

**ADMINISTRATIVE SERVICES DEPARTMENT[11]**

**Adopted and Filed**

**Rule making related to update of references, including those of department organization**

The Department of Administrative Services hereby amends Chapter 1, “Department Organization,” Chapter 4, “Public Records and Fair Information Practices,” Chapter 5, “Petitions for Rule Making,” Chapter 6, “Agency Procedure for Rule Making,” Chapter 7, “Contested Cases,” Chapter 8, “Declaratory Orders,” Chapter 9, “Waivers,” Chapter 41, “Auditing Claims,” Chapter 42, “Accounting Procedures of Public Impact,” Chapter 48, “Prepayment of Expenses,” Chapter 55, “Eligible Lists,” Chapter 56, “Filling Vacancies,” Chapter 58, “Probationary Period,” Chapter 59, “Promotion, Transfer, Temporary Assignment, Reassignment and Voluntary Demotion,” Chapter 61, “Grievances and Appeals,” Chapter 62, “Performance Review,” Chapter 64, “Benefits,” Chapter 65, “Political Activity,” Chapter 66, “Conduct of Employees,” Chapter 71, “Combined Charitable Campaign,” Chapter 100, “Capitol Complex Operations,” Chapter 101, “Parking,” Chapter 102, “State Printing,” Chapter 103, “State Employee Driving Guidelines,” and Chapter 119, “Uniform Terms and Conditions for Service Contracts,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 8A.104, 17A.3 and 17A.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 7E.4, 8A.104 and 17A.7.

*Purpose and Summary*

These rules are being amended to correct outdated references to the Iowa Code and session law, to update procedures, and to update the Department’s organizational references. The amendments address 25 of the Department’s chapters of administrative rules in the Iowa Administrative Code and are part of the Department’s five-year review of rules.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 15, 2018, as **ARC 3937C**. A public hearing was held on September 5, 2018, at 11 a.m. in the Procurement Conference Room, A Level, Hoover State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on September 19, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on November 14, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule 11—1.1(8A), introductory paragraph, as follows:

**11—1.1(8A) Creation and mission.** The department of administrative services (DAS) is established in Iowa Code chapter 8A. The department manages and coordinates the major resources of state government, including the human, financial, and physical ~~and informational~~ resources. The department was created to implement a world-class, customer-focused organization that provides a complement of valued products and services to the internal customers of state government.

ITEM 2. Amend rule 11—1.2(8A) as follows:

**11—1.2(8A) Location.** The department's primary office is located in the Hoover State Office Building, Third Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0150; ~~telephone (515)242-5120~~. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. The department's ~~Web site~~ website at [www.das.iowa.gov](http://www.das.iowa.gov) ~~das.iowa.gov~~ provides information about ~~all department organizational units the department's organization~~ and services.

~~1.2(1) General services enterprise location. The general services enterprise's primary office is located in the Hoover State Office Building, Level A South, 1305 East Walnut Street, Des Moines, Iowa 50319; telephone (515)242-5120. Office hours are 7:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.~~

~~1.2(2) Human resources enterprise location. The human resources enterprise's primary office is located in the Hoover State Office Building, Level A, 1305 East Walnut Street, Des Moines, Iowa 50319-0150; telephone (515)281-3351. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.~~

~~1.2(3) Information technology enterprise location. The information technology enterprise is located in the Hoover State Office Building, Level B, Des Moines, Iowa 50319. The general office telephone number is (515)281-5503. Hours of operation are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.~~

~~1.2(4) State accounting enterprise location. The state accounting enterprise's primary office is located in the Hoover State Office Building, Third Floor, 1305 East Walnut Street, Des Moines, Iowa 50319; telephone (515)281-4877. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.~~

~~1.2(5) Central procurement enterprise location. The central procurement enterprise's primary office is located in the Hoover State Office Building, Third Floor, 1305 East Walnut Street, Des Moines, Iowa 50319; telephone (515)725-2725. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.~~

ITEM 3. Amend rule 11—1.3(8A), introductory paragraph, as follows:

**11—1.3(8A) Director.** The ~~chief executive officer~~ head of the department is the director, who is appointed by the governor with the approval of two-thirds of the members of the senate. The director serves at the pleasure of the governor.

