 43 protection, and future flood prevention public projects. An
30 1 applicant for a local infrastructure grant shall not receive
30 2 more than fifty million dollars in financial assistance from
30 3 the fund.

30 4 b. Forty-six million five hundred thousand dollars for
30 5 disaster relief and mitigation and local infrastructure
30 6 grants for the following renovation and construction projects,
30 7 notwithstanding any limitation on the state's percentage
30 8 participation in funding as contained in section 29C.6,
30 9 subsection 17:

30 10 (1) For grants to a county with a population between
30 11 one hundred eighty-nine thousand and one hundred ninety-six
30 12 thousand in the latest preceding certified federal census, to
30 13 be distributed as follows:

30 14 (a) Ten million dollars for the construction of a new,
30 15 shared facility between nonprofit human service organizations
30 16 serving the public, especially the needs of low-income lowans,
30 17 including those displaced as a result of the disaster of 2008.

30 18 (b) Five million dollars for the construction or renovation
30 19 of a facility for a county-funded workshop program serving
30 20 the public and particularly persons with mental illness or
30 21 developmental disabilities.

30 22 (2) For grants to a city with a population between one

30 23 hundred ten thousand and one hundred twenty thousand in the
30 24 latest preceding certified federal census, to be distributed
30 25 as follows:

30 26 (a) Five million dollars for an economic redevelopment
30 27 project benefiting the public by improving energy efficiency
30 28 and the development of alternative and renewable energy
30 29 technologies.

30 30 (b) Ten million dollars for a museum serving the public and
30 31 dedicated to the preservation of an eastern European cultural
30 32 heritage through the collection, exhibition, preservation, and
30 33 interpretation of historical artifacts.

30 34 (c) Five million dollars for a theater serving the public
30 35 and promoting culture, entertainment, and tourism.

30 36 (d) Five million dollars for a public library.

30 37 (e) Five million dollars for a public works building.

30 38 (3) One million five hundred thousand dollars, to be
30 39 distributed as follows:

30 40 (a) Five hundred thousand dollars to a city with a
30 41 population between six hundred and six hundred fifty in the
30 42 latest preceding certified federal census, for a public fire
30 43 station.

31 1 (b) Five hundred thousand dollars to a city with a
31 2 population between one thousand four hundred and one thousand
31 3 five hundred in the latest preceding certified federal census,
31 4 for a public fire station.

31 5 (c) Five hundred thousand dollars for a city with a
31 6 population between seven thousand eight hundred and seven
31 7 thousand eight hundred fifty, for a public fire station.

31 8 —~~3.~~ 2. Grant awards for a project under subsection 2,
31 9 paragraph “b”, are contingent upon submission of a plan for
31 10 each project by the applicable county or city governing board
31 11 or in the case of a project submitted pursuant to subsection
31 12 2, paragraph “b”, subparagraph (2), subparagraph division (b),
31 13 by the board of directors, to the ~~Iowa jobs board~~ authority,
31 14 no later than September 1, 2009, detailing a description of
31 15 the project, the plan to rebuild, and the amount or percentage
31 16 of federal, state, local, or private matching moneys which
31 17 will be or have been provided for the project. Funds not
31 18 utilized in accordance with subsection 2, paragraph “b”, due
31 19 to failure to file a plan by the September 1 deadline shall
31 20 revert to the ~~Iowa jobs restricted~~ revenue bonds capitals fund
31 21 to be available for local infrastructure competitive grants. A
31 22 grant recipient under subsection 2, paragraph “b”, shall not be
31 23 precluded from applying for a local infrastructure competitive
31 24 grant pursuant to this section and section 16.195.

31 25 —~~4. Moneys in the fund are not subject to section 8.33.~~

31 26 Notwithstanding section 12C.7, subsection 2, interest or
 31 27 ~~earnings on moneys in the fund shall be credited to the fund.~~
 31 28 ~~—5. 3.~~ Annually, on or before January 15 of each year, the
 31 29 ~~board authority~~ shall report to the legislative services agency
 31 30 and the department of management the status of all projects
 31 31 receiving moneys from the fund completed or in progress. The
 31 32 report shall include a description of the project, the progress
 31 33 of work completed, the total estimated cost of the project, a
 31 34 list of all revenue sources being used to fund the project, the
 31 35 amount of funds expended, the amount of funds obligated, and
 31 36 the date the project was completed or an estimated completion
 31 37 date of the project, where applicable.

31 38 ~~—6. 4.~~ Payment of moneys appropriated from the fund shall be
 31 39 made in a manner that does not adversely affect the tax-exempt
 31 40 status of any outstanding bonds issued by the treasurer of
 31 41 state.

31 42 Sec. 78. Section 16.197, Code 2011, is amended to read as
 31 43 follows:

32 1 16.197 LIMITATION OF LIABILITY.

32 2 ~~—A member of the Iowa jobs board, a person acting on behalf of~~
 32 3 ~~the board while acting within the scope of their employment or~~
 32 4 ~~agency; The authority~~ or the treasurer of state, shall not be
 32 5 subject to personal liability resulting from carrying out the
 32 6 powers and duties of the ~~board authority~~ or the treasurer, as
 32 7 applicable, in sections ~~16.192~~ 16.193 through 16.196.

32 8 Sec. 79. IOWA JOBS BOARD — TRANSITION PROVISIONS —
 32 9 LIMITATION OF LIABILITY.

32 10 1. Any contract or agreement issued or entered into by the
 32 11 Iowa jobs board relating to the provisions of this division
 32 12 of this Act, in effect on the effective date of this division
 32 13 of this Act, shall continue in full force and effect and
 32 14 any responsibility of the board relative to the contracts or
 32 15 agreements as provided in those contracts or agreements shall
 32 16 be transferred to the Iowa finance authority.

32 17 2. A member of the Iowa jobs board or a person acting on
 32 18 behalf of the board while acting within the scope of that
 32 19 person's employment or agency shall not be subject to personal
 32 20 liability resulting from carrying out the powers and duties
 32 21 of the board prior to the effective date of this division of
 32 22 this Act, as applicable, in sections 12.87 through 12.90 and in
 32 23 sections 16.192 through 16.196, Code and Code Supplement 2011.

