

Senate File 2088 - Introduced

SENATE FILE 2088
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3030)

A BILL FOR

1 An Act concerning state government reorganization and
2 efficiency, making appropriations, establishing fees,
3 establishing fees and penalties, and providing effective and
4 applicability provisions.

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

DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

1
2
3 Section 1. Section 8A.104, subsection 12, Code 2009, is
4 amended by striking the subsection.

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

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

9 Sec. 4. Section 8A.122, subsection 3, Code 2009, is amended
10 to read as follows:

11 3. The Except for obtaining information technology services
12 pursuant to subchapter II, the state board of regents shall
13 not be required to obtain any service for the state board of
14 regents or any institution under the control of the state board
15 of regents that is provided by the department pursuant to this
16 chapter without the consent of the state board of regents.

17 Sec. 5. Section 8A.201, subsection 1, Code 2009, is amended
18 to read as follows:

19 1. "*Information technology*" means computing and electronics
20 applications used to process and distribute information in
21 digital and other forms and includes information technology
22 devices, information technology services, infrastructure
23 services, and value-added services.

24 Sec. 6. Section 8A.201, Code 2009, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 3A. "*Infrastructure services*" includes all
27 of the following:

28 a. Data centers used to support mainframe and other
29 computers and their associated components including servers,
30 information networks, storage systems, redundant or backup
31 power systems, redundant data communications connections,
32 environmental controls, and security devices.

33 b. Servers, mainframes, or other centralized processing
34 systems.

35 c. Storage systems, including but not limited to disk, tape,

1 optical, and other structured repositories for storing digital
2 information.

3 *d.* Telecommunications networks, sometimes referred to as
4 wide area networks, used for the transmission of video, voice,
5 and data.

6 *e.* Computer networks commonly referred to as local area
7 networks.

8 *f.* Groupware applications used to facilitate collaboration,
9 communication, and workflow, including electronic mail,
10 directory services, calendaring and scheduling, and imaging
11 systems.

12 *g.* Information technology help desk services.

13 *h.* Cyber security functions and equipment.

14 *i.* Digital printing and printing procurement services.

15 *j.* Data warehouses, including services that assist in
16 managing and locating digital information.

17 *k.* Disaster recovery technology and services.

18 *l.* Other similar or related services as determined by the
19 chief information officer.

20 Sec. 7. Section 8A.201, subsection 4, Code 2009, is amended
21 by striking the subsection and inserting in lieu thereof the
22 following:

23 4. "*Participating agency*" means any state agency.

24 Sec. 8. Section 8A.201, subsection 5, Code 2009, is amended
25 to read as follows:

26 5. "*Technology ~~governance board~~ advisory council*" means the
27 ~~board~~ council established in section 8A.204.

28 Sec. 9. NEW SECTION. 8A.201A Chief information officer
29 appointed.

30 1. A chief information officer shall be appointed by the
31 governor to serve at the pleasure of the governor and is
32 subject to confirmation by the senate. If the office becomes
33 vacant, the vacancy shall be filled in the same manner as
34 provided for the original appointment.

35 2. The person appointed as the chief information officer

1 for the state shall be professionally qualified by education
2 and have no less than five years' experience in the field of
3 information technology, and a working knowledge of financial
4 management. The chief information officer shall not be
5 a member of any local, state, or national committee of a
6 political party, an officer or member of a committee in
7 any partisan political club or organization, or hold or be
8 a candidate for a paid elective public office. The chief
9 information officer is subject to the restrictions on political
10 activity provided in section 8A.416.

11 Sec. 10. Section 8A.202, subsection 2, paragraph g, Code
12 2009, is amended to read as follows:

13 *g.* Coordinating and managing the acquisition of information
14 technology services by participating agencies in furtherance of
15 the purposes of this chapter. The department shall institute
16 procedures to ensure effective and efficient compliance
17 with the applicable standards established pursuant to this
18 subchapter. ~~This subchapter shall not be construed to prohibit~~
19 ~~or limit a participating agency from entering into an agreement~~
20 ~~or contract for information technology with a qualified private~~
21 ~~entity.~~

22 Sec. 11. Section 8A.202, Code 2009, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4A. *Waivers.*

25 *a.* The department shall adopt rules allowing for
26 participating agencies to seek a temporary or permanent waiver
27 from any of the requirements of this subchapter concerning
28 the acquisition of information technology. The rules shall
29 provide that a waiver may be granted upon a written request by
30 a participating agency and approval of the chief information
31 officer. A waiver shall only be approved if the participating
32 agency shows that a waiver would be in the best interests of
33 the state.

34 *b.* Prior to approving or denying a request for a waiver, the
35 chief information officer shall consider all of the following:

1 (1) Whether the waiver would violate any state or federal
2 law; or any published policy, standard, or requirement
3 established by a governing body other than the department.

4 (2) Whether the waiver would result in the duplication of
5 existing services, resources, or support.

6 (3) Whether the waiver would obstruct the state's
7 information technology strategic plan, enterprise architecture,
8 security plans, or any other information technology policy,
9 standard, or requirement.

10 (4) Whether the waiver would result in excessive
11 expenditures or expenditures above market rates.

12 (5) The life cycle of the system or application for which
13 the waiver is requested.

14 (6) Whether the participating agency can show that it can
15 obtain or provide the information technology more economically
16 than the information technology can be provided by the
17 department. For purposes of determining if the participating
18 agency can obtain or provide the information technology more
19 economically, the chief information officer shall consider
20 the impact on other participating agencies if the waiver is
21 approved or denied.

22 *c.* Rules adopted pursuant to this subsection relating to a
23 request for a waiver, at a minimum, shall provide for all of
24 the following:

25 (1) The request shall be in writing and signed by the head
26 of the participating agency seeking the waiver.

27 (2) The request shall include a reference to the specific
28 policy, standard, or requirement for which the waiver is
29 submitted.

30 (3) The request shall include a statement of facts including
31 a description of the problem or issue prompting the request;
32 the participating agency's preferred solution; an alternative
33 approach to be implemented by the participating agency intended
34 to satisfy the waived policy, standard, or requirement; the
35 business case for the alternative approach; the economic

1 justification for the waiver or a statement as to why the
2 waiver is in the best interests of the state; the time period
3 for which the waiver is requested; and any other information
4 deemed appropriate.

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

7 The chief information officer, in consultation with
8 the director, shall do all of the following as it relates to
9 information technology services:

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

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

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

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

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

26 Sec. 14. Section 8A.204, Code 2009, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **8A.204 Technology advisory council.**

29 1. *Definitions.* For purposes of this section, unless the
30 context otherwise requires:

31 a. "Large agency" means a participating agency with more
32 than seven hundred full-time, year-round employees.

33 b. "Medium-sized agency" means a participating agency with
34 at least seventy or more full-time, year-round employees, but
35 not more than seven hundred permanent employees.

1 *c.* "Small agency" means a participating agency with less
2 than seventy full-time, year-round employees.

3 2. *Membership.*

4 *a.* The technology advisory council is composed of ten
5 members as follows:

6 (1) The chief information officer.

7 (2) The director of the department of management, or the
8 director's designee.

9 (3) Eight members appointed by the governor as follows:

10 (i) Three representatives from large agencies.

11 (ii) Two representatives from medium-sized agencies.

12 (iii) One representative from a small agency.

13 (iv) Two public members who are knowledgeable and have
14 experience in information technology matters.

15 *b.* (1) Members appointed pursuant to paragraph "a",
16 subparagraph (3), shall serve two-year staggered terms. The
17 department shall provide, by rule, for the commencement of the
18 term of membership for the nonpublic members. The terms of
19 the public members shall be staggered at the discretion of the
20 governor.

21 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
22 public members of the council.

23 (3) Public members appointed by the governor are subject to
24 senate confirmation.

25 (4) Public members appointed by the governor may be eligible
26 to receive compensation as provided in section 7E.6.

27 (5) Members shall be reimbursed for actual and necessary
28 expenses incurred in performance of the members' duties.

29 (6) A director, deputy director, or employee with
30 information technology expertise of an agency is preferred as
31 an appointed representative for each of the agency categories
32 of membership pursuant to paragraph "a", subparagraph (3).

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

1 *d.* A majority of the members of the council shall constitute
2 a quorum.

3 *e.* Meetings of the council shall be held at the call of the
4 chairperson or at the request of three members.

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

9 *a.* Advise the chief information officer in developing and
10 adopting information technology standards pursuant to sections
11 8A.203 and 8A.206 applicable to all agencies.

12 *b.* Make recommendations to the chief information officer
13 regarding all of the following:

14 (1) Technology utility services to be implemented by the
15 department or other agencies.

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

21 (3) Technology initiatives for the executive branch.

22 *c.* Advise the department regarding rates to be charged
23 for access to and for value-added services performed through
24 IowAccess.

25 Sec. 15. Section 8A.205, subsection 2, paragraph *f*, Code
26 2009, is amended by striking the paragraph and inserting in
27 lieu thereof the following:

28 *f.* Assist participating agencies in converting printed
29 government materials to electronic materials which can be
30 accessed through an internet searchable database.

31 Sec. 16. Section 8A.206, subsection 1, Code 2009, is amended
32 to read as follows:

33 1. The department, ~~in conjunction~~ after consultation with
34 the technology ~~governance board~~ advisory council, shall develop
35 and adopt information technology standards applicable to the

1 procurement of information technology by all participating
2 agencies. Such standards, unless waived by the department
3 pursuant to section 8A.202, subsection 4A, shall apply to all
4 information technology procurements for participating agencies.

5 Sec. 17. Section 8A.207, Code 2009, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 2A. The department shall develop policies
8 and procedures that apply to all information technology goods
9 and services acquisitions, and shall ensure the compliance
10 of all participating agencies. The department shall also be
11 the sole provider of infrastructure services for participating
12 agencies.

13 Sec. 18. Section 8A.221, Code 2009, is amended by striking
14 the section and inserting in lieu thereof the following:

15 **8A.221 IowAccess — duties and responsibilities.**

16 1. *IowAccess.* The department shall establish IowAccess as
17 a service to the citizens of this state that is the gateway
18 for one-stop electronic access to government information and
19 transactions, whether federal, state, or local. Except as
20 provided in this section, IowAccess shall be a state-funded
21 service providing access to government information and
22 transactions. The department, in establishing the fees for
23 value-added services, shall consider the reasonable cost of
24 creating and organizing such government information through
25 IowAccess.

26 2. *Duties.* The department shall do all of the following:

27 a. Establish rates to be charged for access to and for
28 value-added services performed through IowAccess.

29 b. Approve and establish the priority of projects
30 associated with IowAccess. The determination may also include
31 requirements concerning funding for a project proposed by
32 a political subdivision of the state or an association,
33 the membership of which is comprised solely of political
34 subdivisions of the state. Prior to approving a project
35 proposed by a political subdivision, the department shall

1 verify that all of the following conditions are met:

2 (1) The proposed project provides a benefit to the state.

3 (2) The proposed project, once completed, can be shared
4 with and used by other political subdivisions of the state, as
5 appropriate.

6 (3) The state retains ownership of any final product or is
7 granted a permanent license to the use of the product.

8 c. Establish expected outcomes and effects of the use of
9 IowAccess and determine the manner in which such outcomes are
10 to be measured and evaluated.

11 d. Establish the IowAccess total budget request and
12 ensure that such request reflects the priorities and goals of
13 IowAccess as established by the department.

14 e. Advocate for access to government information and
15 services through IowAccess and for data privacy protection,
16 information ethics, accuracy, and security in IowAccess
17 programs and services.

18 f. Receive status and operations reports associated with
19 IowAccess.

20 3. *Data purchasing.* This section shall not be construed
21 to impair the right of a person to contract to purchase
22 information or data from the Iowa court information system
23 or any other governmental entity. This section shall not be
24 construed to affect a data purchase agreement or contract in
25 existence on April 25, 2000.

26 Sec. 19. Section 8A.224, subsection 1, Code Supplement
27 2009, is amended to read as follows:

28 1. An IowAccess revolving fund is created in the state
29 treasury. The revolving fund shall be administered by the
30 department and shall consist of moneys collected by the
31 department as fees, moneys appropriated by the general
32 assembly, and any other moneys obtained or accepted by the
33 department for deposit in the revolving fund. The proceeds
34 of the revolving fund are appropriated to and shall be used
35 by the department to maintain, develop, operate, and expand

1 lowAccess consistent with this subchapter, and for the support
2 of activities of the technology ~~governance board~~ advisory
3 council pursuant to section 8A.204.

4 Sec. 20. REPEAL. Section 8A.223, Code 2009, is repealed.

5 Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
6 TECHNOLOGY — UTILIZATION BY LEGISLATIVE AND JUDICIAL
7 BRANCH. The department of administrative services shall
8 consult with and explore opportunities with the legislative
9 and judicial branches of government relative to the providing
10 of information technology services to those branches of
11 government.

12 Sec. 22. CHIEF INFORMATION OFFICER — CONVENIENCE FEE
13 STUDY. The chief information officer of the state shall
14 conduct a study concerning convenience or other handling fees
15 charged by state agencies by credit or debit card or other
16 electronic means of payment. The goal of the study would be to
17 encourage the elimination of such fees wherever possible. The
18 department shall determine the extent and amount of the fees
19 charged, revenues generated by those fees, and explore ways to
20 reduce or eliminate the fees. The chief information officer
21 shall submit a report to the general assembly by January 15,
22 2011, concerning the results of the study, including any
23 recommendations for legislative consideration.

24 Sec. 23. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
25 agencies, as defined in section 8A.101, should, to the greatest
26 extent possible, utilize electronic mail or similar electronic
27 means to notify holders of licenses or permits issued by that
28 state agency that the license or permit needs to be renewed.
29 The chief information officer of the state shall assist state
30 agencies in implementing the directive in this section.

31 DIVISION II

32 ELECTRONIC RECORDS

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

35 **7A.11A Reports to the general assembly.**

1 All reports required to be filed with the general assembly by
2 a state department or agency shall be filed by delivering ~~one~~
3 ~~printed copy and~~ one copy in electronic format as prescribed by
4 the secretary of the senate and the chief clerk of the house.

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

23 DIVISION III

24 PUBLICATION MODERNIZATION

25 Sec. 26. Section 2.42, subsection 13, Code 2009, is amended
26 to read as follows:

27 13. To establish policies with regard to ~~the publishing~~
28 ~~of printed and electronic versions of legal publications~~
29 as provided in chapters 2A and 2B, including the Iowa
30 ~~administrative code, the Iowa administrative bulletin, the~~
31 ~~Iowa Code, the Iowa Code Supplement, and the Iowa Acts Acts,~~
32 Iowa Code, Code Supplement, Iowa administrative bulletin,
33 Iowa administrative code, and Iowa court rules, or any part
34 of those publications. The publishing policies may include,
35 but are not limited to: the style and format to be used; the

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

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

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

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

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

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

1 1. The legislative services agency shall publish the
2 official legal publications of the state as provided in chapter
3 2B. The legislative services agency shall have legal custody of
4 the publications and shall provide for the warehousing, sale,
5 and distribution of the publications. The legislative services
6 agency shall retain or cause to be retained a number of old
7 editions of the publications but may otherwise distribute or
8 cause to be distributed old editions of the publications to any
9 person upon payment by the person of any distribution costs.
10 This section and chapter 2B do not require the legislative
11 services agency to publish a publication in both a printed and
12 electronic version.

13 Sec. 29. Section 2A.5, subsection 2, paragraph b, Code 2009,
14 is amended to read as follows:

15 b. The ~~Iowa~~ Code Supplement.

16 Sec. 30. Section 2A.5, subsection 3, Code 2009, is amended
17 to read as follows:

18 3. The legislative services agency shall in each
19 odd-numbered year compile for publication ~~and distribute in~~
20 ~~odd-numbered years~~ a printed or electronic version of the Iowa
21 official register for distribution as soon as practicable.
22 The register shall contain historical, political, and other
23 information and statistics of general value but shall not
24 contain information or statistics of a partisan character. The
25 ~~print~~ printed and electronic versions of the register need
26 not contain the same information and statistics but shall be
27 published to provide the greatest access to such information
28 and statistics at the most reasonable cost as determined by the
29 legislative services agency. The different versions of the
30 register may be distributed free of charge, may be distributed
31 free of charge except for postage and handling charges, or
32 may be sold at a price to be established by the legislative
33 services agency.

34 Sec. 31. Section 2A.6, Code 2009, is amended to read as
35 follows:

1 **2A.6 Special distribution of legal publications**

2 ~~— restrictions on free distributions.~~

3 1. The legislative services agency shall make free
4 ~~distribution of the available electronic or printed versions~~
5 of the official legal publications listed in section 2A.5,
6 ~~subsection 2, subject to payment of any routine distribution~~
7 ~~costs such as but not limited to mailing and handling costs,~~ to
8 the three branches of state government, to elected county
9 officers, to county and city assessors, to Iowa's congressional
10 delegation, to federal courts in Iowa and federal judges and
11 magistrates for Iowa, and to state and university depository
12 libraries, the library of Congress, and the library of the
13 United States supreme court. ~~Only such officers, offices, and~~
14 ~~agencies entitled to or receiving free copies during the fiscal~~
15 ~~year beginning July 1, 2002, and ending June 30, 2003,* shall~~
16 ~~be entitled to continue to receive free copies in subsequent~~
17 ~~years, except that successor and new officers, offices, and~~
18 ~~agencies shall receive a reasonable number of free copies as~~
19 ~~determined by the legislative services agency. Such officers,~~
20 ~~offices, and agencies shall annually review the number of~~
21 ~~copies received in the prior year to determine if the number of~~
22 ~~copies received can be reduced and shall submit the information~~
23 ~~in a report to the legislative services agency. The number of~~
24 ~~copies received, once reduced, shall not be increased to the~~
25 ~~previous level without the express consent of the legislative~~
26 ~~services agency.~~

27 2. ~~Each officer, office, or agency receiving one or more~~
28 ~~free copies of a publication under this section shall only~~
29 ~~receive up to the number of copies indicated free at the time~~
30 ~~of initial distribution. If an officer, office, or agency~~
31 ~~receiving one or more free copies of a publication under~~
32 ~~this section desires additional copies beyond the number~~
33 ~~initially received, the officer, office, or agency must request~~
34 ~~the additional copies and pay the normal charge for such~~
35 ~~publication.~~

1 ~~3. If a version of a publication provided under this~~
2 ~~section is available in an electronic format, the legislative~~
3 ~~services agency may establish policies providing for the~~
4 ~~substitution of an electronic version for the printed version~~
5 ~~of the publication, and for the amount of payment, if any,~~
6 ~~required for the electronic publication. The payment amount~~
7 ~~shall not be more than established pursuant to section 2A.5 for~~
8 ~~the same publication. For the Iowa administrative code and~~
9 ~~its supplements, the legislative services agency may provide~~
10 ~~that the distribution requirement of this section is met by~~
11 ~~distributing relevant portions of the Iowa administrative code~~
12 ~~or its supplements in either a printed or electronic format.~~

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

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

35 1. Publish the Iowa administrative bulletin and the Iowa

1 administrative code as provided in section 2B.5A.

2 2. Publish the Iowa court rules as provided in section
3 2B.5B.

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

6 3. ~~Cause to be published annually a~~ Publish annually an
7 electronic or printed edition of the roster of state officials.
8 The roster of state officials shall include a correct list of
9 state officers and deputies; members of boards and commissions;
10 justices of the supreme court, judges of the court of appeals,
11 and judges of the district courts including district associate
12 judges and judicial magistrates; and members of the general
13 assembly. The office of the governor shall cooperate in the
14 preparation of the list.

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

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

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

1 is not in proper style or form, and may return or revise a
2 document which is not in proper style and form. The style
3 and form prescribed shall require that a rulemaking document
4 include a reference to the statute which the rules are intended
5 to implement.

6 3. *a.* The administrative code editor may omit from the Iowa
7 administrative bulletin or the Iowa administrative code any
8 document for publication in the Iowa administrative bulletin or
9 the Iowa administrative code, if the administrative code editor
10 determines that its publication would be unduly cumbersome,
11 expensive, or otherwise inexpedient. The person filing the
12 document for publication shall provide the administrative
13 code editor with an electronic version of the document. The
14 administrative code editor shall publish the document on the
15 general assembly's internet site, and publish a notice in the
16 Iowa administrative bulletin or the Iowa administrative code
17 stating the specific subject matter of the omitted document and
18 how the omitted document may be accessed.

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

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

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

35 *a.* The Iowa administrative bulletin shall contain all of the

1 following:

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

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

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

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

13 (5) Items required to be published by statute.

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

17 b. The Iowa administrative bulletin may contain all of the
18 following:

19 (1) A preface.

20 (2) A rulemaking schedule.

21 (3) The agenda for the next meeting of the administrative
22 rules review committee as provided in section 17A.8, if
23 available.

24 (4) A schedule of known public hearings.

25 (5) A list of agencies referenced by agency identification
26 number.

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

1 *a.* The Iowa administrative code shall include all of the
2 following:

3 (1) Rules of general application adopted and filed with
4 the administrative code editor by state agencies. However,
5 the administrative code editor may delete a rule from the Iowa
6 administrative code if the agency that adopted the rule has
7 ceased to exist, no successor agency has jurisdiction over the
8 rule, and no statutory authority exists supporting the rule.

9 (2) A comprehensive method to search and identify its
10 contents, including rules.

11 (a) An electronic version may include search and retrieval
12 programming and index.

13 (b) A print edition may include an index.

14 *b.* The Iowa administrative code may include all of the
15 following:

16 (1) A preface.

17 (2) Uniform rules on agency procedure.

18 Sec. 35. NEW SECTION. **2B.5B Iowa court rules.**

19 1. The legislative services agency shall control and
20 maintain in a secure electronic repository custodial
21 information used to produce the Iowa court rules.

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

35 3. *a.* The administrative code editor shall publish the

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

6 *b.* The Iowa court rules shall include all of the following:

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

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

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

16 (b) A print version shall include an index.

17 *c.* The Iowa court rules may include all of the following:

18 (1) A preface.

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

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

23 2. Provide for the publication of all of the following:

24 *a.* The Iowa Acts as provided in section 2B.10.

25 *b.* The Iowa Code or Code Supplement, as provided in section
26 2B.12.

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

29 **2B.10 Iowa Acts.**

30 1. The legislative services agency shall control and
31 maintain in a secure electronic repository custodial
32 information used to produce the Iowa Acts.

33 2. The legislative services agency shall publish the annual
34 edition of the Iowa Acts as soon as possible after the final
35 adjournment of a regular session of the general assembly. The

1 legislative services agency may also publish an updated edition
2 of the Iowa Acts or a supplement to the Iowa Acts after a
3 special session of the general assembly.

4 ~~1.~~ 3. a. ~~The arrangement of the Acts and resolutions,~~
5 ~~and the size, style, type, binding, general arrangement, and~~
6 ~~tables of the Iowa Acts, appearance, and contents of the Iowa~~
7 ~~Acts shall be printed and published in the manner determined~~
8 ~~by the Iowa Code editor in accordance with the policies set~~
9 ~~by the of the legislative council and legislative services~~
10 agency as provided in section 2.42.

11 ~~2.~~ b. ~~Chapters of The bills and joint resolutions of the~~
12 Iowa Acts may be arranged by chapter, numbered from one for the
13 first regular session shall be numbered from one and chapters
14 of the second regular session shall be and numbered from one
15 thousand one for the second regular session.

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

17 a. A preface.

18 b. A table of contents.

19 ~~3.~~ c. ~~A list of elective state officers and deputies,~~
20 ~~supreme court justices, judges of the court of appeals,~~
21 ~~and members of the general assembly shall be published annually~~
22 ~~with the Iowa Acts, and members of Iowa's congressional~~
23 delegation.

24 ~~4.~~ d. ~~A statement of the condition of the state treasury~~
25 ~~shall be included, as provided by Article III, section 18,~~
26 of the Constitution of the State of Iowa. The statement shall
27 be furnished to the legislative services agency by the director
28 of the department of administrative services.

29 e. An analysis of its chapters.

30 f. The text of bills that have been enacted and joint
31 resolutions that have been enacted or passed by the general
32 assembly, including text indicating items disapproved in
33 appropriation bills.

34 g. Messages transmitted by the governor disapproving items
35 in appropriation bills.

1 h. A notation of the filing of an estimate of a state
2 mandate prepared by the legislative services agency pursuant
3 to section 25B.5.

4 i. Tables including any analysis of tables.

5 j. A comprehensive method to search and identify its
6 contents, including the text of bills that have been enacted
7 and joint resolutions that have been enacted or passed by the
8 general assembly.

9 (1) An electronic version may include search and retrieval
10 programming and an index and a summary index.

11 (2) A print version may include an index and a summary
12 index.

13 k. Other reference material as determined by the Iowa Code
14 editor in accordance with any policies of the legislative
15 council.

16 5. The enrolling clerks of the house and senate shall
17 arrange for the Iowa Code editor to receive suitable copies of
18 all Acts and resolutions as soon as they are enrolled.

19 ~~6. A notation of the filing of an estimate of a state~~
20 ~~mandate prepared by the legislative services agency pursuant to~~
21 ~~section 25B.5 shall be included in the Iowa Acts with the text~~
22 ~~of an enacted bill or joint resolution containing the state~~
23 ~~mandate.~~

24 Sec. 38. Section 2B.12, subsections 1 and 2, Code 2009, are
25 amended to read as follows:

26 1. The legislative services agency shall control and
27 maintain in a secure electronic repository custodial
28 information used to publish the Iowa Code.

29 ~~1. 2. A new Iowa Code shall be issued~~ The legislative
30 services agency shall publish an annual edition of the Iowa
31 Code as soon as possible after the final adjournment of the
32 second a regular session of the a general assembly. A However,
33 the legislative services agency may publish a new Code
34 Supplement shall be issued in lieu of the Iowa Code as soon as
35 possible after the first final adjournment of a regular session

1 of ~~the~~ a general assembly. A The legislative services agency
2 may publish a new edition of the Iowa Code or Code Supplement
3 ~~may be issued as soon as possible after the final adjournment~~
4 of a special session of the general assembly ~~or as required by~~
5 ~~the legislative council.~~

6 ~~2. The entire Iowa Code shall be maintained on a computer~~
7 ~~database which shall be updated as soon as possible after~~
8 ~~each session of the general assembly. The Iowa Code and Code~~
9 ~~Supplement shall be prepared and printed on a good quality~~
10 ~~of paper in one or more volumes, in the manner determined by~~
11 ~~the Iowa Code editor in accordance with the policies of the~~
12 ~~legislative council, as provided in section 2.42.~~

13 Sec. 39. Section 2B.12, subsection 5, Code 2009, is amended
14 by striking the subsection.

15 Sec. 40. Section 2B.12, subsection 6, unnumbered paragraph
16 1, Code 2009, is amended to read as follows:

17 ~~The Iowa Code published after the second regular session of~~
18 ~~the general assembly shall include all of the following:~~

19 Sec. 41. Section 2B.12, subsection 6, paragraph a, Code
20 2009, is amended by striking the paragraph.

21 Sec. 42. Section 2B.12, subsection 6, paragraph h, Code
22 2009, is amended by striking the paragraph and inserting in
23 lieu thereof the following:

24 *h.* The arrangement of the Code into distinct units, as
25 established by the legislative services agency, which may
26 include titles, subunits of titles, chapters, subunits of
27 chapters, and sections, and subunits of sections. The distinct
28 units shall be numbered and may include names.

29 Sec. 43. Section 2B.12, subsection 6, paragraph j, Code
30 2009, is amended to read as follows:

31 *j.* A comprehensive index and a summary index covering method
32 to search and identify its contents, including the text of the
33 Constitution and statutes of the State of Iowa.

34 (1) An electronic version may include search and retrieval
35 programming, analysis of titles and chapters, and an index and

1 a summary index.

2 (2) A print version shall include an analysis of titles and
3 chapters, and an index and a summary index.

4 Sec. 44. Section 2B.12, Code 2009, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 6A. The Iowa Code may include all of the
7 following:

8 a. A preface.

9 b. A description of citations to statutes.

10 c. Abbreviations to other publications which may be referred
11 to in the Iowa Code.

12 d. Appropriate historical references or source notes.

13 e. An analysis of the Code by titles and chapters.

14 f. Other reference materials as determined by the Iowa
15 Code editor in accordance with any policies of the legislative
16 council.

17 Sec. 45. Section 2B.12, subsections 7 and 8, Code 2009, are
18 amended to read as follows:

19 7. ~~The A Code Supplement published after the first regular~~
20 ~~session of the general assembly shall include all of the~~
21 ~~following:~~

22 a. ~~All of the~~ The text of statutes of Iowa of a general
23 and permanent nature ~~which that~~ were enacted ~~or amended~~ during
24 ~~that~~ the preceding regular or special session, except as
25 provided in subsection 3, ~~and;~~ an indication of all sections
26 repealed during that session, ~~;~~ and any amendments to the
27 Constitution of the State of Iowa approved by the voters at
28 ~~the preceding general election~~ since the adjournment of the
29 previous regular session of the general assembly.

30 b. A chapter title and number for each chapter or part of a
31 chapter included.

32 c. ~~An index covering the material included~~ A comprehensive
33 method to search and identify its contents, including the text
34 of statutes and the Constitution of the State of Iowa.

35 (1) An electronic version may include search and retrieval

1 programming and an index and a summary index.

2 (2) A print version may include an index and a summary
3 index.

4 8. A The Iowa Code or Code Supplement may include
5 appropriate tables showing the disposition of Acts of the
6 general assembly, the corresponding sections from edition
7 to edition of a an Iowa Code or Code Supplement, and other
8 reference material as determined by the Iowa Code editor in
9 accordance with policies of the legislative council.

10 Sec. 46. Section 2B.13, subsection 1, unnumbered paragraph
11 1, Code 2009, is amended to read as follows:

12 The Iowa Code editor in preparing the copy for an edition
13 of the Iowa Code or ~~Iowa~~ Code Supplement shall not alter the
14 sense, meaning, or effect of any Act of the general assembly,
15 but may:

16 Sec. 47. Section 2B.13, subsection 2, paragraph f, Code
17 2009, is amended to read as follows:

18 *f.* Perform any other editorial tasks required or authorized
19 by section ~~17A.6~~ 2B.5A.

20 Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code
21 2009, are amended to read as follows:

22 3. *a.* The Iowa Code editor may, in preparing the copy for
23 an edition of the Iowa Code or ~~Iowa~~ Code Supplement, establish
24 standards for and change capitalization, spelling, and
25 punctuation in any ~~Code~~ provision for purposes of uniformity
26 and consistency in ~~Code~~ language.

27 *b.* The administrative code editor may establish standards
28 for capitalization, spelling, and punctuation for purposes of
29 uniformity and consistency in the Iowa administrative code.

30 4. *a.* The Iowa Code editor shall seek direction from
31 the senate committee on judiciary and the house committee
32 on judiciary when making Iowa Code or ~~Iowa~~ Code Supplement
33 changes, ~~and the~~.

34 *b.* The administrative code editor shall seek direction
35 from the administrative rules review committee and

1 the administrative rules coordinator when making Iowa
2 administrative code changes, which appear to require
3 substantial editing and which might otherwise be interpreted to
4 exceed the scope of the authority granted in this section.

5 5. The Iowa Code editor may prepare and publish comments
6 deemed necessary for a proper explanation of the manner
7 of printing a section or chapter of the Iowa Code or Code
8 Supplement. The Iowa Code editor shall maintain a record of
9 all of the corrections made under subsection 1. The Iowa Code
10 editor shall also maintain a separate record of the changes
11 made under subsection 1, paragraphs "b" through "h". The
12 records shall be available to the public.

13 7. a. ~~The effective date of all editorial changes in an~~
14 ~~edition of the Iowa Code or Iowa Code Supplement is the date~~
15 ~~of the Iowa Code editor's approval of the final press proofs~~
16 ~~for the statutory text contained within that publication. The~~
17 ~~effective date of all editorial changes for the~~ or an edition
18 of the Iowa administrative code is the its publication date
19 ~~those changes are published in the Iowa administrative code. A~~
20 publication date is the date the publication is conclusively
21 presumed to be complete, incorporating all revisions or
22 editorial changes.

23 b. The publication date for the publications are as follows:

24 (1) For the Iowa Code or Code Supplement, the publication
25 date is the first day of the next regular session of the
26 general assembly convened pursuant to Article III, section
27 2, of the Constitution of the State of Iowa. However, the
28 legislative services agency may establish an alternative
29 publication date, which may be the date that the publication is
30 first available to the public accessing the general assembly's
31 internet site. The legislative services agency shall provide
32 notice of such an alternative publication date on the general
33 assembly's internet site.

34 (2) The publication date for the Iowa administrative code
35 is the date that it is first available to the public accessing

1 the general assembly's internet site according to a publication
2 schedule provided in section 2B.5A.

3 c. A publication designated by the legislative services
4 agency as unofficial shall not be used to establish a
5 publication date.

6 Sec. 49. Section 2B.17, Code 2009, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **2B.17 Official legal publications — citations.**

9 1. An official legal publication designated as such by
10 the legislative services agency as provided in sections 2.42
11 and 2A.1, is the official and authoritative version of the
12 statutes, administrative rules, or court rules of the state of
13 Iowa.

14 2. a. The codified version of the state's constitution
15 shall be known as the Constitution of the State of Iowa.

16 b. For statutes, the official versions of publications
17 shall be known as the Iowa Acts, the Iowa Code, and the Code
18 Supplement.

19 c. For administrative rules, the official versions of the
20 publications shall be known as the Iowa Administrative Bulletin
21 and the Iowa Administrative Code.

22 d. For court rules, the official version of the publication
23 shall be known as the Iowa Court Rules.

24 3. The legislative services agency may adopt a style manual
25 providing a uniform system of citing the codified Constitution
26 of the State of Iowa and the official versions of publications
27 listed in subsection 2, including by reference to commonly
28 accepted legal sources. The legislative services agency
29 style manual may provide for a different form of citation
30 for electronic and printed versions of the same publication.
31 Nothing in this section affects rules for style and format
32 adopted pursuant to section 2.42.

33 4. The codified Constitution of the State of Iowa, and
34 statutes enacted and joint resolutions enacted or passed by the
35 general assembly shall be cited as follows:

1 *a.* The codified Constitution of the State of Iowa shall
2 be cited as the Constitution of the State of Iowa, with a
3 reference identifying the preamble or boundaries, or article,
4 section, and subunit of a section. Subject to the legislative
5 services agency style manual, the Constitution of the State of
6 Iowa may be cited as the Iowa Constitution.

7 *b.* The Iowa Acts shall be cited as the Iowa Acts with
8 a reference identifying the year of the publication in
9 conformance with section 2.2, and the chapter of a bill
10 enacted or joint resolution enacted or passed during a regular
11 session, or in the alternative the bill or joint resolution
12 chamber designation, and the section of the chapter or bill
13 or subunit of a section. A bill or joint resolution enacted
14 or passed during a special session shall be cited by the
15 extraordinary session designation in conformance with section
16 2.2. If the Iowa Acts have not been published, a bill or joint
17 resolution may be cited by its bill or joint resolution chamber
18 designation.

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

29 5. Administrative rules shall be cited as follows:

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

1 citation may also include the publication's page number.

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

7 6. The Iowa Court Rules shall be cited as the Iowa Court
8 Rules, with references to the rule number and to subunits
9 of the publication, which may include but are not limited
10 to the Iowa Rules of Civil Procedure, the Iowa Rules of
11 Criminal Procedure, the Iowa Rules of Evidence, the Iowa
12 Rules of Appellate Procedure, the Iowa Rules of Professional
13 Conduct, and the Iowa Code of Judicial Conduct. Subject to
14 the legislative services agency style manual, the names of the
15 rules may be abbreviated.