ITEM 4. Amend rule 11—1.4(8A) as follows:

**11—1.4(8A) Administration of the department.** In order to carry out the functions of the department, the following enterprises ~~and bureaus~~ have been established:

**1.4(1) General services enterprise.** The mission of the general services enterprise is to act as the state's business agent to meet agencies' needs for quality, timely, reliable and cost-effective support services and provide a work environment that is healthy, safe, and well-maintained. The chief operating officer, appointed by the director, heads the general services enterprise. The following ~~bureaus~~ have been established within the general services enterprise:

*a. Capitol complex maintenance.* ~~The capitol~~ Capitol complex maintenance ~~bureau~~ is responsible for the maintenance, appearance, and facility sanitation of the capitol complex buildings and grounds, including environmental control (heating, ventilation and cooling) and all support features including, but not limited to, parking lot maintenance, main electrical distribution, power generation, water supply, utilities, energy efficiency, wastewater removal, on-site safety consultation, work requests for the capitol complex, major maintenance projects associated with the capitol complex, special event coordination, monuments, physical security and access control.

*b. Design and construction resources.* ~~The design~~ Design and construction resources ~~bureau~~ provides administration of public improvement projects, including design services, contracting for construction, and construction management oversight for state agencies except any agency of the state exempted by law. Capital funding appropriated to participating state agencies shall be transferred to ~~the design and construction resources bureau~~ for administration. ~~The design~~ Design and construction resources ~~bureau~~ is responsible for the administration of major maintenance for agencies in accordance with Iowa Code section 8A.302(4).

*c. Mail services.* ~~The mail bureau~~ Mail services is responsible for the processing and distribution of mail, which consists of U.S. Mail, UPS, Federal Express, courier service and interoffice mail for the state agencies on the capitol complex and in designated areas in the Des Moines metropolitan area.

*d. Service delivery* Capitol complex events. ~~The service delivery bureau~~ Capitol complex events is responsible for the following functions for the enterprise: parking and building access; coordination of events in the public area of the capitol, in other buildings on the capitol complex (excluding the historical building), and on the capitol complex grounds; and providing general information regarding the buildings and grounds on the capitol complex.

*e. Real-estate services* Leasing and space management. ~~The real-estate services bureau~~ Leasing and space management is directly responsible for the management of all leased real estate across the state while also providing real estate consultation services pertaining to acquisition, disposition, and development of real property. Specific services may include market research, opinion of property value, financial analysis, long-term real estate strategy, and project management in accordance with Iowa Code section 8A.321(6). Space planning, including moves, additions, and changes, and surplus property ~~are~~, is also coordinated by ~~the bureau~~ leasing and space management.

**1.4(2) Human resources enterprise.** The human resources enterprise is responsible for human resource management in the executive branch of Iowa state government and provides limited services to the judicial and legislative branches. The mission of the human resources enterprise is to support state agencies in their delivery of services to the people of Iowa by providing programs that recruit, develop, and retain a diverse and qualified workforce, and to administer responsible employee benefits programs for the members and their beneficiaries. The director appoints the chief operating officer of the enterprise. The following ~~bureaus~~ have been established within the human resources enterprise:

*a. Benefits* Risk and benefits management. ~~The benefits bureau~~ Risk and benefits management administers and coordinates the provision of health, dental, life, and disability insurance programs;

employee leave programs; workers' compensation, return to work, and loss control and safety programs; 457 deferred compensation; 403(b) tax-sheltered annuity and 401(a) employer match programs; unemployment insurance; and flexible spending and premium conversion programs for state employees.

*b. Employment services.* ~~The employment bureau~~ Employment services provides application, referral, recruitment, selection, EEO/AA and diversity services related to state employment; administration of the state classification and compensation programs; and audit of personnel and payroll transactions.

*c. Program delivery services* Organizational performance. ~~The program delivery services bureau~~ Organizational performance is responsible for employment relations between the state and the certified employee representative; provides consultative services to state departments, boards, and commissions on human resource program matters; provides organization and employee development services including workforce planning and performance evaluation; and represents the state in contested case matters regarding such programs.

~~1.4(3) Information technology enterprise.~~ The mission of the information technology enterprise is to provide high quality, customer focused information technology services and business solutions to government and to citizens. The director appoints the chief information officer for the state, who also serves as the chief operating officer of the enterprise. The following bureaus have been established within the information technology enterprise:

*a. Application and E-government services.* The application and E-government services bureau is responsible for support of departmental information technology services; providing software applications development, support, and training; and providing advice and assistance in developing and supporting business applications throughout state government.

*b. Infrastructure services.* The infrastructure services bureau is responsible for providing server systems, including mainframe and other server operations, desktop support, printing and printing procurement services.

*c. Integrated Information for Iowa (I/3) project.* The I/3 project office provides the strategic direction, functional deployment, and technical support for the I/3 system, including the enterprise accounting, procurement, budget preparation, human resources and payroll functions for the state of Iowa. I/3's vision is to provide greater responsiveness to customers, improved productivity, increased accountability and efficient delivery of services across state government, and consistent and accurate information that Iowans want.