32 24 Sec. 80. REPEAL. Sections 16.191 and 16.192, Code
 32 25 Supplement 2011, are repealed.

32 26

DIVISION VII

32 27

ELECTRONIC COMMUNICATIONS

32 28 Sec. 81. Section 22.7, Code Supplement 2011, is amended by
 32 29 adding the following new subsection:
 32 30 NEW SUBSECTION 65. Electronic mail addresses of
 32 31 individuals collected by state departments and agencies for the
 32 32 purpose of electronic communications.

CODE: Adds electronic mail (email) addresses of individuals, that are collected by State agencies, to the list of confidential information under the Iowa Code chapter pertaining to the Examination of Public Records.

32 33 Sec. 82. STATE DEPARTMENT AND AGENCY LIMITATIONS ON
 32 34 MAIL. Notwithstanding any provision of the law to the
 32 35 contrary, a state department or agency shall provide
 32 36 departmental or agency notices or information through the
 32 37 department's or agency's internet site or through electronic
 32 38 mail to the fullest extent possible. This requirement shall
 32 39 not apply to department and agency communications required for
 32 40 purposes of pursuing legal action or to comply with federal
 32 41 law. Departments and agencies shall have rulemaking authority
 32 42 to implement this section and to collect electronic mail
 32 43 addresses for the purpose of electronic communications.

Requires State agencies to distribute notices and information through the agencies' Internet site or through email to the fullest extent possible. The requirement does not apply notices concerning legal action or requirements relating to compliance with federal law.

FISCAL IMPACT: This item will result in some savings but a specific amount cannot be estimated.

33 1 DIVISION VIII
 33 2 STATE RECORDS

33 3 Sec. 83. Section 96.11, subsection 11, Code 2011, is amended
 33 4 to read as follows:
 33 5 11. DESTRUCTION OF RECORDS. The department may destroy
 33 6 or dispose of such original reports or records as have been
 33 7 properly recorded or summarized in the permanent records of
 33 8 the department and are deemed by the director and the ~~state~~
 33 9 ~~records commission~~ department of cultural affairs to be no
 33 10 longer necessary to the proper administration of this chapter.
 33 11 Wage records of the individual worker or transcripts therefrom
 33 12 may be destroyed or disposed of, if approved by the ~~state~~
 33 13 ~~records commission~~ department of cultural affairs, two years
 33 14 after the expiration of the period covered by such wage records
 33 15 or upon proof of the death of the worker. Such destruction
 33 16 or disposition shall be made only by order of the director in
 33 17 consultation with the ~~state records commission~~ department of
 33 18 cultural affairs. Any moneys received from the disposition of
 33 19 such records shall be deposited to the credit of the employment
 33 20 security administration fund, subject to rules promulgated by
 33 21 the department.

CODE: This Division repeals the State Records Commission and transfers the responsibilities to the Department of Cultural Affairs. Sections 83 through 89 of this Bill make conforming changes that are associated with transferring the duties of the Commission to the Department.

FISCAL IMPACT: This Division will shift the cost of records storage and retention from the Department of Cultural Affairs to other State agencies that utilize the records storage services of the Department. The Department of Cultural Affairs receives an annual appropriation to pay the facility lease where State records are stored and for support costs associated with records storage and retention. For FY 2012, the appropriation was \$227,000. This Section allows the Department to bill other agencies for the cost of records storage in an amount similar to the appropriation received in FY 2012. It is assumed that the annual appropriation will be discontinued beginning in FY 2013, if this Division is enacted.

33 22 Sec. 84. Section 305.2, subsection 2, Code 2011, is amended
 33 23 to read as follows:
 33 24 2. "Archives" means records that have been appraised by
 33 25 the ~~state records commission~~ department as having sufficient
 33 26 historical, research, evidential, or informational value to
 33 27 warrant permanent preservation and that have been transferred

33 28 to the custody of the state archives.

33 29 Sec. 85. Section 305.2, subsections 3 and 5, Code 2011, are

33 30 amended by striking the subsections.

33 31 Sec. 86. Section 305.2, Code 2011, is amended by adding the

33 32 following new subsection:

33 33 NEW SUBSECTION 4A. "Department" means the department of

33 34 cultural affairs.

33 35 Sec. 87. Section 305.2, subsection 10, Code 2011, is amended

33 36 to read as follows:

33 37 10. "Records series retention and disposition schedule"

33 38 means a timetable established by the ~~state records commission~~

33 39 department that describes the length of time a records series

33 40 of an agency or multiple agencies must be retained in active

33 41 and inactive status and provides authorization for a final

33 42 disposition of the records series by destruction or permanent

33 43 retention.

34 1 Sec. 88. Section 305.4, unnumbered paragraph 1, Code 2011,

34 2 is amended to read as follows:

34 3 The ~~commission~~ department shall adopt government information

34 4 policies, standards, and guidelines to do all of the following:

34 5 Sec. 89. Section 305.8, subsection 1, unnumbered paragraph

34 6 1, Code 2011, is amended to read as follows:

34 7 The ~~commission~~ department shall do all of the following:

34 8 Sec. 90. Section 305.8, subsection 1, Code 2011, is amended

34 9 by adding the following new paragraph:

34 10 NEW PARAGRAPH 0e. Provide training, advice, and counsel

34 11 to agencies on government information policies, standards, and

34 12 guidelines.

34 13 Sec. 91. Section 305.8, subsection 1, Code 2011, is amended

34 14 by adding the following new paragraphs:

34 15 NEW PARAGRAPH 0f. Develop and distribute operating

34 16 procedures for agencies to use to implement the plans,

34 17 policies, standards, and guidelines adopted by the department.

34 18 NEW PARAGRAPH 00f. Manage any centralized records storage

34 19 facility established by the department for the temporary

34 20 storage of agency records prior to their final disposition by

34 21 destruction or permanent preservation in accordance with the

34 22 records series retention and disposition schedules.