16 Sec. 50. NEW SECTION. **2B.18 Iowa Code editor and**
17 **administrative code editor — custody and authentication.**

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

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

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

35 Sec. 52. Section 17A.4, subsection 1, paragraph a, Code

1 2009, is amended to read as follows:

2 a. Give notice of its intended action by submitting
3 the notice to the administrative rules coordinator and
4 the administrative code editor. The administrative rules
5 coordinator shall assign an ARC number to each rulemaking
6 document. The administrative code editor shall publish
7 each notice meeting the requirements of this chapter in the
8 Iowa administrative bulletin created pursuant to section
9 ~~17A.6~~ 2B.5A. Any notice of intended action shall be published
10 at least thirty-five days in advance of the action. The notice
11 shall include a statement of either the terms or substance of
12 the intended action or a description of the subjects and issues
13 involved, and the time when, the place where, and the manner in
14 which interested persons may present their views.

15 Sec. 53. Section 17A.6, Code 2009, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **17A.6 Publications.**

18 1. The administrative code editor shall publish the Iowa
19 administrative bulletin and the Iowa administrative code as
20 provided in section 2B.5A.

21 2. An agency which adopts standards by reference to
22 another publication shall deliver an electronic copy of
23 the publication, or the relevant part of the publication,
24 containing the standards to the administrative code editor
25 who shall publish it on the general assembly's internet site.
26 If an electronic copy of the publication is not available,
27 the agency shall deliver a printed copy of the publication to
28 the administrative code editor who shall deposit the copy in
29 the state law library where it shall be made available for
30 inspection and reference.

31 Sec. 54. Section 89.5, subsection 3, unnumbered paragraph
32 1, Code 2009, is amended to read as follows:

33 A rule adopted pursuant to this chapter which adopts
34 standards by reference to another publication shall be exempt
35 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if

1 the following conditions exist:

2 Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph
3 1, Code Supplement 2009, is amended to read as follows:

4 A rule adopted pursuant to this section which adopts
5 standards by reference to another publication shall be exempt
6 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if
7 the following conditions exist:

8 Sec. 56. Section 256.53, Code 2009, is amended to read as
9 follows:

10 **256.53 State publications.**

11 Upon issuance of a state publication in any format, a
12 state agency shall ~~deposit with~~ provide the division with
13 an electronic version of the publication at no cost to the
14 division, ~~seventy-five copies of the publication or a lesser~~
15 ~~number if specified by the division, except as provided in~~
16 ~~section 2A.6.~~

17 Sec. 57. Section 267.6, Code 2009, is amended to read as
18 follows:

19 **267.6 Iowa administrative procedure Act.**

20 The provisions of chapter 17A shall not apply to the council
21 or any actions taken by it, except that any recommendations
22 adopted by the council pursuant to section 267.5, subsection
23 3, and any rules adopted by the council shall be adopted,
24 amended, or repealed only after compliance with the provisions
25 of sections 17A.4, and 17A.5, and ~~17A.6~~ the publication
26 requirements in section 2B.5A.

27 DIVISION IV

28 STATE BUDGETING AND PERSONNEL

29 Sec. 58. Section 8.36A, subsection 2, Code 2009, is amended
30 to read as follows:

31 2. a. If a department or establishment has reached or
32 anticipates reaching the full-time equivalent position level
33 authorized for the department but determines that conversion
34 of a contract position to a full-time equivalent position
35 would result in cost savings while providing comparable or

1 better services, the department or establishment may request
2 the director of the department of management to approve the
3 conversion and addition of the full-time equivalent position.
4 The request shall be accompanied by evidence demonstrating how
5 the cost savings and service quality will be achieved through
6 the conversion. If approved by the director of the department
7 of management, the department's or establishment's authorized
8 full-time equivalent position level shall be increased
9 accordingly and the revised level shall be reported to the
10 fiscal committee of the legislative council and the legislative
11 services agency.

12 b. A department or establishment shall not convert a
13 full-time equivalent position authorized for the department
14 or establishment to a contract position and shall not use
15 appropriated moneys for such a contract position unless the
16 department or establishment receives approval from the director
17 of the department of management to convert the full-time
18 equivalent position to a contract position. The director of
19 the department of management shall not approve the conversion
20 unless the department or establishment submits sufficient
21 evidence that the conversion would result in cost savings while
22 providing comparable or better services.

23 Sec. 59. Section 8.62, subsection 2, Code Supplement 2009,
24 is amended to read as follows:

25 2. Notwithstanding the provisions of section 8.33 or any
26 other provision of law to the contrary, if on June 30 of a
27 fiscal year, a balance of an operational appropriation remains
28 unexpended or unencumbered, not more than fifty percent of
29 the balance may be encumbered by the agency to which the
30 appropriation was made and used as provided in this section and
31 the remaining balance shall be deposited in the cash reserve
32 fund created in section 8.56. Moneys encumbered under this
33 section shall only be used by the agency during the succeeding
34 fiscal year for internet-based employee training, technology
35 enhancement, or purchases of goods and services from Iowa

1 prison industries. Unused moneys encumbered under this section
2 shall be deposited in the cash reserve fund on June 30 of the
3 succeeding fiscal year.

4 Sec. 60. Section 8A.413, Code Supplement 2009, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 24. For the development and operation of
7 programs to promote job sharing, telecommuting, and flex-time
8 opportunities for employment within the executive branch.

9 Sec. 61. COMMUNITY-BASED CORRECTIONS — STATE ACCOUNTING
10 SYSTEM. Each judicial district department of correctional
11 services shall utilize the state accounting system for purposes
12 of tracking both appropriations and expenditures. Each
13 judicial district department shall coordinate its accounting
14 activities with the department of management for purposes of
15 implementing the requirements of this section.

16 Sec. 62. STATE AGENCY EFFICIENCY EFFORTS.

17 1. LEAN EFFORTS. State agencies shall budget for and plan
18 to conduct lean events as described in section 8.70. Each
19 state agency shall coordinate its activities with the office
20 of lean enterprise created in section 8.70 in developing plans
21 to conduct lean events.

22 2. SHARED RESOURCES. State agencies are encouraged to
23 share resources and services, including staff, training, and
24 educational services, to the greatest extent possible in order
25 to best fulfill the duties of each agency at the least cost.

26 Sec. 63. CONTRACT SERVICES — TRAINING.

27 1. Each department, as defined in section 8.2, shall
28 separately track the budget and actual expenditures for
29 contract services and for employee training for each
30 appropriation line item.

31 2. The terms of the contracts for contracted services
32 entered into or revised during the fiscal year shall
33 incorporate quality assurance and cost control measures.

34 3. The employee training tracking information shall be
35 further divided into training categories. Each department's

1 report on training tracking shall specifically address the use
2 of electronically based training.

3 4. Each department shall report quarterly to the
4 legislative services agency concerning the budget, expenditure,
5 quality assurance, and cost control information addressed by
6 this section.

7 Sec. 64. FULL-TIME EQUIVALENT POSITIONS — VACANCIES —
8 FUNDING. For the fiscal year beginning July 1, 2010, and
9 ending June 30, 2011, the following shall apply:

10 1. If a full-time equivalent position authorized for a
11 department or establishment remains vacant for a period of
12 at least six months, the department's or establishment's
13 authorized full-time equivalent position level shall
14 be decreased accordingly. However, the department or
15 establishment may request the director of the department of
16 management to reauthorize the full-time equivalent position if
17 the department or establishment can establish that the position
18 is difficult to fill and is critical for fulfilling the duties
19 of the department or establishment.

20 2. Moneys appropriated to a department or establishment
21 and designated by the department or establishment in the
22 department's or establishment's adopted budget in the state
23 accounting system for full-time equivalent positions shall only
24 be used for full-time equivalent positions and shall not be
25 used for other purposes.

26 Sec. 65. JOINT APPROPRIATIONS SUBCOMMITTEES — REVIEW OF
27 AGENCY FEES. Each joint appropriations subcommittee of the
28 general assembly shall examine and review on an annual basis
29 the fees charged by state agencies under the purview of that
30 joint appropriations subcommittee.

31 DIVISION V

32 SPAN OF CONTROL

33 Sec. 66. Section 8A.402, subsection 2, paragraph g, Code
34 Supplement 2009, is amended to read as follows:

35 g. (1) (a) Consult with the department of management

1 and discuss and collaborate with executive branch agencies to
2 implement and maintain a policy for incrementally increasing
3 the aggregate ratio in the number of employees per
4 ~~supervisor~~ supervisory employee in executive branch agencies
5 ~~to be fourteen employees for one supervisor~~. For purposes of
6 determining the effects of the policy on the state employee
7 workforce, the base date of July 1, 2008, shall be used and the
8 target date for full implementation shall be July 1, ~~2011~~ 2016.
9 The target aggregate ratio of supervisory employees to other
10 employees shall be as follows:

11 (i) For the fiscal year beginning July 1, 2010, one to
12 fourteen.

13 (ii) For the fiscal year beginning July 1, 2011, one to
14 fifteen.

15 (iii) For the fiscal year beginning July 1, 2012, one to
16 sixteen.

17 (iv) For the fiscal year beginning July 1, 2013, one to
18 seventeen.

19 (v) For the fiscal year beginning July 1, 2014, one to
20 eighteen.

21 (vi) For the fiscal year beginning July 1, 2015, one to
22 nineteen.

23 (vii) For the fiscal year beginning July 1, 2016, one to
24 twenty.

25 (b) For the purposes of this paragraph "g", "supervisory
26 employee" means a public employee who is not a member of a
27 collective bargaining unit and who has authority, in the
28 interest of a public employer, to hire, transfer, suspend, lay
29 off, recall, promote, discharge, assign, reward, or discipline
30 other public employees, to direct such public employees, or
31 to adjust the grievances of such public employees, or to
32 effectively recommend any such action.

33 (c) In this paragraph "g", executive branch agencies shall
34 not grant a supervisory employee with the right to replace or
35 bump a junior employee not being laid off for a position for

1 which the supervisory employee is qualified.

2 ~~(b)~~ (d) The policy shall allow appropriation units
3 with twenty-eight or fewer full-time equivalent employee
4 positions to apply for an exception to the policy through the
5 executive council. The policy shall allow for exceptions
6 when the supervisory employee ratio is mandated by a federal
7 requirement.

8 (e) The policy shall provide that if layoffs are
9 implemented, the number of middle management position layoffs
10 shall correspond to the relative number of direct service
11 position layoffs.

12 (f) The policy shall improve on the system in effect as
13 of the base date by specifically defining and accounting for
14 supervisory employee span of control.

15 ~~(e)~~ (g) The department shall present an interim report
16 to the governor and general assembly on or before April 1,
17 2010, annual updates on or before April 1 subsequently, and a
18 final report on or before April 1, ~~2011~~ 2017, detailing the
19 effects of the policy on the composition of the workforce, cost
20 savings, government efficiency, and outcomes.

21 ~~(d)~~ The policy developed pursuant to this paragraph
22 ~~"g"~~ shall not encompass employees under the state board of
23 regents, the department of human services, or a judicial
24 district department of correctional services. However, the
25 department of administrative services shall work with the
26 state board of regents, the department of human services, and
27 the judicial district departments of correctional services to
28 advance the policy as a goal for the supervisory staff of these
29 units of state government.

30 (2) Evaluate the state's systems for job classification of
31 executive branch employees in order to ensure the existence
32 of technical skill-based career paths for such employees
33 which do not depend upon an employee gaining supervisory
34 responsibility for advancement, and which provide incentives
35 for such employees to broaden their knowledge and skill base.

1 The evaluation shall include but is not limited to a review
2 of the classifications for all noncontract positions and
3 providing options for eliminating obsolete, duplicative, or
4 unnecessary job classifications. The department shall present
5 interim reports to the general assembly on or before January
6 15, 2010, and January 14, 2011, concerning the department's
7 progress in completing the evaluation and associated outcomes.

8 Sec. 67. EFFECTIVE UPON ENACTMENT. This division of this
9 Act, being deemed of immediate importance, takes effect upon
10 enactment.

11 DIVISION VI

12 DEPARTMENT OF ADMINISTRATIVE SERVICES — PURCHASING

13 Sec. 68. Section 8A.302, subsection 1, Code 2009, is amended
14 to read as follows:

15 1. Providing a system of uniform standards and
16 specifications for purchasing. When the system is developed,
17 all items of general use shall be purchased by state agencies
18 through the department, ~~except items used by.~~ However,
19 the department may authorize the state department of
20 transportation, institutions under the control of the state
21 board of regents, the department for the blind, and any other
22 agencies otherwise exempted by law from centralized purchasing,
23 to directly purchase items used by those agencies without going
24 through the department, if the department of administrative
25 services determines such purchasing is in the best interests
26 of the state. However, items of general use may be purchased
27 through the department by any governmental entity.

28 Sec. 69. Section 8A.311, subsection 10, paragraph a, Code
29 2009, is amended to read as follows:

30 a. The director shall adopt rules providing that any state
31 agency may, upon request and approval by the department,
32 purchase directly from a vendor if the direct purchasing is
33 ~~as economical or~~ more economical than purchasing through the
34 department, ~~or upon a showing~~ if the agency shows that direct
35 purchasing by the state agency would be in the best interests

1 of the state due to an immediate or emergency need. ~~The rules~~
2 ~~shall include a provision permitting a state agency to purchase~~
3 ~~directly from a vendor, on the agency's own authority, or if~~
4 the purchase will not exceed ten thousand dollars and the
5 purchase ~~will~~ would contribute to the agency complying with ~~or~~
6 ~~exceeding~~ the targeted small business procurement goals under
7 sections 73.15 through 73.21.

8 Sec. 70. NEW SECTION. **8A.311A Centralized purchasing.**

9 1. The department may designate goods and services of
10 general use that agencies shall, and governmental subdivisions
11 may, purchase pursuant to a master contract established by the
12 department for that good or service. The department shall
13 establish a master contract subject to the requirements of
14 this section if the department determines that a high-quality
15 good or service can be acquired by agencies and governmental
16 subdivisions at lower cost through the establishment of a
17 master contract.

18 2. The department shall establish a master contract
19 pursuant to this section on a competitive basis, and the
20 purchase of a good or service pursuant to the contract shall be
21 deemed to satisfy any otherwise applicable competitive bidding
22 requirements.

23 3. Upon the establishment of a master contract for a good or
24 service pursuant to this section, an agency shall purchase the
25 good or service pursuant to the contract, and shall not expend
26 money to purchase the good or service directly from a vendor
27 and not through the contract, unless any of the following
28 applies:

29 *a.* The department determines, upon a request by the agency,
30 that the agency can satisfy the requirements for purchase of
31 the good or service directly from a vendor as provided in
32 section 8A.311, subsection 10, paragraph "a".

33 *b.* The agency is purchasing the good or service pursuant
34 to another contract in effect on the effective date of the
35 master contract. However, the agency shall terminate the

1 other contract if the contract permits the termination of the
2 contract without penalty and the agency shall not renew the
3 other contract beyond the current term of the other contract.

4 Sec. 71. Section 8A.312, Code 2009, is amended to read as
5 follows:

6 **8A.312 Cooperative purchasing.**

7 The director may purchase items through the state department
8 of transportation, institutions under the control of the state
9 board of regents, and any other agency otherwise exempted by
10 law from centralized purchasing for items authorized by the
11 department to be exempt. These state agencies shall upon
12 request furnish the director with a list of and specifications
13 for all items of office equipment, furniture, fixtures,
14 motor vehicles, heavy equipment, and other related items to
15 be purchased during the next quarter and the date by which
16 the director must file with the agency the quantity of items
17 to be purchased by the state agency for the department.
18 ~~The department shall be liable to the state agency for the~~
19 ~~proportionate costs the items purchased for the department bear~~
20 ~~to the total purchase price. When items purchased have been~~
21 ~~delivered, the state agency shall notify the director and after~~
22 ~~receipt of the purchase price shall release the items to the~~
23 ~~director or upon the director's order.~~

24 Sec. 72. Section 307.21, subsection 1, paragraph d, Code
25 Supplement 2009, is amended to read as follows:

26 *d.* Provide centralized purchasing services for the
27 department, ~~in cooperation with~~ if authorized by the department
28 of administrative services. The administrator shall, when
29 the price is reasonably competitive and the quality as
30 intended, purchase soybean-based inks and plastic products with
31 recycled content, including but not limited to plastic garbage
32 can liners, and shall purchase these items in accordance
33 with the schedule established in section 8A.315. However,
34 the administrator need not purchase garbage can liners in
35 accordance with the schedule if the liners are utilized by a

1 facility approved by the environmental protection commission
2 created under section 455A.6, for purposes of recycling. For
3 purposes of this section, "*recycled content*" means that the
4 content of the product contains a minimum of thirty percent
5 postconsumer material.

6 Sec. 73. STATE GOVERNMENT PURCHASING EFFORTS — DEPARTMENT
7 OF ADMINISTRATIVE SERVICES. In order to facilitate efficient
8 and cost-effective purchasing, the department of administrative
9 services shall do the following:

10 1. Require state agencies to provide the department a report
11 regarding planned purchases on an annual basis and to report
12 on an annual basis regarding efforts to standardize products
13 and services within their own agencies and with other state
14 agencies.

15 2. Require state employees who conduct bids for services to
16 receive training on an annual basis about procurement rules and
17 regulations and procurement best practices.

18 3. Identify procurement compliance employees within the
19 department.

20 4. Review the process and basis for establishing
21 departmental fees for purchasing.

22 5. Establish a work group to collaborate on best practices
23 to implement the best cost savings for the state concerning
24 purchasing.

25 6. Explore interstate and intergovernmental purchasing
26 opportunities and encourage the legislative and judicial
27 branches to participate in consolidated purchasing and
28 efficiencies wherever possible.

29 7. Expand the use of procurement cards throughout state
30 government to facilitate purchasing of items by state agencies.

31 DIVISION VII

32 DEPARTMENT OF ADMINISTRATIVE SERVICES — OPERATIONS

33 Sec. 74. Section 8A.104, Code 2009, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 12A. Examine and develop best practices

1 for the efficient operation of government and encourage state
2 agencies to adopt and implement these practices.

3 Sec. 75. NEW SECTION. **8A.459 State employee pay and**
4 **allowances — electronic funds transfer.**

5 Effective July 1, 2011, notwithstanding any provision of
6 law to the contrary, all pay and allowances to state employees
7 shall be paid via electronic funds transfer, unless otherwise
8 provided pursuant to a collective bargaining agreement. A
9 state employee may elect to receive pay and allowances as
10 paper warrants in lieu of electronic funds transfers, but the
11 department shall charge an administrative fee for processing
12 such paper warrants. However, the department may, for good
13 cause shown, waive the administrative fee. The fee may be
14 automatically deducted from the state employee's pay and
15 allowances before the warrant is issued to the state employee.

16 Sec. 76. DEPARTMENT OF ADMINISTRATIVE SERVICES —
17 STREAMLINED HIRING. The department of administrative services
18 shall, in consultation with the department of management,
19 examine the process by which state agencies hire personnel
20 with the goal of simplifying and reducing the steps needed
21 for state agencies to hire personnel. The department shall
22 provide information to the general assembly concerning steps
23 taken to implement a more streamlined hiring process and any
24 recommendations for legislative action.

25 Sec. 77. DEPARTMENT OF ADMINISTRATIVE SERVICES — REAL
26 ESTATE AND LEASE MANAGEMENT.

27 1. REAL ESTATE AUDIT. The department of administrative
28 services shall complete an inventory of surplus and unused
29 state properties, including properties owned or under the
30 control of the state board of regents and department of
31 transportation, and recommend which assets could be sold at a
32 premium price. State historic buildings would not be eligible
33 for sale and only those assets identified as being surplus and
34 no longer related to their mission would be eligible for sale.

35 2. LEASE AUDIT. The department of administrative services

1 shall conduct a thorough review of all state office leases
2 and wherever possible, require state agencies to consolidate
3 office spaces that are rented from private sector landlords.
4 In addition, the department should work directly with all state
5 agencies to begin renegotiating office leases to obtain more
6 favorable lease terms.

7 3. SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS. The
8 department of administrative services shall explore potential
9 opportunities for state agencies and the state board of regents
10 to sell some properties to a private sector owner and then
11 lease them back.

12 4. REPORT. The department shall submit a report to
13 the general assembly by January 1, 2011, concerning the
14 requirements of this section. The report shall, if applicable,
15 identify any statutory barriers for pursuing efforts described
16 in this section and shall include in the report its findings
17 and any recommendations for legislative action.

18 Sec. 78. DEPARTMENT OF ADMINISTRATIVE SERVICES
19 — SALE OF REAL PROPERTY.

20 1. During the fiscal year beginning July 1, 2010, and ending
21 June 30, 2011, the department of administrative services,
22 in collaboration with the department of human services
23 and the department of corrections, shall identify and sell
24 real property under the control of the departments that is
25 not necessary to further the mission of the department of
26 human services and the department of corrections and that
27 will maximize the return to the state. Notwithstanding any
28 provision of law to the contrary, moneys received for the sale
29 of property pursuant to this subsection shall be deposited in
30 the general fund of the state.

31 2. During the fiscal year beginning July 1, 2010, and
32 ending June 30, 2011, the department of administrative services
33 shall, pursuant to the real estate and lease management review
34 conducted by the department as provided in this Act, identify
35 and sell or sell and lease back real property under the control

1 of the department that will maximize the return to the state.
2 Notwithstanding any provision of law to the contrary, moneys
3 received for the sale of property pursuant to this subsection
4 shall be deposited in the general fund of the state.

5

DIVISION VIII

6

ALCOHOLIC BEVERAGES DIVISION — REORGANIZATION

7

Sec. 79. Section 22.7, subsection 24, Code Supplement 2009,

8

is amended to read as follows:

9

24. Records of purchases of alcoholic liquor from

10

the alcoholic beverages division of the department of

11

~~commerce~~ revenue which would reveal purchases made by an

12

individual class "E" liquor control licensee. However, the

13

records may be revealed for law enforcement purposes or for the

14

collection of payments due the division pursuant to section

15

123.24.

16

Sec. 80. Section 123.3, subsection 14, Code 2009, is amended

17

to read as follows:

18

14. "Division" means the alcoholic beverages division of the

19

department of ~~commerce~~ revenue established by this chapter.

20

Sec. 81. Section 123.4, Code 2009, is amended to read as

21

follows:

22

123.4 Alcoholic beverages division created.

23

An alcoholic beverages division is created within the

24

department of ~~commerce~~ revenue to administer and enforce the

25

laws of this state concerning beer, wine, and alcoholic liquor.

26

Sec. 82. Section 123.14, subsection 2, Code 2009, is amended

27

to read as follows:

28

2. The county attorney, the county sheriff and the

29

sheriff's deputies, and the police department of every city,

30

and the alcoholic beverages division of the department of

31

~~commerce~~ revenue, shall be supplementary aids to the department

32

of public safety. Any neglect, misfeasance, or malfeasance

33

shown by any peace officer included in this section shall be

34

sufficient cause for the peace officer's removal as provided by

35

law. This section shall not be construed to affect the duties

1 and responsibilities of any county attorney or peace officer
2 with respect to law enforcement.

3 Sec. 83. Section 123.53, subsections 4, 5, and 6, Code
4 Supplement 2009, are amended to read as follows:

5 4. The treasurer of state shall, each quarter, prepare
6 an estimate of the gaming revenues and of the moneys to be
7 deposited in the beer and liquor control fund that will become
8 available during the remainder of the appropriate fiscal year
9 for the purposes described in subsection 3. The department of
10 management, the department of inspections and appeals, and the
11 department of ~~commerce~~ revenue shall take appropriate actions
12 to provide that the sum of the amount of gaming revenues
13 available to be deposited into the revenue bonds debt service
14 fund during a fiscal year and the amount of moneys to be
15 deposited in the beer and liquor control fund available to
16 be deposited into the revenue bonds debt service fund during
17 such fiscal year will be sufficient to cover any anticipated
18 deficiencies.

19 5. After any transfer provided for in subsection 3 is
20 made, the department of ~~commerce~~ revenue shall transfer into a
21 special revenue account in the general fund of the state, a sum
22 of money at least equal to seven percent of the gross amount
23 of sales made by the division from the beer and liquor control
24 fund on a monthly basis but not less than nine million dollars
25 annually. Of the amounts transferred, two million dollars,
26 plus an additional amount determined by the general assembly,
27 shall be appropriated to the Iowa department of public health
28 for use by the staff who administer the comprehensive substance
29 abuse program under chapter 125 for substance abuse treatment
30 and prevention programs. Any amounts received in excess of the
31 amounts appropriated to the Iowa department of public health
32 for use by the staff who administer the comprehensive substance
33 abuse program under chapter 125 shall be considered part of the
34 general fund balance.

35 6. After any transfers provided for in subsections 3 and

1 5, the department of ~~commerce~~ revenue shall transfer to the
2 division from the beer and liquor control fund and before any
3 other transfer to the general fund, an amount sufficient to pay
4 the costs incurred by the division for collecting and properly
5 disposing of the liquor containers.

6 Sec. 84. Section 142A.3, subsection 5, paragraph e, Code
7 Supplement 2009, is amended to read as follows:

8 e. The alcoholic beverages division of the department of
9 ~~commerce~~ revenue.

10 Sec. 85. Section 142A.4, subsection 14, Code Supplement
11 2009, is amended to read as follows:

12 14. Approve contracts entered into with the alcoholic
13 beverages division of the department of ~~commerce~~ revenue, to
14 provide for enforcement of tobacco laws and regulations.

15 Sec. 86. Section 142A.5, subsection 1, paragraph e, Code
16 2009, is amended to read as follows:

17 e. Enter into contracts with the alcoholic beverages
18 division of the department of ~~commerce~~ revenue, to provide
19 enforcement of tobacco laws and regulations. Such contracts
20 shall require that enforcement efforts include training of
21 local authorities who issue retailer permits and education of
22 retailers.

23 Sec. 87. Section 321.19, subsection 1, unnumbered paragraph
24 2, Code 2009, is amended to read as follows:

25 The department shall furnish, on application, free of
26 charge, distinguishing plates for vehicles thus exempted,
27 which plates except plates on state patrol vehicles shall bear
28 the word "official" and the department shall keep a separate
29 record. Registration plates issued for state patrol vehicles,
30 except unmarked patrol vehicles, shall bear two red stars
31 on a yellow background, one before and one following the
32 registration number on the plate, which registration number
33 shall be the officer's badge number. Registration plates
34 issued for county sheriff's patrol vehicles shall display one
35 seven-pointed gold star followed by the letter "S" and the call

1 number of the vehicle. However, the director of the department
 2 of administrative services or the director of transportation
 3 may order the issuance of regular registration plates for any
 4 exempted vehicle used by peace officers in the enforcement
 5 of the law, persons enforcing chapter 124 and other laws
 6 relating to controlled substances, persons in the department of
 7 justice, the alcoholic beverages division of the department of
 8 ~~commerce~~ revenue, disease investigators of the Iowa department
 9 of public health, the department of inspections and appeals,
 10 and the department of revenue, who are regularly assigned to
 11 conduct investigations which cannot reasonably be conducted
 12 with a vehicle displaying "official" state registration plates,
 13 persons in the Iowa lottery authority whose regularly assigned
 14 duties relating to security or the carrying of lottery tickets
 15 cannot reasonably be conducted with a vehicle displaying
 16 "official" registration plates, persons in the department of
 17 economic development who are regularly assigned duties relating
 18 to existing industry expansion or business attraction, and
 19 mental health professionals or health care professionals who
 20 provide off-site or in-home medical or mental health services
 21 to clients of publicly funded programs. For purposes of sale
 22 of exempted vehicles, the exempted governmental body, upon the
 23 sale of the exempted vehicle, may issue for in-transit purposes
 24 a pasteboard card bearing the words "Vehicle in Transit", the
 25 name of the official body from which the vehicle was purchased,
 26 together with the date of the purchase plainly marked in at
 27 least one-inch letters, and other information required by the
 28 department. The in-transit card is valid for use only within
 29 forty-eight hours after the purchase date as indicated on the
 30 bill of sale which shall be carried by the driver.

31 Sec. 88. Section 453A.2, subsection 7, Code 2009, is amended
 32 to read as follows:

33 7. A tobacco compliance employee training fund is created in
 34 the office of the treasurer of state. The fund shall consist
 35 of civil penalties assessed by the Iowa department of public

1 health under section 453A.22 for violations of this section.
2 Moneys in the fund are appropriated to the alcoholic beverages
3 division of the department of ~~commerce~~ revenue and shall be
4 used to develop and administer the tobacco compliance employee
5 training program under section 453A.5. Moneys deposited in the
6 fund shall not be transferred, used, obligated, appropriated,
7 or otherwise encumbered except as provided in this subsection.
8 Notwithstanding section 8.33, any unexpended balance in the
9 fund at the end of the fiscal year shall be retained in the
10 fund.

11 Sec. 89. Section 453A.5, subsection 1, Code 2009, is amended
12 to read as follows:

13 1. The alcoholic beverages division of the department of
14 ~~commerce~~ revenue shall develop a tobacco compliance employee
15 training program not to exceed two hours in length for
16 employees and prospective employees of retailers, as defined
17 in sections 453A.1 and 453A.42, to inform the employees about
18 state and federal laws and regulations regarding the sale of
19 cigarettes and tobacco products to persons under eighteen years
20 of age and compliance with and the importance of laws regarding
21 the sale of cigarettes and tobacco products to persons under
22 eighteen years of age.

23 Sec. 90. Section 455C.3, subsections 2 and 5, Code 2009, are
24 amended to read as follows:

25 2. A distributor shall accept and pick up from a dealer
26 served by the distributor or a redemption center for a
27 dealer served by the distributor at least weekly, or when the
28 distributor delivers the beverage product if deliveries are
29 less frequent than weekly, any empty beverage container of the
30 kind, size and brand sold by the distributor, and shall pay to
31 the dealer or person operating a redemption center the refund
32 value of a beverage container and the reimbursement as provided
33 under section 455C.2 within one week following pickup of the
34 containers or when the dealer or redemption center normally
35 pays the distributor for the deposit on beverage products

1 purchased from the distributor if less frequent than weekly.
2 A distributor or employee or agent of a distributor is not in
3 violation of this subsection if a redemption center is closed
4 when the distributor attempts to make a regular delivery or a
5 regular pickup of empty beverage containers. This subsection
6 does not apply to a distributor selling alcoholic liquor
7 to the alcoholic beverages division of the department of
8 ~~commerce~~ revenue.

9 5. The alcoholic beverages division of the department
10 of ~~commerce~~ revenue shall provide for the disposal of empty
11 beverage containers as required under subsection 2. The
12 division shall give priority consideration to the recycling
13 of the empty beverage containers to the extent possible,
14 before any other appropriate disposal method is considered or
15 implemented.

16 Sec. 91. Section 546.2, subsection 3, paragraph e, Code
17 2009, is amended by striking the paragraph.

18 Sec. 92. NEW SECTION. 421.2A Alcoholic beverages division.

19 An alcoholic beverages division is created within the
20 department of revenue. The alcoholic beverages division shall
21 enforce and implement chapter 123. The division is headed by
22 the administrator of alcoholic beverages who shall be appointed
23 pursuant to section 123.10. The alcoholic beverages commission
24 shall perform duties within the division pursuant to chapter
25 123.

26 Sec. 93. REPEAL. Section 546.9, Code 2009, is repealed.

27 Sec. 94. ALCOHOLIC BEVERAGES DIVISION — TRANSITION
28 PROVISIONS.

29 1. In regard to updating references and format in the
30 Iowa administrative code in order to correspond to the
31 transferring of the division from the department of commerce
32 to the department of revenue as established by this division
33 of this Act, the administrative rules coordinator and the
34 administrative rules review committee, in consultation with the
35 administrative code editor, shall jointly develop a schedule

1 for the necessary updating of the Iowa administrative code.

2 2. Any replacement of signs, logos, stationery, insignia,
3 uniforms, and related items that is made due to the effect of
4 this division of this Act should be done as part of the normal
5 replacement cycle for such items.

6 DIVISION IX

7 ALCOHOLIC BEVERAGES DIVISION — OPERATIONS

8 Sec. 95. ALCOHOLIC BEVERAGES DIVISION — STATE WAREHOUSE
9 FRIDAY CLOSURE. For the fiscal period beginning July 1, 2010,
10 and ending June 30, 2015, the administrator of the alcoholic
11 beverages division of the department of commerce as created
12 in chapter 123, shall, pursuant to the authority provided in
13 section 123.21, close the main state warehouse every Friday.
14 However, the administrator may keep the warehouse open on
15 designated Fridays if the administrator determines that
16 anticipated sales on that Friday justify keeping the state
17 warehouse open. The administrator may extend the closure
18 authorized pursuant to this section to the succeeding fiscal
19 year. The administrator shall submit a report to the general
20 assembly by January 1, 2015, concerning its recommendation
21 regarding extending the requirements of this section.

22 Sec. 96. TOBACCO RETAIL COMPLIANCE CHECKS. The terms
23 of a chapter 28D agreement entered into between the division
24 of tobacco use prevention and control of the Iowa department
25 of public health and the alcoholic beverages division of the
26 department of commerce, governing compliance checks conducted
27 to ensure licensed retail tobacco outlet conformity with
28 tobacco laws, regulations, and ordinances relating to persons
29 under eighteen years of age, shall restrict the number of such
30 checks to one check per retail outlet, and one additional check
31 for any retail outlet found to be in violation during the first
32 check, for the fiscal year beginning July 1, 2010, and ending
33 June 30, 2011.

34 DIVISION X

35 ALCOHOLIC BEVERAGES DIVISION — DIRECT SHIPMENT OF WINE

1 Sec. 97. Section 123.173, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. ~~Permits~~ Except as provided in section 123.187,
4 permits exclusively for the sale or manufacture and sale of
5 wine shall be divided into four classes, and shall be known as
6 class "A", "B", "B" native, or "C" native wine permits.

7 Sec. 98. Section 123.187, Code 2009, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **123.187 Direct shipment of wine — licenses and requirements.**

10 1. A wine manufacturer licensed or permitted pursuant to
11 laws regulating alcoholic beverages in another state may apply
12 for a wine direct shipper license, as provided in this section.

13 2. *a.* The administrator shall issue a wine direct
14 shipper license to a wine manufacturer who submits a written
15 application for the license on a form to be established by
16 the administrator by rule, accompanied by a true copy of the
17 manufacturer's current alcoholic beverage license or permit
18 issued in another state, and a copy of the manufacturer's
19 winery license issued by the federal alcohol and tobacco tax
20 and trade bureau.

21 *b.* An application submitted pursuant to paragraph "a" shall
22 be accompanied by a license fee in the amount of twenty-five
23 dollars.

24 *c.* A license issued pursuant to this section may be renewed
25 annually by resubmitting the information required in paragraph
26 "a", accompanied by the twenty-five dollar license fee.

27 3. The direct shipment of wine pursuant to this
28 section shall be subject to the following requirements and
29 restrictions:

30 *a.* No more than eighteen liters of wine per month may be
31 shipped by a wine direct shipper licensee to a resident of
32 this state who is at least twenty-one years of age, for the
33 resident's personal use and not for resale.

34 *b.* Wine subject to direct shipping shall be properly
35 registered with the federal alcohol and tobacco tax and trade

1 bureau, and manufactured on the winery premises of the wine
2 direct shipper licensee.

3 *c.* All containers of wine shipped directly to a resident
4 of this state shall be conspicuously labeled with the words
5 CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED
6 FOR DELIVERY or shall be conspicuously labeled with alternative
7 wording preapproved by the administrator.

8 *d.* All containers of wine shipped directly to a resident of
9 this state shall be shipped by an alcohol carrier licensed as
10 provided in subsection 6.

11 4. *a.* In addition to the annual license fee, a wine
12 direct shipper licensee shall remit to the division an amount
13 equivalent to the wine gallonage tax at the rate specified in
14 section 123.183 for deposit in the beer and liquor control fund
15 created in section 123.53. The amount shall be remitted at
16 the same time and in the same manner as provided in section
17 123.184, and the ten percent penalty specified therein shall
18 be applicable.