*d. Advisory groups:*

(1) Technology governance board. The technology governance board operates pursuant to 2005 Iowa Acts, House File 839.

(2) IOWAccess advisory council. The IOWAccess advisory council is established within the department for the purpose of creating and providing to the citizens of this state a gateway for one-stop electronic access to government information and transactions, whether federal, state, or local.

~~1.4(4)~~ **1.4(3)** State accounting enterprise. The state accounting enterprise was created to provide for the efficient management and administration of the financial resources of state government. The chief operating officer, appointed by the director, heads the enterprise. The following functional units have been established within the state accounting enterprise:

*a. Accounting and daily processing.* ~~The accounting~~ Accounting and daily processing bureau includes the functions of daily processing, income offset, and financial systems.

*b. Other sections functions.* The state accounting enterprise also includes ~~the~~ financial reporting section, the I/3 program team, and ~~the~~ centralized payroll section.

~~1.4(5)~~ **1.4(4)** Central administration.

*a. Director's office.* The director is the ~~chief executive officer for~~ head of the department. The director's central administration ~~area~~ provides support to the director and to the governmental and business operations of the department and its enterprises. The following functions are included ~~in this area~~: general counsel; legislative liaison; rules administrator; strategic, performance, and business continuity planning; program oversight and accountability; and departmental and enterprise policy and standards development.

~~b. Information security office. The information security office is responsible for developing, implementing and maintaining information security policies, standards, and practices that enhance the confidentiality, integrity and availability of computer systems and electronic data resources, and for ensuring enterprise-wide compliance with security requirements. This office includes the chief information security officer for state government.~~

~~e. b. Marketing, communications and customer council support. Marketing, communications and customer council support supplies provides the department's media, public relations, and employee communications services; supports product and service marketing within each of the department's enterprises; and coordinates customer council activities for the department.~~

~~1.4(6) 1.4(5) Customer management, finance, and internal operations. This division Customer management, finance, and internal operations provides customer management, finance, and internal operations oversight, administration, and support in a manner that provides accurate and timely information, safeguards assets, and facilitates fiscally responsible, employee-centered and customer-focused decision making for the department. The functional units of the customer management, finance and internal operations division are:~~

~~a. Activity-based costing;~~

~~b. Accounts payable, purchasing, human resources, and administrative support;~~

~~c. Financial reporting and budget; and~~

~~d. Accounts receivable, billing, collections, and customer resource management.~~

~~1.4(7) 1.4(6) Central procurement and fleet services enterprise. The chief operating officer of the enterprise is appointed by the director and directs the work of the enterprise.~~

~~a. The central Central procurement bureau is charged with procuring goods and services for agencies pursuant to Iowa Code chapter 8A. These rules and applicable Iowa Code sections apply to the purchase of goods and services of general use by any unit of the state executive branch, except any agencies or instrumentalities of the state exempted by law.~~

~~b. The central Central procurement bureau shall manage statewide purchasing and electronic procurement, including managing procurement of commodities, equipment and services for all state agencies not exempted by law.~~

~~c. The fleet Fleet services bureau is responsible for the management of vehicular risk and travel requirements for state agencies not exempted by law.~~

ITEM 5. Amend **11—Chapter 1**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 8A and sections 7E.1 through 7E.5 and 17A.3, and 2005 Iowa Acts, House File 776 and House File 839.

ITEM 6. Amend subrule 4.3(1) as follows:

**4.3(1) Location of record.** A request for access to a record under the jurisdiction of the department shall be directed to the office where the record is kept. If the location of the record is not known by the requester, the request shall be directed to the Iowa Department of Administrative Services, Hoover State Office Building, Level A Third Floor, Des Moines, Iowa 50319. The department will forward the request appropriately. If a request for access to a record is misdirected, department personnel will forward the request to the appropriate person within the department.

ITEM 7. Amend paragraph **4.13(2)“I”** as follows:

*l.* Confidential assignments of state vehicles by the state vehicle dispatcher. These records include letters/memos detailing driver assignments and plate numbers for selected vehicles pursuant to ~~2003~~ Iowa Code ~~Supplement section~~ sections 8A.362, and ~~Iowa Code section~~ 321.19(1).

ITEM 8. Amend rule 11—4.15(8A,22) as follows:

**11—4.15(8A,22) Other groups of records.** This rule describes groups of records maintained by the department other than record systems retrieved by individual identifiers as defined in rule 11—4.1(8A,22). The records listed may contain information about individuals. These records are routinely available to the public, subject to costs. Unless otherwise designated, the authority for the

department to maintain the record is provided by ~~2003 Iowa Code Supplement~~ chapter 8A. All records may be stored on paper, microfilm, tape or in automated data processing systems unless otherwise noted.