34 23 NEW PARAGRAPH 000f. Appoint a state archivist to head the

34 24 state archives and records program.

34 25 NEW PARAGRAPH 0000f. Manage the state archives and develop

34 26 operating procedures for the transfer, accession, arrangement,

34 27 description, preservation, protection, and public access of

34 28 those records the department identifies as having permanent

34 29 value.

CODE: Sections 90 and 91 provide additional requirements for the Department of Cultural Affairs relating to the management and storage of State records. The new provisions require the Department to:

- Provide training to agencies relating to policies and guidelines of records storage and retention.
- Develop operating procedures for agencies to use.
- Manage all records storage facilities.
- Appoint a State Archivist.
- Manage the State archives and develop operating procedures pertaining to archived records.
- Maintain physical and legal custody of archives that have been transferred to the State archives.
- Consider establishing a reasonable fee for providing certified copies and transcripts or records that are in the legal or physical custody of the State Archivist.
- Establish and maintain an electronic archive of records to preserve and provide public access to State government records that have permanent historical value.

34 30 NEW PARAGRAPH 00000f. Maintain physical custody and legal
 34 31 custody of archives that have been transferred and delivered
 34 32 to the state archives.

34 33 (1) Upon receipt by the state archivist, the archives shall
 34 34 not be removed without the state archivist's consent except in
 34 35 response to a subpoena of a court of record or in accordance
 34 36 with approved records series retention and disposition
 34 37 schedules or after review and approval of the department.

34 38 (2) Upon request, the state archivist shall make a certified
 34 39 copy of any record in the legal custody or in the physical
 34 40 custody of the state archivist, or a certified transcript
 34 41 of any record if reproduction is inappropriate because of
 34 42 legal or physical considerations. If a copy or transcript is
 34 43 properly authenticated, it has the same legal effect as though
 35 1 certified by the officer from whose office it was transferred
 35 2 or by the secretary of state. The department shall establish
 35 3 reasonable fees for certified copies or certified transcripts
 35 4 of records in the legal custody or physical custody of the
 35 5 state archivist.

35 6 NEW PARAGRAPH 000000f. Establish, maintain, and administer
 35 7 an archive of records created and maintained in electronic
 35 8 format in order to preserve and provide public access to state
 35 9 government records identified as having permanent historical
 35 10 value by the department.

35 11 Sec. 92. Section 305.8, subsection 1, Code 2011, is amended
 35 12 by adding the following new paragraph:
 35 13 NEW PARAGRAPH 0i. Establish rates to be charged an agency
 35 14 by the department for storage and retention of records of
 35 15 the agency in a records storage facility maintained by the
 35 16 department. Rates established shall be reviewed annually by
 35 17 the department and shall be reasonably related to the cost of
 35 18 storing and retaining records of an agency.

CODE: Allows the Department of Cultural Affairs to establish rates for the purpose of billing State agencies for the storage and retention of records.

35 19 Sec. 93. Section 305.8, subsection 2, unnumbered paragraph
 35 20 1, Code 2011, is amended to read as follows:
 35 21 The ~~commission~~ department may do all of the following:

CODE: Makes a conforming change associated with transferring the duties of the State Records Commission to the Department of Cultural Affairs.

35 22 Sec. 94. Section 305.8, subsection 2, Code 2011, is amended
 35 23 by adding the following new paragraph:
 35 24 NEW PARAGRAPH 0g. Upon written consent of the state
 35 25 archivist, accept records of political subdivisions that are
 35 26 voluntarily transferred to the state archives.

CODE: Allows the Department to accept records of political subdivisions that are voluntarily transferred to the State archives.

35 27 Sec. 95. Section 305.8, subsection 2, paragraph e, Code
 35 28 2011, is amended to read as follows:

CODE: Makes a conforming change associated with transferring the duties of the State Records Commission to the Department of Cultural

35 29 e. Make, or cause to be made, preservation duplicates of
 35 30 records, which may include existing copies of original state
 35 31 records. Any preservation duplicate record shall be durable,
 35 32 accurate, complete, and clear, and shall be made by means
 35 33 designated by the ~~commission~~ department.

Affairs.

35 34 Sec. 96.NEW SECTION 305.8A RECORDS RETENTION AND STORAGE
 35 35 COSTS — BILLING — INTERNAL SERVICE FUND.

CODE: Allows the Department of Cultural Affairs to establish an internal service fund for records storage and retention services and to bill State agencies for the costs associated with storage and retention of records. Requires interest earnings of the internal service fund to remain in the fund.

35 36 1. The department may bill an agency for records storage
 35 37 and retention services rendered by the department pursuant to
 35 38 the rates established by the department for these services.
 35 39 The department shall periodically render a billing statement
 35 40 to an agency outlining the cost of services provided. The
 35 41 amount indicated on the statement shall be paid by the agency
 35 42 and amounts received by the department shall be considered
 35 43 repayment receipts as defined in section 8.2, and deposited
 36 1 into the accounts of the department.

36 2 2. a. The department may establish and maintain an internal
 36 3 service fund in accordance with generally accepted accounting
 36 4 principles, as defined in section 8.57, for the records storage
 36 5 and retention activities of the department which are primarily
 36 6 funded from billings to agencies for services rendered by the
 36 7 department.

36 8 b. The internal service fund shall be administered by
 36 9 the department and shall consist of moneys collected by the
 36 10 department from billings issued in accordance with this section
 36 11 and any other moneys obtained or accepted by the department,
 36 12 including but not limited to gifts, loans, donations, grants,
 36 13 and contributions, which are designated to support the
 36 14 activities of the internal service fund.

36 15 c. The proceeds of the internal service fund established
 36 16 pursuant to this section shall be used by the department
 36 17 for the operations of the department in records storage and
 36 18 retention consistent with this chapter.

36 19 d. Section 8.33 does not apply to any moneys in the
 36 20 internal service fund established pursuant to this section.
 36 21 Notwithstanding section 12C.7, subsection 2, interest or
 36 22 earnings on moneys deposited in the fund shall be credited to
 36 23 the fund.

