

FILED MAR 01 1995

H- 3/30/95 Do Pass
H- 4/13/95 Unfinished Business
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SENATE FILE **228**
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 82)

Passed Senate, Date 3/21/95 (p. 758) Passed House, Date 4/18/95 (p. 1630)
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0
Approved April 27, 1995

A BILL FOR

1 An Act relating to the statewide notification center by providing
2 that the center is subject to the open meetings and public
3 records law, requiring certain financial information to be
4 reported, establishing an audit requirement, and providing a
5 penalty.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 228

S-3105

- 1 Amend Senate File 228 as follows:
- 2 1. Page 1, by striking lines 1 through 19.
- 3 2. Page 1, by striking lines 32 through 34 and
- 4 inserting the following: "select a vendor to provide
- 5 the notification service. The terms of the".
- 6 3. Page 2, by striking lines 8 through 12 and
- 7 inserting the following: "including a an annual audit
- 8 and review of the services provided by the".
- 9 4. Page 2, by striking lines 24 and 25 and
- 10 inserting the following: "at least once each year by
- 11 a certified public accountant. The notification
- 12 center shall not".

(p. 757) Adopted 3/21/95

By DENNIS BLACK

S-3105 FILED MARCH 8, 1995

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S.F. 228

1 Section 1. Section 21.2, subsection 1, Code 1995, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. A statewide notification center
4 established pursuant to chapter 480.

5 Sec. 2. Section 22.1, subsection 1, Code 1995, is amended
6 to read as follows:

7 1. ~~The term "government~~ "Government body" means this
8 state, or any county, city, township, school corporation,
9 political subdivision, tax-supported district, nonprofit
10 corporation other than a county or district fair or
11 agricultural society, whose facilities or indebtedness are
12 supported in whole or in part with property tax revenue and
13 which is licensed to conduct pari-mutuel wagering pursuant to
14 chapter 99D, a statewide notification center established
15 pursuant to chapter 480, or other entity of this state, or any
16 branch, department, board, bureau, commission, council,
17 committee, official or officer, of any of the foregoing or any
18 employee delegated the responsibility for implementing the
19 requirements of this chapter.

20 Sec. 3. Section 480.3, Code 1995, is amended to read as
21 follows:

22 480.3 NOTIFICATION CENTER ESTABLISHED -- PARTICIPATION.

23 1. a. A statewide notification center is established and
24 shall be organized as a nonprofit corporation pursuant to
25 chapter 504A. The center shall be governed by a board of
26 directors which shall represent and be elected by operators,
27 excavators, and other persons who participate in the center.
28 The board shall, with input from all interested parties,
29 determine the operating procedures and technology needed for a
30 single statewide notification center, and establish a
31 notification process and competitive bidding procedure to
32 select a vendor to provide the notification service. The
33 competitive bidding procedure shall be established consistent
34 with sections 384.96 through 384.102. The terms of the
35 agreement for the notification service may be modified from

1 time to time by the board, and the agreement shall be
2 reviewed, with an opportunity to receive new bids, no less
3 frequently than every three years.

4 b. Upon the selection of a vendor pursuant to paragraph
5 "a", the board shall notify the chairperson of the utilities
6 board in writing of the selection. The board shall submit an
7 annual report to the chairperson of the utilities board
8 including a complete financial report of the receipts and
9 expenditures of the notification center and the vendor,
10 including a list of all operators and the amount of the total
11 fees and assessments paid by each operator, a copy of the
12 annual audit, and a review of the services provided by the
13 notification center and the vendor.

14 c. The board is subject to chapters 21 and 22.

15 2. The board shall implement the latest and most cost-
16 effective technological improvements for the center in order
17 to provide operators and excavators with the most accurate
18 data available and in a timely manner to allow operators and
19 excavators to perform their responsibilities with the minimum
20 amount of interruptions.

21 3. Every operator shall participate in and share in the
22 costs of the notification center. The financial condition and
23 the transactions of the notification center shall be audited
24 at least once each year in the same manner as a city as
25 provided in section 11.6. The notification center shall not
26 provide any form of aid or make a contribution to a political
27 party or to the campaign of a candidate for political or
28 public office. In addition to any applicable civil penalty,
29 as provided in section 480.6, a violation of this section
30 constitutes a simple misdemeanor.

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EXPLANATION

32 This bill amends provisions relating to the statewide
33 notification center established pursuant to chapter 480.

34 Sections 1 and 2 provide that the statewide notification
35 center is subject to the open meetings and public records

1 provisions of chapters 21 and 22.

2 Section 480.3 is amended to provide that the vendor
3 selected to provide the notification service is to be selected
4 pursuant to the competitive bidding procedures applicable to
5 cities. The section is amended to provide that the annual
6 report to the chairperson of the utilities board must include
7 a complete financial report of the receipts and expenditures
8 of the center and the vendor. The section is also amended to
9 provide that the center is to be audited in the same manner as
10 a city and to prohibit the center from making political
11 contributions. A violation of the section constitutes a
12 simple misdemeanor.

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SSB-82

Local Government

Succeeded By

SE/HE 228
SENATE FILE

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON SORENSEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the statewide notification center by providing
2 that the center is subject to the open meetings and public
3 records law, requiring certain financial information to be
4 reported, establishing an audit requirement, and providing a
5 penalty.

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1 Section 1. Section 21.2, subsection 1, Code 1995, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. A statewide notification center
4 established pursuant to chapter 480.