**4.15(1) to 4.15(5)** No change.

**4.15(6) Appeal decisions and advisory opinions.** All final orders, decisions and opinions are open to the public except for information that is confidential according to rule 11—4.5(8A,17A,22) or subrule 4.13(2). These records, collected under the authority of ~~2003 Iowa Code Supplement chapter 8A,~~ and Iowa Code chapters 8A, 19B, 20, 70A, 85, 85A, 85B, 91A, 97A, 97B, 97C, and 509A<sub>2</sub> may contain confidential information about individuals.

**4.15(7) to 4.15(21)** No change.

ITEM 9. Amend subrule 5.1(1) as follows:

**5.1(1) Filing.** Any person or agency may file a petition for adoption of rules or request for review of rules with the Department of Administrative Services Department, Office of the Director, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319. A petition is deemed filed when it is received by the department. The department shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

<u>DEPARTMENT OF ADMINISTRATIVE SERVICES</u> <del>DEPARTMENT</del>		
Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state the subject matter).	}	PETITION FOR RULE MAKING

The petition must provide the following information:

a. to f. No change.

ITEM 10. Amend ~~11—Chapter 5~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 8A and 17A and ~~2003 Iowa Code Supplement chapter 8A.~~

ITEM 11. Amend subrule 6.4(3) as follows:

**6.4(3) Copies of notices.** Persons desiring to receive copies of future Notices of Intended Action by subscription must file with the department a written request indicating the name and address to which such notices should be sent. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the agency shall mail or electronically transmit a copy of that notice to subscribers who have filed a written request for either mailing or electronic transmittal with the agency for Notices of Intended Action. The written request shall be accompanied by payment of the subscription price which may cover the full cost of the subscription service, including its administrative overhead and the cost of copying and mailing the Notices of Intended Action for a period of one year. Inquiries regarding the subscription price should be directed to the Department of Administrative Services Department, Office of the Director, Hoover State Office Building, ~~Level A-South~~ Third Floor, Des Moines, Iowa 50319.

ITEM 12. Amend subrule 6.11(1) as follows:

**6.11(1) General.** When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the department shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to the Rules Administrator, Department of Administrative Services Department, Hoover State Office Building, ~~Level A-South~~ Third Floor, Des Moines, Iowa 50319. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests will be considered made on the date received.

ITEM 13. Amend subrule 6.12(2), introductory paragraph, as follows:

**6.12(2) Incorporation by reference.** The department may incorporate by reference in a proposed or adopted rule, and without causing publication of the incorporated matter in full, all or any part of a code,

standard, rule, or other matter if the department finds that the incorporation of its text in the department proposed or adopted rule would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in the department proposed or adopted rule shall fully and precisely identify the incorporated matter by location, title, citation, date, and edition, if any; shall briefly indicate the precise subject and the general contents of the incorporated matter; and shall state that the proposed or adopted rule does not include any later amendments or editions of the incorporated matter. The department may incorporate such matter by reference in a proposed or adopted rule only if the department makes copies of it readily available to the public. The rule shall state how and where copies of the incorporated matter may be obtained at cost from the department of administrative services ~~department~~, and how and where copies may be obtained from the agency of the United States, this state, another state, or the organization, association, or persons, originally issuing that matter. The department shall retain permanently a copy of any materials incorporated by reference in a rule of the department of administrative services ~~department~~.

ITEM 14. Amend rule 11—7.1(8A,17A) as follows:

**11—7.1(8A,17A) Scope and applicability.** This chapter applies to contested case proceedings conducted by the department of administrative services ~~department~~, or by the division of administrative hearings in the department of inspections and appeals on behalf of the department. Excepted from this chapter are matters covered by rule 11—60.2(8A), disciplinary actions; rule 11—61.1(8A), grievances; 11—subrule 61.2(6), appeal of disciplinary actions; rule 11—68.6(19B), discrimination complaints, including disability-related and sexual harassment complaints; matters covered by the grievance procedure in any collective bargaining agreement with state employees; matters within the exclusive jurisdiction of the industrial workers' compensation commissioner; and matters related to any of the department's vendors that administer group benefits if the vendor has an established complaint or appeal procedure. Further, the provisions of 11—Chapter 52, job classification, are exempt from subrules 7.5(4) to 7.5(7) and rules 11—7.6(8A,17A) and 11—7.8(8A,17A).