36 24 e. The director of the department shall annually provide
 36 25 financial information and reports relative to the internal
 36 26 service fund established pursuant to this section to the
 36 27 department of management and the general assembly. The
 36 28 information provided may include the recommendation that a
 36 29 portion of unexpended net income be periodically returned to
 36 30 the appropriate funding source.

36 31 Sec. 97. Section 305.10, subsection 1, paragraphs c, d, e,
36 32 f, and j, Code 2011, are amended to read as follows:
36 33 c. Cooperate with the ~~state records commission~~ department
36 34 and the state archives and records program in the development
36 35 and implementation of government information policies,
36 36 standards, and guidelines, and in the development and
36 37 implementation of records series retention and disposition
36 38 schedules.
36 39 d. Comply with requests from the ~~state records commission~~
36 40 ~~or department and~~ the state archives and records program to
36 41 examine records in the possession, constructive possession, or
36 42 control of the agency in order to carry out the purposes of
36 43 this chapter.
37 1 e. Inventory agency records in accordance with ~~state~~
37 2 ~~records commission~~ department policies to draft records series
37 3 retention and disposition schedules.
37 4 f. Identify vital operating records in accordance with
37 5 the policies, standards, and guidelines of the ~~state records~~
37 6 ~~commission~~ department.
37 7 j. Provide for compliance with this chapter and the rules
37 8 adopted by the ~~state records commission~~ department.
37 9 Sec. 98. Section 305.10, subsection 2, Code 2011, is amended
37 10 to read as follows:
37 11 2. Agency heads may petition the ~~state records commission~~
37 12 department to create or modify government information policies,
37 13 standards, and guidelines, and to create or modify records
37 14 series retention and disposition schedules.
37 15 Sec. 99. Section 305.11, Code 2011, is amended to read as
37 16 follows:
37 17 305.11 TERMINATION OF STATE AGENCY — RECORDS TRANSFER.
37 18 Upon the termination of a state agency whose functions have
37 19 not been transferred to another agency, custody of the records
37 20 of the agency shall transfer to the ~~commission~~ department.
37 21 Sec. 100. Section 305.14, Code 2011, is amended to read as
37 22 follows:
37 23 305.14 LIABILITY PRECLUDED.
37 24 No ~~member~~ employee of the ~~commission~~ department or head of
37 25 an agency shall be held liable for damages or loss, or civil
37 26 or criminal liability, because of the destruction of public
37 27 records pursuant to the provisions of this chapter or any other
37 28 law authorizing their destruction.
37 29 Sec. 101. Section 305.15, Code 2011, is amended to read as
37 30 follows:
37 31 305.15 EXEMPTIONS — DUTIES OF STATE DEPARTMENT OF
37 32 TRANSPORTATION AND STATE BOARD OF REGENTS.
37 33 The state department of transportation and the agencies and

CODE: Sections 97 through 103 of this Bill make conforming changes that are associated with transferring the duties of the State Records Commission to the Department of Cultural Affairs.

37 34 institutions under the control of the state board of regents
 37 35 are exempt from the state records manual and the provisions of
 37 36 this chapter. However, the state department of transportation
 37 37 and the state board of regents shall adopt rules pursuant to
 37 38 chapter 17A for their employees, agencies, and institutions
 37 39 that are consistent with the objectives of this chapter.
 37 40 The rules shall be approved by the ~~state records commission~~
 37 41 department.

37 42 Sec. 102. Section 305.16, subsection 6, paragraph b,
 37 43 subparagraph (1), Code 2011, is amended to read as follows:

38 1 (1) Serve in an advisory capacity to the ~~state records~~
 38 2 ~~commission~~ department, the state archives and records program,
 38 3 and other statewide archival or records agencies.

38 4 Sec. 103. Section 321.31, subsection 1, paragraph b, Code
 38 5 2011, is amended to read as follows:

38 6 b. The department may make photostatic, microfilm, or other
 38 7 photographic copies of certificates of title, registration
 38 8 receipts, or other records, reports or documents which are
 38 9 required to be retained by the department. When copies have
 38 10 been made, the department may destroy the original records in
 38 11 such manner as prescribed by the director. The photostatic,
 38 12 microfilm, or other photographic copies, when no longer of use,
 38 13 may be destroyed in the manner prescribed by the director,
 38 14 subject to the approval of the ~~state records commission~~
 38 15 department of cultural affairs. Photostatic, microfilm, or
 38 16 other photographic copies of records shall be admissible in
 38 17 evidence when duly certified and authenticated by the officer
 38 18 having custody and control of the copies of records. Records
 38 19 of vehicle certificates of title may be destroyed seven years
 38 20 after the date of issue.

38 21 Sec. 104. REPEAL. Sections 305.3, 305.5, 305.6, 305.7, and
 38 22 305.9, Code 2011, are repealed.

CODE: Repeals the State Records Commission.

DETAIL: The duties of the State Records Commission are transferred to the Department of Cultural Affairs.

38 23 Sec. 105. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

38 24 1. Any rule, regulation, form, order, or directive
 38 25 promulgated by the state records commission relative to the
 38 26 provisions of this Act in existence on the effective date of
 38 27 this division of this Act shall continue in full force and
 38 28 effect until amended, repealed, or supplemented by affirmative
 38 29 action of the department of cultural affairs under the duties
 38 30 and powers established in this division of this Act and under
 38 31 the procedure established in subsection 2.

Establishes a process for updating the Administrative Rules as it relates to the transfer of the State Records Commission duties to the Department of Cultural Affairs.

38 32 2. In regard to updating references and format in the Iowa

38 33 administrative code in order to correspond to the transferring
 38 34 of duties as established in this division of this Act, the
 38 35 administrative rules coordinator and the administrative rules
 38 36 review committee, in consultation with the administrative code
 38 37 editor, shall jointly develop a schedule for the necessary
 38 38 updating of the Iowa administrative code.