19 *b.* Shipment of wine pursuant to this subsection is not
20 subject to sales tax under section 423.2, use tax under
21 section 423.5, and does not require a refund value for beverage
22 container control purposes under chapter 455C.

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

29 6. *a.* Wine subject to direct shipment pursuant to this
30 section shall be delivered only by a carrier having obtained
31 from the division an alcohol carrier license. An alcohol
32 carrier license shall be issued subject to requirements,
33 fees, and upon application forms to be determined by the
34 administrator by rule.

35 *b.* An alcohol carrier licensee shall not deliver wine to

1 any person under twenty-one years of age, or to any person
2 who either is or appears to be in an intoxicated state or
3 condition. A licensee shall obtain valid proof of identity and
4 age prior to delivery, and shall obtain the signature of an
5 adult as a condition of delivery.

6 c. An alcohol carrier licensee shall maintain records of
7 wine shipped which include the license number and name of the
8 wine manufacturer, quantity of wine shipped, recipient's name
9 and address, and an electronic or paper form of signature from
10 the recipient of the wine.

11 7. The holder of a permit for the sale or manufacture and
12 sale of wine listed in section 123.173, subsection 1, shall be
13 authorized under that permit and without any other licensing
14 requirement to ship out of this state by private common
15 carrier, to a person twenty-one years of age or older, not more
16 than eighteen liters of wine per month, for consumption or use
17 by the person.

18 8. A violation of this section shall subject a licensee to
19 the penalty provisions of section 123.39.

20 DIVISION XI

21 DEPARTMENT OF HUMAN RIGHTS — REORGANIZATION

22 Sec. 99. Section 216A.1, Code 2009, is amended to read as
23 follows:

24 **216A.1 Department of human rights — purpose.**

25 1. A department of human rights is created, with the
26 following divisions and offices:

27 a. Division of community advocacy and services, with the
28 following offices:

29 ~~1.~~ (1) Division Office of Latino affairs.

30 ~~2.~~ (2) Division Office on the status of women.

31 ~~3.~~ (3) Division Office of persons with disabilities.

32 ~~4.~~ Division of community action agencies.

33 ~~5.~~ (4) Division Office of deaf services.

34 ~~6.~~ Division of criminal and juvenile justice planning.

35 ~~7.~~ (5) Division Office on the status of

1 ~~African-Americans~~ African Americans.

2 8. ~~(6) Division on the status of Iowans~~ Office of Asian and
3 Pacific Islander heritage affairs.

4 9. ~~(7) Division on~~ Office of Native American affairs.

5 b. Division of community action agencies.

6 c. Division of criminal and juvenile justice planning.

7 2. The purpose of the department is to ensure basic
8 rights, freedoms, and opportunities for all by empowering
9 underrepresented Iowans and eliminating economic, social, and
10 cultural barriers.

11 Sec. 100. Section 216A.2, Code 2009, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **216A.2 Appointment of department director, deputy director,**
14 **and administrators — duties.**

15 1. The governor shall appoint a director of the department
16 of human rights, subject to confirmation by the senate pursuant
17 to section 2.32. The department director shall serve at the
18 pleasure of the governor and is exempt from the merit system
19 provisions of chapter 8A, subchapter IV. The governor shall
20 set the salary of the department director within the ranges set
21 by the general assembly.

22 2. The director is the chief administrative officer of
23 the department and in that capacity administers the programs
24 and services of the department in compliance with applicable
25 federal and state laws and regulations. The duties of the
26 director include preparing a budget, establishing an internal
27 administrative structure, and employing personnel.

28 3. The department director shall appoint the administrators
29 of the divisions within the department and all other personnel
30 deemed necessary for the administration of this chapter.

31 The department director shall establish the duties of the
32 administrators of the divisions within the department.

33 4. The department director shall do all of the following:

34 *a.* Manage the internal operations of the department and
35 establish guidelines and procedures to promote the orderly and

1 efficient administration of the department.

2 *b.* Prepare a budget for the department, subject to the
3 budget requirements pursuant to chapter 8, for approval by the
4 board.

5 *c.* Coordinate and supervise personnel services and shared
6 administrative support services to assure maximum support and
7 assistance to the divisions.

8 *d.* Serve as an ex officio member of all commissions or
9 councils within the department.

10 *e.* Serve as an ex officio, nonvoting member of the human
11 rights board.

12 *f.* Solicit and accept gifts and grants on behalf of the
13 department and each commission or council and administer such
14 gifts and grants in accordance with the terms thereof.

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

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

24 *i.* Seek to implement the comprehensive strategic plan
25 approved by the board under section 216A.3.

26 Sec. 101. Section 216A.3, Code 2009, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **216A.3 Human rights board.**

29 1. A human rights board is created within the department of
30 human rights.

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

34 *a.* The voting members shall consist of nine voting members
35 selected by each of the permanent commissions within the

1 department, and two voting members, appointed by the governor.
2 For purposes of this paragraph "a", "permanent commissions"
3 means the commission of Latino affairs, commission on the
4 status of women, commission of persons with disabilities,
5 commission on community action agencies, commission of deaf
6 services, criminal and juvenile justice planning advisory
7 council, commission on the status of African Americans,
8 commission of Asian and Pacific Islander affairs, and
9 commission of Native American affairs.

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

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

22 4. The board shall have the following duties:

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

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

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

34 *d.* By November 1 of each year, approve the department report
35 to the general assembly and the governor that covers activities

1 during the preceding fiscal year.

2 Sec. 102. Section 216A.4, Code 2009, is amended by adding
3 the following new subsections:

4 NEW SUBSECTION. 0A. "*Board*" means human rights board.

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

12 Sec. 103. NEW SECTION. 216A.7 **Access to information.**

13 Upon request of the director or a commission, council, or
14 administrator of a division of the department, all boards,
15 agencies, departments, and offices of the state shall make
16 available nonconfidential information, records, data, and
17 statistics which are relevant to the populations served by the
18 offices, councils, and commissions of the department.

19 Sec. 104. Section 216A.11, subsection 1, Code 2009, is
20 amended by striking the subsection.

21 Sec. 105. Section 216A.11, subsection 3, Code 2009, is
22 amended to read as follows:

23 3. "*Division*" "*Office*" means the ~~division~~ office of Latino
24 affairs of the department of human rights.

25 Sec. 106. Section 216A.12, Code Supplement 2009, is amended
26 to read as follows:

27 216A.12 **Commission of Latino affairs** ~~— terms~~
28 ~~— compensation established.~~

29 1. The commission of Latino affairs consists of
30 ~~nine~~ seven members, appointed by the governor, and subject
31 to confirmation by the senate pursuant to section 2.32.

32 Commission members shall be appointed in compliance with
33 sections 69.16 and 69.16A ~~and with consideration given~~
34 ~~to geographic residence and density of Latino population~~
35 ~~represented by each member.~~ Commission members shall reside

1 in the state.

2 2. The members of the commission shall be appointed during
3 the month of June and shall serve for staggered four-year terms
4 ~~of two years~~ commencing July 1 of ~~each odd-numbered~~ the year
5 of appointment. Members appointed shall continue to serve
6 until their respective successors are appointed. Vacancies
7 in the membership of the commission shall be filled by the
8 original appointing authority and in the manner of the original
9 appointments. Members shall receive actual expenses incurred
10 while serving in their official capacity. Members may also be
11 eligible to receive compensation as provided in section 7E.6.

12 3. The commission shall select from its membership a
13 chairperson and other officers as it deems necessary and shall
14 meet at least quarterly each fiscal year. A majority of the
15 members currently appointed to the commission shall constitute
16 a quorum and the affirmative vote of a majority of the
17 currently appointed members is necessary for any substantive
18 action taken by the commission. A member shall not vote on any
19 action if the member has a conflict of interest on the matter
20 and a statement by the member of a conflict of interest shall
21 be conclusive for this purpose.

22 Sec. 107. Section 216A.13, Code 2009, is amended by striking
23 the section and inserting in lieu thereof the following:

24 **216A.13 Commission of Latino affairs — duties.**

25 The commission shall have the following duties:

26 1. Study the opportunities for and changing needs of the
27 Latino population of this state.

28 2. Serve as liaison between the department of human rights
29 and the public, sharing information and gathering constituency
30 input.

31 3. Recommend to the board the adoption of rules pursuant to
32 chapter 17A as it deems necessary.

33 4. Recommend legislative and executive action to the
34 governor and general assembly.

35 5. Establish advisory committees, work groups, or other

1 coalitions as appropriate.

2 Sec. 108. Section 216A.14, Code 2009, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **216A.14 Office of Latino affairs — duties.**

5 The office of Latino affairs is established and shall do the
6 following:

7 1. Serve as the central permanent agency to advocate for
8 Latino persons.

9 2. Coordinate and cooperate with the efforts of state
10 departments and agencies to serve the needs of Latino persons
11 in participating fully in the economic, social, and cultural
12 life of the state, and by providing direct assistance to those
13 who request it.

14 3. Develop, coordinate, and assist other public
15 organizations which serve Latino persons.

16 4. Serve as an information clearinghouse on programs and
17 agencies operating to assist Latino persons.

18 Sec. 109. Section 216A.15, subsections 1 through 9, Code
19 2009, are amended by striking the subsections and inserting in
20 lieu thereof the following:

21 1. Study the opportunities for and changing needs of the
22 Latino population of this state.

23 2. Serve as liaison between the office and the public,
24 sharing information and gathering constituency input.

25 3. Recommend to the board for adoption rules pursuant
26 to chapter 17A as it deems necessary for the commission and
27 office.

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

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

32 Sec. 110. Section 216A.51, subsection 1, Code 2009, is
33 amended by striking the subsection.

34 Sec. 111. Section 216A.51, subsection 3, Code 2009, is
35 amended to read as follows:

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

3 Sec. 112. Section 216A.52, Code 2009, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **216A.52 Office on the status of women.**

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

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

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

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

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

19 Sec. 113. Section 216A.53, Code 2009, is amended by striking
20 the section and inserting in lieu thereof the following:

21 **216A.53 Commission on the status of women established.**

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

27 2. The term of office for voting members is four years.
28 Terms shall be staggered. Members whose terms expire may be
29 reappointed. Vacancies in voting membership positions on
30 the commission shall be filled for the unexpired term in the
31 same manner as the original appointment. Voting members of
32 the commission may receive a per diem as specified in section
33 7E.6 and shall be reimbursed for actual expenses incurred
34 while serving in their official capacity, subject to statutory
35 limits.

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

13 Sec. 114. Section 216A.54, Code 2009, is amended by striking
14 the section and inserting in lieu thereof the following:

15 **216A.54 Commission powers and duties.**

16 The commission shall have the following powers and duties:

17 1. Study the opportunities for and changing needs of the
18 women and girls of this state.

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

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

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

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

28 Sec. 115. Section 216A.71, subsection 1, Code 2009, is
29 amended by striking the subsection.

30 Sec. 116. Section 216A.71, subsection 3, Code 2009, is
31 amended to read as follows:

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

34 Sec. 117. Section 216A.72, Code 2009, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **216A.72 Office of persons with disabilities.**

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

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

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

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

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

15 Sec. 118. Section 216A.74, Code Supplement 2009, is amended
16 by striking the section and inserting in lieu thereof the
17 following:

18 **216A.74 Commission of persons with disabilities established.**

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

24 2. Members of the commission shall serve four-year
25 staggered terms which shall begin and end pursuant to section
26 69.19. Members whose terms expire may be reappointed.

27 Vacancies on the commission shall be filled for the unexpired
28 term in the same manner as the original appointment. Voting
29 members shall receive actual expenses incurred while serving
30 in their official capacity, subject to statutory limits.

31 Voting members may also be eligible to receive compensation as
32 provided in section 7E.6.

33 3. Members of the commission shall appoint a chairperson.
34 The commission shall meet at least quarterly during each fiscal
35 year. A majority of the voting members currently appointed

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

9 Sec. 119. Section 216A.75, Code 2009, is amended by striking
10 the section and inserting in lieu thereof the following:

11 **216A.75 Commission powers and duties.**

12 The commission shall have the following powers and duties:

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

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

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

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

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

24 Sec. 120. Section 216A.92, Code 2009, is amended by striking
25 the section and inserting in lieu thereof the following:

26 **216A.92 Division of community action agencies.**

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

34 2. The division shall do all of the following:

35 a. Provide financial assistance for community action

1 agencies to implement community action programs, as permitted
2 by the community service block grant and subject to the funding
3 made available for the program.

4 *b.* Administer the community services block grant, the
5 low-income energy assistance block grants, department of energy
6 funds for weatherization, and other possible funding sources.
7 If a political subdivision is the community action agency,
8 the financial assistance shall be allocated to the political
9 subdivision.

10 *c.* Implement accountability measures for its programs and
11 require regular reporting on the measures by the community
12 action agencies.

13 *d.* Issue an annual report to the governor and general
14 assembly by July 1 of each year.

15 Sec. 121. Section 216A.92A, subsection 1, paragraph c, Code
16 2009, is amended to read as follows:

17 *c.* One-third of the members shall be persons who, according
18 to federal guidelines, have incomes at or below one hundred
19 eighty-five percent of poverty level.

20 Sec. 122. Section 216A.92A, subsection 3, Code 2009, is
21 amended to read as follows:

22 3. The commission shall select from its membership a
23 chairperson and other officers as it deems necessary. The
24 commission shall meet no less than four times per year. A
25 majority of the members of the commission shall constitute a
26 quorum.

27 Sec. 123. Section 216A.92B, Code 2009, is amended by
28 striking the section and inserting in lieu thereof the
29 following:

30 **216A.92B Commission powers and duties.**

31 The commission shall have the following powers and duties:

32 1. Recommend to the board the adoption of rules pursuant
33 to chapter 17A as it deems necessary for the commission and
34 division.

35 2. Supervise the collection of data regarding the scope of

1 services provided by the community action agencies.

2 3. Serve as liaisons between the division and the public,
3 sharing information and gathering constituency input.

4 4. Make recommendations to the governor and the general
5 assembly for executive and legislative action designed to
6 improve the status of low-income persons in the state.

7 5. Establish advisory committees, work groups, or other
8 coalitions as appropriate.

9 Sec. 124. Section 216A.93, Code 2009, is amended to read as
10 follows:

11 **216A.93 Establishment of community action agencies.**

12 The division shall recognize and assist in the designation
13 of certain community action agencies to assist in the
14 delivery of community action programs. These programs shall
15 include, but not be limited to, outreach, community services
16 block grant, low-income energy assistance, and weatherization
17 programs. If a community action agency is in effect and
18 currently serving an area, that community action agency shall
19 become the designated community action agency for that area.
20 ~~If there is not a designated community action agency in the~~
21 ~~area a city council or county board of supervisors or any~~
22 ~~combination of one or more councils or boards may establish~~
23 ~~a community action agency and may apply to the division for~~
24 ~~recognition. The council or board or the combination may adopt~~
25 ~~an ordinance or resolution establishing a community action~~
26 ~~agency if a community action agency has not been designated.~~
27 ~~It is the purpose of the division of community action agencies~~
28 ~~to strengthen, supplement, and coordinate efforts to develop~~
29 ~~the full potential of each citizen by recognizing certain~~
30 ~~community action agencies and the continuation of certain~~
31 ~~community-based programs delivered by community action~~
32 ~~agencies. If any geographic area of the state ceases to be~~
33 ~~served by a designated community action agency, the division~~
34 ~~may solicit applications and assist the governor in designating~~
35 ~~a community action agency for that area in accordance with~~

1 current community services block grant requirements.

2 Sec. 125. Section 216A.94, subsection 2, Code 2009, is
3 amended to read as follows:

4 2. Notwithstanding subsection 1, a public agency
5 shall establish an advisory board ~~or may contract with a~~
6 ~~delegate agency~~ to assist the governing board in meeting
7 the requirements of section 216A.95. The advisory board ~~or~~
8 ~~delegate agency board~~ shall be composed of the same type
9 of membership as a board of directors for community action
10 agencies under subsection 1. ~~However, the public agency acting~~
11 ~~as~~ In addition, the advisory board of the community action
12 agency shall have the sole authority to determine annual
13 program budget requests.

14 Sec. 126. Section 216A.95, subsection 1, Code 2009, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

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

20 Sec. 127. Section 216A.96, subsection 1, Code 2009, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

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

29 Sec. 128. Section 216A.96, subsection 4, Code 2009, is
30 amended to read as follows:

31 4. Encourage and support self-help, volunteer, business,
32 labor, and other groups and organizations to assist public
33 officials and agencies in supporting a community action program
34 ~~which results in the additional use of~~ by providing private
35 resources while, developing new employment opportunities,

1 encouraging investments ~~which have an impact on reducing~~
2 ~~poverty among the poor~~ in areas of concentrated poverty, and
3 providing methods by which low-income persons can work with
4 private organizations, businesses, and institutions in seeking
5 solutions to problems of common concern.

6 Sec. 129. Section 216A.97, Code 2009, is amended to read as
7 follows:

8 **216A.97 Administration.**

9 A community action agency or a delegate agency may
10 administer the components of a community action program
11 when the program is consistent with plans and purposes and
12 applicable law. The community action programs may be projects
13 which are eligible for assistance from any source. The
14 programs shall be developed to meet local needs and may be
15 designed to meet eligibility standards of a federal or state
16 program ~~providing assistance to a plan to meet local needs.~~

17 Sec. 130. Section 216A.98, Code 2009, is amended to read as
18 follows:

19 **216A.98 Audit.**

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

30 Sec. 131. Section 216A.102, subsection 3, Code 2009, is
31 amended to read as follows:

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

1 Sec. 132. Section 216A.104, subsections 4 and 5, Code 2009,
2 are amended by striking the subsections.

3 Sec. 133. Section 216A.107, subsection 2, Code Supplement
4 2009, is amended to read as follows:

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

15 Sec. 134. Section 216A.111, subsection 1, Code 2009, is
16 amended by striking the subsection.

17 Sec. 135. Section 216A.111, subsection 3, Code 2009, is
18 amended to read as follows:

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

21 Sec. 136. Section 216A.112, Code 2009, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 **216A.112 Office of deaf services.**

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

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

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

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

1 hearing.

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

5 Sec. 137. Section 216A.113, Code 2009, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 **216A.113 Deaf services commission established.**

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

16 2. Members of the commission shall serve four-year
17 staggered terms which shall begin and end pursuant to section
18 69.19. Members whose terms expire may be reappointed.
19 Vacancies on the commission may be filled for the remainder
20 of the term in the same manner as the original appointment.
21 Members shall receive actual expenses incurred while serving in
22 their official capacity, subject to statutory limits. Members
23 may also be eligible to receive compensation as provided in
24 section 7E.6.

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

1 be conclusive for this purpose.

2 Sec. 138. Section 216A.114, Code 2009, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 **216A.114 Commission powers and duties.**

6 The commission shall have the following powers and duties:

- 7 1. Study the changing needs and opportunities for the deaf
8 and hard-of-hearing people in this state.
- 9 2. Serve as a liaison between the office and the public,
10 sharing information and gathering constituency input.
- 11 3. Recommend to the board for adoption rules pursuant
12 to chapter 17A as it deems necessary for the commission and
13 office.
- 14 4. Recommend legislative and executive action to the
15 governor and general assembly.
- 16 5. Establish advisory committees, work groups, or other
17 coalitions as appropriate.

18 Sec. 139. NEW SECTION. **216A.131A Division of criminal and
19 juvenile justice planning.**

20 The division of criminal and juvenile justice planning is
21 established to fulfill the responsibilities of this subchapter,
22 including the duties specified in sections 216A.135, 216A.136,
23 216A.137, 216A.138, and 216A.139.

24 Sec. 140. Section 216A.132, subsection 1, unnumbered
25 paragraph 1, Code 2009, is amended to read as follows:

26 A criminal and juvenile justice planning advisory council is
27 established consisting of twenty-three members who shall all
28 reside in the state.

29 Sec. 141. Section 216A.132, subsection 1, paragraph b, Code
30 2009, is amended to read as follows:

31 *b.* The departments of human services, corrections,
32 and public safety, the ~~division~~ office on the status of
33 ~~African-Americans~~ African Americans, the Iowa department of
34 public health, the chairperson of the board of parole, the
35 attorney general, the state public defender, the governor's

1 office of drug control policy, and the chief justice of the
2 supreme court shall each designate a person to serve on the
3 council. The person appointed by the Iowa department of public
4 health shall be from the departmental staff who administer the
5 comprehensive substance abuse program under chapter 125.

6 Sec. 142. Section 216A.132, Code 2009, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 3. Members of the council shall appoint
9 a chairperson and vice chairperson and other officers as the
10 council deems necessary. A majority of the voting members
11 currently appointed to the council shall constitute a quorum.
12 A quorum shall be required for the conduct of business of the
13 council and the affirmative vote of a majority of the currently
14 appointed members is necessary for any substantive action taken
15 by the council. A member shall not vote on any action if the
16 member has a conflict of interest on the matter and a statement
17 by the member of a conflict of interest shall be conclusive for
18 this purpose.

19 Sec. 143. Section 216A.133, subsection 5, Code 2009, is
20 amended to read as follows:

21 5. Administer federal funds and funds appropriated by
22 the state or that are otherwise available in compliance with
23 applicable laws, regulations, and other requirements for
24 purposes of study, research, investigation, planning, and
25 implementation in the areas of criminal and juvenile justice.

26 Sec. 144. Section 216A.133, Code 2009, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 8. Provide input to the department director
29 in the development of budget recommendations for the division.

30 NEW SUBSECTION. 9. Serve as liaison between the division
31 and the public, sharing information and gathering constituency
32 input.

33 NEW SUBSECTION. 10. Recommend to the board for adoption
34 rules pursuant to chapter 17A as it deems necessary for the
35 council and division.

1 NEW SUBSECTION. 11. Recommend legislative and executive
2 action to the governor and general assembly.

3 NEW SUBSECTION. 12. Establish advisory committees, work
4 groups, or other coalitions as appropriate.

5 Sec. 145. Section 216A.138, subsection 8, Code 2009, is
6 amended by striking the subsection.

7 Sec. 146. Section 216A.141, subsection 1, Code 2009, is
8 amended by striking the subsection.

9 Sec. 147. Section 216A.141, subsection 3, Code 2009, is
10 amended to read as follows:

11 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
12 status of ~~African-Americans~~ African Americans of the department
13 of human rights.

14 Sec. 148. Section 216A.142, Code 2009, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 **216A.142 Commission on the status of African Americans**
18 **established.**

19 1. The commission on the status of African Americans is
20 established and shall consist of seven members appointed by
21 the governor, subject to confirmation by the senate. All
22 members shall reside in Iowa. At least five members shall be
23 individuals who are African American.

24 2. Terms of office are staggered four-year terms. Members
25 whose terms expire may be reappointed. Vacancies on the
26 commission shall be filled for the remainder of the term of and
27 in the same manner as the original appointment. The commission
28 shall meet quarterly and may hold special meetings on the call
29 of the chairperson. The members of the commission shall be
30 reimbursed for actual expenses while engaged in their official
31 duties. Members may also be eligible to receive compensation
32 as provided in section 7E.6.

33 3. Members of the commission shall appoint a chairperson
34 and vice chairperson and other officers as the commission
35 deems necessary. A majority of members of the commission

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

8 Sec. 149. Section 216A.143, Code 2009, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 **216A.143 Commission powers and duties.**

12 The commission shall have the following powers and duties:

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

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

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

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

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

24 Sec. 150. Section 216A.146, Code 2009, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 **216A.146 Office on the status of African Americans.**

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

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

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

1 individuals who request it.

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

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

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

8 Sec. 152. Section 216A.151, subsection 3, Code 2009, is
9 amended to read as follows:

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

12 Sec. 153. Section 216A.151, subsection 4, Code 2009, is
13 amended to read as follows:

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

17 Sec. 154. Section 216A.152, Code 2009, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 **216A.152 Commission of Asian and Pacific Islander affairs**
21 **established.**

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

28 2. Terms of office are four years and shall begin and end
29 pursuant to section 69.19. Members whose terms expire may be
30 reappointed. Vacancies on the commission may be filled for the
31 remainder of the term of and in the same manner as the original
32 appointment. Members shall receive actual expenses incurred
33 while serving in their official capacity, subject to statutory
34 limits. Members may also be eligible to receive compensation
35 as provided in section 7E.6.

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

12 Sec. 155. Section 216A.153, Code 2009, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 **216A.153 Commission powers and duties.**

16 The commission shall have the following powers and duties:

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

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

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

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

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

28 Sec. 156. Section 216A.154, Code 2009, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 **216A.154 Office of Asian and Pacific Islander affairs.**

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

34 1. Serve as the central permanent agency to advocate for
35 Iowans of Asian and Pacific Islander heritage.

1 2. Coordinate and cooperate with the efforts of state
2 departments and agencies to serve the needs of Iowans of Asian
3 and Pacific Islander heritage in participating fully in the
4 economic, social, and cultural life of the state, and provide
5 direct assistance to individuals who request it.

6 3. Develop, coordinate, and assist other public or private
7 organizations which serve Iowans of Asian and Pacific Islander
8 heritage.

9 4. Serve as an information clearinghouse on programs
10 and agencies operating to assist Iowans of Asian and Pacific
11 Islander heritage.

12 Sec. 157. Section 216A.161, subsection 1, Code 2009, is
13 amended by striking the subsection.

14 Sec. 158. Section 216A.161, subsection 2, Code 2009, is
15 amended to read as follows:

16 2. "*Commission*" means the commission ~~on~~ of Native American
17 affairs.

18 Sec. 159. Section 216A.161, subsection 3, Code 2009, is
19 amended to read as follows:

20 3. "*Division*" "*Office*" means the ~~division on~~ office
21 of Native American affairs of the department of human rights.

22 Sec. 160. Section 216A.162, subsection 1, Code 2009, is
23 amended to read as follows:

24 1. A commission ~~on~~ of Native American affairs is established
25 consisting of eleven voting members appointed by the governor,
26 subject to confirmation by the senate. ~~The members of the~~
27 ~~commission shall appoint one of the members to serve as~~
28 ~~chairperson of the commission.~~

29 Sec. 161. Section 216A.162, Code 2009, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4. Members of the commission shall appoint
32 one of their members to serve as chairperson and may appoint
33 such other officers as the commission deems necessary. The
34 commission shall meet at least four times per year and shall
35 hold special meetings on the call of the chairperson. The

1 members of the commission shall be reimbursed for actual
2 expenses while engaged in their official duties. A member
3 may also be eligible to receive compensation as provided in
4 section 7E.6. A majority of the members of the commission
5 shall constitute a quorum. A quorum shall be required for the
6 conduct of business of the commission and the affirmative vote
7 of a majority of the currently appointed members is necessary
8 for any substantive action taken by the commission. A member
9 shall not vote on any action if the member has a conflict of
10 interest on the matter and a statement by the member of a
11 conflict of interest shall be conclusive for this purpose.

12 Sec. 162. Section 216A.165, subsections 1 through 9, Code
13 2009, are amended by striking the subsections and inserting in
14 lieu thereof the following:

- 15 1. Study the opportunities for and changing needs of Native
16 American persons in this state.
- 17 2. Serve as a liaison between the department and the public,
18 sharing information and gathering constituency input.
- 19 3. Recommend to the board for adoption rules pursuant
20 to chapter 17A as it deems necessary for the commission and
21 office.
- 22 4. Recommend legislative and executive action to the
23 governor and general assembly.
- 24 5. Establish advisory committees, work groups, or other
25 coalitions as appropriate.

26 Sec. 163. Section 216A.166, Code 2009, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 **216A.166 Office of Native American affairs.**

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

- 32 1. Serve as the central permanent agency to advocate for
33 Native Americans.
- 34 2. Coordinate and cooperate with the efforts of state
35 departments and agencies to serve the needs of Native Americans

1 in participating fully in the economic, social, and cultural
2 life of the state, and provide direct assistance to individuals
3 who request it.

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

6 4. Serve as an information clearinghouse on programs and
7 agencies operating to assist Native Americans.

8 Sec. 164. Section 216A.167, subsections 1 and 2, Code 2009,
9 are amended by striking the subsections.

10 Sec. 165. Section 216A.167, subsection 3, unnumbered
11 paragraph 1, Code 2009, is amended to read as follows:

12 The commission and office shall not have the authority to do
13 any of the following:

14 Sec. 166. REPEAL. Sections 216A.16, 216A.17, 216A.55,
15 216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73, 216A.76,
16 216A.77, 216A.78, 216A.79, 216A.101, 216A.103, 216A.115,
17 216A.116, 216A.117, 216A.134, 216A.144, 216A.145, 216A.147,
18 216A.148, 216A.149, 216A.155, 216A.156, 216A.157, 216A.158,
19 216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and 216A.170,
20 Code 2009, are repealed.

21 Sec. 167. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION —
22 TRANSITION PROVISIONS.

23 1. Except for the department director, no other employee
24 of the department of human rights shall be appointed by the
25 governor. Those persons now occupying positions that were
26 previously appointed by the governor shall be retained but
27 shall be subject to the merit system and state human resource
28 management system as provided by sections 8A.412 and 8A.413.

29 2. Through December 31, 2010, the department director shall
30 be granted reasonable flexibility within the department's
31 appropriation and allotted full-time equivalent positions to
32 reassign, retrain, or reclassify personnel as deemed necessary
33 in order to most effectively and efficiently carry out the
34 department's mission. Any personnel in the state merit system
35 of employment who are transferred from one work unit to another

1 due to the effect of this division of this Act shall be so
2 transferred without any loss in salary, benefits, or accrued
3 years of service.

4 3. In regard to updating references and format in the Iowa
5 administrative code in order to correspond to the transferring
6 of the authority to adopt rules from the previous divisions
7 of the department of human rights to the department of human
8 rights as established by this division of this Act, the
9 administrative rules coordinator and the administrative rules
10 review committee, in consultation with the administrative code
11 editor, shall jointly develop a schedule for the necessary
12 updating of the Iowa administrative code.

13 4. Current contracts that bind any division of the
14 department of human rights shall be honored by the department,
15 or expediently and judiciously amended if changes in the name
16 of the contractor must be made before the expiration of the
17 contract.

18 5. All client and organizational files in the possession
19 of any office subsumed within the division of community
20 advocacy and services as enacted by this division of this Act
21 will become the property of the office that will serve that
22 population.

23 6. Any replacement of signs, logos, stationery, insignia,
24 uniforms, and related items that is made due to the effect of
25 this division of this Act shall if possible be done as part of
26 the normal replacement cycle for such items.

27 7. The governor, in consultation with the director of
28 the department of human rights, shall establish a process
29 to implement the requirements of this division of this Act
30 and shall have the authority to terminate and modify the
31 terms of office of voting members of the commissions and the
32 council within the department of human rights in order to
33 effectuate the requirements of this division of this Act. New
34 appointments or reappointments to the commissions and the
35 council as required by this division of this Act shall be made

1 to effectuate the requirement, if applicable, that members
2 shall serve for staggered four-year terms.

3 Sec. 168. EFFECTIVE UPON ENACTMENT. This division of this
4 Act, being deemed of immediate importance, takes effect upon
5 enactment.

6 DIVISION XII

7 GAMBLING SETOFFS

8 Sec. 169. Section 99D.28, subsection 1, Code 2009, is
9 amended to read as follows:

10 1. A licensee or a person acting on behalf of a licensee
11 shall be provided electronic access to the names of the
12 persons indebted to a claimant agency pursuant to the process
13 established pursuant to section 99D.7, subsection 23. The
14 electronic access provided by the claimant agency shall include
15 access to the names of the debtors, their social security
16 numbers, and any other information that assists the licensee
17 in identifying the debtors. If the name of a debtor provided
18 to the licensee through electronic access is retrieved by
19 the licensee and the winnings are equal to or greater than
20 ~~ten~~ one thousand two hundred dollars per occurrence, the
21 retrieval of such a name shall constitute a valid lien upon and
22 claim of lien against the winnings of the debtor whose name
23 is electronically retrieved from the claimant agency. If a
24 debtor's winnings are equal to or greater than ~~ten~~ one thousand
25 two hundred dollars per occurrence, the full amount of the debt
26 shall be collectible from any winnings due the debtor without
27 regard to limitations on the amounts that may be collectible in
28 increments through setoff or other proceedings.

29 Sec. 170. Section 99F.19, subsection 1, Code 2009, is
30 amended to read as follows:

31 1. A licensee or a person acting on behalf of a licensee
32 shall be provided electronic access to the names of the
33 persons indebted to a claimant agency pursuant to the process
34 established pursuant to section 99F.4, subsection 26. The
35 electronic access provided by the claimant agency shall include

1 access to the names of the debtors, their social security
2 numbers, and any other information that assists the licensee
3 in identifying the debtors. If the name of a debtor provided
4 to the licensee through electronic access is retrieved by
5 the licensee and the winnings are equal to or greater than
6 ~~ten~~ one thousand two hundred dollars per occurrence, the
7 retrieval of such a name shall constitute a valid lien upon and
8 claim of lien against the winnings of the debtor whose name
9 is electronically retrieved from the claimant agency. If a
10 debtor's winnings are equal to or greater than ~~ten~~ one thousand
11 two hundred dollars per occurrence, the full amount of the debt
12 shall be collectible from any winnings due the debtor without
13 regard to limitations on the amounts that may be collectible in
14 increments through setoff or other proceedings.

15 DIVISION XIII

16 DEPARTMENT OF MANAGEMENT — FINANCIAL ADMINISTRATION

17 REORGANIZATION

18 Sec. 171. NEW SECTION. 8.71 Definitions.

19 As used in this section and sections 8.72 through 8.89,
20 unless the context otherwise requires:

21 1. "Agency" or "state agency" means a unit of state
22 government, which is an authority, board, commission,
23 committee, council, department, or independent agency as
24 defined in section 7E.4, including but not limited to each
25 principal central department enumerated in section 7E.5.
26 However, "agency" or "state agency" does not mean any of the
27 following:

28 a. The office of the governor or the office of an elective
29 constitutional or statutory officer.

30 b. The general assembly, or any office or unit under its
31 administrative authority.

32 c. The judicial branch, as provided in section 602.1102.

33 d. A political subdivision of the state or its offices
34 or units, including but not limited to a county, city, or
35 community college.

1 2. *"Department"* means the department of management.

2 3. *"Director"* means the director of the department of
3 management or the director's designee.

4 Sec. 172. NEW SECTION. **8.72 Financial administration**
5 **duties.**

6 The department shall provide for the efficient management
7 and administration of the financial resources of state
8 government and shall have and assume the following powers and
9 duties:

10 1. *Centralized accounting and payroll system.* To assume the
11 responsibilities related to a centralized accounting system for
12 state government and to establish a centralized payroll system
13 for all state agencies.

14 2. *Setoff procedures.* To establish and maintain a setoff
15 procedure as provided in section 8.74.

16 3. *Cost allocation system.* To establish a cost allocation
17 system as provided in section 8.75.

18 4. *Collection and payment of funds — monthly payments.* To
19 control the payment of all moneys into the state treasury,
20 and all payments from the state treasury by the preparation
21 of appropriate warrants, or warrant checks, directing such
22 collections and payment, and to advise the treasurer of state
23 monthly in writing of the amount of public funds not currently
24 needed for operating expenses. Whenever the state treasury
25 includes state funds that require distribution to counties,
26 cities, or other political subdivisions of this state, and the
27 counties, cities, and other political subdivisions certify to
28 the director that warrants will be stamped for lack of funds
29 within the thirty-day period following certification, the
30 director may partially distribute the funds on a monthly basis.
31 Whenever the law requires that any funds be paid by a specific
32 date, the director shall prepare a final accounting and shall
33 make a final distribution of any remaining funds prior to that
34 date.

35 5. *Preaudit system.* To establish and fix a reasonable

1 imprest cash fund for each state department and institution
2 for disbursement purposes where needed. These revolving
3 funds shall be reimbursed only upon vouchers approved by the
4 director. It is the purpose of this subsection to establish a
5 preaudit system of settling all claims against the state, but
6 the preaudit system is not applicable to any of the following:

7 *a.* Institutions under the control of the state board of
8 regents.