ITEM 15. Amend paragraph 7.12(3)“b” as follows:

b. After the notice of hearing, when a matter has not been assigned to the department of inspections and appeals for hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the Department of Administrative Services ~~Department~~, Hoover State Office Building, Level A Third Floor, Des Moines, Iowa 50319. All pleadings, motions, documents or other papers that are required to be served upon a party shall be filed simultaneously with the department.

ITEM 16. Amend paragraph 7.12(5)“d” as follows:

d. A certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the Department of Administrative Services, Hoover State Office Building, Level A Third Floor, Des Moines, Iowa 50319, and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed) or (state interoffice mail).

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

ITEM 17. Amend **11—Chapter 7**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 8A and 17A and Iowa Code Supplement ~~chapter~~ chapter 8A.

ITEM 18. Amend rule 11—8.1(17A) as follows:

**11—8.1(17A) Petition for declaratory order.** Any person may file a petition with the department of administrative services ~~department~~ for a declaratory order as to the applicability to specified

circumstances of a statute, rule, or order within the primary jurisdiction of the Department of Administrative Services Department, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319, Attn: Legal Counsel. A petition is deemed filed when it is received by that office. The department of administrative services department shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

<u>DEPARTMENT OF ADMINISTRATIVE SERVICES DEPARTMENT</u>		
Petition by (Name of Petitioner) for a Declaratory Order on (Cite the provisions of law involved).	}	PETITION FOR DECLARATORY ORDER

The petition must provide the following information:

1. to 8. No change.

The petition must be dated and signed by the petitioner or the petitioner’s representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative and a statement indicating the person to whom communications concerning the petition should be directed.

ITEM 19. Amend rule 11—8.2(17A) as follows:

**11—8.2(17A) Notice of petition.** Within 15 business days after receipt of a petition for a declaratory order, the department of administrative services department shall give notice of the petition to all persons not served by the petitioner pursuant to rule 11—8.6(17A) to whom notice is required by any provision of law. The department of administrative services department may also give notice to any other persons deemed appropriate.

ITEM 20. Amend rule 11—8.3(17A) as follows:

**11—8.3(17A) Intervention.**

**8.3(1)** Persons who qualify under any applicable provision of law as an intervenor and who file a petition for intervention within 20 days of the filing of a petition for declaratory order and before the 30-day time for department action under rule 11—8.8(17A) shall be allowed to intervene in a proceeding for a declaratory order.

**8.3(2)** No change.

**8.3(3)** A petition for intervention shall be filed with the department of administrative services department. Such a petition is deemed filed when it is received by the department. The department of administrative services department will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

<u>DEPARTMENT OF ADMINISTRATIVE SERVICES DEPARTMENT</u>		
Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite the provisions of law cited in original petition).	}	PETITION FOR INTERVENTION

The petition for intervention must provide the following information:

1. to 6. No change.

The petition must be dated and signed by the intervenor or the intervenor’s representative. It must also include the name, mailing address, and telephone number of the intervenor and intervenor’s representative, and a statement indicating the person to whom communications should be directed.

ITEM 21. Amend rule 11—8.4(17A) as follows:

**11—8.4(17A) Briefs.** The petitioner or any intervenor may file a brief in support of the position urged. The department of administrative services ~~department~~ may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

ITEM 22. Amend rule 11—8.5(17A) as follows:

**11—8.5(17A) Inquiries.** Inquiries concerning the status of a declaratory order proceeding may be made to the legal counsel for the Department of Administrative Services ~~Department~~, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319.

ITEM 23. Amend subrule 8.6(2) as follows:

**8.6(2) Filing—when required.** All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the Director’s Office, Department of Administrative Services ~~Department~~, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319, Attn: Legal Counsel. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the department.

ITEM 24. Amend rule 11—8.7(17A) as follows:

**11—8.7(17A) Consideration.** Upon request by petitioner, the department of administrative services ~~department~~ shall schedule a brief and informal meeting between the original petitioner, all intervenors, and the department to discuss the questions raised. The department of administrative services ~~department~~ may solicit comments from any person on the questions raised. Also, comments on the questions raised may be submitted to the department by any person.

ITEM 25. Amend subrule 8.9(1) as follows:

**8.9(1)** The department shall not issue a declaratory order where prohibited by Iowa Code section 17A.9(1), and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

- a. No change.
- b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the department of administrative services ~~department~~ to issue an order.
- c. The department of administrative services ~~department~~ does not have jurisdiction over the questions presented in the petition.
- d. to i. No change.
- j. The petitioner requests the department of administrative services ~~department~~ to determine whether a statute is unconstitutional on its face or whether any of the other conditions under Iowa Code section 17A.19 have been met.
- k. No change.