38 39 DIVISION IX
 38 40 DEPARTMENT OF TRANSPORTATION PROVISIONS

38 41 Sec. 106. Section 321.196, subsection 4, Code 2011, is
 38 42 amended to read as follows:
 38 43 4. The department in its discretion may authorize the
 39 1 renewal of a valid driver's license other than a commercial
 39 2 driver's license upon application without an examination
 39 3 provided that the applicant meets one of the following
 39 4 conditions:
 39 5 a. The applicantsatisfactorily passes a vision test as
 39 6 prescribed by the department or,
 39 7 b. The applicantfiles a vision report in accordance with
 39 8 section 321.186A which shows that the applicant's visual acuity
 39 9 level meets or exceeds those required by the department.
 39 10 c. The applicant is eligible for license renewal
 39 11 electronically, pursuant to rules adopted by the department.
 39 12 4A. An application for renewal of a driver's license shall
 39 13 include a statement for the applicant to sign that acknowledges
 39 14 the applicant's knowledge of the requirement to notify the
 39 15 department of a mailing address change under section 321.182,
 39 16 subsection 1.

CODE: Allows the Department of Transportation (DOT) to waive the vision screening requirements for persons eligible to renew a driver's license online.

FISCAL IMPACT: The DOT estimates a three-year average of 403,825 individuals ranging from 18 to 65 years may be eligible to renew a driver's license online. In addition, the DOT states there are no additional start-up expenses to design and implement a driver's license online renewal system. The number of individuals eligible to renew a driver's license online that would take advantage of the electronic renewal over a DOT driver's license station and the resulting employee hours saved cannot be estimated at this time.

The DOT has indicated that any personnel savings experienced as a result of online renewal implementation will be applied towards the 35.00 FTE positions currently being held vacant in the Motor Vehicle Division due to budget constraints. The DOT states that Nebraska adopted an online driver's license renewal system and experienced an average renewal transfer of 10.00% to 15.00% during the start-up period. The amount of online renewals increased to an average of 35.00% after a period of heavy promotion by the Nebraska Department of Transportation. The DOT will experience a "sign-on" expense from the DAS for an authentication service before proceeding to the DOT's online renewal service. The DAS will charge the DOT two cents for each authentication. The DOT estimates this charge to be approximately \$2,500 per year for the service.

39 17 Sec. 107. REPEAL. Section 321.116, Code 2011, is repealed.

CODE: Repeals the annual fee for electric motor vehicles.

DETAIL: The current annual fee is \$25 for electric motor vehicles that are five years and newer and \$15 for those older than five years. The repeal of this Iowa Code section will require the electric motor vehicle registration fee to be based on the current weight/value formula, which averages \$130 per vehicle per year.

FISCAL IMPACT: Currently, there are 13 electric motor vehicles

registered in Iowa and it is estimated that the average registration fee for these vehicles would increase by \$105 per year. This would generate an additional \$1,365 to the Road Use Tax Fund.

Allows the DOT to adopt emergency rules to implement the issuance of online driver's license renewals.

39 18 Sec. 108. EMERGENCY RULES. The department of
39 19 transportation may adopt emergency rules under section 17A.4,
39 20 subsection 3, and section 17A.5, subsection 2, paragraph "b",
39 21 to implement section 321.196, subsection 4, paragraph "c",
39 22 as enacted in this division of this Act, and the rules shall
39 23 be effective immediately upon filing unless a later date is
39 24 specified in the rules. Any rules adopted in accordance with
39 25 this section shall also be published as a notice of intended
39 26 action as provided in section 17A.4.

The following provisions are effective on enactment:

39 27 Sec. 109. EFFECTIVE UPON ENACTMENT. The following
39 28 provisions of this division of this Act, being deemed of
39 29 immediate importance, take effect upon enactment:
39 30 1. The section of this division of this Act amending section
39 31 321.196, subsection 4.
39 32 2. The section of this division of this Act authorizing the
39 33 adoption of emergency rules.

- The Section that allows the DOT to waive vision screening for certain persons renewing a driver's license.
- The Section that allows the DOT to adopt emergency rules.

39 34 Sec. 110. APPLICABILITY. The section of this division of
39 35 this Act that repeals section 321.116 applies for registration
39 36 years beginning on or after January 1, 2013.

Specifies that repeal the annual fee for electric motor vehicles applies to registration years beginning on or after January 1, 2013.

39 37 DIVISION X
39 38 REPORT — STATE DEBT COORDINATOR

39 39 Sec. 111. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE
39 40 DEBT COORDINATOR — REPORT. The director of the department
39 41 of revenue shall develop and recommend legislative proposals
39 42 deemed necessary for the continued efficiency of the functions
39 43 of the office of the state debt coordinator established in
40 1 section 421C.1, and shall prepare and file a report detailing
40 2 the recommendations. The report shall be filed by the director
40 3 of the department of revenue with the department of management,
40 4 the governor, and the general assembly no later than January
40 5 14, 2013.

Requires the Department of Revenue to develop proposals to make the Office of the State Debt Coordinator more efficient and to submit a report of the recommendations to the Department of Management, the Governor, and the General Assembly by January 14, 2013.

40 6 DIVISION XI
40 7 POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

40 8 Sec. 112. Section 455B.481, subsections 1 through 3, Code

CODE: Amends Iowa Code language related to the management of

40 9 2011, are amended to read as follows:

40 10 1. The purpose of this part is to promote the proper and
40 11 ~~safe storage, treatment, and disposal~~ management of solid,
40 12 hazardous, and low-level radioactive wastes in Iowa. The
40 13 ~~management of these wastes generated within Iowa is the~~
40 14 ~~responsibility of Iowans. It is the intent of the general~~
40 15 ~~assembly that Iowans assume this responsibility to the extent~~
40 16 ~~consistent with the protection of public health, safety, and~~
40 17 ~~the environment, and that Iowans insure that waste management~~
40 18 ~~practices, as alternatives to land disposal, including source~~
40 19 ~~reduction, recycling, compaction, incineration, and other forms~~
40 20 ~~of waste reduction, are employed.~~

40 21 —2.—It is also the intent of the general assembly that a
40 22 comprehensive waste management plan be established by the
40 23 department which includes:the determination of need and
40 24 adequate regulatory controls prior to the initiation of site
40 25 selection; the process for selecting a superior site determined
40 26 to be necessary; the establishment of a process for a site
40 27 community to submit or present data, views, or arguments
40 28 regarding the selection of the operator and the technology
40 29 that best ensures proper facility operation; the prohibition
40 30 of shallow land burial of hazardous and low-level radioactive
40 31 wastes; the establishment of a regulatory framework for a
40 32 facility; and the establishment of provisions for the safe
40 33 and orderly development, operation, closure, postclosure, and
40 34 long-term monitoring and maintenance of the facility.