9 *b.* The state fair board as established in chapter 173.

10 *c.* The Iowa dairy industry commission as established in
11 chapter 179, the Iowa beef cattle producers association as
12 established in chapter 181, the Iowa pork producers council
13 as established in chapter 183A, the Iowa egg council as
14 established in chapter 184, the Iowa turkey marketing council
15 as established in chapter 184A, the Iowa soybean association
16 as provided in chapter 185, and the Iowa corn promotion board
17 as established in chapter 185C.

18 6. *Audit of claims.* To set rules and procedures for the
19 preaudit of claims by individual agencies or organizations.
20 The director reserves the right to refuse to accept incomplete
21 or incorrect claims and to review, preaudit, or audit claims
22 as determined by the director.

23 7. *Contracts.* To certify, record, and encumber all formal
24 contracts to prevent overcommitment of appropriations and
25 allotments.

26 8. *Accounts.* To keep the central budget and proprietary
27 control accounts of the general fund of the state and special
28 funds, as defined in section 8.2, of the state government.
29 Upon elimination of the state deficit under generally accepted
30 accounting principles, including the payment of items budgeted
31 in a subsequent fiscal year which under generally accepted
32 accounting principles should be budgeted in the current fiscal
33 year, the recognition of revenues received and expenditures
34 paid and transfers received and paid within the time period
35 required pursuant to section 8.33 shall be in accordance with

1 generally accepted accounting principles. Budget accounts
2 are those accounts maintained to control the receipt and
3 disposition of all funds, appropriations, and allotments.
4 Proprietary accounts are those accounts relating to assets,
5 liabilities, income, and expense. For each fiscal year, the
6 financial position and results of operations of the state shall
7 be reported in a comprehensive annual financial report prepared
8 in accordance with generally accepted accounting principles, as
9 established by the governmental accounting standards board.

10 9. *Fair board and state board of regents.* To control
11 the financial operations of the state fair board and the
12 institutions under the state board of regents:

13 a. By charging all warrants issued to the respective
14 educational institutions and the state fair board to an advance
15 account to be further accounted for and not as an expense which
16 requires no further accounting.

17 b. By charging all collections made by the educational
18 institutions and state fair board to the respective advance
19 accounts of the institutions and state fair board, and by
20 crediting all such repayment collections to the respective
21 appropriations and special funds.

22 c. By charging all disbursements made to the respective
23 allotment accounts of each educational institution or state
24 fair board and by crediting all such disbursements to the
25 respective advance and inventory accounts.

26 d. By requiring a monthly abstract of all receipts and
27 of all disbursements, both money and stores, and a complete
28 account current each month from each educational institution
29 and the state fair board.

30 10. *Entities representing agricultural producers.* To control
31 the financial operations of the Iowa dairy industry commission
32 as provided in chapter 179, the Iowa beef cattle producers
33 association as provided in chapter 181, the Iowa pork producers
34 council as provided in chapter 183A, the Iowa egg council as
35 provided in chapter 184, the Iowa turkey marketing council

1 as provided in chapter 184A, the Iowa soybean association as
2 provided in chapter 185, and the Iowa corn promotion board as
3 provided in chapter 185C.

4 11. *Custody of records.* To have the custody of all books,
5 papers, records, documents, vouchers, conveyances, leases,
6 mortgages, bonds, and other securities appertaining to the
7 fiscal affairs and property of the state, which are not
8 required to be kept in some other office.

9 12. *Interest of the permanent school fund.* To transfer the
10 interest of the permanent school fund to the credit of the
11 interest for Iowa schools fund.

12 13. *Forms.* To prescribe all accounting and business
13 forms and the system of accounts and reports of financial
14 transactions by all departments and agencies of the state
15 government other than those of the legislative branch.

16 14. *Federal cash management and improvement act*
17 *administrator.*

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

22 (1) Act as the designated representative of the state in the
23 negotiation and administration of contracts between the state
24 and federal government relating to the federal law.

25 (2) Modify the centralized statewide accounting system
26 and develop, or require to be developed by the appropriate
27 departments of state government, the reports and procedures
28 necessary to complete the managerial and financial reports
29 required to comply with the federal law.

30 b. There is annually appropriated from the general fund
31 of the state to the department an amount sufficient to pay
32 interest costs that may be due the federal government as a
33 result of implementation of the federal law. This paragraph
34 does not authorize the payment of interest from the general
35 fund of the state for any department of administrative

1 services' revolving, trust, or special fund of the department
2 of administrative services where monthly interest earnings
3 accrue to the credit of the department of administrative
4 services' revolving, trust, or special fund. For any
5 department of administrative services' revolving, trust, or
6 special fund where monthly interest is accrued to the credit of
7 the fund, the director may authorize a supplemental expenditure
8 to pay interest costs from the individual fund which are due
9 the federal government as a result of implementation of the
10 federal law.

11 Sec. 173. NEW SECTION. **8.73 Rules — deposit of**
12 **departmental moneys.**

13 The director shall prescribe by rule the manner and methods
14 by which all departments and agencies of the state that
15 collect money for and on behalf of the state shall cause the
16 money to be deposited with the treasurer of state or in a
17 depository designated by the treasurer of state. All such
18 moneys collected shall be deposited at such times and in such
19 depositories to permit the state of Iowa to deposit the funds
20 in a manner consistent with the state's investment policies.
21 All such moneys shall be promptly deposited, as directed, even
22 though the individual amount remitted may not be correct. If
23 any individual amount remitted is in excess of the amount
24 required, the department or agency receiving the same shall
25 refund the excess amount. If the individual amount remitted is
26 insufficient, the person, firm, or corporation concerned shall
27 be immediately billed for the amount of the deficiency.

28 Sec. 174. NEW SECTION. **8.74 Setoff procedures.**

29 1. *Definitions.* As used in this section, unless the context
30 otherwise requires:

31 a. "Collection entity" means the department of management
32 and any other state agency that maintains a separate accounting
33 system and elects to establish a debt collection setoff
34 procedure for collection of debts owed to the state or its
35 agencies.

1 *b.* "Person" does not include a state agency.

2 *c.* "Qualifying debt" includes but is not limited to the
3 following:

4 (1) Any debt, which is assigned to the department of human
5 services, or which the child support recovery unit is otherwise
6 attempting to collect, or which the foster care recovery unit
7 of the department of human services is attempting to collect
8 on behalf of a child receiving foster care provided by the
9 department of human services.

10 (2) An amount that is due because of a default on a
11 guaranteed student or parental loan under chapter 261.

12 (3) Any debt which is in the form of a liquidated sum due,
13 owing, and payable to the clerk of the district court.

14 *d.* "State agency" means a board, commission, department,
15 including the department of administrative services, or other
16 administrative office or unit of the state of Iowa or any
17 other state entity reported in the Iowa comprehensive annual
18 financial report, or a political subdivision of the state, or
19 an office or unit of a political subdivision. "State agency"
20 does include the clerk of the district court as it relates to
21 the collection of a qualifying debt. "State agency" does not
22 include the general assembly or the governor.

23 2. *Setoff procedure.* The collection entity shall establish
24 and maintain a procedure to set off against any claim owed to
25 a person by a state agency any liability of that person owed
26 to a state agency, a support debt being enforced by the child
27 support recovery unit pursuant to chapter 252B, or such other
28 qualifying debt. The procedure shall only apply when at the
29 discretion of the director it is feasible. The procedure shall
30 meet the following conditions:

31 *a.* Before setoff, a person's liability to a state agency and
32 the person's claim on a state agency shall be in the form of a
33 liquidated sum due, owing, and payable.

34 *b.* Before setoff, the state agency shall obtain and forward
35 to the collection entity the full name and social security

1 number of the person liable to it or to whom a claim is owing
2 who is a natural person. If the person is not a natural person,
3 before setoff, the state agency shall forward to the collection
4 entity the information concerning the person as the collection
5 entity shall, by rule, require. The collection entity
6 shall cooperate with other state agencies in the exchange of
7 information relevant to the identification of persons liable
8 to or of claimants of state agencies. However, the collection
9 entity shall provide only relevant information required by a
10 state agency. The information shall be held in confidence
11 and used for the purpose of setoff only. Section 422.72,
12 subsection 1, does not apply to this paragraph.

13 *c.* Before setoff, a state agency shall, at least annually,
14 submit to the collection entity the information required
15 by paragraph "b" along with the amount of each person's
16 liability to and the amount of each claim on the state agency.
17 The collection entity may, by rule, require more frequent
18 submissions.

19 *d.* Before setoff, the amount of a person's claim on a state
20 agency and the amount of a person's liability to a state agency
21 shall constitute a minimum amount set by rule of the collection
22 entity.

23 *e.* Upon submission of an allegation of liability by a state
24 agency, the collection entity shall notify the state agency
25 whether the person allegedly liable is entitled to payment from
26 a state agency, and, if so entitled, shall notify the state
27 agency of the amount of the person's entitlement and of the
28 person's last address known to the collection entity. Section
29 422.72, subsection 1, does not apply to this paragraph.

30 *f.* (1) Upon notice of entitlement to a payment, the state
31 agency shall send written notification to that person of the
32 state agency's assertion of its rights to all or a portion of
33 the payment and of the state agency's entitlement to recover
34 the liability through the setoff procedure, the basis of
35 the assertion, the opportunity to request that a jointly or

1 commonly owned right to payment be divided among owners, and
2 the person's opportunity to give written notice of intent
3 to contest the amount of the allegation. The state agency
4 shall send a copy of the notice to the collection entity. A
5 state agency subject to chapter 17A shall give notice, conduct
6 hearings, and allow appeals in conformity with chapter 17A.

7 (2) However, upon submission of an allegation of the
8 liability of a person which is owing and payable to the
9 clerk of the district court and upon the determination by
10 the collection entity that the person allegedly liable is
11 entitled to payment from a state agency, the collection entity
12 shall send written notification to the person which states the
13 assertion by the clerk of the district court of rights to all
14 or a portion of the payment, the clerk's entitlement to recover
15 the liability through the setoff procedure, the basis of the
16 assertions, the person's opportunity to request within fifteen
17 days of the mailing of the notice that the collection entity
18 divide a jointly or commonly owned right to payment between
19 owners, the opportunity to contest the liability to the clerk
20 by written application to the clerk within fifteen days of the
21 mailing of the notice, and the person's opportunity to contest
22 the collection entity's setoff procedure.

23 *g.* Upon the timely request of a person liable to a state
24 agency or of the spouse of that person and upon receipt of the
25 full name and social security number of the person's spouse,
26 a state agency shall notify the collection entity of the
27 request to divide a jointly or commonly owned right to payment.
28 Any jointly or commonly owned right to payment is rebuttably
29 presumed to be owned in equal portions by its joint or common
30 owners.

31 *h.* The collection entity shall, after the state agency has
32 sent notice to the person liable or, if the liability is owing
33 and payable to the clerk of the district court, the collection
34 entity has sent notice to the person liable, set off the amount
35 owed to the agency against any amount which a state agency owes

1 that person. The collection entity shall refund any balance
2 of the amount to the person. The collection entity shall
3 periodically transfer amounts set off to the state agencies
4 entitled to them. If a person liable to a state agency gives
5 written notice of intent to contest an allegation, a state
6 agency shall hold a refund or rebate until final disposition
7 of the allegation. Upon completion of the setoff, a state
8 agency shall notify in writing the person who was liable or,
9 if the liability is owing and payable to the clerk of the
10 district court, shall comply with the procedures as provided
11 in paragraph `j`.

12 *i.* The department of revenue's existing right to credit
13 against tax due or to become due under section 422.73 is not to
14 be impaired by a right granted to or a duty imposed upon the
15 collection entity or other state agency by this section. This
16 section is not intended to impose upon the collection entity or
17 the department of revenue any additional requirement of notice,
18 hearing, or appeal concerning the right to credit against tax
19 due under section 422.73.

20 *j.* If the alleged liability is owing and payable to the
21 clerk of the district court and setoff as provided in this
22 section is sought, all of the following shall apply:

23 (1) The judicial branch shall prescribe procedures to
24 permit a person to contest the amount of the person's liability
25 to the clerk of the district court.

26 (2) The collection entity shall, except for the procedures
27 described in subparagraph (1), prescribe any other applicable
28 procedures concerning setoff as provided in this subsection.

29 (3) Upon completion of the setoff, the collection entity
30 shall file, at least monthly, with the clerk of the district
31 court a notice of satisfaction of each obligation to the
32 full extent of all moneys collected in satisfaction of the
33 obligation. The clerk shall record the notice and enter a
34 satisfaction for the amounts collected and a separate written
35 notice is not required.

1 3. *Priority claims.* In the case of multiple claims to
2 payments filed under this section, priority shall be given to
3 claims filed by the child support recovery unit or the foster
4 care recovery unit, next priority shall be given to claims
5 filed by the college student aid commission, next priority
6 shall be given to claims filed by the investigations division
7 of the department of inspections and appeals, next priority
8 shall be given to claims filed by a clerk of the district
9 court, and last priority shall be given to claims filed by
10 other state agencies. In the case of multiple claims in which
11 the priority is not otherwise provided by this subsection,
12 priority shall be determined in accordance with rules to be
13 established by the director.

14 4. *State reciprocal agreements.* The director shall have
15 the authority to enter into reciprocal agreements with the
16 departments of revenue of other states that have enacted
17 legislation that is substantially equivalent to the setoff
18 procedure provided in this section for the recovery of an
19 amount due because of a default on a guaranteed student or
20 parental loan under chapter 261. A reciprocal agreement shall
21 also be approved by the college student aid commission. The
22 agreement shall authorize the department to provide by rule for
23 the setoff of state income tax refunds or rebates of defaulters
24 from states with which Iowa has a reciprocal agreement and to
25 provide for sending lists of names of Iowa defaulters to the
26 states with which Iowa has a reciprocal agreement for setoff of
27 that state's income tax refunds.

28 5. *Agency reimbursements.* Under substantive rules
29 established by the director, the department shall seek
30 reimbursement from other state agencies to recover its costs
31 for setting off liabilities.

32 Sec. 175. NEW SECTION. **8.75 Cost allocation system —**
33 **appropriation.**

34 The department shall develop and administer an indirect
35 cost allocation system for state agencies. The system shall

1 be based upon standard cost accounting methodologies and shall
2 be used to allocate both direct and indirect costs of state
3 agencies or state agency functions in providing centralized
4 services to other state agencies. A cost that is allocated to
5 a state agency pursuant to this system shall be billed to the
6 state agency and the cost is payable to the general fund of the
7 state. The source of payment for the billed cost shall be any
8 revenue source except for the general fund of the state. If a
9 state agency is authorized by law to bill and recover direct
10 expenses, the state agency shall recover indirect costs in the
11 same manner.

12 Sec. 176. NEW SECTION. **8.76 Accounting.**

13 The director may at any time require any person receiving
14 money, securities, or property belonging to the state, or
15 having the management, disbursement, or other disposition of
16 them, an account of which is kept in the department, to render
17 statements of them and information in reference to them.

18 Sec. 177. NEW SECTION. **8.77 Stating account.**

19 If an officer who is accountable to the state treasury for
20 any money or property neglects to render an account to the
21 director within the time prescribed by law, or if no time is so
22 prescribed, within twenty days after being required to do so by
23 the director, the director shall state an account against the
24 officer from the books of the officer's office, charging ten
25 percent damages on the whole sum appearing due, and interest
26 at the rate of six percent per annum on the aggregate from the
27 time when the account should have been rendered; all of which
28 may be recovered by action brought on the account, or on the
29 official bond of the officer.

30 Sec. 178. NEW SECTION. **8.78 Compelling payment.**

31 If an officer fails to pay into the state treasury the amount
32 received by the officer within the time prescribed by law, or
33 having settled with the director, fails to pay the amount found
34 due, the director shall charge the officer with twenty percent
35 damages on the amount due, with interest on the aggregate from

1 the time the amount became due at the rate of six percent per
2 annum, and the whole may be recovered by an action brought on
3 the account, or on the official bond of the officer, and the
4 officer shall forfeit the officer's commission.

5 Sec. 179. NEW SECTION. **8.79 Defense to claim.**

6 The penal provisions in sections 8.77 and 8.78 are subject
7 to any legal defense which the officer may have against the
8 account as stated by the director, but judgment for costs shall
9 be rendered against the officer in the action, whatever its
10 result, unless the officer rendered an account within the time
11 named in those sections.

12 Sec. 180. NEW SECTION. **8.80 Requested credits — oath**
13 **required.**

14 When a county treasurer or other receiver of public moneys
15 seeks to obtain credit on the books of the department for
16 payment made to the county treasurer, before giving such credit
17 the director shall require that person to take and subscribe an
18 oath that the person has not used, loaned, or appropriated any
19 of the public moneys for the person's private benefit or for
20 the benefit of any other person.

21 Sec. 181. NEW SECTION. **8.81 Requisition for information.**

22 In those cases where the director is authorized to call
23 upon persons or officers for information, or statements,
24 or accounts, the director may issue a requisition therefor
25 in writing to the person or officer called upon, allowing
26 reasonable time, which, having been served and return made to
27 the director, as a notice in a civil action, is evidence of the
28 making of the requisition.

29 Sec. 182. NEW SECTION. **8.82 Limits on claims.**

30 The director is limited in authorizing the payment of
31 claims, as follows:

32 1. *Funding limit.*

33 a. A claim shall not be allowed by the department if the
34 appropriation or fund of certification available for paying the
35 claim has been exhausted or proves insufficient.

1 *b.* The authority of the director is subject to the following
2 exceptions:

3 (1) Claims by state employees for benefits pursuant to
4 chapters 85, 85A, 85B, and 86 are subject to limitations
5 provided in those chapters.

6 (2) Claims for medical assistance payments authorized under
7 chapter 249A are subject to the time limits imposed by rule
8 adopted by the department of human services.

9 (3) Claims approved by an agency according to the provisions
10 of section 25.2.

11 2. *Convention expenses.* Claims for expenses in attending
12 conventions, meetings, conferences, or gatherings of members
13 of an association or society organized and existing as a
14 quasi-public association or society outside the state of Iowa
15 shall not be allowed at public expense, unless authorized by
16 the executive council; and claims for these expenses outside
17 of the state shall not be allowed unless the voucher is
18 accompanied by the portion of the minutes of the executive
19 council, certified to by its secretary, showing that the
20 expense was authorized by the council. This section does not
21 apply to claims in favor of the governor, attorney general,
22 utilities board members, or to trips referred to in sections
23 97B.7A and 217.20.

24 3. *Payment from fees.* Claims for per diem and expenses
25 payable from fees shall not be approved for payment in excess
26 of those fees if the law provides that such expenditures are
27 limited to the special funds collected and deposited in the
28 state treasury.

29 Sec. 183. NEW SECTION. 8.83 Claims — approval.

30 The director before approving a claim on behalf of the
31 department shall determine:

32 1. That the creation of the claim is clearly authorized by
33 law. Statutes authorizing the expenditure may be referenced
34 through account coding authorized by the director.

35 2. That the claim has been authorized by an officer or

1 official body having legal authority to so authorize and that
2 the fact of authorization has been certified to the director by
3 such officer or official body.

4 3. That all legal requirements have been observed,
5 including notice and opportunity for competition, if required
6 by law.

7 4. That the claim is in proper form as the director may
8 provide.

9 5. That the charges are reasonable, proper, and correct and
10 no part of the claim has been paid.

11 Sec. 184. NEW SECTION. **8.84 Vouchers — interest — payment**
12 **of claims.**

13 1. Before a warrant or its equivalent is issued for
14 a claim payable from the state treasury, the department
15 shall file an itemized voucher showing in detail the items
16 of service, expense, item furnished, or contract for which
17 payment is sought. However, the director may authorize the
18 prepayment of claims when the best interests of the state are
19 served under rules adopted by the director. The claimant's
20 original invoice shall be attached to a department's approved
21 voucher. The director shall adopt rules specifying the
22 form and contents for invoices submitted by a vendor to a
23 department. The requirements apply to acceptance of an invoice
24 by a department. A department shall not impose additional or
25 different requirements on submission of invoices than those
26 contained in rules of the director unless the director exempts
27 the department from the invoice requirements or a part of the
28 requirements upon a finding that compliance would result in
29 poor accounting or management practices.

30 2. Vouchers for postage, stamped envelopes, and postal
31 cards may be audited as soon as an order for them is entered.

32 3. The departments, the general assembly, and the courts
33 shall pay their claims in a timely manner. If a claim
34 for services, supplies, materials, or a contract which is
35 payable from the state treasury remains unpaid after sixty

1 days following the receipt of the claim or the satisfactory
2 delivery, furnishing, or performance of the services, supplies,
3 materials, or contract, whichever date is later, the state
4 shall pay interest at the rate of one percent per month on
5 the unpaid amount of the claim. This subsection does not
6 apply to claims against the state under chapters 25 and 669
7 or to claims paid by federal funds. The interest shall be
8 charged to the appropriation or fund to which the claim is
9 certified. Departments may enter into contracts for goods or
10 services on payment terms of less than sixty days if the state
11 may obtain a financial benefit or incentive which would not
12 otherwise be available from the vendor. The department, in
13 consultation with other affected departments, shall develop
14 policies to promote consistency and fiscal responsibility
15 relating to payment terms authorized under this subsection.
16 The director shall adopt rules under chapter 17A relating to
17 the administration of this subsection.

18 Sec. 185. NEW SECTION. **8.85 Warrants — form.**

19 A warrant shall bear on its face the signature of the
20 director or its facsimile, or the signature of an assistant
21 or its facsimile in case of a vacancy in the office of the
22 director; a proper number, date, amount, and name of payee;
23 a reference to the law under which it is drawn; whether for
24 salaries or wages, services, or supplies, and what kind of
25 supplies; and from what office or department, or for what
26 other general or special purposes; or in lieu thereof, a
27 coding system may be used, which particulars shall be entered
28 in a warrant register kept for that purpose in the order of
29 issuance; and as soon as practicable after issuing a warrant
30 register, the director shall certify a duplicate of it to the
31 treasurer of state.

32 Sec. 186. NEW SECTION. **8.86 Required payee.**

33 All warrants shall be drawn to the order of the person
34 entitled to payment or compensation, except that when goods
35 or materials are purchased in foreign countries, warrants may

1 be drawn upon the treasurer of state, payable to the bearer
2 for the net amount of invoice and current exchange, and the
3 treasurer of state shall furnish a foreign draft payable to the
4 order of the person from whom purchase is made.

5 Sec. 187. NEW SECTION. **8.87 Prohibited payee.**

6 In no case shall warrants be drawn in the name of the
7 certifying office, department, board, or institution, or in
8 the name of an employee, except for personal service rendered
9 or expense incurred by the employee, unless express statutory
10 authority exists therefor.

11 Sec. 188. NEW SECTION. **8.88 Claims exceeding**
12 **appropriations.**

13 A claim shall not be allowed when the claim will exceed the
14 amount specifically appropriated for the claim.

15 Sec. 189. NEW SECTION. **8.89 Cancellation of state warrants.**

16 On the last business day of each month, the director shall
17 cancel and request the treasurer of state to stop payment on
18 all state warrants which have been outstanding and unredeemed
19 by the treasurer of state for six months or longer.

20 Sec. 190. Section 8.9, subsection 1, Code Supplement 2009,
21 is amended to read as follows:

22 1. The office of grants enterprise management is
23 established in the department of management. The function of
24 the office is to develop and administer a system to track,
25 identify, advocate for, and coordinate nonstate grants as
26 defined in section 8.2, subsections 1 and 3. Staffing for
27 the office of grants enterprise management shall be provided
28 by a facilitator appointed by the director of the department
29 of management. Additional staff may be hired, subject to the
30 availability of funding. Funding for the office is from the
31 appropriation to the department ~~pursuant to section 8A.505,~~
32 ~~subsection 2.~~

33 Sec. 191. Section 8.31, subsection 4, Code 2009, is amended
34 to read as follows:

35 4. The procedure to be employed in controlling the

1 expenditures and receipts of the state fair board and
2 the institutions under the state board of regents, whose
3 collections are not deposited in the state treasury, is that
4 outlined in section ~~8A.502~~ 8.72, subsection 9.

5 Sec. 192. Section 8A.102, subsection 2, Code 2009, is
6 amended to read as follows:

7 2. The person appointed as director shall be professionally
8 qualified by education and have no less than five years'
9 experience in the field of management, public or private sector
10 personnel administration including the application of merit
11 principles in employment, ~~financial management~~, and policy
12 development and implementation. The appointment shall be made
13 without regard for political affiliation. The director shall
14 not be a member of any local, state, or national committee
15 of a political party, an officer or member of a committee in
16 any partisan political club or organization, or hold or be a
17 candidate for a paid elective public office. The director is
18 subject to the restrictions on political activity provided
19 in section 8A.416. The governor shall set the salary of the
20 director within pay grade nine.

21 Sec. 193. Section 8A.103, unnumbered paragraph 1, Code
22 2009, is amended to read as follows:

23 The department is created for the purpose of managing and
24 coordinating the major resources of state government including
25 the human, ~~financial~~, physical, and information resources of
26 state government.

27 Sec. 194. Section 8A.104, subsection 12, Code 2009, is
28 amended to read as follows:

29 12. Serve as the chief information officer for the
30 state. However, the director may designate a person in the
31 department to serve in this capacity at the discretion of
32 the director. If the director designates a person to serve
33 as chief information officer, the person designated shall be
34 professionally qualified by education and have no less than
35 five years' experience in the ~~fields~~ field of information

1 technology ~~and financial management.~~

2 Sec. 195. Section 8A.111, subsection 11, Code 2009, is
3 amended by striking the subsection.

4 Sec. 196. Section 8A.204, subsection 3, paragraph b, Code
5 2009, is amended to read as follows:

6 *b.* Work with the department of management ~~and the state~~
7 ~~accounting enterprise of the department, pursuant to section~~
8 ~~8A.502,~~ to maintain the relevancy of the central budget and
9 proprietary control accounts of the general fund of the state
10 and special funds to information technology, as those terms are
11 defined in section 8.2, of state government.

12 Sec. 197. Section 8A.323, subsection 5, Code 2009, is
13 amended to read as follows:

14 5. Any fine that remains unpaid upon becoming delinquent
15 may be collected by the department pursuant to the setoff
16 procedures provided for in section ~~8A.504~~ 8.74. For purposes
17 of this subsection, a fine becomes delinquent if it has not
18 been paid within thirty days of the date of the issuance of the
19 parking citation, unless a written request for a hearing is
20 filed as provided pursuant to the rules of the department. If
21 an appeal is filed and the citation is upheld, the fine becomes
22 delinquent ten days after the issuance of the final decision on
23 the appeal or thirty-one days after the date of the issuance of
24 the parking citation, whichever is later.

25 Sec. 198. Section 11.2, subsection 1, paragraph b, Code
26 2009, is amended to read as follows:

27 *b.* Provided further, that a preliminary audit of the
28 educational institutions and the state fair board shall be made
29 periodically, at least quarterly, to check the monthly reports
30 submitted to the director of the department of administrative
31 services as required by section ~~8A.502~~ 8.72, subsection 9, and
32 that a final audit of such state agencies shall be made at the
33 close of each fiscal year.

34 Sec. 199. Section 25.2, subsection 5, Code 2009, is amended
35 to read as follows:

1 5. Outstanding state warrants that have been canceled
2 pursuant to section ~~8A.519~~ 8.89 and were charged to the general
3 fund of the state or another state funding source shall be
4 addressed as provided in section 556.2C.

5 Sec. 200. Section 96.11, subsection 16, Code 2009, is
6 amended to read as follows:

7 16. *Reimbursement of setoff costs.* The department shall
8 include in the amount set off in accordance with section
9 ~~8A.504~~ 8.74, for the collection of an overpayment created
10 pursuant to section 96.3, subsection 7, or section 96.16,
11 subsection 4, an additional amount for the reimbursement of
12 setoff costs incurred by the department of administrative
13 services.

14 Sec. 201. Section 97B.7A, subsection 5, Code 2009, is
15 amended to read as follows:

16 5. *Travel.* In the administration of the investment of
17 moneys in the retirement fund, employees of the system and
18 members of the board may travel outside the state for the
19 purpose of meeting with investment firms and consultants and
20 attending conferences and meetings to fulfill their fiduciary
21 responsibilities. This travel is not subject to section
22 ~~8A.512~~ 8.82, subsection 2.

23 Sec. 202. Section 99D.2, subsection 3, Code 2009, is amended
24 to read as follows:

25 3. "*Claimant agency*" means a state agency as defined
26 in section ~~8A.504~~ 8.74, subsection 1, or the state court
27 administrator as defined in section 602.1101.

28 Sec. 203. Section 99D.28, subsection 2, Code 2009, is
29 amended to read as follows:

30 2. The licensee is authorized and directed to withhold
31 any winnings of a debtor which are paid out directly by the
32 licensee subject to the lien created by this section and
33 provide notice of such withholding to the winner when the
34 winner appears and claims winnings in person. The licensee
35 shall pay the funds over to the collection entity which

1 administers the setoff program pursuant to section ~~8A.504~~ 8.74.

2 Sec. 204. Section 99F.1, subsection 4, Code 2009, is amended
3 to read as follows:

4 4. "*Claimant agency*" means a state agency as defined
5 in section ~~8A.504~~ 8.74, subsection 1, or the state court
6 administrator as defined in section 602.1101.

7 Sec. 205. Section 99F.19, subsection 2, Code 2009, is
8 amended to read as follows:

9 2. The licensee is authorized and directed to withhold
10 any winnings of a debtor which are paid out directly by the
11 licensee subject to the lien created by this section and
12 provide notice of such withholding to the winner when the
13 winner appears and claims winnings in person. The licensee
14 shall pay the funds over to the collection entity which
15 administers the setoff program pursuant to section ~~8A.504~~ 8.74.

16 Sec. 206. Section 99G.38, subsection 3, Code 2009, is
17 amended to read as follows:

18 3. The state of Iowa offset program, as provided in section
19 ~~8A.504~~ 8.74, shall be available to the authority to facilitate
20 receipt of funds owed to the authority.

21 Sec. 207. Section 217.34, Code 2009, is amended to read as
22 follows:

23 **217.34 Debt setoff.**

24 The investigations division of the department of inspections
25 and appeals and the department of human services shall provide
26 assistance to set off against a person's or provider's income
27 tax refund or rebate any debt which has accrued through written
28 contract, subrogation, departmental recoupment procedures,
29 or court judgment and which is in the form of a liquidated
30 sum due and owing the department of human services. The
31 department of inspections and appeals, with approval of the
32 department of human services, shall adopt rules under chapter
33 17A necessary to assist the department of ~~administrative~~
34 services management in the implementation of the setoff under
35 section ~~8A.504~~ 8.74 in regard to money owed to the state

1 for public assistance overpayments. The department of human
2 services shall adopt rules under chapter 17A necessary to
3 assist the department of ~~administrative services~~ management in
4 the implementation of the setoff under section ~~8A.504~~ 8.74, in
5 regard to collections by the child support recovery unit and
6 the foster care recovery unit.

7 Sec. 208. Section 218.58, subsection 5, Code 2009, is
8 amended to read as follows:

9 5. A claim for payment relating to a project shall be
10 itemized on a voucher form pursuant to section ~~8A.514~~ 8.84,
11 certified by the claimant and the architect or engineer
12 in charge, and audited and approved by the department of
13 ~~administrative services~~ management. Upon approval by the
14 department of ~~administrative services~~ management, the director
15 of the department of ~~administrative services~~ management shall
16 draw a warrant to be paid by the treasurer of state from funds
17 appropriated for the project. A partial payment made before
18 completion of the project does not constitute final acceptance
19 of the work or a waiver of any defect in the work.

20 Sec. 209. Section 218.85, Code 2009, is amended to read as
21 follows:

22 **218.85 Uniform system of accounts.**

23 The director of human services through the administrators
24 in control of the institutions shall install in all the
25 institutions the most modern, complete, and uniform system of
26 accounts, records, and reports possible. The system shall be
27 prescribed by the director of the department of ~~administrative~~
28 ~~services~~ management as authorized in section ~~8A.502~~ 8.72,
29 subsection 13, and, among other matters, shall clearly show
30 the detailed facts relative to the handling and uses of all
31 purchases.

32 Sec. 210. Section 234.8, Code 2009, is amended to read as
33 follows:

34 **234.8 Fees for child welfare services.**

35 The department of human services may charge a fee for

1 child welfare services to a person liable for the cost of the
2 services. The fee shall not exceed the reasonable cost of the
3 services. The fee shall be based upon the person's ability
4 to pay and consideration of the fee's impact upon the liable
5 person's family and the goals identified in the case permanency
6 plan. The department may assess the liable person for the fee
7 and the means of recovery shall include a setoff against an
8 amount owed by a state agency to the person assessed pursuant
9 to section ~~8A.504~~ 8.74. In addition the department may
10 establish an administrative process to recover the assessment
11 through automatic income withholding. The department shall
12 adopt rules pursuant to chapter 17A to implement the provisions
13 of this section. This section does not apply to court-ordered
14 services provided to juveniles which are a charge upon the
15 state pursuant to section 232.141 and services for which the
16 department has established a support obligation pursuant to
17 section 234.39.

18 Sec. 211. Section 252B.5, subsection 4, Code Supplement
19 2009, is amended to read as follows:

20 4. Assistance to set off against a debtor's income tax
21 refund or rebate any support debt, which is assigned to
22 the department of human services or which the child support
23 recovery unit is attempting to collect on behalf of any
24 individual not eligible as a public assistance recipient, which
25 has accrued through written contract, subrogation, or court
26 judgment, and which is in the form of a liquidated sum due
27 and owing for the care, support, or maintenance of a child.
28 Unless the periodic payment plan provisions for a retroactive
29 modification pursuant to section 598.21C apply, the entire
30 amount of a judgment for accrued support, notwithstanding
31 compliance with a periodic payment plan or regardless of the
32 date of entry of the judgment, is due and owing as of the date
33 of entry of the judgment and is delinquent for the purposes of
34 setoff, including for setoff against a debtor's federal income
35 tax refund or other federal nontax payment. The department

1 of human services shall adopt rules pursuant to chapter
2 17A necessary to assist the department of ~~administrative~~
3 ~~services management~~ in the implementation of the child support
4 setoff as established under section ~~8A.504~~ 8.74.

5 Sec. 212. Section 261.37, subsection 7, Code 2009, is
6 amended to read as follows:

7 7. To establish an effective system for the collection of
8 delinquent loans, including the adoption of an agreement with
9 the department of ~~administrative services management~~ to set off
10 against a defaulter's income tax refund or rebate the amount
11 that is due because of a default on a guaranteed or parental
12 loan made under this division. The commission shall adopt
13 rules under chapter 17A necessary to assist the department of
14 ~~administrative services management~~ in the implementation of
15 the student loan setoff program as established under section
16 ~~8A.504~~ 8.74. The commission shall apply administrative wage
17 garnishment procedures authorized under the federal Higher
18 Education Act of 1965, as amended and codified in 20 U.S.C.
19 § 1071 et seq., for all delinquent loans, including loans
20 authorized under section 261.38, when a defaulter who is
21 financially capable of paying fails to voluntarily enter into a
22 reasonable payment agreement. In no case shall the commission
23 garnish more than the amount authorized by federal law for
24 all loans being collected by the commission, including those
25 authorized under section 261.38.

26 Sec. 213. Section 321.11A, subsection 1, paragraph c, Code
27 2009, is amended to read as follows:

28 c. The department of ~~administrative services management~~ for
29 the purpose of administering the setoff program pursuant to
30 section ~~8A.504~~ 8.74.