ITEM 26. Amend rule 11—8.12(17A) as follows:

**11—8.12(17A) Effect of a declaratory order.** A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the department of administrative services ~~department~~, the petitioner, and any intervenors and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the department. The issuance of a declaratory order constitutes final agency action on the petition.

ITEM 27. Amend **11—Chapter 8**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 8A and 17A and 2003 Iowa Code Supplement ~~chapter 8A~~.

ITEM 28. Amend rule ~~11—9.1(17A,8A)~~, definition of “Department,” as follows:  
“*Department*” or “*DAS*” means the department of administrative services authorized by ~~2003 Iowa Code Supplement~~ chapter 8A.

ITEM 29. Amend subrule 9.4(4) as follows:

**9.4(4) *Special waiver or variance not permitted.*** The compensation rates for publication in a newspaper for any notice, order or citation or other publication required or allowed by law as determined by the state printing administrator pursuant to Iowa Code section 618.11 shall not be waived or varied. The procedure established in this chapter does not apply to waiver or variance of contractual terms or conditions; contracts shall be waived or varied only upon their own terms. These rules do not apply to the Terrace Hill commission established in ~~2003 Iowa Acts, chapter 145, section 41, Iowa Code section 8A.326~~ or rules adopted by the commission unless these rules are adopted by the Terrace Hill commission.

ITEM 30. Amend ~~11—Chapter 9~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 8A and section 17A.9A ~~and 2003 Iowa Code Supplement chapter 8A.~~

ITEM 31. Amend rule ~~11—41.1(8A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 8A.514 and 17A.4 ~~and Iowa Code Supplement section 8A.514.~~

ITEM 32. Amend paragraph ~~41.5(4)“a”~~ as follows:

*a. Instate In state.* Where use of a privately owned vehicle is authorized by rule 11—103.4(8A), reimbursement shall be on a mileage basis at a rate established by the director pursuant to Iowa Code ~~Supplement~~ section 8A.363. Reimbursement for travel at the official domicile will be reimbursed at a rate (established by the director pursuant to Iowa Code ~~Supplement~~ section 8A.363) per mile if the purpose of the travel is official business. The per-mile reimbursement includes all costs incurred in connection with the operation of the vehicle.

ITEM 33. Amend rule 11—41.8(8A) as follows:

**11—41.8(8A) State-owned vehicle.** Any expense other than parking should not be claimed on the expense voucher but should be reimbursed through procedures established by ~~the vehicle dispatcher’s office~~ fleet services.

ITEM 34. Amend ~~11—Chapter 41~~, implementation sentence, as follows:

Rules 11—41.2(8A) to 11—41.8(8A) are intended to implement Iowa Code ~~Supplement~~ sections 8A.506 to 8A.519.

ITEM 35. Amend rule 11—42.1(8A) as follows:

**11—42.1(8A) Scope and application.** The department of administrative services, state accounting enterprise, is responsible for the payment of money due based on contracts with vendors for goods and services entered into by all state agencies and governmental subdivisions. Consequently, the department has implemented rules and policies to ease the administration of the payment of all obligations owed to third parties. The policies and procedures governing the payment of these obligations are set forth in the Department of Administrative Services, State Accounting Enterprise, Accounting Policies and Procedures Manual. This manual may be accessed at [das.iowa.gov](http://das.iowa.gov), or copies of the appropriate provisions may be requested and obtained by mail from State Accounting Enterprise, Department of Administrative Services, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319. ~~Provisions of the manual that affect persons outside state government are as follows:~~

SUBJECT MATTER	MANUAL PROVISION NUMBER
Claims:	
Refund of fees	235.550
Late vendors	235.150
Signature requirements on claims	204.150
Original invoice	204.200
Claims requirements	204.400, 204.450
Contracting—personnel services	240.102
Court-ordered claims	235.600(2)
Direct deposit of payments	270.401
Expenses of volunteers	230.500
General service contracts	240.101
Gifts to public employees	240.200
Income offset	270.850
Interest on claims	230.250
Maintenance and rental/lease agreements	240.103
Personal service contracts	240.102
Settlements—former employees	240.500
Taxes:	
Refund of motor fuel	230.150
Refund of tax to contractors	230.150
States exempt from sales tax	230.150
Travel expenses—prospective employees	204.250
Vendor issues:	
Claims requirements	204.400, 204.450
Late vendors	235.150
Nonresident alien vendors	240.400
Outdated invoices	260.250
Original invoice	204.200
Purchasing orders and payment	260.180
Refund of fees	235.550
Signature requirements on claims	204.150
Vendor codes	270.450
Warrants:	
Canceled warrants	270.550
Duplicate warrants	270.600
Forged warrants	270.750
Incorrect warrants	270.250
Outdated warrants	270.500
Stop payment on warrant	270.650

This rule is intended to implement Iowa Code Supplement section 8A.502.