40 35 —3. 2.—In order to meet capacity assurance requirements
40 36 of section 104k of the federal Superfund Amendments and
40 37 Reauthorization Act of 1986, Pub.L. No.99-499, and further
40 38 the objectives of waste minimization, the The department, in
40 39 cooperation with the ~~small-business assistance~~ Iowa waste
40 40 reduction center at the university of northern Iowa, shall work
40 41 with generators of hazardous wastes in the state to develop and
40 42 implement aggressive waste minimization programs. ~~The goal~~
40 43 ~~of these programs is to reduce the volume of hazardous waste~~
41 1 ~~generated in the state as a whole by twenty-five percent of~~
41 2 ~~the amount generated as of January 1, 1987, as reported in the~~
41 3 ~~biennial reports collected by the United States environmental~~
41 4 ~~protection agency. The twenty-five percent reduction goal~~
41 5 ~~shall be reached as expeditiously as possible and no later than~~
41 6 ~~July 1, 1994. In meeting the reduction goal, elements “a”~~
41 7 ~~through “d” of the hazardous waste management hierarchy shall~~
41 8 ~~be utilized. The department, in cooperation with the small~~
41 9 ~~business assistance center, shall reassess the twenty-five~~
41 10 ~~percent reduction goal in 1994. The department shall promote~~
41 11 ~~research and development, provide and promote educational~~

solid, hazardous, and low-level radioactive waste in Iowa. The Department of Natural Resources (DNR) will continue to work with the University of Northern Iowa Small Business Center to develop and implement waste minimization programs. These are voluntary programs that will develop a pollution prevention hierarchy. Removes outdated references in the Iowa Code.

FISCAL IMPACT: This Division has no fiscal impact to the State.

<p>41 12 and informational programs, promote and encourage <u>provide</u> 41 13 <u>confidential</u>, voluntary technical assistance to hazardous waste 41 14 generators, promote assistance by the small business assistance 41 15 <u>Iowa waste reduction</u> center, and promote other activities by 41 16 the public and private sectors that support this goal. In 41 17 the promotion of the goal, the following hazardous waste 41 18 <u>management pollution prevention</u> hierarchy, in descending order 41 19 of preference, is established by the department:</p> <p>41 20 a. Source reduction for waste elimination. 41 21 b. <u>Reuse</u>. 41 22 <u>c.</u> On-site recycling. 41 23 e. <u>d.</u> Off-site recycling. 41 24 d. <u>e.</u> Waste treatment. 41 25 e. <u>f.</u> Incineration <u>Combustion with energy recovery</u>. 41 26 f. <u>g.</u> Land disposal.</p> <p>41 27 Sec. 113. Section 455B.481, subsections 4 and 5, Code 2011, 41 28 are amended by striking the subsections.</p> <p>41 29 Sec. 114. Section 455B.482, Code 2011, is amended by adding 41 30 the following new subsection: 41 31 NEW SUBSECTION 7A. "Pollution prevention" means employment 41 32 of a practice that reduces the industrial use of toxic 41 33 substances or reduces the environmental and health hazards 41 34 associated with an environmental waste without diluting or 41 35 concentrating the waste before the release, handling, storage, 41 36 transport, treatment, or disposal of the waste.</p> <p>41 37 Sec. 115. Section 455B.484, Code 2011, is amended by adding 41 38 the following new subsection: 41 39 NEW SUBSECTION 1A. Implement the waste management policy 41 40 provided in section 455B.481.</p> <p>41 41 Sec. 116. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, 41 42 and 10, Code 2011, are amended by striking the subsections.</p> <p>41 43 Sec. 117. Section 455B.484A, subsection 1, paragraph c, 42 1 Code 2011, is amended to read as follows: 42 2 c. "Assistance program" means the waste reduction assistance 42 3 <u>pollution prevention</u> program of the department or of the Iowa 42 4 waste reduction center for safe and economic management of 42 5 solid waste and hazardous substances conducted pursuant to 42 6 section 268.4.</p>	<p>CODE: Repeals reporting requirements related to recycled hazardous waste materials.</p> <p>CODE: Adds a definition for pollution prevention as it relates to duties of the DNR.</p> <p>CODE: Adds waste management policy to the list of duties required by the DNR.</p> <p>CODE: Eliminates activities related to the Hazardous Waste Management Assistance Fund that were never implemented.</p> <p>CODE: Authorizes the DOT to establish rules for the electronic completion and issuance of salvage vehicle theft examination certificates and affidavits.</p> <p>FISCAL IMPACT: The amount of time needed to develop the technology to implement this requirement has not yet been determined by the DOT, but the Department expects the project to be completed in-house without additional expense to the DOT.</p> <p>CODE: Defines the DNR's assistance program as the Pollution</p>
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Prevention Program.

42 7 Sec. 118. Section 455B.485, subsections 3 and 5, Code 2011,
42 8 are amended by striking the subsections.

CODE: Eliminates activities related to the Hazardous Waste Management Assistance Fund that were never implemented.

42 9 Sec. 119. Section 455B.486, subsection 1, Code 2011, is
42 10 amended by striking the subsection.

CODE: Eliminates the DNR's responsibility for facility siting for treatment, disposal, or storage of hazardous waste.