31 Sec. 214. Section 321.31, subsection 1, unnumbered
32 paragraph 3, Code 2009, is amended to read as follows:

33 The director shall maintain a records system of delinquent
34 accounts owed to the state using information provided through
35 the computerized data bank established in section 421.17. The

1 department and county treasurers shall use the information
2 maintained in the records system to determine if applicants
3 for renewal of registration have delinquent accounts, charges,
4 fees, loans, taxes, or other indebtedness owed to or being
5 collected by the state as provided pursuant to section
6 ~~8A.504~~ 8.74. The director, the director of the department of
7 ~~administrative services management~~, and the director of revenue
8 shall establish procedures for updating the delinquent accounts
9 records to add and remove accounts, as applicable.

10 Sec. 215. Section 321.40, subsection 6, Code Supplement
11 2009, is amended to read as follows:

12 6. The department or the county treasurer shall refuse to
13 renew the registration of a vehicle registered to the applicant
14 if the department or the county treasurer knows that the
15 applicant has a delinquent account, charge, fee, loan, taxes,
16 or other indebtedness owed to or being collected by the state,
17 from information provided pursuant to sections ~~8A.504~~ 8.74 and
18 421.17. An applicant may contest this action by requesting a
19 contested case proceeding from the agency that referred the
20 debt for collection pursuant to section ~~8A.504~~ 8.74.

21 Sec. 216. Section 331.552, subsection 5, Code 2009, is
22 amended to read as follows:

23 5. Account for, report, and pay into the state treasury any
24 money, property, or securities received on behalf of the state
25 as provided in sections ~~8A.506 to 8A.508~~ 8.76 to 8.78.

26 Sec. 217. Section 422.12D, subsection 4, Code 2009, is
27 amended to read as follows:

28 4. The department shall adopt rules to implement this
29 section. However, before a checkoff pursuant to this section
30 shall be permitted, all liabilities on the books of the
31 department of ~~administrative services management~~ and accounts
32 identified as owing under section ~~8A.504~~ 8.74 and the political
33 contribution allowed under section 68A.601 shall be satisfied.

34 Sec. 218. Section 422.12K, subsection 2, Code Supplement
35 2009, is amended to read as follows:

1 2. The director of revenue shall draft the income tax form
2 to allow the designation of contributions to the child abuse
3 prevention program fund on the tax return. The department of
4 revenue, on or before January 31, shall transfer the total
5 amount designated on the tax return forms due in the preceding
6 calendar year to the child abuse prevention program fund.
7 However, before a checkoff pursuant to this section shall be
8 permitted, all liabilities on the books of the department of
9 ~~administrative services~~ management and accounts identified as
10 owing under section ~~8A.504~~ 8.74 and the political contribution
11 allowed under section 68A.601 shall be satisfied.

12 Sec. 219. Section 422.12L, subsection 2, Code 2009, is
13 amended to read as follows:

14 2. The director of revenue shall draft the income tax form
15 to allow the designation of contributions to the veterans trust
16 fund and to the volunteer fire fighter preparedness fund as
17 one checkoff on the tax return. The department of revenue,
18 on or before January 31, shall transfer one-half of the total
19 amount designated on the tax return forms due in the preceding
20 calendar year to the veterans trust fund and the remaining
21 one-half to the volunteer fire fighter preparedness fund.
22 However, before a checkoff pursuant to this section shall be
23 permitted, all liabilities on the books of the department of
24 ~~administrative services~~ management and accounts identified as
25 owing under section ~~8A.504~~ 8.74 and the political contribution
26 allowed under section 68A.601 shall be satisfied.

27 Sec. 220. Section 422.20, subsection 3, paragraph a, Code
28 2009, is amended to read as follows:

29 a. Unless otherwise expressly permitted by section
30 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
31 sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63,
32 and this section, a tax return, return information, or
33 investigative or audit information shall not be divulged to any
34 person or entity, other than the taxpayer, the department, or
35 internal revenue service for use in a matter unrelated to tax

1 administration.

2 Sec. 221. Section 422.72, subsection 3, paragraph a, Code
3 2009, is amended to read as follows:

4 a. Unless otherwise expressly permitted by section
5 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
6 sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63,
7 and this section, a tax return, return information, or
8 investigative or audit information shall not be divulged to any
9 person or entity, other than the taxpayer, the department, or
10 internal revenue service for use in a matter unrelated to tax
11 administration.

12 Sec. 222. Section 456A.16, unnumbered paragraph 7, Code
13 2009, is amended to read as follows:

14 The department shall adopt rules to implement this section.
15 However, before a checkoff pursuant to this section shall be
16 permitted, all liabilities on the books of the department of
17 ~~administrative services management~~ and accounts identified as
18 owing under section ~~8A.504~~ 8.74 and the political contribution
19 allowed under section 68A.601 shall be satisfied.

20 Sec. 223. Section 556.2C, subsection 1, paragraph a, Code
21 2009, is amended to read as follows:

22 a. An unpaid, outdated warrant that is canceled pursuant to
23 section ~~8A.519~~ 8.89 shall be included in a list of outstanding
24 state warrants maintained by the director of the department of
25 ~~administrative services management~~. On or before July 1 of
26 each year, the director of the department of ~~administrative~~
27 ~~services management~~ shall provide the office of the treasurer
28 of state with a consolidated list of such outstanding warrants
29 that have not been previously reported to the office.

30 Sec. 224. Section 602.8102, subsection 58A, Code 2009, is
31 amended to read as follows:

32 58A. Assist the department of ~~administrative services~~
33 ~~management~~ in setting off against debtors' income tax refunds
34 or rebates under section ~~8A.504~~ 8.74, debts which are due,
35 owing, and payable to the clerk of the district court as

1 criminal fines, civil penalties, surcharges, or court costs.

2 Sec. 225. Section 602.8107, subsection 4, paragraph a, Code
3 Supplement 2009, is amended to read as follows:

4 a. This subsection does not apply to amounts collected for
5 victim restitution, the victim compensation fund, the criminal
6 penalty surcharge, sex offender civil penalty, drug abuse
7 resistance education surcharge, the law enforcement initiative
8 surcharge, county enforcement surcharge, amounts collected as
9 a result of procedures initiated under subsection 5 or under
10 section ~~8A.504~~ 8.74, or fees charged pursuant to section 356.7.

11 Sec. 226. Section 642.2, subsection 4, Code 2009, is amended
12 to read as follows:

13 4. Notwithstanding subsections 2, 3, 6, and 7, any
14 moneys owed to the child support obligor by the state, with
15 the exception of unclaimed property held by the treasurer
16 of state pursuant to chapter 556, and payments owed to the
17 child support obligor through the Iowa public employees'
18 retirement system are subject to garnishment, attachment,
19 execution, or assignment by the child support recovery unit
20 if the child support recovery unit is providing enforcement
21 services pursuant to chapter 252B. Any moneys that are
22 determined payable by the treasurer pursuant to section 556.20,
23 subsection 2, to the child support obligor shall be subject to
24 setoff pursuant to section ~~8A.504~~ 8.74, notwithstanding any
25 administrative rule pertaining to the child support recovery
26 unit limiting the amount of the offset.

27 Sec. 227. REPEAL. Sections 8A.502, 8A.503, 8A.504, 8A.506,
28 8A.507, 8A.508, 8A.509, 8A.510, 8A.511, 8A.512, 8A.513, 8A.514,
29 8A.515, 8A.516, 8A.517, 8A.518, and 8A.519, Code 2009, are
30 repealed.

31 Sec. 228. REPEAL. Section 8A.505, Code Supplement 2009, is
32 repealed.

33 Sec. 229. DEPARTMENT OF MANAGEMENT — CENTRALIZED
34 PAYROLL SYSTEM. The department of management shall examine
35 the possibility of merging all state payroll systems into

1 the centralized payroll system operated by the department.
2 The department shall consult with those entities of state
3 government not utilizing the centralized payroll system,
4 including but not limited to the state department of
5 transportation and the state board of regents, about strategies
6 for encouraging utilization of the state's centralized payroll
7 system and by identifying those barriers preventing merging of
8 the payroll systems. The department shall provide information
9 to the joint appropriations subcommittee on administration
10 and regulation concerning efforts by the department to merge
11 payroll systems and any recommendations for legislative action
12 to encourage, or eliminate barriers to, the provision of
13 payroll services by the department to other state agencies.

14 Sec. 230. DEPARTMENT OF MANAGEMENT — PAYROLL

15 FREQUENCY. The department of management shall implement to the
16 greatest extent possible a reduction in the frequency of paying
17 state employees by paying employees through the payroll system
18 on a semimonthly instead of a biweekly basis.

19 DIVISION XIV

20 ADMINISTRATION AND REGULATION APPROPRIATIONS

21 Sec. 231. DEPARTMENT OF REVENUE — EXAMINERS. There
22 is appropriated from the general fund of the state to the
23 department of revenue for the fiscal year beginning July 1,
24 2010, and ending June 30, 2011, the following amount, or so
25 much thereof as is necessary, to be used for the purposes
26 designated:

27 For salaries, support, maintenance, miscellaneous purposes,
28 and for not more than the following full-time equivalent
29 positions:

30	\$	325,000
31	FTEs	5.00

32 The moneys appropriated in this section shall be utilized by
33 the department to hire five additional examiners.

34 Sec. 232. DEPARTMENT OF MANAGEMENT — GRANTS ENTERPRISE
35 MANAGEMENT. There is appropriated from the general fund of

1 the state to the department of management for the fiscal year
2 beginning July 1, 2010, and ending June 30, 2011, the following
3 amount, or so much thereof as is necessary, to be used for the
4 purposes designated:

5 For the office of grants enterprise management, including
6 salaries, support, maintenance, miscellaneous purposes, and for
7 not more than the following full-time equivalent position:

8	\$	50,000
9	FTEs	1.00

10 The moneys appropriated in this section shall be used by
11 the department of management to create and fill an additional
12 position in the office of grants enterprise management.

13 DIVISION XV

14 ELIMINATION OF STATE ENTITIES

15 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF AGRICULTURE AND
16 LAND STEWARDSHIP

17 Sec. 233. Section 159.20, subsection 1, paragraph j, Code
18 Supplement 2009, is amended to read as follows:

19 *j.* Assist the office of renewable fuels and coproducts
20 ~~and the renewable fuels and coproducts advisory committee~~ in
21 administering the provisions of chapter 159A.

22 Sec. 234. Section 159A.1, subsection 3, Code 2009, is
23 amended to read as follows:

24 3. This state adopts a policy of enhancing agricultural
25 production by encouraging the development and use of fuels and
26 coproducts derived from agricultural commodities, as provided
27 in this chapter, including rules adopted by the office of
28 renewable fuels and coproducts ~~and the renewable fuels and~~
29 ~~coproducts advisory committee.~~

30 Sec. 235. Section 159A.2, subsection 2, Code 2009, is
31 amended by striking the subsection.

32 Sec. 236. Section 159A.3, subsection 2, paragraph h, Code
33 Supplement 2009, is amended by striking the paragraph.

34 Sec. 237. Section 159A.3, subsection 2, paragraph i, Code
35 Supplement 2009, is amended by striking the paragraph.

1 Sec. 238. Section 159A.3, subsection 4, Code Supplement
2 2009, is amended to read as follows:

3 4. The office and state entities, including the department,
4 ~~the committee,~~ the Iowa department of economic development,
5 the state department of transportation, the office of energy
6 independence, and the state board of regents institutions,
7 shall cooperate to implement this section.

8 Sec. 239. Section 159A.6, Code Supplement 2009, is amended
9 to read as follows:

10 **159A.6 Education, promotion, and advertising.**

11 1. The office shall ~~support~~ do all of the following:

12 a. Support education regarding, and promotion and
13 advertising of, renewable fuels and coproducts. The office
14 shall consult with the Iowa corn growers association and the
15 Iowa soybean association.

16 ~~2. b. The office shall promote~~ Promote the advantages
17 related to the use of renewable fuels as an alternative to
18 nonrenewable fuels. Promotions shall be designed to inform the
19 ultimate consumer of advantages associated with using renewable
20 fuels, and emphasize the benefits to the natural environment.
21 The promotion shall inform consumers at the businesses of
22 retail dealers of motor vehicle fuels.

23 ~~3. c. The committee shall develop~~ Develop standards for
24 decals required pursuant to section 214A.16, which shall be
25 designed to promote the advantages of using renewable fuels.
26 The standards may be incorporated within a model decal adopted
27 ~~by the committee and approved~~ by the office.

28 ~~4. d. The office shall promote~~ Promote the advantages
29 related to the use of coproducts derived from the production
30 of renewable fuels, including the use of coproducts used as
31 livestock feed or meal. Promotions shall be designed to
32 inform the potential purchasers of the advantages associated
33 with using coproducts. The office shall promote advantages
34 associated with using coproducts of ethanol production as
35 livestock feed or meal to cattle producers in this state.

1 ~~5.~~ 2. The office may contract to provide all or part of
2 ~~these~~ the services described in subsection 1.

3 Sec. 240. Section 159A.7, subsection 2, Code Supplement
4 2009, is amended to read as follows:

5 2. Moneys in the fund shall be used only to carry out
6 the provisions of this section and sections 159A.3, ~~159A.4,~~
7 ~~159A.5,~~ 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

8 Sec. 241. Section 190C.1, subsection 2, Code 2009, is
9 amended by striking the subsection.

10 Sec. 242. Section 190C.2B, subsection 1, Code 2009, is
11 amended to read as follows:

12 1. The department shall implement and administer the
13 provisions of this chapter for agricultural products that have
14 been produced and handled within this state using organic
15 methods as provided in this chapter. ~~The department may~~
16 ~~consult with the council in implementing and administering this~~
17 ~~chapter.~~ The department may certify agricultural products that
18 have been produced and handled outside this state using an
19 organic method as provided in this chapter.

20 Sec. 243. Section 190C.3, subsection 2, Code 2009, is
21 amended to read as follows:

22 2. The department may request assistance from ~~the council~~
23 ~~as provided in section 190C.2A or from one or more regional~~
24 organic associations as provided in section 190C.6.

25 Sec. 244. Section 214A.1, subsection 7, Code 2009, is
26 amended by striking the subsection.

27 Sec. 245. Section 214A.1, Code 2009, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 17A. "*Office*" means the office of renewable
30 fuels and coproducts created pursuant to section 159A.3.

31 Sec. 246. Section 214A.2, subsection 1, Code Supplement
32 2009, is amended to read as follows:

33 1. The department shall adopt rules pursuant to chapter
34 17A for carrying out this chapter. The rules may include, but
35 are not limited to, specifications relating to motor fuel,

1 including but not limited to renewable fuel such as ethanol
2 blended gasoline, biodiesel, biodiesel blended fuel, and
3 motor fuel components such as an oxygenate. In the interest
4 of uniformity, the department shall adopt by reference other
5 specifications relating to tests and standards for motor fuel
6 including renewable fuel and motor fuel components, established
7 by the United States environmental protection agency and
8 A.S.T.M. international. ~~In adopting standards for a renewable
9 fuel, the department shall consult with the committee.~~

10 Sec. 247. Section 422.11N, subsection 4, paragraph b,
11 unnumbered paragraph 2, Code 2009, is amended to read as
12 follows:

13 If the governor finds that exigent circumstances exist, the
14 governor may reduce the applicable biofuel threshold percentage
15 by replacing it with an adjusted biofuel threshold percentage.
16 The governor shall consult with the department of revenue
17 and the office of renewable fuels and coproducts advisory
18 ~~committee established~~ pursuant to section ~~159A.4~~ 159A.3.
19 The governor shall make the adjustment by giving notice of
20 intent to issue a proclamation which shall take effect not
21 earlier than thirty-five days after publication in the Iowa
22 administrative bulletin of a notice to issue the proclamation.
23 The governor shall provide a period of notice and comment in
24 the same manner as provided in section 17A.4, subsection 1.
25 The adjusted biofuel threshold percentage shall be effective
26 for the following determination period.

27 Sec. 248. Section 469.3, subsection 2, paragraph m, Code
28 Supplement 2009, is amended to read as follows:

29 *m.* Coordinate with other state agencies regarding
30 implementation of the office of renewable fuels and coproducts
31 pursuant to section 159A.3, ~~serve on the renewable fuels
32 and coproducts advisory committee,~~ and assist in providing
33 technical assistance to new or existing renewable fuel
34 production facilities.

35 Sec. 249. REPEAL. Section 159A.4, Code Supplement 2009, is

1 repealed.

2 Sec. 250. REPEAL. Sections 159A.5, 190C.2, and 190C.2A,
3 Code 2009, are repealed.

4 DIVISION XVI

5 ELIMINATION OF STATE ENTITIES

6 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES'

7 CONTROL OF THE NATURAL HABITAT

8 Sec. 251. 2008 Iowa Acts, chapter 1080, section 1,
9 subsection 6, is amended to read as follows:

10 6. This section is repealed on ~~July 1, 2010~~ the effective
11 date of this section of this division of this Act.

12 Sec. 252. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
13 is repealed.

14 Sec. 253. EFFECTIVE UPON ENACTMENT. The following
15 provisions of this division of this Act, being deemed of
16 immediate importance, take effect upon enactment:

17 The section of this Act amending 2008 Iowa Acts, chapter
18 1080, section 1, concerning the sustainable natural resource
19 funding advisory committee.

20 The sections of this Act repealing 2009 Iowa Acts, chapter
21 144, section 49, establishing an upland game bird study
22 advisory committee.

23 DIVISION XVII

24 ELIMINATION OF STATE ENTITIES

25 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES —

26 IOWA CLIMATE CHANGE ADVISORY COUNCIL

27 Sec. 254. Section 455B.851, subsections 1 through 8, Code
28 2009, are amended by striking the subsections.

29 Sec. 255. Section 455B.851, subsection 9, Code 2009, is
30 amended to read as follows:

31 9. By September 1 of each year, the department shall submit
32 a report to the governor and the general assembly regarding
33 the greenhouse gas emissions in the state during the previous
34 calendar year and forecasting trends in such emissions. ~~The~~
35 ~~first submission by the department shall be filed by September~~

1 ~~1, 2008, for the calendar year beginning January 1, 2007.~~

2 Sec. 256. Section 473.7, subsection 12, paragraph b, Code
3 Supplement 2009, is amended to read as follows:

4 ~~b. In the course of the review, the institutions shall meet~~
5 ~~at least twice with the Iowa climate change advisory council~~
6 ~~established in section 455B.851.~~ The office shall submit a
7 report, based upon input from the institutions, containing
8 its findings and recommendations to the governor and general
9 assembly by January 1, 2011.

10 Sec. 257. EFFECTIVE UPON ENACTMENT. This division of this
11 Act, being deemed of immediate importance, takes effect upon
12 enactment.

13 DIVISION XVIII

14 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND

15 STORAGE TANK FUND BOARD

16 Sec. 258. Section 15G.201, subsection 10, Code 2009, is
17 amended by striking the subsection.

18 Sec. 259. Section 15G.202, subsection 6, Code 2009, is
19 amended to read as follows:

20 6. The infrastructure board shall meet with ~~three~~
21 ~~or more members of the underground storage tank fund~~
22 ~~board who shall represent the underground storage tank~~
23 ~~fund board~~ the department of natural resources. The
24 ~~representatives~~ department of natural resources shall
25 be available to advise the infrastructure board when the
26 infrastructure board makes decisions regarding the awarding
27 of financial incentives to a person under a renewable fuel
28 infrastructure program provided in section 15G.203 or 15G.204.

29 Sec. 260. Section 15G.203, subsection 2, Code Supplement
30 2009, is amended to read as follows:

31 2. A person may apply to the department of economic
32 development to receive financial incentives on a cost-share
33 basis. The department of economic development shall forward
34 the applications to the ~~underground storage tank fund~~
35 ~~board~~ department of natural resources as required by ~~that~~

1 ~~board~~ the department of natural resources for evaluation
2 and recommendation. The ~~underground storage tank fund~~
3 ~~board~~ department of natural resources may rank the applications
4 with comments and shall forward them to the infrastructure
5 board for approval or disapproval. The department of economic
6 development shall award financial incentives on a cost-share
7 basis to an eligible person whose application was approved by
8 the infrastructure board.

9 Sec. 261. Section 15G.204, subsection 1, Code 2009, is
10 amended to read as follows:

11 1. A person may apply to the department of economic
12 development to receive financial incentives on a cost-share
13 basis. The department of economic development shall forward
14 the applications to the ~~underground storage tank fund~~
15 ~~board~~ department of natural resources as required by ~~that~~
16 ~~board~~ the department of natural resources for evaluation
17 and recommendation. The ~~underground storage tank fund~~
18 ~~board~~ department of natural resources may rank the applications
19 with comments and shall forward them to the infrastructure
20 board for approval or disapproval. The department of economic
21 development shall award financial incentives on a cost-share
22 basis to an eligible person whose application was approved by
23 the infrastructure board.

24 Sec. 262. Section 16.1, subsection 1, paragraph ad,
25 subparagraph (12), Code Supplement 2009, is amended by striking
26 the subparagraph.

27 Sec. 263. Section 68B.35, subsection 2, paragraph e, Code
28 Supplement 2009, is amended to read as follows:

29 e. Members of the state banking council, the ethics and
30 campaign disclosure board, the credit union review board, the
31 economic development board, the employment appeal board, the
32 environmental protection commission, the health facilities
33 council, the Iowa finance authority, the Iowa public employees'
34 retirement system investment board, the board of the Iowa
35 lottery authority, the natural resource commission, the

1 board of parole, ~~the petroleum underground storage tank~~
2 ~~fund board~~, the public employment relations board, the state
3 racing and gaming commission, the state board of regents,
4 the tax review board, the transportation commission, the
5 office of consumer advocate, the utilities board, the Iowa
6 telecommunications and technology commission, and any full-time
7 members of other boards and commissions as defined under
8 section 7E.4 who receive an annual salary for their service
9 on the board or commission. The Iowa ethics and campaign
10 disclosure board shall conduct an annual review to determine
11 if members of any other board, commission, or authority should
12 file a statement and shall require the filing of a statement
13 pursuant to rules adopted pursuant to chapter 17A.

14 Sec. 264. Section 424.1, subsections 3 through 5, Code 2009,
15 are amended to read as follows:

16 3. The director of revenue shall enter into a contract or
17 agreement with the ~~board~~ department of natural resources to
18 provide assistance requested by the ~~board~~ department of natural
19 resources. Policy issues arising under this chapter or chapter
20 455G shall be determined by the ~~board~~ department of natural
21 resources, and the ~~board~~ department of natural resources shall
22 be joined as a real party in interest when a policy issue is
23 raised.

24 4. The ~~board~~ environmental protection commission shall
25 retain rulemaking authority, but may contract with the
26 department of revenue for assistance in drafting rules. The
27 ~~board~~ commission shall retain contested case jurisdiction over
28 any challenge to the diminution rate or cost factor. The
29 department of revenue shall conduct all other contested cases
30 and be responsible for other agency action in connection with
31 the environmental protection charge imposed under this chapter.

32 5. The ~~board~~ department of natural resources shall
33 reimburse the department of revenue by contract for the
34 reasonable cost of administration of the environmental
35 protection charge imposed under this chapter and for other

1 duties delegated to the department of revenue or to the
2 director of revenue by the ~~board~~ department of natural
3 resources.

4 Sec. 265. Section 424.2, subsection 1, Code 2009, is amended
5 by striking the subsection.

6 Sec. 266. Section 424.3, subsection 5, Code Supplement
7 2009, is amended to read as follows:

8 5. The cost factor is an amount per gallon of
9 diminution determined by the ~~board~~ department of natural
10 resources pursuant to this subsection. The ~~board~~ department
11 of natural resources, after public hearing, shall determine,
12 or shall adjust, the cost factor to the greater of either an
13 amount reasonably calculated to generate an annual average
14 revenue, year to year, of seventeen million dollars from the
15 charge, excluding penalties and interest, or ten dollars. The
16 ~~board~~ department of natural resources may determine or adjust
17 the cost factor at any time but shall at minimum determine the
18 cost factor at least once each fiscal year.

19 Sec. 267. Section 424.5, subsections 1 and 5, Code 2009, are
20 amended to read as follows:

21 1. It is unlawful for any person to deposit petroleum into
22 a tank in this state, unless a depositor permit has been issued
23 to that person under this section. A depositor shall file with
24 the department an application for a permit. An application
25 for a permit shall be made upon a form prescribed by the
26 ~~board~~ department of natural resources and shall set forth the
27 name under which the applicant transacts or intends to transact
28 business, the location or locations of the applicant's place
29 of business, and any other information as the ~~board~~ department
30 of natural resources may require. The application shall
31 be signed by the owner if a natural person; in the case of
32 an association or partnership, by a member or partner; in
33 the case of a corporation, by an executive officer or some
34 person specifically authorized by the corporation to sign the
35 application, to which shall be attached the written evidence of

1 the person's authority.

2 5. If the holder of a permit fails to comply with any
3 of the provisions of this chapter or any order or rule of
4 the department, ~~or~~ rule of the environmental protection
5 commission, or order of the ~~board~~ department of natural
6 resources pursuant to this chapter, or is substantially
7 delinquent in the payment of a tax or charge administered by
8 the department or the interest or penalty on the tax or charge,
9 the director may revoke the permit.

10 Sec. 268. Section 424.6, subsection 1, unnumbered paragraph
11 2, Code 2009, is amended to read as follows:

12 The department shall permit a credit against the charge due
13 from a person operating an eligible underground bulk storage
14 facility equal to the total volume of petroleum transferred or
15 sold from a tank in bulk quantities and delivered to a person
16 for deposit in a tank which is exempt, deferred, or excluded
17 pursuant to this subsection, multiplied by the diminution rate
18 multiplied by the cost factor, subject to rules adopted by the
19 ~~board~~ environmental protection commission. "*Bulk quantities*" as
20 used in this paragraph means at least a portion of a standard
21 tanker truck load. "*Eligible underground bulk storage facility*"
22 means an underground bulk storage facility in operation on or
23 before January 1, 1990.

24 Sec. 269. Section 424.6, subsection 6, Code 2009, is amended
25 to read as follows:

26 6. The ~~board~~ department of natural resources may waive
27 the requirement for an exemption certificate for one or more
28 classes of exempt, deferred, or excluded tanks, if in the
29 ~~board's~~ department of natural resources' judgment an exemption
30 certificate is not required for effective and efficient
31 collection of the charge. If an exemption certificate is not
32 required for a class pursuant to this subsection, the depositor
33 shall maintain and file such records and information as may be
34 required by the director regarding deposits into a tank subject
35 to the waiver.

1 Sec. 270. Section 424.11, subsection 1, paragraph b, Code
2 Supplement 2009, is amended to read as follows:

3 *b.* The environmental protection charge lien shall attach at
4 the time the charge becomes due and payable and shall continue
5 for ten years from the time the lien attaches unless sooner
6 released or otherwise discharged. The lien may be extended,
7 within ten years from the date the lien attaches, by filing
8 for record a notice with the appropriate county official of
9 the appropriate county and from the time of such filing, the
10 lien shall be extended to the property in such county for ten
11 years, unless sooner released or otherwise discharged, with no
12 limit on the number of extensions. The director shall charge
13 off any account whose lien is allowed to lapse and may charge
14 off any account and release the corresponding lien before the
15 lien has lapsed if the director determines under uniform rules
16 adopted by the ~~board~~ environmental protection commission that
17 the account is uncollectible or collection costs involved would
18 not warrant collection of the amount due.

19 Sec. 271. Section 424.15, unnumbered paragraph 2, Code
20 2009, is amended to read as follows:

21 Refunds may be made only from the unallocated or uncommitted
22 moneys in the road use tax fund, and are limited by the
23 total amount budgeted by the ~~board~~ department of natural
24 resources for charge refunds.

25 Sec. 272. Section 424.16, subsections 1 and 2, Code
26 Supplement 2009, are amended to read as follows:

27 1. *a.* The ~~board~~ department of natural resources shall
28 notify each person who has previously filed an environmental
29 protection charge return, and any other person known to the
30 ~~board~~ department of natural resources who will owe the charge
31 at any address obtainable for that person, at least thirty days
32 in advance of the start of any calendar quarter during which an
33 administrative change in the cost factor, pursuant to section
34 424.3, subsection 5, becomes effective.

35 *b.* Notice shall be provided by mailing a notice of the

1 change to the address listed on the person's last return.
2 The mailing of the notice is presumptive evidence of the
3 receipt of the notice by the person to whom addressed. The
4 ~~board~~ department of natural resources shall also publish the
5 same notice at least twice in a paper of general circulation
6 within the state at least thirty days in advance of the first
7 day of the calendar quarter during which a change in paragraph
8 "a" becomes effective.

9 2. A notice authorized or required under this section may
10 be given by mailing the notice to the person for whom it is
11 intended, addressed to that person at the address given in the
12 last return filed by the person pursuant to this chapter, or if
13 no return has been filed, then to any address obtainable. The
14 mailing of the notice is presumptive evidence of the receipt
15 of the notice by the person to whom addressed. Any period
16 of time which is determined according to this chapter by the
17 giving of notice commences to run from the date of mailing of
18 the notice. Neither mailed notice or notice by publication
19 is required for the initial determination and imposition of
20 the charge. The ~~board~~ department of natural resources shall
21 undertake to provide reasonable notice of the environmental
22 protection charge and procedures, as in the ~~board's~~ department
23 of natural resources' sole discretion it deems appropriate,
24 provided that the actual charge and procedures are published in
25 the Iowa administrative bulletin prior to the effective date
26 of the charge.

27 Sec. 273. Section 427B.20, subsection 1, paragraph a, Code
28 Supplement 2009, is amended to read as follows:

29 a. *"Actual portion of the costs paid by the owner or operator*
30 *of an underground storage tank in connection with a remedial*
31 *action for which the Iowa comprehensive petroleum underground*
32 *storage tank fund shares in the cost of corrective action"* means
33 the amount determined by the ~~fund's board~~ department of natural
34 resources, or the ~~board's~~ designee of the department of natural
35 resources, as the administrator of the Iowa comprehensive

1 petroleum underground storage tank fund, and for which the
2 owner or operator was not reimbursed from any other source.

3 Sec. 274. Section 455B.471, subsection 1, Code 2009, is
4 amended by striking the subsection.

5 Sec. 275. Section 455B.474, subsection 1, paragraph f,
6 subparagraphs (9) and (10), Code Supplement 2009, are amended
7 to read as follows:

8 (9) Replacement or upgrade of a tank on a site classified
9 as a high or low risk site shall be equipped with a secondary
10 containment system with monitoring of the space between
11 the primary and secondary containment structures or other
12 ~~board~~ department approved tank system or methodology.

13 (10) The commission ~~and the board~~ shall ~~cooperate to~~ ensure
14 that remedial measures required by the corrective action
15 rules adopted pursuant to this paragraph are reasonably
16 cost-effective and shall, to the fullest extent possible, avoid
17 duplicating and conflicting requirements.

18 Sec. 276. Section 455B.474, subsection 9, paragraph d, Code
19 Supplement 2009, is amended to read as follows:

20 *d.* The certification of groundwater professionals shall not
21 impose liability on ~~the board~~, the department, or the fund for
22 any claim or cause of action of any nature, based on the action
23 or inaction of a groundwater professional certified pursuant
24 to this subsection.

25 Sec. 277. Section 455B.477, subsection 7, Code 2009, is
26 amended to read as follows:

27 7. The civil penalties or other damages or moneys recovered
28 by the state or the petroleum underground storage tank fund
29 in connection with a petroleum underground storage tank under
30 this part of this division or chapter 455G shall be credited to
31 the fund created in section 455G.3 and allocated between fund
32 accounts according to the fund budget. Any federal moneys,
33 including but not limited to federal underground storage tank
34 trust fund moneys, received by the state or the department of
35 natural resources in connection with a release occurring on

1 or after May 5, 1989, or received generally for underground
2 storage tank programs on or after May 5, 1989, shall be
3 credited to the fund created in section 455G.3 and allocated
4 between fund accounts according to the fund budget, unless
5 such use would be contrary to federal law. ~~The department~~
6 ~~shall cooperate with the board of the Iowa comprehensive~~
7 ~~petroleum underground storage tank fund to maximize the state's~~
8 ~~eligibility for and receipt of federal funds for underground~~
9 ~~storage tank related purposes.~~

10 Sec. 278. Section 455G.1, subsection 2, paragraph c, Code
11 Supplement 2009, is amended to read as follows:

12 c. If and when federal law changes, the ~~department~~
13 ~~of natural resources~~ commission shall adopt by rule
14 such additional requirements, exemptions, deferrals, or
15 exclusions as required by federal law. It is expected that
16 certain classes of tanks currently exempted or excluded by
17 federal regulation will be regulated by the United States
18 environmental protection agency in the future. A tank
19 which is not required by federal law to maintain proof of
20 financial responsibility shall not be subject to ~~department~~
21 ~~of natural resources~~ commission rules on proof of financial
22 responsibility.

23 Sec. 279. Section 455G.2, subsection 1, Code 2009, is
24 amended by striking the subsection.

25 Sec. 280. Section 455G.2, subsections 2, 5, 6, and 12, Code
26 2009, are amended to read as follows:

27 2. ~~"Board" means the Iowa comprehensive petroleum~~
28 ~~underground storage tank fund board.~~

29 5. "Community remediation" means a program of coordinated
30 testing, planning, or remediation, involving two or more tank
31 sites potentially connected with a continuous contaminated
32 area, pursuant to rules adopted by the ~~board~~ commission. A
33 community remediation does not expand the scope of coverage
34 otherwise available or relieve liability otherwise imposed
35 under state or federal law.

1 6. "*Corrective action*" means an action taken to minimize,
2 eliminate, or clean up a release to protect the public
3 health and welfare or the environment. Corrective action
4 includes, but is not limited to, excavation of an underground
5 storage tank for the purposes of repairing a leak or removal
6 of a tank, removal of contaminated soil, and cleansing of
7 groundwaters or surface waters. Corrective action does
8 not include replacement of an underground storage tank or
9 other capital improvements to the tank. Corrective action
10 specifically excludes third-party liability. Corrective action
11 includes the expenses incurred to prepare a site cleanup report
12 for approval by the department of ~~natural resources~~ detailing
13 the planned response to a release or suspected release, but not
14 necessarily all actions proposed to be taken by a site cleanup
15 report.

16 12. "*Insurance*" includes any form of financial assistance
17 or showing of financial responsibility sufficient to comply
18 with the federal Resource Conservation and Recovery Act or the
19 ~~Iowa department of natural resources'~~ department's underground
20 storage tank financial responsibility rules.

21 Sec. 281. Section 455G.2, subsection 3, Code 2009, is
22 amended to read as follows:

23 3. "*Bond*" means a bond, note, or other obligation issued by
24 the ~~authority~~ treasurer of state for the fund and the purposes
25 of this chapter.

26 Sec. 282. Section 455G.2, Code 2009, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 4A. "*Commission*" means the environmental
29 protection commission created pursuant to section 455A.6.

30 NEW SUBSECTION. 6A. "*Department*" means the department of
31 natural resources created pursuant to section 455A.2.

32 Sec. 283. Section 455G.3, subsections 1, 2, and 5, Code
33 2009, are amended to read as follows:

34 1. The Iowa comprehensive petroleum underground storage
35 tank fund is created as a separate fund in the state treasury,

1 and any funds remaining in the fund at the end of each fiscal
 2 year shall not revert to the general fund but shall remain
 3 in the Iowa comprehensive petroleum underground storage tank
 4 fund. Interest or other income earned by the fund shall
 5 be deposited in the fund. The fund shall include moneys
 6 credited to the fund under this section, section 321.145,
 7 subsection 2, paragraph "a", and sections 455G.8 and 455G.9,
 8 and section 455G.11, Code 2003, and other funds which by
 9 law may be credited to the fund. The moneys in the fund are
 10 appropriated to and for the purposes of the ~~board~~ department as
 11 provided in this chapter. Amounts in the fund shall not be
 12 subject to appropriation for any other purpose by the general
 13 assembly, but shall be used only for the purposes set forth
 14 in this chapter. The ~~treasurer of state~~ department shall act
 15 as custodian of the fund and disburse amounts contained in
 16 it as directed by the ~~board~~ department including automatic
 17 disbursements of funds as received pursuant to the terms of
 18 bond indentures and documents and security provisions to
 19 trustees and custodians. The ~~treasurer of state~~ department is
 20 authorized to invest the funds deposited in the fund at
 21 the direction of the ~~board~~ department and subject to any
 22 limitations contained in any applicable bond proceedings.
 23 The income from such investment shall be credited to and
 24 deposited in the fund. The fund shall be administered by
 25 the ~~board~~ department which shall make expenditures from the
 26 fund consistent with the purposes of the programs set out in
 27 this chapter without further appropriation. The fund may be
 28 divided into different accounts with different depositories as
 29 determined by the ~~board~~ department and to fulfill the purposes
 30 of this chapter.