ITEM 36. Amend rule ~~11—48.1(8A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement section 8A.514.

ITEM 37. Amend rule 11—48.2(8A) as follows:

**11—48.2(8A) Prepayment of expenses.** The following expenses may be prepaid without prior written approval from the department:

1. to 4. No change.
- ~~5.—Yearly memberships approved by the executive council.~~
6. 5. Maintenance contracts that have been negotiated with a clause requiring prepayment.

~~7. 6.~~ If there is documentation attached to the claim which indicates the registration must be paid prior to the function, or there is documentation attached which indicates there is a savings of at least current general fund earning rate of the state treasurer if the registration is paid in advance.

This rule is intended to implement Iowa Code ~~Supplement~~ section 8A.514.

ITEM 38. Amend rule ~~11—48.3(8A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 8A.514.

ITEM 39. Amend rule ~~11—48.4(8A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 8A.514.

ITEM 40. Amend rule 11—55.2(8A) as follows:

**11—55.2(8A) Removal of names from eligible lists.** The director may remove names from an eligible list for a particular job class(es) for any of the following reasons in addition to those cited in 11—subrule 54.2(6):

1. to 8. No change.

9. Violation of any of the provisions of Iowa Code ~~Supplement~~ chapter 8A or these rules. Applicants removed for this reason shall be notified in writing by the director within five workdays following removal. Appeal of removal for this reason shall be in accordance with 11—subrule 61.2(4).

10. No change.

ITEM 41. Amend ~~11—Chapter 55~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ sections 8A.401, 8A.402, 8A.411, 8A.413, 8A.417, 8A.418, 8A.453, 8A.455, 8A.456 and 8A.458.

ITEM 42. Amend ~~11—Chapter 56~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ sections 8A.401, 8A.402, 8A.411, 8A.413, 8A.414, 8A.416 to 8A.418, 8A.453, 8A.456 and 8A.458.

ITEM 43. Amend ~~11—Chapter 58~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ sections 8A.401, 8A.411, 8A.413, 8A.415 to 8A.418, 8A.453, 8A.456 and 8A.458.

ITEM 44. Amend ~~11—Chapter 59~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ sections 8A.401, 8A.402, 8A.411, 8A.413, 8A.414, 8A.417, 8A.418, 8A.439, 8A.453, 8A.456 and 8A.458.

ITEM 45. Amend ~~11—Chapter 61~~, implementation sentence, as follows:

These rules are intended to implement ~~2003~~ Iowa Code ~~Supplement~~ section 8A.413.

ITEM 46. Amend ~~11—Chapter 62~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement section~~ sections 8A.413 and ~~Iowa Code section~~ 8E.207.

ITEM 47. Amend subrule ~~64.6(1)~~, definitions of “Investment provider” and “Plan,” as follows:

“*Investment provider*” means a company authorized under this rule to issue an account or administer the records of such an account or accounts under the deferred compensation plan authorized by Iowa Code ~~section~~ sections 8A.402 and 509A.12 and ~~2003 Iowa Code Supplement section~~ 8A.402.

“*Plan*” means the state of Iowa employee contribution plan for deferred compensation as authorized by Internal Revenue Code Section 457; and Iowa Code ~~section~~ sections 8A.434 and 509A.12, and ~~2003 Iowa Code Supplement section~~ 8A.434.

ITEM 48. Amend rule 11—65.2(8A) as follows:

**11—65.2(8A) Restrictions on political activity of employees.** All employees are prohibited from:

~~65.2(1)~~ to ~~65.2(4)~~ No change.

Employees of the alcoholic beverages division of the department of commerce, in addition to the foregoing subrules, are subject to the prohibitions set forth in Iowa Code section ~~123.18~~ 123.13. All employees are further subject to the provisions of Iowa Code chapter 721.

ITEM 49. Amend **11—Chapter 65**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ sections 8A.413, 8A.416 and 8A.418.

ITEM 50. Amend subrule 66.5(2) as follows:

**66.5(2)** Employees may contact the office of ~~the Iowa citizens' aide at (888)426-6283~~ ombudsman to report violations of this rule.

ITEM 51. Amend **11—Chapter 66**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement section~~ sections 8A.413 and ~~Iowa Code section~~ 68B.4.

ITEM 52. Amend **11—Chapter 71**, implementation sentence, as follows:

These rules are intended to implement ~~2003 Iowa Code Supplement~~ section 8A.432.