42 11 Sec. 120. Section 455B.487, unnumbered paragraph 1, Code
42 12 2011, is amended to read as follows:
42 13 The commission shall adopt rules establishing criteria for
42 14 the identification of land areas or sites which are suitable
42 15 for the operation of facilities for the management of ~~hazardous~~
42 16 ~~and~~ low-level radioactive wastes. Upon request, the department
42 17 shall assist in locating suitable sites for the location of
42 18 a facility. The commission may purchase or condemn land to
42 19 be leased or used for the operation of a facility subject to
42 20 chapter 6A. Consideration for a contract for purchase of land
42 21 shall not be in excess of funds appropriated by the general
42 22 assembly for that purpose. The commission may lease land
42 23 purchased under this section to any person including the state
42 24 or a state agency. This section authorizes the state to own or
42 25 operate ~~hazardous waste facilities and~~ low-level radioactive
42 26 waste facilities, subject to the approval of the general
42 27 assembly.

CODE: Removes the term hazardous from sites or land areas where facilities can be located.

42 28 Sec. 121. Section 455B.487, unnumbered paragraph 11, Code
42 29 2011, is amended by striking the unnumbered paragraph.
42 30 Sec. 122. Section 455B.487, subsections 1 through 3, Code
42 31 2011, are amended by striking the subsections.

CODE: Removes language related to the operation of a hazardous waste facility.

42 32 Sec. 123. Section 455D.1, Code 2011, is amended by adding
42 33 the following new subsection:
42 34 NEW SUBSECTION 4A. "Pollution prevention techniques" means
42 35 any of the following practices employed by the user of a toxic
42 36 substance:
42 37 a. Input substitution, which is the replacement of a toxic
42 38 substance or raw material used in a production process with a
42 39 nontoxic or less toxic substance.
42 40 b. Product reformulation, which is the substitution of an
42 41 end product which is nontoxic or less toxic upon use or release
42 42 for an existing end product.
42 43 c. Production process redesign or modification, which is
43 1 the development and use of production processes of a different
43 2 design other than those currently in use.

CODE: Outlines pollution prevention techniques for toxic substances.

43 3 d. Production process modernization, which is the upgrading
 43 4 or replacing of existing production process equipment or
 43 5 methods with other equipment or methods based on the same
 43 6 production process.

43 7 e. Improved operation and maintenance of existing production
 43 8 process equipment and methods, which is the modification or
 43 9 addition to existing equipment or methods, including but not
 43 10 limited to such techniques as improved housekeeping practices,
 43 11 system adjustments, product and process inspections, and
 43 12 production process control equipment or methods.

43 13 f. Recycling, reuse, or extended use of toxic substances by
 43 14 using equipment or methods that become an integral part of the
 43 15 production process.

43 16 Sec. 124. Section 455D.5, subsection 2, paragraph h, Code
 43 17 2011, is amended to read as follows:

43 18 h. Promotion of the concentration of the efforts of the
 43 19 business and industry resource search service by the ~~small~~
 43 20 ~~business assistance~~ Iowa waste reduction center for the safe
 43 21 and economic management of solid waste and hazardous substances
 43 22 at the university of northern Iowa, to locate existing waste
 43 23 streams and materials from businesses and industries which
 43 24 generate small amounts of waste and to catalyze the reuse of
 43 25 these materials in the production of goods and services.

43 26 Sec. 125. Section 455D.7, subsection 1, Code 2011, is
 43 27 amended to read as follows:

43 28 1. Unless otherwise specified in this chapter, adopt rules
 43 29 necessary to implement this chapter pursuant to chapter 17A.
 43 30 ~~Initial rules shall be adopted no later than April 1, 1992.~~

43 31 Sec. 126. Section 455D.7, subsection 4, Code 2011, is
 43 32 amended by striking the subsection.

43 33 Sec. 127. Section 455D.15, subsection 2, Code Supplement
 43 34 2011, is amended by striking the subsection and inserting in
 43 35 lieu thereof the following:

43 36 2. The fund shall be utilized by the department for
 43 37 providing technical assistance to Iowa businesses in developing
 43 38 and implementing pollution prevention techniques.

43 39 Sec. 128. Section 455D.15, subsection 3, Code Supplement
 43 40 2011, is amended by striking the subsection.

43 41 Sec. 129. Section 455E.8, subsections 2 and 3, Code 2011,
 43 42 are amended by striking the subsections.

CODE: Eliminates an outdated requirement for the DNR to adopt administrative rules as the rules have been adopted.

CODE: Eliminates the annual report for waste abatement fees, rebates, and deposits.

CODE: Removes the issuance of grants by the DNR and allows the Department to use money in the Waste Volume Reduction and Recycling Fund for providing technical assistance to Iowa businesses for pollution prevention techniques.

CODE: Repeals language related to the Waste Volume Reduction and Recycling Fund.

CODE: Repeals the following from the duties of the DNR Director:

- Annual report on the number and concentration of contaminants

	<p>detected in groundwater.</p> <ul style="list-style-type: none"> Any data concerning the contamination of groundwater by a contaminant not regulated under the federal Safe Drinking Water Act.
<p>43 43 Sec. 130. REPEAL. Sections 455B.516, 455B.517, and 44 1 455B.518, Code 2011, are repealed.</p>	<p>CODE: Repeals language related to the Toxic Pollution Program.</p>
<p>44 2 44 3 DIVISION XII ONGOING PROGRAM REVIEW</p>	
<p>44 4 Sec. 131. Section 2.69, subsection 4, Code 2011, is amended 44 5 by adding the following new paragraph: 44 6 NEW PARAGRAPH 0c. Comprehensively review on a regular 44 7 basis the programs and projects administered by state 44 8 government to determine whether each program and project 44 9 reviewed is effectively and efficiently meeting the needs for 44 10 which created, and whether the needs remain applicable. The 44 11 review shall consider whether modifications to the program or 44 12 project reviewed could better meet the needs identified in a 44 13 more effective manner.</p>	<p>CODE: Requires the State Government Efficiency Review Committee to regularly review programs administered by the State to determine if programs are meeting the needs as designed and whether or not the programs could be modified to be more effective.</p>
<p>44 14 44 15 DIVISION XIII BOARDS AND COMMISSIONS</p>	
<p>44 16 Sec. 132. Section 34A.2A, subsection 2, Code 2011, is 44 17 amended to read as follows: 44 18 2. The E911 program manager shall act under the supervisory 44 19 control of the administrator of the homeland security and 44 20 emergency management division of the department of public 44 21 defense, and in consultation with the E911 communications 44 22 council <u>state interoperable communications system board</u> 44 23 <u>established in section 80.28</u>, and perform the duties 44 24 specifically set forth in this chapter and as assigned by the 44 25 administrator.</p>	<p>CODE: Conforming changes related to transferring the duties of the E911 Communications Council to the State Interoperable Communications System Board.</p>
<p>44 26 Sec. 133. Section 34A.7A, subsection 2, paragraph h, Code 44 27 2011, is amended to read as follows: 44 28 h. The administrator, in consultation with the program 44 29 manager and the E911 communications council <u>state interoperable</u> 44 30 <u>communications system board established in section 80.28</u>, shall 44 31 adopt rules pursuant to chapter 17A governing the distribution 44 32 of the surcharge collected and distributed pursuant to this 44 33 subsection. The rules shall include provisions that all joint 44 34 E911 service boards and the department of public safety which 44 35 answer or service wireless E911 calls are eligible to receive 44 36 an equitable portion of the receipts.</p>	