31 2. The ~~board~~ department shall assist Iowa's owners and
 32 operators of petroleum underground storage tanks in complying
 33 with federal environmental protection agency technical and
 34 financial responsibility regulations by establishment of the
 35 Iowa comprehensive petroleum underground storage tank fund.

1 The ~~authority~~ treasurer of state may issue its bonds, or series
2 of bonds, to assist the ~~board~~ department, as provided in this
3 chapter.

4 5. For purposes of payment of refunds of the environmental
5 protection charge under section 424.15 by the department
6 of revenue, the ~~treasurer of state~~ department of natural
7 resources shall allocate to the department of administrative
8 services the total amount budgeted by the ~~fund's~~
9 ~~board~~ department of natural resources for environmental
10 protection charge refunds. Any unused funds shall be remitted
11 to the ~~treasurer of state~~ department of natural resources.

12 Sec. 284. Section 455G.4, Code Supplement 2009, is amended
13 to read as follows:

14 **455G.4 ~~Governing board~~ Duties.**

15 ~~1. *Members of the board.*~~

16 ~~a. The Iowa comprehensive petroleum underground storage tank~~
17 ~~fund board is established consisting of the following members:~~

18 ~~(1) The director of the department of natural resources, or~~
19 ~~the director's designee.~~

20 ~~(2) The treasurer of state, or the treasurer's designee.~~

21 ~~(3) The commissioner of insurance, or the commissioner's~~
22 ~~designee.~~

23 ~~(4) Two public members appointed by the governor and~~
24 ~~confirmed by the senate to staggered four-year terms, except~~
25 ~~that, of the first members appointed, one public member shall~~
26 ~~be appointed for a term of two years and one for a term of four~~
27 ~~years. A public member shall have experience, knowledge, and~~
28 ~~expertise of the subject matter embraced within this chapter.~~
29 ~~Two public members shall be appointed with experience in~~
30 ~~either, or both, financial markets or insurance.~~

31 ~~(5) Two owners or operators appointed by the governor.~~

32 ~~One of the owners or operators appointed pursuant to this~~
33 ~~subparagraph shall have been a petroleum systems insured~~
34 ~~through the underground storage tank insurance fund as it~~
35 ~~existed on June 30, 2004, or a successor to the underground~~

1 ~~storage tank insurance fund and shall have been an insured~~
2 ~~through the insurance account of the comprehensive petroleum~~
3 ~~underground storage tank fund on or before October 26, 1990.~~
4 ~~One of the owners or operators appointed pursuant to this~~
5 ~~subparagraph shall be self-insured.~~

6 ~~(6) The director of the legislative services agency, or~~
7 ~~the director's designee. The director under this subparagraph~~
8 ~~shall not participate as a voting member of the board.~~

9 ~~b. A public member appointed pursuant to paragraph "a",~~
10 ~~subparagraph (4), shall not have a conflict of interest. For~~
11 ~~purposes of this section, a "conflict of interest" means an~~
12 ~~affiliation, within the twelve months before the member's~~
13 ~~appointment, with the regulated tank community, or with a~~
14 ~~person or property and casualty insurer offering competitive~~
15 ~~insurance or other means of financial assurance or which~~
16 ~~previously offered environmental hazard insurance for a member~~
17 ~~of the regulated tank community.~~

18 ~~c. The filling of positions reserved for public~~
19 ~~representatives, vacancies, membership terms, payment of~~
20 ~~compensation and expenses, and removal of members are governed~~
21 ~~by chapter 69. Members of the board are entitled to receive~~
22 ~~reimbursement of actual expenses incurred in the discharge of~~
23 ~~their duties within the limits of funds appropriated to the~~
24 ~~board or made available to the fund. Each member of the board~~
25 ~~may also be eligible to receive compensation as provided in~~
26 ~~section 7E.6. The members shall elect a voting chairperson of~~
27 ~~the board from among the members of the board.~~

28 ~~2. Department cooperation with board. The director of~~
29 ~~the department of natural resources shall cooperate with the~~
30 ~~board in the implementation of this part so as to minimize~~
31 ~~unnecessary duplication of effort, reporting, or paperwork and~~
32 ~~maximize environmental protection.~~

33 ~~3. Rules and emergency rules.~~

34 ~~1. a. The board commission shall adopt rules regarding~~
35 ~~its practice and procedures, develop underwriting standards,~~

1 establish procedures for investigating and settling claims made
2 against the fund, and otherwise implement and administer this
3 chapter.

4 *b.* Rules necessary for the implementation and collection of
5 the environmental protection charge shall be adopted.

6 *c.* Rules to facilitate and encourage the use of community
7 remediation whenever possible shall be adopted.

8 *d.* The ~~board~~ commission shall adopt rules relating to
9 appeal procedures which shall require ~~the administrator to~~
10 ~~deliver~~ notice of appeal to be delivered to the affected
11 parties within fifteen days of receipt of notice, require
12 that the hearing be held within one hundred eighty days of
13 the filing of the petition unless good cause is shown for
14 the delay, and require that a final decision be issued no
15 later than one hundred twenty days following the close of the
16 hearing. The time restrictions in this paragraph may be waived
17 by mutual agreement of the parties.

18 ~~4. Public bid.~~

19 2. All contracts entered into by the ~~board~~ department,
20 including contracts relating to community remediation, shall be
21 awarded on a competitive basis to the maximum extent practical.
22 In those situations where it is determined that public
23 bidding is not practical, the basis for the determination of
24 impracticability shall be documented by the ~~board~~ department or
25 its designee. ~~This subsection applies only to contracts~~
26 ~~entered into on or after July 1, 1992.~~

27 ~~5. Contract approval.~~

28 3. a. The ~~board~~ commission shall approve any contract
29 entered into pursuant to this chapter if the cost of the
30 contract exceeds seventy-five thousand dollars.

31 *b.* A listing of all contracts entered into pursuant to this
32 chapter shall be presented at each ~~board~~ commission meeting
33 and shall be made available to the public. The listing shall
34 state the interested parties to the contract, the amount of the
35 contract, and the subject matter of the contract.

1 c. The ~~board~~ commission shall be required to review and
2 approve or disapprove the ~~administrator's~~ department's failure
3 to approve a contract under section 455G.12A. Review by the
4 ~~board~~ commission shall not be required for cancellation or
5 replacement of a contract for a site included in a community
6 remediation project or when an emergency situation exists.

7 ~~6.—Reporting.~~

8 4. Beginning July 2003, the ~~board~~ department shall submit
9 a written report quarterly to the legislative council, the
10 chairperson and ranking member of the committee on environment
11 and energy independence in the senate, and the chairperson
12 and ranking member of the committee on environmental
13 protection in the house of representatives regarding changes
14 in the status of the program including but not limited to
15 the number of open claims by claim type; the number of new
16 claims submitted and the eligibility status of each claim;
17 a summary of the risk classification of open claims; the
18 status of all claims at high-risk sites including the number
19 of corrective action design reports submitted, approved, and
20 implemented during the reporting period; total moneys reserved
21 on open claims and total moneys paid on open claims; and a
22 summary of budgets approved and invoices paid for high-risk
23 site activities including a breakdown by corrective action
24 design report, construction and equipment, implementation,
25 operation and maintenance, monitoring, over excavation, free
26 product recovery, site reclassification, reporting and other
27 expenses, or a similar breakdown. In each report submitted
28 by the ~~board~~ department, the ~~board~~ department shall include
29 an estimated timeline to complete corrective action at all
30 currently eligible high-risk sites where a corrective action
31 design report has been submitted by a claimant and approved
32 during the reporting period. The timeline shall include the
33 projected year when a no further action designation will be
34 obtained based upon the corrective action activities approved
35 or anticipated at each claimant site. The timeline shall be

1 broken down in annual increments with the number or percentage
2 of sites projected to be completed for each time period. The
3 report shall identify and report steps taken to expedite
4 corrective action and eliminate the state's liability for open
5 claims.

6 Sec. 285. Section 455G.5, Code 2009, is amended to read as
7 follows:

8 **455G.5 Independent contractors to be retained by**
9 **board department.**

10 ~~The board shall administer the fund. A contract entered~~
11 ~~into on or after July 1, 1992, to retain a person to act as the~~
12 ~~administrator of the fund shall be subject to public bid. All~~
13 ~~other contracts to retain a person under this section shall be~~
14 ~~in compliance with the public bidding requirements of section~~
15 ~~455G.4, subsection 4.~~

16 The board department may enter into a contract or an
17 agreement authorized under chapter 28E with a private agency
18 or person, ~~the department of natural resources, the Iowa~~
19 ~~finance authority,~~ the department of administrative services,
20 the department of revenue, other departments, agencies, or
21 governmental subdivisions of this state, another state, or
22 the United States, in connection with its administration and
23 implementation of this chapter or chapter 424 or 455B.

24 The board department may reimburse a contractor, public
25 or private, retained pursuant to this section for expenses
26 incurred in the execution of a contract or agreement.
27 Reimbursable expenses include, by way of example, but not
28 exclusion, the costs of collecting the environmental protection
29 charge or administering specific delegated duties or powers of
30 the board department.

31 Sec. 286. Section 455G.6, unnumbered paragraph 1, Code
32 Supplement 2009, is amended to read as follows:

33 In administering the fund, the board department has all of
34 the general powers reasonably necessary and convenient to carry
35 out its purposes and duties and may do any of the following,

1 subject to express limitations contained in this chapter:

2 Sec. 287. Section 455G.6, subsections 1, 7, 8, 9, 10, 12,
3 15, 16, and 17, Code Supplement 2009, are amended to read as
4 follows:

5 1. Guarantee secured and unsecured loans, and enter into
6 agreements for corrective action, acquisition and construction
7 of tank improvements, and provide for the insurance program.
8 The loan guarantees may be made to a person or entity owning
9 or operating a tank. The ~~board~~ department may take any action
10 which is reasonable and lawful to protect its security and to
11 avoid losses from its loan guarantees.

12 7. The ~~board~~ department may contract with the
13 authority treasurer of state for the authority treasurer of
14 state to issue bonds and do all things necessary with respect
15 to the purposes of the fund, as set out in the contract between
16 the ~~board~~ department and the authority treasurer of state.
17 The ~~board~~ department may delegate to the authority treasurer
18 of state and the authority treasurer of state shall then
19 have all of the powers of the ~~board~~ department which are
20 necessary to issue and secure bonds and carry out the
21 purposes of the fund, to the extent provided in the contract
22 between the ~~board~~ department and the authority treasurer
23 of state. The authority treasurer of state may issue the
24 authority's treasurer of state's bonds in principal amounts
25 which, in the opinion of the ~~board~~ department, are necessary to
26 provide sufficient funds for the fund, the payment of interest
27 on the bonds, the establishment of reserves to secure the
28 bonds, the costs of issuance of the bonds, other expenditures
29 of the authority treasurer of state incident to and necessary
30 or convenient to carry out the bond issue for the fund, and
31 all other expenditures of the ~~board~~ department necessary or
32 convenient to administer the fund. The bonds are investment
33 securities and negotiable instruments within the meaning of and
34 for purposes of the uniform commercial code, chapter 554.
35 8. Bonds issued under this section are payable solely

1 and only out of the moneys, assets, or revenues of the fund,
2 all of which may be deposited with trustees or depositories
3 in accordance with bond or security documents and pledged
4 by the ~~board~~ department to the payment thereof, and are not
5 an indebtedness of this state ~~or the authority~~, or a charge
6 against the general credit or general fund of the state ~~or the~~
7 ~~authority~~, and the state shall not be liable for any financial
8 undertakings with respect to the fund. Bonds issued under
9 this chapter shall contain on their face a statement that the
10 bonds do not constitute an indebtedness of the state ~~or the~~
11 ~~authority~~.

12 9. The proceeds of bonds issued by the authority treasurer
13 of state and not required for immediate disbursement may be
14 deposited with a trustee or depository as provided in the
15 bond documents and invested in any investment approved by
16 the authority treasurer of state and specified in the trust
17 indenture, resolution, or other instrument pursuant to which
18 the bonds are issued without regard to any limitation otherwise
19 provided by law.

20 10. The bonds shall be:

21 a. In a form, issued in denominations, executed in a manner,
22 and payable over terms and with rights of redemption, and be
23 subject to such other terms and conditions as prescribed in the
24 trust indenture, resolution, or other instrument authorizing
25 their issuance.

26 b. Negotiable instruments under the laws of the state and
27 may be sold at prices, at public or private sale, and in a
28 manner, as prescribed by the authority treasurer of state.
29 Chapters 73A, 74, 74A and 75 do not apply to their sale or
30 issuance of the bonds.

31 c. Subject to the terms, conditions, and covenants providing
32 for the payment of the principal, redemption premiums, if
33 any, interest, and other terms, conditions, covenants, and
34 protective provisions safeguarding payment, not inconsistent
35 with this chapter and as determined by the trust indenture,

1 resolution, or other instrument authorizing their issuance.

2 12. Bonds must be authorized by a trust indenture,
3 resolution, or other instrument of the ~~authority~~ treasurer of
4 state, approved by the ~~board~~ department. However, a trust
5 indenture, resolution, or other instrument authorizing the
6 issuance of bonds may delegate to an officer of the issuer the
7 power to negotiate and fix the details of an issue of bonds.

8 15. *a.* Subject to the terms of any bond documents, moneys
9 in the fund or fund accounts may be expended for ~~administration~~
10 ~~expenses~~, civil penalties, moneys paid under an agreement,
11 stipulation, or settlement, for the costs associated with sites
12 within a community remediation project, for costs related to
13 contracts entered into with a state agency or university, costs
14 for activities relating to litigation, or for the costs of any
15 other activities as the ~~board~~ department may determine are
16 necessary and convenient to facilitate compliance with and
17 to implement the intent of federal laws and regulations and
18 this chapter. ~~For purposes of this chapter, administration~~
19 ~~expenses include expenses incurred by the underground storage~~
20 ~~tank section of the department of natural resources in relation~~
21 ~~to tanks regulated under this chapter.~~ Moneys in the fund
22 or fund accounts shall not be expended by the department for
23 administrative expenses.

24 *b.* The authority granted under this subsection which allows
25 the ~~board~~ department to expend fund moneys on an activity
26 the ~~board~~ department determines is necessary and convenient
27 to facilitate compliance with and to implement the intent of
28 federal laws and regulations and this chapter, shall only be
29 used in accordance with the following:

30 (1) Prior ~~board~~ department approval shall be required
31 before expenditure of moneys pursuant to this authority shall
32 be made.

33 (2) If the expenditure of fund moneys pursuant to this
34 authority would result in the ~~board~~ department establishing
35 a policy which would substantially affect the operation

1 of the program, rules shall be adopted by the
2 commission pursuant to chapter 17A prior to the ~~board~~
3 ~~or the administrator~~ department taking any action pursuant to
4 this proposed policy.

5 16. The ~~board shall cooperate with the~~ department of
6 ~~natural resources,~~ in the implementation and administration
7 of this chapter ~~to,~~ shall assure that in combination with
8 existing state statutes and rules governing underground storage
9 tanks, the state will be, and continue to be, recognized by
10 the federal government as having an "*approved state account*"
11 under the federal Resource Conservation and Recovery Act,
12 especially by compliance with the Act's subtitle I financial
13 responsibility requirements as enacted in the federal Superfund
14 Amendments and Reauthorization Act of 1986 and the financial
15 responsibility regulations adopted by the United States
16 environmental protection agency at 40 C.F.R. pts. 280 and 281.
17 Whenever possible this chapter shall be interpreted to further
18 the purposes of, and to comply, and not to conflict, with such
19 federal requirements.

20 17. The ~~board~~ commission may adopt rules pursuant to
21 chapter 17A providing for the transfer of all or a portion
22 of the liabilities of the ~~board~~ department under this
23 chapter. Notwithstanding other provisions to the contrary,
24 the ~~board~~ department, upon such transfer, shall not maintain
25 any duty to reimburse claimants under this chapter for those
26 liabilities transferred.

27 Sec. 288. Section 455G.7, Code Supplement 2009, is amended
28 to read as follows:

29 **455G.7 Security for bonds — capital reserve fund —**
30 **irrevocable contracts.**

31 1. For the purpose of securing one or more issues of
32 bonds for the fund, the ~~authority~~ treasurer of state, with
33 the approval of the ~~board~~ department, may authorize the
34 establishment of one or more special funds, called "*capital*
35 *reserve funds*". The ~~authority~~ treasurer of state may pay

1 into the capital reserve funds the proceeds of the sale of
2 its bonds and other money which may be made available to
3 the authority treasurer of state from other sources for the
4 purposes of the capital reserve funds. Except as provided in
5 this section, money in a capital reserve fund shall be used
6 only as required for any of the following:

- 7 a. The payment of the principal of and interest on bonds or
8 of the sinking fund payments with respect to those bonds.
- 9 b. The purchase or redemption of the bonds.
- 10 c. The payment of a redemption premium required to be paid
11 when the bonds are redeemed before maturity.

12 However, money in a capital reserve fund shall not be
13 withdrawn if the withdrawal would reduce the amount in the
14 capital reserve fund to less than the capital reserve fund
15 requirement, except for the purpose of making payment, when
16 due, of principal, interest, redemption premiums on the bonds,
17 and making sinking fund payments when other money pledged to
18 the payment of the bonds is not available for the payments.
19 Income or interest earned by, or increment to, a capital
20 reserve fund from the investment of all or part of the capital
21 reserve fund may be transferred by the authority treasurer of
22 state to other accounts of the fund if the transfer does not
23 reduce the amount of the capital reserve fund below the capital
24 reserve fund requirement.

25 2. If the authority treasurer of state decides to issue
26 bonds secured by a capital reserve fund, the bonds shall not be
27 issued if the amount in the capital reserve fund is less than
28 the capital reserve fund requirement, unless at the time of
29 issuance of the bonds the authority treasurer of state deposits
30 in the capital reserve fund from the proceeds of the bonds to
31 be issued or from other sources, an amount which, together with
32 the amount then in the capital reserve fund, is not less than
33 the capital reserve fund requirement.

34 3. In computing the amount of a capital reserve fund for the
35 purpose of this section, securities in which all or a portion

1 of the capital reserve fund is invested shall be valued by a
2 reasonable method established by the authority treasurer of
3 state. Valuation shall include the amount of interest earned
4 or accrued as of the date of valuation.

5 4. In this section, "*capital reserve fund requirement*" means
6 the amount required to be on deposit in the capital reserve
7 fund as of the date of computation.

8 5. To assure maintenance of the capital reserve funds,
9 the authority treasurer of state shall, on or before July 1
10 of each calendar year, make and deliver to the governor the
11 authority's treasurer of state's certificate stating the sum,
12 if any, required to restore each capital reserve fund to the
13 capital reserve fund requirement for that fund. Within thirty
14 days after the beginning of the session of the general assembly
15 next following the delivery of the certificate, the governor
16 may submit to both houses printed copies of a budget including
17 the sum, if any, required to restore each capital reserve fund
18 to the capital reserve fund requirement for that fund. Any
19 sums appropriated by the general assembly and paid to the
20 authority treasurer of state pursuant to this section shall be
21 deposited in the applicable capital reserve fund.

22 6. All amounts paid by the state pursuant to this section
23 shall be considered advances by the state and, subject to the
24 rights of the holders of any bonds of the authority treasurer
25 of state that have previously been issued or will be issued,
26 shall be repaid to the state without interest from all
27 available revenues of the fund in excess of amounts required
28 for the payment of bonds of the authority treasurer of state,
29 the capital reserve fund, and operating expenses.

30 7. If any amount deposited in a capital reserve fund is
31 withdrawn for payment of principal, premium, or interest on
32 the bonds or sinking fund payments with respect to bonds
33 thus reducing the amount of that fund to less than the
34 capital reserve fund requirement, the authority treasurer of
35 state shall immediately notify the governor and the general

1 assembly of this event and shall take steps to restore the
2 capital reserve fund to the capital reserve fund requirement
3 for that fund from any amounts designated as being available
4 for such purpose.

5 Sec. 289. Section 455G.8, unnumbered paragraph 1, Code
6 2009, is amended to read as follows:

7 Revenue for the fund shall include, but is not limited
8 to, the following, which shall be deposited with the
9 board department or its designee as provided by any bond or
10 security documents and credited to the fund:

11 Sec. 290. Section 455G.8, subsection 2, Code 2009, is
12 amended to read as follows:

13 2. *Statutory allocations fund.* The moneys credited from the
14 statutory allocations fund under section 321.145, subsection
15 2, paragraph "a", shall be allocated, consistent with this
16 chapter, among the fund's accounts, for debt service and other
17 fund expenses, according to the fund budget, resolution, trust
18 agreement, or other instrument prepared or entered into by
19 the board department or authority treasurer of state under
20 direction of the board department.

21 Sec. 291. Section 455G.9, subsection 1, paragraph a,
22 subparagraph (1), unnumbered paragraph 1, Code 2009, is amended
23 to read as follows:

24 Corrective action for an eligible release reported to the
25 department of ~~natural resources~~ on or after July 1, 1987, but
26 prior to May 5, 1989. Third-party liability is specifically
27 excluded from remedial account coverage. For a claim for a
28 release under this subparagraph, the remedial program shall pay
29 in accordance with subsection 4. For a release to be eligible
30 for coverage under this subparagraph the following conditions
31 must be satisfied:

32 Sec. 292. Section 455G.9, subsection 1, paragraph a,
33 subparagraph (1), subparagraph division (c), Code 2009, is
34 amended to read as follows:

35 (c) The claim for coverage pursuant to this subparagraph

1 must have been filed with the ~~board~~ department prior to January
2 31, 1990, except that cities and counties must have filed their
3 claim ~~with the board~~ by September 1, 1990.

4 Sec. 293. Section 455G.9, subsection 1, paragraph a,
5 subparagraph (1), subparagraph division (d), Code 2009, is
6 amended to read as follows:

7 (d) The owner or operator at the time the release was
8 reported to the department ~~of natural resources~~ must have been
9 in compliance with then current monitoring requirements, if
10 any, or must have been in the process of compliance efforts
11 with anticipated requirements, including installation of
12 monitoring devices, a new tank, tank improvements or retrofit,
13 or any combination.

14 Sec. 294. Section 455G.9, subsection 1, paragraph a,
15 subparagraph (2), Code 2009, is amended to read as follows:

16 (2) Corrective action, up to one million dollars total,
17 and subject to prioritization rules as established pursuant to
18 section 455G.12A, for a release reported to the department ~~of~~
19 ~~natural resources~~ after May 5, 1989, and on or before October
20 26, 1990. Third-party liability is specifically excluded
21 from remedial account coverage. Corrective action coverage
22 provided pursuant to this paragraph may be aggregated with
23 other financial assurance mechanisms as permitted by federal
24 law to satisfy required aggregate and per occurrence limits
25 of financial responsibility for both corrective action and
26 third-party liability, if the owner's or operator's effective
27 financial responsibility compliance date is prior to October
28 26, 1990. School districts who reported a release to the
29 department ~~of natural resources~~ prior to December 1, 1990,
30 shall have until July 1, 1991, to report a claim ~~to the~~
31 ~~board~~ for remedial coverage under this subparagraph.

32 Sec. 295. Section 455G.9, subsection 1, paragraph a,
33 subparagraph (3), unnumbered paragraph 1, Code 2009, is amended
34 to read as follows:

35 Corrective action for an eligible release reported to

1 the department of ~~natural resources~~ on or after January 1,
2 1984, but prior to July 1, 1987. Third-party liability is
3 specifically excluded from remedial account coverage. For
4 a claim for a release under this subparagraph, the remedial
5 program shall pay in accordance with subsection 4. For a
6 release to be eligible for coverage under this subparagraph the
7 following conditions must be satisfied:

8 Sec. 296. Section 455G.9, subsection 1, paragraph a,
9 subparagraph (3), subparagraph division (d), Code 2009, is
10 amended to read as follows:

11 (d) The claim for coverage pursuant to this subparagraph
12 must have been filed ~~with the board~~ prior to September 1, 1990.

13 Sec. 297. Section 455G.9, subsection 1, paragraph a,
14 subparagraph (3), subparagraph division (e), Code 2009, is
15 amended to read as follows:

16 (e) The owner or operator at the time the release was
17 reported to the department of ~~natural resources~~ must have been
18 in compliance with then current monitoring requirements, if
19 any, or must have been in the process of compliance efforts
20 with anticipated requirements, including installation of
21 monitoring devices, a new tank, tank improvements or retrofit,
22 or any combination.

23 Sec. 298. Section 455G.9, subsection 1, paragraph a,
24 subparagraph (4), Code 2009, is amended to read as follows:

25 (4) One hundred percent of the costs of corrective
26 action for a release reported to the department of ~~natural~~
27 ~~resources~~ on or before July 1, 1991, if the owner or operator
28 is not a governmental entity and is a not-for-profit
29 organization exempt from federal income taxation under section
30 501(c)(3) of the Internal Revenue Code with a net annual income
31 of twenty-five thousand dollars or less for the year 1990, and
32 if the tank which is the subject of the corrective action is a
33 registered tank and is under one thousand one hundred gallons
34 capacity.

35 Sec. 299. Section 455G.9, subsection 1, paragraphs b, c, e,

1 and f, Code 2009, are amended to read as follows:

2 *b.* Corrective action and third-party liability for a
3 release discovered on or after January 24, 1989, for which a
4 responsible owner or operator able to pay cannot be found and
5 for which the federal underground storage tank trust fund or
6 other federal moneys do not provide coverage. For the purposes
7 of this section property shall not be deeded or quitclaimed
8 to the state or ~~board~~ department in lieu of cleanup.

9 Additionally, the ability to pay shall be determined after a
10 claim has been filed. The ~~board~~ department is not liable for
11 any cost where either the responsible owner or operator, or
12 both, have a net worth greater than fifteen thousand dollars,
13 or where the responsible party can be determined. Third-party
14 liability specifically excludes any claim, cause of action,
15 or suit, for personal injury including, but not limited
16 to, loss of use or of private enjoyment, mental anguish,
17 false imprisonment, wrongful entry or eviction, humiliation,
18 discrimination, or malicious prosecution.

19 *c.* Corrective action and third-party liability for a tank
20 owned or operated by a financial institution eligible to
21 participate in the remedial account under section 455G.16 if
22 the prior owner or operator is unable to pay, if so authorized
23 by the ~~board~~ department as part of a condition or incentive
24 for financial institution participation in the fund pursuant
25 to section 455G.16. Third-party liability specifically
26 excludes any claim, cause of action, or suit, for personal
27 injury including, but not limited to, loss of use or of
28 private enjoyment, mental anguish, false imprisonment, wrongful
29 entry or eviction, humiliation, discrimination, or malicious
30 prosecution.

31 *e.* Corrective action for a release reported to the
32 department of ~~natural resources~~ after May 5, 1989, and on
33 or before October 26, 1990, in connection with a tank owned
34 or operated by a state agency or department which elects to
35 participate in the remedial account pursuant to this paragraph.

1 A state agency or department which does not receive a standing
2 unlimited appropriation which may be used to pay for the
3 costs of a corrective action may opt, with the approval of
4 the ~~board~~ department, to participate in the remedial account.
5 As a condition of opting to participate in the remedial
6 account, the agency or department shall pay all registration
7 fees, storage tank management fees, environmental protection
8 charges, and all other charges and fees upon all tanks owned
9 or operated by the agency or department in the same manner
10 as if the agency or department were a person required to
11 maintain financial responsibility. Once an agency has opted
12 to participate in the remedial program, it cannot opt out,
13 and shall continue to pay all charges and fees upon all tanks
14 owned or operated by the agency or department so long as the
15 charges or fees are imposed on similarly situated tanks of a
16 person required to maintain financial responsibility. The
17 ~~board~~ commission shall by rule adopted pursuant to chapter
18 17A provide the terms and conditions for a state agency or
19 department to opt to participate in the remedial account. A
20 state agency or department which opts to participate in the
21 remedial account shall be subject to the minimum copayment
22 schedule of subsection 4, as if the state agency or department
23 were a person required to maintain financial responsibility.

24 *f.* One hundred percent of the costs up to twenty thousand
25 dollars incurred by the ~~board~~ department under section
26 455G.12A, subsection 2, unnumbered paragraph 2, for site
27 cleanup reports. Costs of a site cleanup report which
28 exceed twenty thousand dollars shall be considered a cost of
29 corrective action and the amount shall be included in the
30 calculations for corrective action cost copayments under
31 subsection 4. The ~~board~~ department shall have the discretion
32 to authorize a site cleanup report payment in excess of twenty
33 thousand dollars if the site is participating in community
34 remediation.

35 Sec. 300. Section 455G.9, subsection 1, paragraph g,

1 subparagraph (4), Code 2009, is amended to read as follows:

2 (4) The release was reported ~~to the board~~ by October 26,
3 1991.

4 Sec. 301. Section 455G.9, subsection 1, paragraphs i, k, and
5 l, Code 2009, are amended to read as follows:

6 *i.* Notwithstanding section 455G.1, subsection 2, corrective
7 action, for a release which was tested prior to October 26,
8 1990, and for which the site was issued a no-further-action
9 letter by the department ~~of natural resources~~ and which was
10 later determined, due to sale of the property or removal of a
11 nonoperating tank, to require remediation which was reported
12 ~~to the administrator~~ by October 26, 1992, in an amount as
13 specified in subsection 4. In order to qualify for benefits
14 under this paragraph, the applicant must not have operated a
15 tank on the property during the period of time for which the
16 applicant owned the property and the applicant must not be a
17 financial institution.

18 *k.* ~~Pursuant to an agreement between the board and the~~
19 ~~department of natural resources, assessment~~ Assessment and
20 corrective action arising out of releases at sites for which
21 a no further action certificate has been issued pursuant to
22 section 455B.474, when the department determines that an
23 unreasonable risk to public health and safety may still exist.
24 ~~At a minimum, the agreement shall address eligible costs,~~
25 ~~contracting for services, and conditions under which sites may~~
26 ~~be reevaluated.~~

27 *l.* Costs for the permanent closure of an underground storage
28 tank system that was in place on the date an eligible claim
29 was submitted under paragraph "a". Reimbursement is limited
30 to costs approved by the ~~board~~ department prior to the closure
31 activities.

32 Sec. 302. Section 455G.9, subsections 2, 3, 5, 7, and 10,
33 Code 2009, are amended to read as follows:

34 2. *Remedial account funding.* The remedial account
35 shall be funded by that portion of the proceeds of the use

1 tax imposed under chapter 423, subchapter III, and other
2 moneys and revenues budgeted to the remedial account by the
3 ~~board~~ department.

4 3. *Trust fund to be established.* When the remedial account
5 has accumulated sufficient capital to provide dependable
6 income to cover the expenses of expected future releases or
7 expected future losses for which no responsible owner is
8 available, the excess capital shall be transferred to a trust
9 fund administered by the ~~board~~ department and created for that
10 purpose.

11 5. *Recovery of gain on sale of property.* If an owner
12 or operator ceases to own or operate a tank site for which
13 remedial account benefits were received within ten years of
14 the receipt of any account benefit and sells or transfers a
15 property interest in the tank site for an amount which exceeds
16 one hundred twenty percent of the precorrective action value,
17 adjusted for equipment and capital improvements, the owner or
18 operator shall refund to the remedial account an amount equal
19 to ninety percent of the amount in excess of one hundred twenty
20 percent of the precorrective action value up to a maximum of
21 the expenses incurred by the remedial account associated with
22 the tank site plus interest, equal to the interest for the
23 most recent twelve-month period for the most recent bond issue
24 for the fund, on the expenses incurred, compounded annually.
25 An owner or operator under this subsection shall notify the
26 ~~board~~ department of the sale or transfer of the property
27 interest in the tank site. Expenses incurred by the fund are a
28 lien upon the property recordable and collectible in the same
29 manner as the lien provided for in section 424.11 at the time
30 of sale or transfer, subject to the terms of this section.

31 This subsection shall not apply if the sale or transfer
32 is pursuant to a power of eminent domain, or benefits. When
33 federal cleanup funds are recovered, the funds are to be
34 deposited to the remedial account of the fund and used solely
35 for the purpose of future cleanup activities.

1 7. *Expenses of cleanup not required.* When an owner or
2 operator who is eligible for benefits under this chapter is
3 allowed by the department ~~of natural resources~~ to monitor in
4 place, the expenses incurred for cleanup beyond the level
5 required by the department ~~of natural resources~~ are not covered
6 under any of the accounts established under the fund. The
7 cleanup expenses incurred for work completed beyond what is
8 required is the responsibility of the person contracting for
9 the excess cleanup.

10 10. *Expenses incurred by governmental subdivisions.* The
11 ~~board~~ commission may adopt rules for reimbursement for
12 reasonable expenses incurred by a governmental subdivision
13 for treating, handling, or disposing, as required by the
14 department, of petroleum-contaminated soil and groundwater
15 encountered in a public right-of-way during installation,
16 maintenance, or repair of a public improvement. The
17 ~~board~~ department may seek full recovery from a responsible
18 party liable for the release for such expenses and for
19 all other costs and reasonable attorney fees and costs of
20 litigation for which moneys are expended by the fund. Any
21 expense described in this subsection incurred by the fund
22 constitutes a lien upon the property from which the release
23 occurred. A lien shall be recorded and an expense shall be
24 collected in the same manner as provided in section 424.11.

25 Sec. 303. Section 455G.12, Code 2009, is amended to read as
26 follows:

27 **455G.12 Board Commission authority for prioritization.**

28 If the ~~board~~ commission determines that, within the realm
29 of sound business judgment and practice, prioritization of
30 assistance is necessary in light of funds available for loan
31 guarantees or insurance coverage, the ~~board~~ commission may
32 develop rules for assistance or coverage prioritization based
33 upon adherence or planned adherence of the owner or operator
34 to higher than minimum environmental protection and safety
35 compliance considerations.

1 Prior to the adoption of prioritization rules, the
2 ~~board~~ commission shall at minimum review the following issues:

3 1. The positive environmental impact of assistance
4 prioritization.

5 2. The economic feasibility, including the availability of
6 private financing, for an owner or operator to obtain priority
7 status.

8 3. Any negative impact on Iowa's rural petroleum
9 distribution network which could result from prioritization.

10 4. Any similar prioritization systems in use by the private
11 financing or insurance markets in this state, including terms,
12 conditions, or exclusions.

13 5. The intent of this chapter that the ~~board~~ commission
14 shall maximize the availability of reasonably priced,
15 financially sound insurance coverage or loan guarantee
16 assistance.

17 Sec. 304. Section 455G.12A, Code 2009, is amended to read
18 as follows:

19 **455G.12A Cost containment authority.**

20 1. *Validity of contracts.* A contract in which one of the
21 parties to the contract is an owner or operator of a petroleum
22 underground storage tank, for goods or services which may be
23 payable or reimbursable from the fund, is invalid unless and
24 until the ~~administrator~~ department has approved the contract
25 as fair and equitable to the tank owner or operator, and found
26 that the contract terms are within the range of usual and
27 customary rates for similar or equivalent goods or services
28 within the state, and found that the goods or services are
29 necessary for the owner or operator to comply with fund or
30 regulatory standards. An owner or operator may appoint the
31 ~~administrator~~ department as an agent for the purposes of
32 negotiating contracts with suppliers of goods or services
33 compensable by the fund. The ~~administrator~~ department may
34 select another contractor for goods or services other than
35 the one offered by the owner or operator, if the scope of the

1 proposed work or actual work of the offered contractor does not
2 reflect the quality of workmanship required, or the costs are
3 determined to be excessive.