ITEM 53. Amend rule 11—100.4(8A) as follows:

**11—100.4(8A) Use and scheduling of capitol complex facilities.**

**100.4(1) *Scheduling conference rooms.*** Conference rooms, auditoriums and common areas within the capitol complex are for use by state agencies, boards and commissions for authorized purposes only. Arrangements may be made by contacting the agency responsible for scheduling the facility. The department of administrative services is responsible for scheduling all common areas not under control of other agencies. Questions about usage shall be resolved by the director of the responsible agency. ~~General questions about scheduling may be directed to the department's customer service center at (515)242-5120.~~

**100.4(2) and 100.4(3)** No change.

**100.4(4) *Event request.*** State agencies or the general public may request use of capitol complex facilities, grounds or parking lots for public events by ~~contacting the director and~~ completing an application ~~provided by~~ on the department website (das.iowa.gov). This shall not be interpreted as an infringement on the right of assembly and petition guaranteed by Section 20, Article I, Constitution of Iowa.

*a. to c.* No change.

**100.4(5) to 100.4(13)** No change.

This rule is intended to implement ~~2003 Iowa Code Supplement~~ section 8A.322.

ITEM 54. Amend rule **11—100.5(8A)**, implementation sentence, as follows:

This rule is intended to implement ~~2003 Iowa Code Supplement section~~ sections 8A.322 and ~~Iowa Code section~~ 303.9 and chapter 216D.

ITEM 55. Amend **11—Chapter 100**, implementation sentence, as follows:

These rules are intended to implement ~~2003 Iowa Code Supplement~~ sections 8A.104, 8A.321, and 8A.322 and ~~Iowa Code section~~ 303.9 and chapters ~~142B~~ 142D and 216D.

ITEM 56. Amend paragraph **101.12(4)“c”** as follows:

*c.* Instructs the operator that the operator is required for each violation to pay \$10 to the department of administrative services within 10 days by submitting the ticket or the ticket number and payment in cash or a check or money order payable to the Department of Administrative Services, ~~Customer Service Center~~, Hoover State Office Building, ~~Level A~~ Third Floor, Des Moines, Iowa 50319.

ITEM 57. Amend **11—Chapter 101**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ sections 8A.322 and 8A.323.

ITEM 58. Amend rule 11—102.3(8A) as follows:

**11—102.3(8A) Location.** The state printing office is located at the capitol complex in Des Moines, Iowa. Correspondence shall be addressed to State Printing, Department of Administrative Services, ~~Grimes Hoover~~ State Office Building, Des Moines, Iowa 50319.

ITEM 59. Amend rule 11—102.4(8A), introductory paragraph, as follows:

**11—102.4(8A) State printing.** The state printing operation maintains a centralized printing facility in the ~~Grimes Hoover~~ State Office Building with satellite offices in other locations not necessarily at the capitol complex.

ITEM 60. Amend rule **11—102.7(8A,49)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 49.54.

ITEM 61. Amend rule 11—102.8(8A,618) as follows:

**11—102.8(8A,618) Fees paid to newspapers.** The fees paid to newspapers for official publications, notices, orders, citations or other publications required or allowed by law shall not exceed the rate set June 1 of each year by the director. The director shall calculate a new rate for the following fiscal year as prescribed in Iowa Code ~~Supplement~~ section 618.11 and shall publish this rate as a notice in the Iowa Administrative Bulletin prior to the first day of the following calendar month. The new rate shall be effective on the first day of the calendar month following its publication. The calculation and publication of the rate by the director shall be exempt from the provisions of Iowa Code chapters 17A and 25B.

This rule is intended to implement Iowa Code ~~Supplement~~ section 618.11.

ITEM 62. Amend rule **11—103.2(8A)**, definition of “Pool car,” as follows:

“Pool car” means a vehicle assigned to the state of Iowa, department of administrative services, ~~division of fleet and mail pool~~ fleet services.

ITEM 63. Amend subrule 103.16(3) as follows:

**103.16(3)** Agencies shall ensure that their flexible fuel vehicles that are capable of operating on 85 percent ethanol (E85) use E85 fuel whenever an E85 fueling facility is available to the driver when fuel is needed. ~~E85~~ E85 fuel may be procured at a retail establishment if a state fueling facility is not readily available. If an E85 facility is not readily available, the driver shall not completely fill the tank with fuel when a lesser quantity will be adequate to complete the trip to an E85 fueling site.

ITEM 64. Amend **11—Chapter 119**, implementation sentence, as follows:

These rules are intended to implement 2003 Iowa Code ~~Supplement~~ sections 8.47 and 8A.104.

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