5 Sec. 2. Section 22.1, subsection 1, Code 1995, is amended
6 to read as follows:

7 1. ~~The term~~-"government Government body" means this
8 state, or any county, city, township, school corporation,
9 political subdivision, tax-supported district, nonprofit
10 corporation other than a county or district fair or
11 agricultural society, whose facilities or indebtedness are
12 supported in whole or in part with property tax revenue and
13 which is licensed to conduct pari-mutuel wagering pursuant to
14 chapter 99D, a statewide notification center established
15 pursuant to chapter 480, or other entity of this state, or any
16 branch, department, board, bureau, commission, council,
17 committee, official or officer, of any of the foregoing or any
18 employee delegated the responsibility for implementing the
19 requirements of this chapter.

20 Sec. 3. Section 480.3, Code 1995, is amended to read as
21 follows:

22 480.3 NOTIFICATION CENTER ESTABLISHED -- PARTICIPATION.

23 1. a. A statewide notification center is established and
24 shall be organized as a nonprofit corporation pursuant to
25 chapter 504A. The center shall be governed by a board of
26 directors which shall represent and be elected by operators,
27 excavators, and other persons who participate in the center.
28 The board shall, with input from all interested parties,
29 determine the operating procedures and technology needed for a
30 single statewide notification center, and establish a
31 notification process and competitive bidding procedure to
32 select a vendor to provide the notification service. The
33 competitive bidding procedure shall be established consistent
34 with sections 384.96 through 384.102. The terms of the
35 agreement for the notification service may be modified from

1 time to time by the board, and the agreement shall be
2 reviewed, with an opportunity to receive new bids, no less
3 frequently than every three years.

4 b. Upon the selection of a vendor pursuant to paragraph
5 "a", the board shall notify the chairperson of the utilities
6 board in writing of the selection. The board shall submit an
7 annual report to the chairperson of the utilities board
8 including a complete financial report of the receipts and
9 expenditures of the notification center and the vendor,
10 including a list of all operators and the amount of the total
11 fees and assessments paid by each operator, a copy of the
12 annual audit, and a review of the services provided by the
13 notification center and the vendor.

14 c. The board is subject to chapters 21 and 22.

15 2. The board shall implement the latest and most cost-
16 effective technological improvements for the center in order
17 to provide operators and excavators with the most accurate
18 data available and in a timely manner to allow operators and
19 excavators to perform their responsibilities with the minimum
20 amount of interruptions.

21 3. Every operator shall participate in and share in the
22 costs of the notification center. The financial condition and
23 the transactions of the notification center shall be audited
24 at least once each year in the same manner as a city as
25 provided in section 11.6. The notification center shall not
26 provide any form of aid or make a contribution to a political
27 party or to the campaign of a candidate for political or
28 public office. In addition to any applicable civil penalty,
29 as provided in section 480.6, a violation of this section
30 constitutes a simple misdemeanor.

31

EXPLANATION

32 This bill amends provisions relating to the statewide
33 notification center established pursuant to chapter 480.

34 Sections 1 and 2 provide that the statewide notification
35 center is subject to the open meetings and public records

1 provisions of chapters 21 and 22.

2 Section 480.3 is amended to provide that the vendor
3 selected to provide the notification service is to be selected
4 pursuant to the competitive bidding procedures applicable to
5 cities. The section is amended to provide that the annual
6 report to the chairperson of the utilities board must include
7 a complete financial report of the receipts and expenditures
8 of the center and the vendor. The section is also amended to
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10 a city and to prohibit the center from making political
11 contributions. A violation of the section constitutes a
12 simple misdemeanor.

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SENATE FILE 228

AN ACT

RELATING TO THE STATEWIDE NOTIFICATION CENTER BY PROVIDING THAT THE CENTER IS SUBJECT TO THE OPEN MEETINGS AND PUBLIC RECORDS LAW, REQUIRING CERTAIN FINANCIAL INFORMATION TO BE REPORTED, ESTABLISHING AN AUDIT REQUIREMENT, AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 480.3, Code 1995, is amended to read as follows:

480.3 NOTIFICATION CENTER ESTABLISHED -- PARTICIPATION.

1. a. A statewide notification center is established and shall be organized as a nonprofit corporation pursuant to chapter 504A. The center shall be governed by a board of directors which shall represent and be elected by operators, excavators, and other persons who participate in the center. The board shall, with input from all interested parties, determine the operating procedures and technology needed for a single statewide notification center, and establish a notification process and competitive bidding procedure to select a vendor to provide the notification service. The terms of the agreement for the notification service may be modified from time to time by the board, and the agreement shall be reviewed, with an opportunity to receive new bids, no less frequently than every three years.

b. Upon the selection of a vendor pursuant to paragraph "a", the board shall notify the chairperson of the utilities board in writing of the selection. The board shall submit an annual report to the chairperson of the utilities board including a an annual audit and review of the services provided by the notification center and the vendor.

c. The board is subject to chapters 21 and 22.

2. The board shall implement the latest and most cost-effective technological improvements for the center in order

to provide operators and excavators with the most accurate data available and in a timely manner to allow operators and excavators to perform their responsibilities with the minimum amount of interruptions.

3. Every operator shall participate in and share in the costs of the notification center. The financial condition and the transactions of the notification center shall be audited at least once each year by a certified public accountant. The notification center shall not provide any form of aid or make a contribution to a political party or to the campaign of a candidate for political or public office. In addition to any applicable civil penalty, as provided in section 480.6, a violation of this section constitutes a simple misdemeanor.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 228, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1995

TERRY E. BRANSTAD
Governor