4 2. *Contract approval.* In the course of review and
5 approval of a contract pursuant to this section, the
6 ~~administrator~~ department may require an owner or operator
7 to obtain and submit three bids, provided that the
8 ~~administrator~~ department coordinates bid submission with the
9 department. The ~~administrator~~ department may require specific
10 terms and conditions in a contract subject to approval.

11 The ~~board~~ department shall have authority to contract for
12 site cleanup reports. The ~~board's~~ department's responsibility
13 for site cleanup reports is limited to those site cleanup
14 reports subject to approval by the department ~~of natural~~
15 ~~resources~~ and required in connection with the remediation of a
16 release which is eligible for benefits under section 455G.9.
17 The site cleanup report shall address existing and available
18 remedial technologies and the costs associated with the use
19 of each technology. The ~~board~~ department shall not have the
20 authority to affect a contract which has been given written
21 approval under this section.

22 3. *Exclusive contracts.* The ~~administrator~~ department may
23 enter into a contract or an exclusive contract with the
24 supplier of goods or services required by a class of tank
25 owners or operators in connection with an expense payable or
26 reimbursable from the fund, to supply a specified good or
27 service for a gross maximum price, fixed rate, on an exclusive
28 basis, or subject to another contract term or condition
29 reasonably calculated to obtain goods or services for the
30 fund or for tank owners and operators at a reasonable cost.
31 A contract may provide for direct payment from the fund to a
32 supplier.

33 The ~~administrator~~ department may retain, ~~subject to board~~
34 ~~approval,~~ an independent person to assist in the review of work
35 required in connection with a release or tank system for which

1 fund benefits are sought, and to establish prevailing cost of
2 goods and services needed. Nothing in this section is intended
3 to preempt the regulatory authority of the department.

4 4. *Prior approval by ~~administrator~~ department.* Unless
5 emergency conditions exist, a contractor performing services
6 pursuant to this section shall have the budget for the
7 work approved by the ~~administrator~~ department prior to
8 commencement of the work. No expense incurred which
9 is above the budgeted amount shall be paid unless the
10 ~~administrator~~ department approves such expense prior to its
11 being incurred. All invoices or bills shall be submitted
12 with appropriate documentation as deemed necessary by the
13 ~~board~~ department, no later than thirty days after the work has
14 been performed. Neither the ~~board~~ department nor an owner or
15 operator is responsible for payment for work incurred which has
16 not been previously approved by the ~~board~~ department.

17 Sec. 305. Section 455G.13, subsection 1, Code 2009, is
18 amended to read as follows:

19 1. *Full recovery sought from owner.* The ~~board~~ department
20 shall seek full recovery from the owner, operator, or other
21 potentially responsible party liable for the released petroleum
22 which is the subject of a corrective action, for which the fund
23 expends moneys for corrective action or third-party liability,
24 and for all other costs, including reasonable attorney fees and
25 costs of litigation for which moneys are expended by the fund
26 in connection with the release. When federal cleanup funds
27 are recovered, the funds are to be deposited to the remedial
28 account of the fund and used solely for the purpose of future
29 cleanup activities.

30 Sec. 306. Section 455G.13, subsection 2, paragraph a, Code
31 2009, is amended to read as follows:

32 a. ~~The board or the department of natural resources shall~~
33 not seek recovery for expenses in connection with corrective
34 action for a release from an owner or operator eligible for
35 assistance under the remedial account except for any unpaid

1 portion of the deductible or copayment. This section does
2 not affect any authorization of the department ~~of natural~~
3 ~~resources~~ to impose or collect civil or administrative fines
4 or penalties or fees. The remedial account shall not be held
5 liable for any third-party liability.

6 Sec. 307. Section 455G.13, subsection 3, Code 2009, is
7 amended to read as follows:

8 3. *Owner or operator not in compliance, subject to full*
9 *and total cost recovery.* Notwithstanding subsection 2, the
10 liability of an owner or operator shall be the full and total
11 costs of corrective action and bodily injury or property damage
12 to third parties, as specified in subsection 1, if the owner
13 or operator has not complied with the financial responsibility
14 or other underground storage tank ~~rules~~ requirements of the
15 ~~department of natural resources or with~~ this chapter and rules
16 adopted under this chapter.

17 Sec. 308. Section 455G.13, subsection 4, paragraph a, Code
18 2009, is amended to read as follows:

19 a. Failed, without sufficient cause, to respond to a release
20 of petroleum from the tank upon, or in accordance with, a
21 notice issued by the director of the department ~~of natural~~
22 ~~resources~~.

23 Sec. 309. Section 455G.13, subsections 5, 6, 8, 9, 10, and
24 12, Code 2009, are amended to read as follows:

25 5. *Lien on tank site.* Any amount for which an owner or
26 operator is liable to the fund, if not paid when due, by
27 statute, rule, or contract, or determination of liability by
28 the ~~board or~~ department ~~of natural resources~~ after hearing,
29 shall constitute a lien upon the real property where the tank,
30 which was the subject of corrective action, is situated, and
31 the liability shall be collected in the same manner as the
32 environmental protection charge pursuant to section 424.11.

33 6. *Joinder of parties.* The department ~~of natural~~
34 ~~resources~~ has standing in any case or contested action related
35 to the fund or a tank to assert any claim that the department

1 may have regarding the tank at issue in the case or contested
2 action, upon motion and sufficient showing by a party to a cost
3 recovery or subrogation action provided for under this section,
4 the court or the administrative law judge shall join to the
5 action any potentially responsible party who may be liable for
6 costs and expenditures of the type recoverable pursuant to this
7 section.

8 8. *Third-party contracts not binding on ~~board~~ department,*
9 *proceedings against responsible party.* An insurance,
10 indemnification, hold harmless, conveyance, or similar
11 risk-sharing or risk-shifting agreement shall not be effective
12 to transfer any liability for costs recoverable under
13 this section. The fund, ~~board,~~ or department of ~~natural~~
14 ~~resources~~ may proceed directly against the owner or operator or
15 other allegedly responsible party. This section does not bar
16 any agreement to insure, hold harmless, or indemnify a party to
17 the agreement for any costs or expenditures under this chapter,
18 and does not modify rights between the parties to an agreement,
19 except to the extent the agreement shifts liability to an
20 owner or operator eligible for assistance under the remedial
21 account for any damages or other expenses in connection with
22 a corrective action for which another potentially responsible
23 party is or may be liable. Any such provision is null and void
24 and of no force or effect.

25 9. *Later proceedings permitted against other parties.* The
26 entry of judgment against a party to the action does not bar
27 a future action by the ~~board or the~~ department of ~~natural~~
28 ~~resources~~ against another person who is later alleged to be
29 or discovered to be liable for costs and expenditures paid by
30 the fund. Notwithstanding section 668.5 no other potentially
31 responsible party may seek contribution or any other recovery
32 from an owner or operator eligible for assistance under the
33 remedial account for damages or other expenses in connection
34 with corrective action for a release for which the potentially
35 responsible party is or may be liable. Subsequent successful

1 proceedings against another party shall not modify or reduce
2 the liability of a party against whom judgment has been
3 previously entered.

4 10. *Claims against potentially responsible parties.* Upon
5 payment by the fund for corrective action or third-party
6 liability pursuant to this chapter, the rights of the claimant
7 to recover payment from any potentially responsible party, are
8 assumed by the ~~board~~ department to the extent paid by the fund.
9 A claimant is precluded from receiving double compensation for
10 the same injury.

11 In an action brought pursuant to this chapter seeking
12 damages for corrective action or third-party liability, the
13 court shall permit evidence and argument as to the replacement
14 or indemnification of actual economic losses incurred or to be
15 incurred in the future by the claimant by reason of insurance
16 benefits, governmental benefits or programs, or from any other
17 source.

18 A claimant may elect to permit the ~~board~~ department to pursue
19 the claimant's cause of action for any injury not compensated
20 by the fund against any potentially responsible party, provided
21 the attorney general determines such representation would
22 not be a conflict of interest. If a claimant so elects, the
23 ~~board's~~ department's litigation expenses shall be shared on a
24 pro rata basis with the claimant, but the claimant's share of
25 litigation expenses is payable exclusively from any share of
26 the settlement or judgment payable to the claimant.

27 12. *Recovery or subrogation — installers and*
28 *inspectors.* Notwithstanding any other provision contained in
29 this chapter, the ~~board~~ department or a person insured under
30 the underground storage tank insurance fund established in
31 section 455G.11, Code 2003, has no right of recovery or right
32 of subrogation against an installer or an inspector who was
33 insured by the underground storage tank insurance fund for the
34 tank giving rise to the liability other than for recovery of
35 any deductibles paid.

1 Sec. 310. Section 455G.16, unnumbered paragraph 1, Code
2 2009, is amended to read as follows:

3 The ~~board~~ department may impose conditions on the
4 participation of a financial institution in the fund.
5 Conditions shall be reasonably intended to increase the
6 quantity of private capital available for loans to tank owners
7 or operators who are small businesses within the meaning of
8 section 455G.2. Additionally, the ~~board~~ department may offer
9 incentives to financial institutions meeting conditions imposed
10 by the ~~board~~ department. Incentives may include extended
11 fund coverage of corrective action or third-party liability
12 expenses, waiver of copayment or deductible requirements, or
13 other benefits not offered to other participants, if reasonably
14 intended to increase the quantity of private capital available
15 for loans by an amount greater than the increased costs of the
16 incentives to the fund.

17 Sec. 311. Section 455G.20, Code 2009, is amended to read as
18 follows:

19 **455G.20 Final approval.**

20 Notwithstanding any other provision to the contrary, the
21 department of ~~natural resources~~ shall have final approval for a
22 determination as to when remediation shall begin on a site.

23 Sec. 312. Section 455G.21, subsection 1, Code 2009, is
24 amended to read as follows:

25 1. A marketability fund is created as a separate fund in
26 the state treasury under the control of the ~~board~~ department.
27 The ~~board~~ department shall administer the marketability
28 fund. Notwithstanding section 8.33, moneys remaining in
29 the marketability fund at the end of each fiscal year shall
30 not revert to the general fund but shall remain in the
31 marketability fund. The marketability fund shall include,
32 notwithstanding section 12C.7, interest earned by the
33 marketability fund or other income specifically allocated to
34 the marketability fund.

35 Sec. 313. Section 455G.21, subsection 2, paragraph a, Code

1 2009, is amended to read as follows:

2 a. The innocent landowners fund shall be established as a
3 separate fund in the state treasury under the control of the
4 ~~board~~ department. The innocent landowners fund shall include
5 any moneys recovered pursuant to cost recovery enforcement
6 under section 455G.13. Notwithstanding section 455G.1,
7 subsection 2, benefits for the costs of corrective action may
8 be provided to the owner of a petroleum-contaminated property,
9 or an owner or operator of an underground storage tank located
10 on the property, who is not otherwise eligible to receive
11 benefits under section 455G.9 due to the date on which the
12 release causing the contamination was reported or the date
13 the claim was filed. An owner of a petroleum-contaminated
14 property, or an owner or operator of an underground storage
15 tank located on the property, shall be eligible for payment
16 of corrective action costs subject to copayment requirements
17 under section 455G.9, subsection 4. The ~~board~~ commission may
18 adopt rules conditioning receipt of benefits under this
19 paragraph to those petroleum-contaminated properties which
20 present a higher degree of risk to the public health and
21 safety or the environment and may adopt rules providing for
22 denial of benefits under this paragraph to a person who did
23 not make a good faith attempt to comply with the provisions of
24 this chapter. This paragraph does not confer a legal right
25 to an owner of petroleum-contaminated property, or an owner
26 or operator of an underground storage tank located on the
27 property, for receipt of benefits under this paragraph.

28 Sec. 314. REPEAL. Section 16.151, Code 2009, is repealed.

29 Sec. 315. REPEAL. 1989 Iowa Acts, chapter 131, section 63,
30 is repealed.

31 Sec. 316. REPEAL. 2009 Iowa Acts, chapter 184, section 39,
32 is repealed.

33 Sec. 317. APPROPRIATION — GENERAL FUND. There is
34 appropriated from the Iowa comprehensive petroleum underground
35 storage tank fund to the general fund of the state for the

1 fiscal year beginning July 1, 2010, and ending June 30, 2011,
2 the following amount:

3 \$ 800,000

4 Sec. 318. APPROPRIATION — DEPARTMENT OF NATURAL
5 RESOURCES. There is appropriated from the Iowa comprehensive
6 petroleum underground storage tank fund to the department
7 of natural resources for the fiscal year beginning July 1,
8 2010, and ending June 30, 2011, the following amount, or so
9 much thereof as is necessary, to be used for the purposes
10 designated:

11 For administering the Iowa comprehensive petroleum
12 underground storage tank fund, including salaries, support,
13 maintenance, and miscellaneous purposes:

14 \$ 700,000

15 Sec. 319. TRANSITION PROVISIONS.

16 1. This division of this Act and the transfer of
17 administrative duties to the department of natural resources
18 shall not constitute grounds for rescission or modification
19 of any contracts entered into by or on behalf of the Iowa
20 comprehensive petroleum underground storage tank fund board.

21 2. Any rule, regulation, form, order, or directive
22 promulgated by the Iowa comprehensive petroleum underground
23 storage tank fund board and in effect on the effective date
24 of this division of this Act shall continue in full force and
25 effect until amended, repealed, or supplemented by affirmative
26 action of the environmental protection commission under the
27 duties and powers of the commission as established in this
28 division of this Act and under the procedure established in
29 subsection 3.

30 Any license or permit issued by Iowa comprehensive petroleum
31 underground storage tank fund board and in effect on the
32 effective date of this division of this Act shall continue in
33 full force and effect until expiration or renewal.

34 3. In regard to updating references and format in the Iowa
35 administrative code in order to correspond to the restructuring

1 as established in this division of this Act, the administrative
2 rules coordinator and the administrative rules review
3 committee, in consultation with the administrative code editor,
4 shall jointly develop a schedule for the necessary updating of
5 the Iowa administrative code.

6 4. Any cause of action or statute of limitation relating
7 to the Iowa comprehensive petroleum underground storage tank
8 fund board shall not be affected as a result of the transfer
9 and such cause or statute of limitation shall apply to the
10 successor department or commission.

11 5. Any replacement of signs, logos, stationery, insignia,
12 uniforms, and related items that is made due to the effect of
13 this division of this Act should be done as part of the normal
14 replacement cycle for such items.

15 DIVISION XIX

16 ECONOMIC DEVELOPMENT — COMMITTEES AND COUNCILS

17 Sec. 320. Section 15.108, subsection 7, paragraph h, Code
18 2009, is amended by striking the paragraph.

19 Sec. 321. Section 15G.115, subsections 2 and 3, Code
20 Supplement 2009, are amended to read as follows:

21 2. *a.* Each application from a business for financial
22 assistance under the grow Iowa values financial assistance
23 program shall be reviewed by the due diligence committee
24 established by the board pursuant to section 15.103, subsection
25 6. The due diligence committee shall make a recommendation on
26 each application to the board.

27 ~~*b.* Each application from a business for financial assistance~~
28 ~~under the value-added agriculture component of the grow Iowa~~
29 ~~values financial assistance program shall be reviewed by the~~
30 ~~agricultural products advisory council established in section~~
31 ~~15.203, which shall make a recommendation on each application~~
32 ~~to the board.~~

33 *e. b.* Each application for financial assistance from funds
34 allocated by the department for deposit in the innovation
35 and commercialization development fund pursuant to section

1 15G.111, subsection 10, shall be reviewed by the technology
2 commercialization committee established in section 15.116,
3 which shall make a recommendation on each application to the
4 board.

5 3. In overseeing the administration of the grow Iowa values
6 fund and grow Iowa values financial assistance program pursuant
7 to this chapter, the board shall do all of the following:

8 a. At the first scheduled meeting of the board after the
9 start of a new fiscal year, take final action on all of the
10 following:

11 (1) The department's recommendations for the annual fiscal
12 year allocation of moneys in the fund, as provided in section
13 15G.111, subsection 4. The board may adjust the allocation of
14 moneys during the fiscal year as necessary.

15 (2) The department's recommendations for the allocation
16 of moneys among the program components referred to in section
17 15G.112, subsection 1, paragraph "b". The board may adjust the
18 allocation of moneys during the fiscal year as necessary.

19 b. Consider the recommendation of the due diligence
20 committee ~~and the agricultural products advisory council~~ on
21 each application for financial assistance, as described in
22 subsection 2, and take final action on each application.

23 c. Take final action on the required plans for proposed
24 expenditures submitted by the entities receiving moneys
25 allocated under section 15G.111, subsections 5 through 8.

26 d. Take final action on any rules recommended by the
27 department for the implementation of the provisions of this
28 chapter.

29 Sec. 322. REPEAL. Section 15.114, Code 2009, is repealed.

30 Sec. 323. REPEAL. Section 15.203, Code Supplement 2009, is
31 repealed.

32 DIVISION XX

33 CONSOLIDATION OF HOUSING PROGRAMS

34 Sec. 324. NEW SECTION. 16.41 Shelter assistance fund.

35 1. A shelter assistance fund is created as a revolving

1 fund in the state treasury under the control of the authority
2 consisting of any moneys appropriated by the general assembly
3 and received under section 428A.8 for purposes of the
4 rehabilitation, expansion, or costs of operations of group home
5 shelters for the homeless and domestic violence shelters.

6 2. Of the moneys in the fund, not less than five hundred
7 forty-six thousand dollars shall be spent annually on homeless
8 shelter projects.

9 3. Notwithstanding section 8.33, all moneys in the shelter
10 assistance fund which remain unexpended or unobligated at the
11 close of the fiscal year shall not revert to the general fund
12 of the state but shall remain available for expenditure for
13 subsequent fiscal years.

14 Sec. 325. Section 428A.8, subsection 2, unnumbered
15 paragraph 1, Code 2009, is amended to read as follows:

16 The treasurer of state shall deposit or transfer the
17 receipts paid the treasurer of state pursuant to subsection
18 1 to either the general fund of the state, the housing trust
19 fund created in section 16.181, or the shelter assistance fund
20 created in section ~~15.349~~ 16.41 as follows:

21 Sec. 326. REPEAL. Section 15.349, Code 2009, is repealed.

22 Sec. 327. DEPARTMENTAL PROGRAM REVIEW — HOUSING PROGRAMS.

23 1. The department of economic development and the Iowa
24 finance authority shall conduct a joint review of programs
25 administered by the agencies that relate to housing, including
26 all such federal programs. The joint review of programs shall
27 include a review of all federal moneys received and spent on
28 housing programs. The agencies shall identify all programs
29 that are duplicative of another program and all programs that
30 have purposes similar to that of another program.

31 2. The agencies shall produce a report on how best to
32 transfer all responsibilities for housing-related programs from
33 the department of economic development to the Iowa finance
34 authority.

35 3. By September 1, 2010, the agencies shall submit a joint

1 written report to the governor, the department of management,
2 and the general assembly consisting of the information required
3 under this section, a complete list of programs reviewed
4 pursuant to this section, and any other relevant information.

5 DIVISION XXI

6 AREA EDUCATION AGENCIES

7 Sec. 328. Section 8D.5, subsection 1, Code 2009, is amended
8 by striking the subsection.

9 Sec. 329. Section 8D.5, subsection 2, Code 2009, is amended
10 to read as follows:

11 2. a. A regional telecommunications council is established
12 in each of the merged areas established pursuant to chapter
13 260C consisting of nine members, including one member each
14 to be appointed by each of the ~~appointing authorities under~~
15 ~~subsection 1~~ following: the state board of regents, the
16 Iowa association of community college trustees, the area
17 education agency boards, the Iowa association of school
18 boards, the school administrators of Iowa, the Iowa association
19 of independent colleges and universities, the Iowa state
20 education association, the Iowa association of nonpublic
21 school administrators, and the administrator of the public
22 broadcasting division of the department of education.
23 Additional ex officio, nonvoting members may also be appointed
24 to the regional telecommunications councils by the director of
25 the department of education.

26 b. The regional telecommunications councils shall advise
27 ~~the education telecommunications council on the assessment~~
28 ~~of assess~~ local educational needs, and ~~the coordination~~
29 ~~of~~ coordinate program activities including scheduling,
30 and shall advise the department of administrative services
31 and the department of education regarding local education
32 needs and program activities. The councils shall establish
33 scheduling and site usage policies for educational users of
34 the network and develop proposed rules and changes to rules
35 for recommendation to the commission. The councils shall

1 also recommend long-range plans for enhancements needed for
2 educational applications.

3 c. The community college located in the merged area of a
4 regional telecommunications council shall staff and facilitate
5 the activities of the council. The community college and
6 the council may enter into a chapter 28E agreement for such
7 arrangement.

8 Sec. 330. Section 8D.8, Code 2009, is amended to read as
9 follows:

10 **8D.8 Scheduling for authorized users.**

11 ~~Except as provided in section 8D.5, an~~ An authorized user
12 is responsible for all scheduling of the use of the authorized
13 user's facility. A person who disputes a scheduling decision
14 of such user may petition the commission for a review of such
15 decision pursuant to section 8D.3, subsection 3, paragraph "c".

16 Sec. 331. Section 8D.13, subsection 8, Code 2009, is amended
17 to read as follows:

18 8. ~~The education~~ Each regional telecommunications
19 council shall review all requests for grants for educational
20 telecommunications applications from applicants within its
21 merged area, if they are a part of the Iowa communications
22 network, to ensure that the educational telecommunications
23 application is consistent with the telecommunications plan.
24 All other grant requests shall be reviewed as determined by
25 the commission. If the ~~education~~ regional telecommunications
26 council finds that a grant request is inconsistent with
27 the telecommunications plan, the grant request shall not be
28 allowed.

29 Sec. 332. Section 256.9, Code Supplement 2009, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 59. Provide guidance and standards to area
32 education agencies for federal and state education initiatives
33 which the area education agencies must implement statewide.

34 Sec. 333. Section 273.8, subsection 1, Code Supplement
35 2009, is amended to read as follows:

1 1. *Board of directors.* The board of directors of an area
2 education agency shall consist of not less than ~~five nor more~~
3 ~~than~~ nine members, each a resident of and elected in the
4 manner provided in this section from a director district that
5 is approximately equal in population to the other director
6 districts in the area education agency. Each director shall
7 serve a four-year term which commences at the organization
8 meeting.

9 Sec. 334. Section 273.8, subsection 2, paragraphs b and c,
10 Code Supplement 2009, are amended to read as follows:

11 **b.** ~~A candidate~~ Candidates for election to the area education
12 agency board shall be nominated by the boards of directors of
13 the school districts located within the boundaries of the area
14 education agency. Each school district board shall file a
15 statement of candidacy for each candidate nominated with the
16 area education agency secretary not later than August 15 of
17 the odd-numbered year, on forms prescribed by the department
18 of education. The statement of candidacy shall include the
19 candidate's name, address, and school district. The list of
20 candidates shall be sent by the secretary of the area education
21 agency in ballot form by certified mail to the presidents
22 of the boards of directors of all school districts within
23 the director district not later than September 1. In order
24 for the ballot to be counted, the ballot must be received in
25 the secretary's office by the end of the normal business day
26 on September 30 or be clearly postmarked by an officially
27 authorized postal service not later than September 29 and
28 received by the secretary not later than noon on the first
29 Monday following September 30.

30 **c.** The board of each separate school district that is
31 located entirely or partially inside an area education agency
32 director district shall cast a vote for director of the area
33 education agency board based upon the ratio that the population
34 of the school district, or portion of the school district, in
35 the director district bears to the total population in the

1 director district. The population of each school district or
2 portion shall be determined by the department of education.
3 The member of the area education agency board to be elected may
4 be a member of a local school district board of directors and
5 shall be an elector and a resident of the director district,
6 ~~but shall not be a school district employee.~~ The board of
7 directors of the area education agency shall be comprised of at
8 least one of each of the following:

- 9 (1) A superintendent.
- 10 (2) A principal.
- 11 (3) A teacher who does not hold a special education license
12 or endorsement.
- 13 (4) A special education teacher.
- 14 (5) A special education paraprofessional.
- 15 (6) A parent or guardian of a child requiring special
16 education who has an individualized education program and is
17 receiving special education services from an area education
18 agency.

19 Sec. 335. Section 273.8, subsection 3, Code Supplement
20 2009, is amended to read as follows:

21 3. *Director district convention.* If no ~~candidate~~
22 files statement of candidacy is filed with the area education
23 agency secretary by the deadline specified in subsection 2, or
24 a vacancy occurs, or the statements of candidacy filed do not
25 meet the specifications of subsection 2, paragraph "c", or if
26 otherwise required as provided in section 273.23, subsection
27 3, a director district convention, attended by members of the
28 boards of directors of the local school districts located
29 within the director district, shall be called to elect a
30 board member for that director district in accordance with
31 the intent of this section. The convention location shall
32 be determined by the area education agency administrator.
33 Notice of the time, date, and place of a director district
34 convention shall be published by the area education agency
35 administrator in at least one newspaper of general circulation

1 in the director district at least thirty days prior to the
2 day of the convention. The cost of publication shall be
3 paid by the area education agency. A candidate for election
4 to the area education agency board shall file a statement
5 of candidacy with the area education agency secretary at
6 least ten days prior to the date of the director district
7 convention on forms prescribed by the department of education,
8 or nominations may be made at the convention by a delegate from
9 a board of directors of a school district located within the
10 director district. A statement of candidacy shall include the
11 candidate's name, address, and school district. Delegates to
12 director district conventions shall not be bound by a school
13 board or any school board member to pledge their votes to any
14 candidate prior to the date of the convention.

15 Sec. 336. Section 273.10, subsection 2, Code Supplement
16 2009, is amended to read as follows:

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

33 Sec. 337. Section 273.23, subsection 1, Code 2009, is
34 amended to read as follows:

35 1. A petition filed under section 273.21 shall state

1 the number of directors on the initial board which shall be
2 ~~either seven or~~ not less than nine directors. The petition
3 shall specify the number of directors to be retained from
4 each area, and those numbers shall be proportionate to the
5 populations of the agencies. If the proportionate balance of
6 directors among the affected agencies specified in the plan
7 is affected by school districts petitioning to be excluded
8 from the reorganization, or if the proposal specified in the
9 plan does not comply with the requirement for proportionate
10 representation, the state board shall modify the proposal.
11 However, all area education agencies affected shall retain at
12 least one member.

13 Sec. 338. Section 280.20, subsection 3, Code 2009, is
14 amended by striking the subsection.

15 Sec. 339. REPEAL. Chapters 261D and 280A, Code and Code
16 Supplement 2009, are repealed.

17 Sec. 340. REPEAL. Section 256.32, Code 2009, is repealed.

18 Sec. 341. DEPARTMENT OF EDUCATION STUDY OF AREA EDUCATION
19 AGENCY FUNDING AND SERVICES. The department of education shall
20 conduct a study of the current area education agency funding
21 system and develop alternative proposals for funding the area
22 education agency system, including but not limited to proposals
23 for a line item appropriation and funding that does not rely
24 on per pupil allocations based on school district enrollments,
25 and for a change in the process by which state and property
26 tax-generated funds flow to the area education agencies. The
27 department shall submit its findings and recommendations in a
28 report to the general assembly by December 15, 2010.

29 Sec. 342. DEPARTMENT OF EDUCATION STUDY OF AREA EDUCATION
30 AGENCY STANDARDS FOR SERVICES. The department of education
31 shall conduct a study of current and potential area education
32 agency standards of services and shall develop potential
33 standards of performance aligned with the standards of
34 services which shall be a component of the area education
35 agency accreditation process. The department shall submit

1 its findings and recommendations in a report to the general
2 assembly and the governor by October 1, 2010.

3 DIVISION XXII

4 EARLY CHILDHOOD IOWA INITIATIVE

5 Sec. 343. NEW SECTION. 256I.1 **Definitions.**

6 For the purposes of this chapter, unless the context
7 otherwise requires:

8 1. "*Department*" means the department of education.

9 2. "*Desired results*" means the set of desired results for
10 improving the quality of life in this state for young children
11 and their families identified in section 256I.2.

12 3. "*Early care*", "*early care services*", or "*early care*
13 *system*" means the programs, services, support, or other
14 assistance made available to a parent or other person who is
15 involved with addressing the health and education needs of a
16 child from zero through age five. "*Early care*", "*early care*
17 *services*", or "*early care system*" includes but is not limited to
18 public and private efforts and formal and informal settings.

19 4. "*Early childhood Iowa area*" means a geographic area
20 designated in accordance with this chapter.

21 5. "*Early childhood Iowa area board*" or "*area board*"
22 means the board for an early childhood Iowa area created in
23 accordance with this chapter.

24 6. "*Early childhood Iowa state board*" or "*state board*" means
25 the early childhood Iowa state board created in section 256I.3.

26 Sec. 344. NEW SECTION. 256I.2 **Desired results — purpose**
27 **and scope.**

28 1. It is intended that through the early childhood Iowa
29 initiative every community in Iowa will develop the capacity
30 and commitment for using local, informed decision making to
31 achieve the following set of desired results for improving the
32 quality of life in this state for young children and their
33 families:

34 a. Healthy children.

35 b. Children ready to succeed in school.

- 1 *c.* Safe and supportive communities.
- 2 *d.* Secure and nurturing families.
- 3 *e.* Secure and nurturing early learning environments.

4 2. The purpose of creating the early childhood Iowa
5 initiative is to empower individuals, communities, and state
6 level partners to achieve the desired results. The desired
7 results will be achieved as private and public entities work
8 collaboratively. This initiative creates a partnership between
9 communities and state level partners to support children zero
10 through age five and their families. The role of the early
11 childhood Iowa state board, area boards, and other state and
12 local government agencies is to provide support, leadership,
13 and facilitation of the growth of individual, community, and
14 state responsibility in addressing the desired results.

15 3. To achieve the desired results, the initiative's primary
16 focus shall be on the efforts of the state and communities to
17 work together to improve the efficiency and effectiveness of
18 early care, education, health, and human services provided to
19 families with children from zero through age five.

20 Sec. 345. NEW SECTION. 256I.3 **Early childhood Iowa state**
21 **board created.**

22 1. The early childhood Iowa state board is created to
23 promote a vision for a comprehensive early care, education,
24 health, and human services system in this state. The board
25 shall oversee state and local efforts. The vision shall be
26 achieved through strategic planning, funding identification,
27 guidance, and decision-making authority to assure collaboration
28 among state and local early care, education, health, and human
29 services systems.

30 2. *a.* The board shall consist of nine voting members with
31 three citizen members and six state agency members. A citizen
32 member shall not be an elected official, public employee, or
33 paid staff member of an agency receiving funding through the
34 early childhood Iowa initiative. The six state agency members
35 shall be the directors or their designee of the following

1 departments: economic development, education, human rights,
2 human services, public health, and workforce development. The
3 designees of state agency directors shall be selected on an
4 annual basis. The citizen members shall be appointed by the
5 governor, subject to confirmation by the senate.

6 *b.* The governor's citizen member appointees shall be
7 selected from individuals nominated by early childhood Iowa
8 area boards. The term of office of the citizen members is
9 three years. A citizen member vacancy on the board shall be
10 filled in the same manner as the original appointment for the
11 balance of the unexpired term.

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

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

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

34 Sec. 346. NEW SECTION. 256I.4 Early childhood Iowa state
35 board duties.

1 The state board shall perform the following duties:
2 1. Provide oversight of early childhood Iowa areas.
3 2. Manage and coordinate the provision of grant funding and
4 other moneys made available to early childhood Iowa areas by
5 combining all or portions of appropriations or other revenues
6 as authorized by law.
7 3. Approve the geographic boundaries for the early
8 childhood Iowa areas throughout the state and approve any
9 proposed changes in the boundaries.
10 4. Create a strategic plan that supports a comprehensive
11 system of early care, education, health, and human services.
12 The strategic plan shall be annually updated and disseminated
13 to the public. Specific items to be addressed in the strategic
14 plan shall include but are not limited to all of the following:
15 a. Provisions to strengthen the state structure including
16 interagency levels of collaboration, coordination, and
17 integration.
18 b. Provisions for building public-private partnerships.
19 c. Provisions to support consolidating, blending, and
20 redistributing state-administered funding streams and the
21 coordination of federal funding streams. The strategic plan
22 shall also address integration of services provided through
23 area boards, other state and local commissions, committees,
24 and other bodies with overlapping and similar purposes which
25 contribute to redundancy and fragmentation in early care,
26 education, health, and human services programs provided to the
27 public.
28 d. Provisions for improving the efficiency of working with
29 federally mandated bodies.
30 e. Identification of indicators that measure the success of
31 the various strategies that impact communities, families, and
32 children. The indicators shall be developed with input from
33 area boards.
34 5. Adopt common performance measures and data for services,
35 programs, and activities provided by area boards. Data from

1 common performance measures shall be included in the state
2 board's annual report.

3 6. Develop and implement a levels of excellence rating
4 system for use with the state board's designation process for
5 area boards. Allow for flexibility and creativity of area
6 boards in implementing area board responsibilities and provide
7 authority for the area boards to support the communities in the
8 areas served. The levels of excellence rating system shall
9 utilize a tiered approach for recognizing the performance of
10 an area board. The system shall provide for action to address
11 poor performing areas as well as higher performing areas. If
12 an area board achieves the highest rating level, the state
13 board shall allow special flexibility provisions in regard to
14 the funding appropriated or allocated for that area board. The
15 state board may determine how often area boards are reviewed
16 under the system.

17 7. Adopt rules pursuant to chapter 17A as necessary for the
18 designation, governance, and oversight of area boards and the
19 administration of this chapter. The state board shall provide
20 for area board input in the rules adoption process.

21 8. Develop guidelines for recommended insurance or other
22 liability coverage and take other actions to assist area boards
23 in acquiring such coverage at a reasonable cost. Moneys
24 expended by an area board to acquire necessary insurance or
25 other liability coverage shall be considered an administrative
26 cost.

27 9. In January each year, submit an annual report to the
28 governor and general assembly that includes but is not limited
29 to all of the following:

30 a. Any updates to the strategic plan.

31 b. The status and results of the early childhood Iowa
32 initiative efforts to engage the public regarding the early
33 care, education, health, human services, and other needs of
34 children zero through age five.

35 c. The status and results of the efforts to develop and

1 promote private sector involvement with the early care system.

2 *d.* The status of the early childhood Iowa initiative and
3 the overall early care system in achieving the set of desired
4 results.

5 *e.* The data and common performance measures addressed by
6 the strategic plan, which shall include but is not limited to
7 funding amounts.

8 *f.* The indicators addressed by the strategic plan along with
9 associated data trends and their source.

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

14 11. Ensure alignment of other state departments' activities
15 with the strategic plan.

16 12. Develop and keep current memoranda of agreements
17 between the state agencies represented on the state board to
18 promote system development and integration and to clarify the
19 roles and responsibilities of partner agencies.

20 13. Work with the early childhood coordination center
21 in building public-private partnerships for promoting the
22 collaborative early care, education, health, and human services
23 system.

24 14. Support and align the early childhood Iowa internet site
25 with other agencies and improve internet communication.

26 Sec. 347. NEW SECTION. 256I.5 Early childhood coordination
27 center.

28 1. The department is the lead agency for implementation
29 of the early childhood Iowa initiative and for support of
30 the state board and the comprehensive early care, education,
31 health, and human services system.

32 2. *a.* The early childhood coordination center is
33 established as a work unit of the department to provide a
34 center for facilitation, communication, and coordination for
35 early childhood Iowa activities and funding and for improvement

1 of the individual early care, education, health, and human
2 services systems and the comprehensive system.