44 37 Sec. 134. Section 34A.15, subsection 3, Code Supplement
 44 38 2011, is amended to read as follows:
 44 39 3. The council shall advise and make recommendations to
 44 40 the ~~administrator and program manager~~ state interoperable
 44 41 communications system board established in section 80.28
 44 42 regarding the implementation of this chapter. Such advice and
 44 43 recommendations shall be provided on issues at the request
 45 1 of the ~~administrator or program manager~~ state interoperable
 45 2 communications system board established in section 80.28 or as
 45 3 deemed necessary by the council.

45 4 Sec. 135. Section 80.29, Code 2011, is amended by adding the
 45 5 following new subsection:
 45 6 NEW SUBSECTION 12A. Advise and make recommendations, in
 45 7 consultation with the E911 communications council established
 45 8 in section 34A.15, to the director of the department of
 45 9 homeland security and emergency management and the E911 program
 45 10 manager appointed pursuant to section 34A.2A regarding the
 45 11 implementation of chapter 34A. Such advice and recommendations
 45 12 shall be provided on issues at the request of the director or
 45 13 program manager or as deemed necessary by the board. However,
 45 14 the authority of the board as to this duty is limited to the
 45 15 issues specifically identified in this subsection and does
 45 16 not preempt the authority of the utilities board, created in
 45 17 section 474.1, to act on issues within the jurisdiction of the
 45 18 utilities board.

45 19 Sec. 136. Section 190A.3, subsection 4, Code 2011, is
 45 20 amended to read as follows:
 45 21 4. The ~~farm-to-school council~~ department of agriculture and
 45 22 land stewardship and the department of education shall actively
 45 23 seek financial or in-kind contributions from organizations or
 45 24 persons to support the program.

45 25 Sec. 137. Section 256.9, subsection 55, paragraph j, Code
 45 26 Supplement 2011, is amended by striking the paragraph.

45 27 Sec. 138. REPEAL. Section 190A.2, Code 2011, is repealed.

CODE: Requires the State Interoperable Communications System Board to provide advice and recommendations, in consultation with the E911 Communications Council, to the Department of Homeland Security and Emergency Management and the E911 Program Manager concerning implementation of the Enhanced 911 Emergency Telephone System.

FISCAL IMPACT: Eliminating the E911 Communications Council and transferring the duties to the State Interoperable Communications System Board will result in an estimated annual savings of \$15,000 to the Wireless E911 Emergency Communications Fund.

CODE: Eliminates reference to the Farm-to-School Council. The Council is eliminated in Section 138 of this Bill.

CODE: Removes the representative associated with the Farm-to-School Council from membership on the Nutrition Advisory Panel. This change conforms to the repeal of the Farm-to-School Council.

CODE: Repeals the Farm-to-School Council that was created to establish partnerships with public agencies and nonprofit organizations to facilitate communication between farmers and schools.

DETAIL: The Farm-to-School Program was established to encourage and promote the purchase of locally and regionally produced or processed food in order to improve child nutrition and strengthen local and regional farm economies. The Program is administered jointly by

the Department of Agriculture and Land Stewardship and the Department of Education.

FISCAL IMPACT: Minimal fiscal impact.

Provides that any necessary technical changes to the Iowa Code will be made in order to conform to the amendments in Division VI relating to changing the Division of Homeland Security and Emergency Management Agency to a stand-alone Department.

45 28 Sec. 139. MULTIPLE AMENDMENTS — HARMONIZATION AND
45 29 PREVALENCE.

45 30 1. The amendments in this division of this Act and in
45 31 the division of this Act creating a department of homeland
45 32 security and emergency management to section 34A.2A, subsection
45 33 2, and section 34A.7A, subsection 2, paragraph “h”, shall be
45 34 harmonized by the Code editor in accordance with section 2B.13.

45 35 2. If section 34A.15, subsection 3, is amended in this
45 36 division of this Act and in the division of this Act creating a
45 37 department of homeland security and emergency management, the
45 38 amendments are deemed irreconcilable and the amendment in this
45 39 division of this Act shall prevail.

45 40 DIVISION XIV
45 41 OBSOLETE PROVISIONS

45 42 Sec. 140. REPEAL. Section 15.112, Code Supplement 2011, is
45 43 repealed.

CODE: Repeals a requirement that the Iowa Economic Development Authority (IEDA) provide a State match in the event federal funds are provided for the Farmworks National Demonstration Project. Current statutory language requires the State IEDA to provide a match from the Rural Enterprise Fund or another fund equal to 4.00% of the federal funding received for a three-year period on a dollar-for-dollar matching basis with local or private contributions.

FISCAL IMPACT: No fiscal impact.

46 1 Sec. 141. REPEAL. Chapters 15C and 15D, Code 2011, are
46 2 repealed.

CODE: Repeals the Code chapters pertaining to the State's participation in the World Trade Center and the Midwest Nuclear Compact.

FISCAL IMPACT: No fiscal impact.