3 *b.* Staffing for the center shall be provided by a project
4 director, a deputy, a family support coordinator, and a first
5 years first coordinator. Dedicated fiscal staff and support
6 staff may be designated, subject to an appropriation made for
7 this purpose. The center shall submit reports to the governor,
8 state board, and the general assembly. The project director
9 shall provide primary staffing to the board, coordinate state
10 technical assistance activities and implementation of the
11 technical assistance system, and oversee other communication
12 and coordination functions.

13 3. The director of the department of education may
14 designate additional staff, as part of the early childhood Iowa
15 initiative, to work with the center in providing coordination
16 and other support to the state's comprehensive early care,
17 education, health, and human services system.

18 4. The director of the department shall establish a
19 technical assistance team to work with the center. The team
20 shall consist of staff from the state agencies represented on
21 the state board.

22 5. The center shall work with the state and area boards to
23 provide leadership for comprehensive system development. The
24 center shall also do all of the following:

25 *a.* Enter into memoranda of agreement with the departments of
26 economic development, education, human rights, human services,
27 public health, and workforce development to formalize the
28 respective departments' commitments to collaborating with and
29 integrating a comprehensive early care, education, health,
30 and human services system. Items addressed in the memoranda
31 shall include but are not limited to data sharing and providing
32 staffing to the technical assistance team.

33 *b.* Work with private businesses, foundations, and nonprofit
34 organizations to develop sustained funding.

35 *c.* Maintain the internet site in accordance with section

1 256I.10.

2 *d.* Propose any needed revisions to administrative rules
3 based on stakeholder input.

4 *e.* Provide technical support to the state and area boards
5 and to the early childhood Iowa areas through staffing services
6 made available through the state agencies that serve on the
7 state board.

8 *f.* Develop, collect, disseminate, and provide guidance for
9 common performance measures for the programs receiving funding
10 under the auspices of the area boards.

11 *g.* If a disagreement arises within an early childhood Iowa
12 area regarding the interests represented on the area's board,
13 board decisions, or other disputes that cannot be locally
14 resolved, upon request, provide state or regional technical
15 assistance as deemed appropriate by the center to assist the
16 area in resolving the disagreement.

17 Sec. 348. NEW SECTION. **256I.6 Early childhood Iowa areas.**

18 1. The purpose of an early childhood Iowa area is to enable
19 local citizens to lead collaborative efforts involving early
20 care, education, health, and human services on behalf of
21 the children, families, and other citizens residing in the
22 area. Leadership functions may include but are not limited
23 to strategic planning for and oversight and managing of such
24 programs and the funding made available to the early childhood
25 Iowa area for such programs from federal, state, local, and
26 private sources. The focus of the area shall be to achieve the
27 desired results and to improve other results for families with
28 young children.

29 2. An early childhood Iowa area shall be designated by using
30 existing county boundaries to the extent possible.

31 3. The designation of an early childhood Iowa area
32 boundaries and the creation of an area board are both subject
33 to the approval of the state board. The state board shall
34 determine if a proposed area board can efficiently and
35 effectively administer the responsibilities and authority of

1 the area to be served. The state board may apply additional
2 criteria for designating areas and approving area boards, but
3 shall apply all of the following minimum criteria:

4 a. An area cannot encompass more than four counties.

5 b. The counties encompassing a multicounty area must have
6 contiguous borders.

7 c. A single county area shall have a minimum population
8 of children zero through age five in excess of five thousand,
9 based on the most recent population estimates issued by the
10 United States bureau of the census.

11 4. If the state board determines exceptional circumstances
12 exist, the state board may waive any of the criteria otherwise
13 specified in subsection 3.

14 Sec. 349. NEW SECTION. 256I.7 Early childhood Iowa area
15 boards created.

16 1. a. The early childhood Iowa functions for an area
17 shall be performed under the authority of an early childhood
18 Iowa area board. The membership of an area board shall
19 consist of elected officials in the area and citizen members
20 who reside in the area. A citizen member shall not be an
21 employee of or otherwise represent education, health, or
22 human services agencies or be a paid staff member of an
23 agency receiving funding through the early childhood Iowa
24 initiative. In addition, the membership of an area board shall
25 include representation from education, health, human services,
26 business, and faith interests, and at least one parent,
27 grandparent, or guardian of a child from zero through age five.
28 The education, health, and human services agencies represented
29 on an area board may receive funding from the area board.

30 b. Terms of office of area board members shall be not more
31 than three years and the terms shall be staggered.

32 2. An area board may designate an advisory council
33 consisting of persons employed by or otherwise paid to
34 represent an entity listed in subsection 1 or other provider
35 of service.

1 3. An area board shall elect a chairperson from among the
2 members who are citizens or elected officials.

3 4. An area board is a unit of local government for purposes
4 of chapter 670, relating to tort liability of governmental
5 subdivisions. For purposes of implementing a formal
6 organizational structure, an area board may utilize recommended
7 guidelines and bylaws established for this purpose by the state
8 board.

9 5. All meetings of an area board or any committee or other
10 body established by an area board at which public business
11 is discussed or formal action taken shall comply with the
12 requirements of chapter 21. An area board shall maintain its
13 records in accordance with chapter 22.

14 Sec. 350. NEW SECTION. 256I.8 Early childhood Iowa area
15 board duties.

16 1. An early childhood Iowa area board shall do all of the
17 following:

18 a. Designate a public agency of this state, as defined in
19 section 28E.2, a community action agency as defined in section
20 216A.91, an area education agency established under section
21 273.2, or a nonprofit corporation, to be the fiscal agent for
22 grant moneys or for other moneys administered by the area
23 board.

24 b. Administer early childhood Iowa grant moneys available
25 from the state to the area board as provided by law and other
26 federal, state, local, and private moneys made available to
27 the area board. Eligibility for receipt of early childhood
28 Iowa grant moneys shall be limited to those early childhood
29 area boards that have developed an approved community plan in
30 accordance with this chapter. An early childhood area board
31 may apply to the state board for any private moneys received
32 by the early childhood Iowa initiative outside of a state
33 appropriation.

34 c. Develop a comprehensive community plan for providing
35 services for children from zero through age five. At a

1 minimum, the plan shall do all of the following:

2 (1) Describe community and area needs for children from zero
3 through age five as identified through ongoing assessments.

4 (2) Describe the current and desired levels of community
5 and area coordination of services for children from zero
6 through age five, including the involvement and specific
7 responsibilities of all related organizations and entities.

8 (3) Identify all federal, state, local, and private funding
9 sources including funding estimates available in the early
10 childhood Iowa area that will be used to provide services to
11 children from zero through age five.

12 (4) Describe how funding sources will be used
13 collaboratively and the degree to which the sources can be
14 combined to provide necessary services to young children and
15 their families.

16 (5) Identify the desired results and the community-wide
17 indicators the area board expects to address through
18 implementation of the comprehensive community plan. The plan
19 shall identify community-specific, quantifiable performance
20 measures to be reported in the area board's annual report and
21 integration with the strategic plan adopted by the state board.

22 (6) Describe the current status of support services to
23 prevent the spread of infectious diseases, prevent child
24 injuries, develop health emergency protocols, help with
25 medication, and care for children with special health needs
26 that are being provided to child care facilities registered or
27 licensed under chapter 237A within the early childhood Iowa
28 area.

29 *d.* Submit an annual report on the effectiveness of the
30 community plan in addressing school readiness and children's
31 health and safety needs to the state board and to the local
32 government bodies in the area. The annual report shall
33 indicate the effectiveness of the area board in addressing
34 state and locally determined goals.

35 *e.* Function as a coordinating body for services offered

1 by different entities directed to similar purposes within the
2 area.

3 *f.* Assume other responsibilities established by law or
4 administrative rule.

5 2. An area board may do any of the following:

6 *a.* Designate one or more committees to assist with area
7 board functions.

8 *b.* Utilize community bodies for input to the area board and
9 implementation of services.

10 Sec. 351. NEW SECTION. 256I.9 School ready children grant
11 program.

12 1. The state board shall develop and promote a school ready
13 children grant program which shall provide for all of the
14 following components:

15 *a.* Identify the performance measures that will be used to
16 assess the effectiveness of the school ready children grants.

17 *b.* Identify guidelines and a process to be used for
18 determining the readiness of an early childhood Iowa area board
19 for administering a school ready children grant.

20 *c.* Provide for technical assistance concerning funding
21 sources, program design, and other pertinent areas.

22 2. The state board shall provide maximum flexibility to
23 grantees for the use of the grant moneys included in a school
24 ready children grant.

25 3. A school ready children grant shall, to the extent
26 possible, be used to support programs that meet quality
27 standards identified by the state board. At a minimum, a grant
28 shall be used to provide all of the following:

29 *a.* Preschool services provided on a voluntary basis to
30 children deemed at risk.

31 *b.* Family support services and parent education programs
32 promoted to parents of children from zero through age five.
33 Family support services shall include but are not limited to
34 home visitation.

35 *c.* Other services to support the strategic plan developed

1 by the state board.

2 4. *a.* A school ready children grant shall be awarded to
3 an area board annually, as funding is available. Receipt of
4 continued funding is subject to submission of the required
5 annual report and the state board's determination that the area
6 board is measuring, through the use of performance measures and
7 community-wide indicators developed by the state board with
8 input from area boards, progress toward and is achieving the
9 desired results and other results identified in the community
10 plan. Each area board shall participate in the levels of
11 excellence rating system to measure the area's success. If the
12 use of performance measures and community-wide indicators does
13 not show that an area board has made progress toward achieving
14 the results identified in the community plan, the state board
15 may request a plan of corrective action, withhold any increase
16 in funding, or withdraw grant funding.

17 *b.* The state board shall distribute school ready children
18 grant moneys to area boards with approved comprehensive
19 community plans based upon a determination of an early
20 childhood Iowa area's readiness to effectively utilize the
21 grant moneys. The grant moneys shall be adjusted for other
22 federal and state grant moneys to be received by the area for
23 services to children from zero through age five.

24 *c.* An area board's readiness shall be determined by
25 evidence of successful collaboration among public and private
26 early care, education, health, and human services interests
27 in the area or a documented program design that supports a
28 strong likelihood of a successful collaboration between these
29 interests. Other criteria which may be used by the state board
30 to determine readiness and evaluate the funding flexibility for
31 an area include one or more of the following:

32 (1) The levels of excellence rating received by the area.

33 (2) Experience or other evidence of the area's capacity to
34 successfully implement the services in the area's community
35 plan.

1 (3) Local public and private funding and other resources
2 committed to implementation of the community plan.

3 (4) The adequacy of plans for commitment of local funding
4 and other resources for implementation of the community plan.

5 *d.* The provisions for distribution of school ready children
6 grant moneys shall be determined by the state board.

7 *e.* The amount of school ready children grant funding an area
8 board may carry forward from one fiscal year to the succeeding
9 fiscal year shall not exceed twenty percent of the grant amount
10 for the fiscal year. All of the school ready children grant
11 funds received by an area board for a fiscal year which remain
12 unencumbered or unobligated at the close of a fiscal year shall
13 be carried forward to the succeeding fiscal year. However, the
14 grant amount for the succeeding fiscal year shall be reduced
15 by the amount in excess of twenty percent of the grant amount
16 received for the fiscal year.

17 Sec. 352. NEW SECTION. 256I.10 Early childhood Iowa
18 internet site.

19 1. The department shall provide for the operation of an
20 internet site for purposes of widely distributing information
21 regarding early care, education, health, and human services and
22 other information provided by the departments represented on
23 the state board and the public and private agencies addressing
24 the comprehensive system for such services.

25 2. Information provided on the internet site shall include
26 but is not limited to all of the following:

27 *a.* Information about the early childhood Iowa initiative for
28 state and local use.

29 *b.* A link to a special internet site directed to parents,
30 including parent-specific information on early care, education,
31 health, and human services and links to other resources
32 available on the internet and from other sources.

33 *c.* Program standards for early care, education, health, and
34 human services that have been approved by state agencies.

35 3. The department shall provide to the state board

1 information regarding the extent and frequency of usage of the
2 internet site or sites and this information shall be included
3 in the board's annual report to the governor and general
4 assembly.

5 Sec. 353. NEW SECTION. 256I.11 Early childhood Iowa fund.

6 1. An early childhood Iowa fund is created in the state
7 treasury. The moneys credited to the fund are not subject to
8 section 8.33 and moneys in the fund shall not be transferred,
9 used, obligated, appropriated, or otherwise encumbered except
10 as provided by law. Notwithstanding section 12C.7, subsection
11 2, interest or earnings on moneys deposited in the fund shall
12 be credited to the fund.

13 2. A school ready children grants account is created in the
14 fund under the authority of the director of the department of
15 education. Moneys credited to the account shall be distributed
16 by the department in the form of grants to early childhood Iowa
17 areas pursuant to criteria established by the state board in
18 accordance with law.

19 3. Unless a different amount is authorized by law, up
20 to five percent of the school ready children grant moneys
21 distributed to an area board may be used by the area board for
22 administrative costs.

23 4. *a.* An early childhood programs grants account is
24 created in the fund under the authority of the director of
25 the department of education. Moneys credited to the account
26 under the auspices of the department of human services are
27 appropriated to and shall be distributed by the department
28 of education in the form of grants to early childhood Iowa
29 areas pursuant to criteria established by the state board in
30 accordance with law. The criteria shall include but are not
31 limited to a requirement that an early childhood Iowa area must
32 be designated by the state board in order to be eligible to
33 receive an early childhood programs grant.

34 *b.* The maximum funding amount an early childhood Iowa area
35 is eligible to receive from the early childhood programs grant

1 account for a fiscal year shall be determined by applying
2 the area's percentage of the state's average monthly family
3 investment program population in the preceding fiscal year to
4 the total amount credited to the account for the fiscal year.

5 *c.* An early childhood Iowa area receiving funding from
6 the early childhood programs grant account shall comply with
7 any federal reporting requirements associated with the use
8 of that funding and other results and reporting requirements
9 established by the state board. The early childhood
10 coordination center shall provide technical assistance
11 in identifying and meeting the federal requirements. The
12 availability of funding provided from the account is subject to
13 changes in federal requirements and amendments to Iowa law.

14 *d.* The moneys distributed from the early childhood programs
15 grant account shall be used by early childhood Iowa areas
16 for the purposes of enhancing quality child care capacity in
17 support of parent capability to obtain or retain employment.
18 The moneys shall be used with a primary emphasis on low-income
19 families and children from zero to age five. Moneys shall be
20 provided in a flexible manner and shall be used to implement
21 strategies identified by the early childhood Iowa area to
22 achieve such purposes. The department of education may use a
23 portion of the funding appropriated to the department under
24 this subsection for provision of technical assistance and
25 other support to the early childhood Iowa areas developing and
26 implementing strategies with grant moneys distributed from the
27 account.

28 *e.* Moneys from a federal block grant that are credited
29 to the early childhood programs grant account but are not
30 distributed to an early childhood Iowa area or otherwise remain
31 unobligated or unexpended at the end of the fiscal year shall
32 revert to the fund created in section 8.41 to be available for
33 appropriation by the general assembly in a subsequent fiscal
34 year.

35 5. A first years first account is created in the fund under

1 the authority of the department of education. The account
2 shall consist of gift or grant moneys obtained from any source,
3 including but not limited to the federal government. Moneys
4 credited to the account are appropriated to the department to
5 be used for the early childhood-related purposes for which the
6 moneys were received.

7 Sec. 354. Section 135.106, subsection 3, Code 2009, is
8 amended to read as follows:

9 3. It is the intent of the general assembly to provide
10 communities with the discretion and authority to redesign
11 existing local programs and services targeted at and assisting
12 families expecting babies and families with children who
13 are newborn through five years of age. The Iowa department
14 of public health, department of human services, department
15 of education, and other state agencies and programs, as
16 appropriate, shall provide technical assistance and support
17 to communities desiring to redesign their local programs and
18 shall facilitate the consolidation of existing state funding
19 appropriated and made available to the community for family
20 support services. Funds which are consolidated in accordance
21 with this subsection shall be used to support the redesigned
22 service delivery system. In redesigning services, communities
23 are encouraged to implement a single uniform family risk
24 assessment mechanism and shall demonstrate the potential for
25 improved outcomes for children and families. Requests by local
26 communities for the redesigning of services shall be submitted
27 to the Iowa department of public health, department of human
28 services, and department of education, and are subject to the
29 approval of the early childhood Iowa empowerment state board
30 in consultation with the departments, based on the practices
31 utilized with ~~community empowerment~~ early childhood Iowa areas
32 under chapter ~~28~~ 256I.

33 Sec. 355. Section 135.119, subsection 2, paragraph d, Code
34 Supplement 2009, is amended to read as follows:

35 d. The program plan shall incorporate a multiyear,

1 collaborative approach for implementation of the plan. The
2 plan shall address how to involve those who regularly work
3 with parents and persons responsible for the care of a
4 child, including but not limited to child abuse prevention
5 programs, child care resource and referral programs, child
6 care providers, family support programs, programs receiving
7 funding through the ~~community empowerment~~ early childhood
8 Iowa initiative, public and private schools, health care
9 providers, local health departments, birth centers, and
10 birthing hospitals.

11 Sec. 356. Section 135.159, subsection 3, paragraph i, Code
12 Supplement 2009, is amended to read as follows:

13 *i.* For children, coordinate with and integrate guidelines,
14 data, and information from existing newborn and child health
15 programs and entities, including but not limited to the healthy
16 opportunities for parents to experience success – healthy
17 families Iowa program, the ~~community empowerment program~~ early
18 childhood Iowa initiative, the center for congenital and
19 inherited disorders screening and health care programs,
20 standards of care for pediatric health guidelines, the office
21 of multicultural health established in section 135.12, the oral
22 health bureau established in section 135.15, and other similar
23 programs and services.

24 Sec. 357. Section 142A.4, subsection 8, Code Supplement
25 2009, is amended to read as follows:

26 8. Assist with the linkage of the initiative with child
27 welfare and juvenile justice decategorization projects,
28 education programming, ~~community empowerment~~ early childhood
29 Iowa areas, and other programs and services directed to youth
30 at the state and community level.

31 Sec. 358. Section 142A.8, subsection 2, Code 2009, is
32 amended to read as follows:

33 2. A community partnership area shall encompass a
34 county or multicounty area, school district or multischool
35 district area, economic development enterprise zone that

1 meets the requirements of an urban or rural enterprise
2 community under ~~Title~~ Tit. XIII of the federal Omnibus Budget
3 Reconciliation Act of 1993, or ~~community empowerment~~ early
4 childhood Iowa area, in accordance with criteria adopted by
5 the commission for appropriate population levels and size of
6 geographic areas.

7 Sec. 359. Section 216A.140, subsection 5, paragraph j, Code
8 Supplement 2009, is amended to read as follows:

9 ~~j. Office of community empowerment in the department~~
10 ~~of management~~ Early childhood coordination center in the
11 department of education.

12 Sec. 360. Section 217.42, subsection 1, Code 2009, is
13 amended to read as follows:

14 1. The organizational structure to deliver the department's
15 field services shall be based upon service areas. The service
16 areas shall serve as a basis for providing field services to
17 persons residing in the counties comprising the service area.
18 The service areas shall be those designated by the department
19 effective January 1, 2002. In determining the service areas,
20 the department shall consider other geographic service areas
21 including but not limited to judicial districts and ~~community~~
22 ~~empowerment~~ early childhood Iowa areas. The department shall
23 consult with the county boards of supervisors in a service
24 area with respect to the selection of the service area manager
25 responsible for the service area who is initially selected for
26 the service area designated effective January 1, 2002, and any
27 service area manager selected for the service area thereafter.
28 Following establishment of the service areas effective January
29 1, 2002, if a county seeks to change the boundaries of a
30 service area, the change shall only take place if the change is
31 mutually agreeable to the department and all affected counties.
32 If it is necessary for the department to significantly modify
33 its field operations or the composition of a designated service
34 area, or if it is necessary for the department to change the
35 number of offices operating less than full-time, the department

1 shall consult with the affected counties prior to implementing
2 such action.

3 Sec. 361. Section 232.188, subsection 4, paragraph c, Code
4 2009, is amended to read as follows:

5 c. A decategorization governance board shall coordinate
6 the project's planning and budgeting activities with the
7 departmental service area manager for the county or counties
8 comprising the project area and the ~~community empowerment~~ early
9 childhood Iowa area board or boards for the community
10 empowerment early childhood Iowa area or areas within which the
11 decategorization project is located.

12 Sec. 362. Section 237A.21, subsection 3, paragraph n, Code
13 Supplement 2009, is amended to read as follows:

14 n. One designee of the ~~community empowerment office of the~~
15 ~~department of management~~ early childhood coordination center
16 in the department of education.

17 Sec. 363. Section 237A.21, subsection 3, paragraph q, Code
18 Supplement 2009, is amended to read as follows:

19 q. One person who represents the early childhood Iowa
20 ~~council state board~~ created in section ~~135.173~~ 256I.3.

21 Sec. 364. Section 237A.22, subsection 1, paragraph j, Code
22 Supplement 2009, is amended to read as follows:

23 j. Advise and assist the early childhood Iowa ~~council state~~
24 board in developing the strategic plan required pursuant to
25 section ~~135.173~~ 256I.4.

26 Sec. 365. Section 237A.26, subsection 8, Code 2009, is
27 amended to read as follows:

28 8. For purposes of improving the quality and consistency
29 of data collection, consultation, and other support to child
30 care home and child development home providers, a resource and
31 referral services agency grantee shall coordinate and assist
32 with publicly and privately funded efforts administered at
33 the community level to provide the support. The support and
34 efforts addressed by a grantee may include but are not limited
35 to community-funded child care home and child development home

1 consultants. Community members involved with the assistance
2 may include but are not limited to the efforts of ~~a community~~
3 ~~empowerment~~ an early childhood Iowa area board under chapter
4 ~~28 256I~~, and of community representatives of education, health,
5 human services, business, faith, and public interests.

6 Sec. 366. Section 237A.30, subsection 1, Code 2009, is
7 amended to read as follows:

8 1. The department shall work with the ~~community empowerment~~
9 ~~office of the department of management~~ early childhood
10 coordination center in the department of education established
11 in section ~~28.3 256I.5~~ and the state child care advisory
12 council in designing and implementing a voluntary quality
13 rating system for each provider type of child care facility.

14 Sec. 367. Section 256C.3, subsection 3, paragraph e, Code
15 2009, is amended to read as follows:

16 e. Collaboration with participating families, early care
17 providers, and community partners including but not limited to
18 ~~community empowerment~~ early childhood Iowa area boards, head
19 start programs, shared visions and other programs provided
20 under the auspices of the child development coordinating
21 council, licensed child care centers, registered child
22 development homes, area education agencies, child care resource
23 and referral services provided under section 237A.26, early
24 childhood special education programs, services funded by
25 ~~Title Tit.~~ I of the federal Elementary and Secondary Education
26 Act of 1965, and family support programs.

27 Sec. 368. Section 256C.3, subsection 4, paragraph a, Code
28 2009, is amended to read as follows:

29 a. Methods of demonstrating community readiness to
30 implement high-quality instruction in a local program
31 shall be identified. The potential provider shall submit
32 a collaborative program proposal that demonstrates the
33 involvement of multiple community stakeholders including
34 but not limited to, and only as applicable, parents, the
35 school district, accredited nonpublic schools and faith-based

1 representatives, the area education agency, the ~~community~~
2 ~~empowerment~~ early childhood Iowa area board, representatives
3 of business, head start programs, shared visions and other
4 programs provided under the auspices of the child development
5 coordinating council, center-based and home-based providers
6 of child care services, human services, public health, and
7 economic development programs. The methods may include but are
8 not limited to a school district providing evidence of a public
9 hearing on the proposed programming and written documentation
10 of collaboration agreements between the school district,
11 existing community providers, and other community stakeholders
12 addressing operational procedures and other critical measures.

13 Sec. 369. Section 256C.4, subsection 2, paragraph b, Code
14 2009, is amended to read as follows:

15 b. The enrollment count of eligible students shall not
16 include a child who is included in the enrollment count
17 determined under section 257.6 or a child who is served by
18 a program already receiving state or federal funds for the
19 purpose of the provision of four-year-old preschool programming
20 while the child is being served by the program. Such preschool
21 programming includes but is not limited to child development
22 assistance programs provided under chapter 256A, special
23 education programs provided under section 256B.9, school ready
24 children grant programs and other programs provided under
25 chapter ~~28~~ 256I, and federal head start programs and the
26 services funded by ~~Title Tit.~~ Title I of the federal Elementary and
27 Secondary Education Act of 1965.

28 Sec. 370. Section 279.60, Code 2009, is amended to read as
29 follows:

30 **279.60 Kindergarten assessment — access to data — reports.**

31 Each school district shall administer the dynamic indicators
32 of basic early literacy skills kindergarten benchmark
33 assessment or other kindergarten benchmark assessment adopted
34 by the department of education in consultation with the early
35 childhood Iowa empowerment state board to every kindergarten

1 student enrolled in the district not later than the date
2 specified in section 257.6, subsection 1. The school district
3 shall also collect information from each parent, guardian,
4 or legal custodian of a kindergarten student enrolled in the
5 district, including but not limited to whether the student
6 attended preschool, factors identified by the early care
7 ~~staff~~ childhood coordination center pursuant to section
8 ~~28.3~~ 256I.5, and other demographic factors. Each school
9 district shall report the results of the assessment and
10 the preschool information collected to the department of
11 education in the manner prescribed by the department not
12 later than January 1 of that school year. The ~~early care~~
13 ~~staff designated pursuant to section 28.3~~ early childhood
14 coordination center in the department of education shall
15 have access to the raw data. The department shall review
16 the information submitted pursuant to this section and shall
17 submit its findings and recommendations annually in a report to
18 the governor, the general assembly, the early childhood Iowa
19 ~~empowerment state~~ board, and the ~~community empowerment~~ early
20 childhood Iowa area boards.

21 Sec. 371. Section 915.35, subsection 4, paragraph b, Code
22 Supplement 2009, is amended to read as follows:

23 *b.* A child protection assistance team may also consult
24 with or include juvenile court officers, medical and mental
25 health professionals, physicians or other hospital-based health
26 professionals, court-appointed special advocates, guardians ad
27 litem, and members of a multidisciplinary team created by the
28 department of human services for child abuse investigations. A
29 child protection assistance team may work cooperatively with
30 the ~~local community empowerment~~ early childhood Iowa area
31 board established under ~~section 28.6~~ chapter 256I. The child
32 protection assistance team shall work with the department
33 of human services in accordance with section 232.71B,
34 subsection 3, in developing the protocols for prioritizing
35 the actions taken in response to child abuse reports and for

1 law enforcement agencies working jointly with the department
2 at the local level in processes for child abuse reports. The
3 department of justice may provide training and other assistance
4 to support the activities of a child protection assistance
5 team.

6 Sec. 372. REPEALS.

7 1. Chapter 28, Code and Code Supplement 2009, is repealed.

8 2. Section 135.173, Code Supplement 2009, is repealed.

9 3. Section 135.174, Code 2009, is repealed.

10 Sec. 373. IMPLEMENTATION OF ACT. Section 25B.2, subsection
11 3, shall not apply to this division of this Act.

12 Sec. 374. TRANSITION.

13 1. Effective on or after July 1, 2010, as determined by
14 the early childhood Iowa state board created pursuant to this
15 division of this Act, the designations granted by the Iowa
16 empowerment board to community empowerment areas and community
17 empowerment area boards under chapter 28, Code 2009, are
18 withdrawn. However, subject to the approval of the early
19 childhood Iowa state board in accordance with the area board
20 designation criteria established by this division of this Act,
21 all or a portion of the membership of a community empowerment
22 area board may be redesignated to serve as the membership of
23 the initial early childhood Iowa area board for the relevant
24 early childhood Iowa area to be served. Subject to rules
25 to be adopted by the state board addressing redesignation of
26 community empowerment areas as early childhood Iowa areas,
27 existing multicounty community empowerment area boards may
28 choose to be redefined as early childhood Iowa area boards.

29 2. Effective on or after July 1, 2010, as determined by the
30 early childhood Iowa state board, any school ready children
31 grant or other state or federal funds in the possession
32 of a community empowerment area remaining unobligated or
33 unexpended shall be returned to the department of education.
34 The department shall credit funds received to the school ready
35 children grant account or other corresponding account of the

1 early childhood Iowa fund. The moneys credited shall be
2 redisseminated to an early childhood Iowa area or areas that
3 correspond geographically to the boundaries of the community
4 empowerment area that returned the funds.

5 3. Until the early childhood Iowa state board has adopted
6 administrative rules to implement the provisions of chapter
7 256I, as enacted by this division of this Act, the department
8 of education shall apply the relevant rules adopted to
9 implement the community empowerment initiative under chapter
10 28, Code 2009, in place of the state agency or agencies
11 designated to administer the relevant rules. The state board
12 shall also adopt rules addressing transition of contracts
13 entered into by community empowerment area boards that include
14 provisions in effect on or after July 1, 2010.

15 DIVISION XXIII

16 HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES

17 Sec. 375. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN
18 SERVICES PROGRAMS. The department of human services shall
19 develop and implement strategies to increase efficiencies by
20 reducing paperwork, decreasing staff time, and providing more
21 streamlined services to the public relative to programs under
22 the purview of the department. Such strategies may include
23 but are not limited to simplifying and reducing duplication in
24 eligibility determinations among programs by utilizing the same
25 eligibility processes across programs to the extent allowed by
26 federal law. The department shall provide a progress report
27 to the joint appropriations subcommittee on health and human
28 services on a quarterly basis.

29 Sec. 376. PHARMACEUTICAL IMPROVEMENTS. The department
30 of human services, department of public health, department
31 of corrections, department of management, and any
32 other appropriate agency shall review the provision of
33 pharmaceuticals to populations they serve and programs under
34 their respective purview to determine efficiencies in the
35 purchase of pharmaceuticals. The departments shall develop

1 strategies to implement efficiencies and reduce costs to the
2 state, and shall determine any changes in state law or approval
3 from the federal government necessary to implement any strategy
4 identified.

5

DIVISION XXIV

6

HOSPITAL LICENSING BOARD

7 Sec. 377. Section 135B.5, subsection 1, Code 2009, is
8 amended to read as follows:

9 1. Upon receipt of an application for license and the
10 license fee, the department shall issue a license if the
11 applicant and hospital facilities comply with this chapter
12 and the rules of the department. Each licensee shall receive
13 annual reapproval upon payment of five hundred dollars and
14 upon filing of an application form which is available from the
15 department. ~~The annual licensure fee shall be dedicated to~~
16 ~~support and provide educational programs on regulatory issues~~
17 ~~for hospitals licensed under this chapter in consultation~~
18 ~~with the hospital licensing board.~~ Licenses shall be either
19 general or restricted in form. Each license shall be issued
20 only for the premises and persons or governmental units named
21 in the application and is not transferable or assignable except
22 with the written approval of the department. Licenses shall
23 be posted in a conspicuous place on the licensed premises as
24 prescribed by rule of the department.

25 Sec. 378. Section 135B.7, subsection 1, paragraph a, Code
26 Supplement 2009, is amended to read as follows:

27 a. The department, with the advice and ~~approval of the~~
28 ~~hospital licensing board~~ and approval of the state board of
29 health, shall adopt rules setting out the standards for the
30 different types of hospitals to be licensed under this chapter.
31 The department shall enforce the rules.

32 Sec. 379. REPEAL. Section 135B.10, Code 2009, is repealed.

33 Sec. 380. REPEAL. Section 135B.11, Code Supplement 2009,
34 is repealed.

35

DIVISION XXV

1 CHILD SUPPORT

2 Sec. 381. Section 252D.17, Code 2009, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 13. The department shall establish
5 criteria and a phased-in schedule to require, no later than
6 June 30, 2015, payors of income to electronically transmit
7 the amounts withheld under an income withholding order. The
8 department shall assist payors of income in complying with
9 the required electronic transmission, and shall adopt rules
10 setting forth procedures for use in electronic transmission of
11 funds, and exemption from use of electronic transmission taking
12 into consideration any undue hardship electronic transmission
13 creates for payors of income.

14 DIVISION XXVI

15 FALSE CLAIMS ACT

16 Sec. 382. NEW SECTION. 685.1 Definitions.

17 As used in this chapter, unless the context otherwise
18 requires:

19 1. "*Claim*" means any request or demand for money, property,
20 or services made to any employee, officer, or agent of the
21 state, or to any contractor, grantee, or other recipient,
22 whether under contract or not, if any portion of the money,
23 property, or services requested or demanded issued from, or
24 was provided by, the state, or if the state will reimburse the
25 contractor, grantee, or other recipient for any portion of the
26 money or property which is requested or demanded.

27 2. "*Employer*" means any natural person, corporation, firm,
28 association, organization, partnership, business, trust, or
29 state-affiliated entity involved in a nongovernmental function,
30 including state universities and state hospitals.

31 3. a. "*Knowing*" or "*knowingly*" means that a person, with
32 respect to information, does any of the following:

33 (1) Has actual knowledge of the information.

34 (2) Acts in deliberate ignorance of the truth or falsity of
35 the information.

1 (3) Acts in reckless disregard of the truth or falsity of
2 the information.

3 *b. "Knowing" or "knowingly" with respect to information does*
4 *not require proof of specific intent to defraud.*

5 4. "*Qui tam plaintiff*" means a private plaintiff who brings
6 an action under this chapter on behalf of the state.

7 Sec. 383. NEW SECTION. **685.2 Acts subjecting person to**
8 **treble damages, costs, and civil penalties — exceptions.**

9 1. A person who commits any of the following acts is liable
10 to the state for three times the amount of damages which the
11 state sustains because of the act of that person. A person who
12 commits any of the following acts shall also be liable to the
13 state for the costs of a civil action brought to recover any of
14 those penalties or damages, and shall be liable to the state
15 for a civil penalty of not less than five thousand dollars and
16 not more than ten thousand dollars for each violation:

17 *a. Knowingly presents or causes to be presented to any*
18 *employee, officer, or agent of the state, or to any contractor,*
19 *grantee, or other recipient of state funds, a false or*
20 *fraudulent claim for payment or approval.*

21 *b. Knowingly makes, uses, or causes to be made or used, a*
22 *false record or statement to get a false or fraudulent claim*
23 *paid or approved.*

24 *c. Conspires to defraud the state by getting a false claim*
25 *allowed or paid, or conspires to defraud the state by knowingly*
26 *making, using, or causing to be made or used, a false record or*
27 *statement to conceal, avoid, or decrease an obligation to pay*
28 *or transmit money or property to the state.*

29 *d. Has possession, custody, or control of public property or*
30 *money used or to be used by the state and knowingly delivers or*
31 *causes to be delivered less property than the amount for which*
32 *the person receives a certificate or receipt.*

33 *e. Is authorized to make or deliver a document certifying*
34 *receipt of property used or to be used by the state and*
35 *knowingly makes or delivers a receipt that falsely represents*

1 the property used or to be used.

2 *f.* Knowingly buys, or receives as a pledge of an obligation
3 or debt, public property from any person who lawfully may not
4 sell or pledge the property.

5 *g.* Knowingly makes, uses, or causes to be made or used, a
6 false record or statement to conceal, avoid, or decrease an
7 obligation to pay or transmit money or property to the state.

8 *h.* Is a beneficiary of an inadvertent submission of a false
9 claim to any employee, officer, or agent of the state, or to
10 any contractor, grantee, or other recipient of state funds,
11 subsequently discovers the falsity of the claim, and fails
12 to disclose the false claim to the attorney general within a
13 reasonable time after discovery of the false claim.

14 2. Notwithstanding subsection 1, the court may assess
15 not less than two times the amount of damages which the
16 state sustains because of the act of the person described in
17 subsection 1, and no civil penalty, if the court finds all of
18 the following:

19 *a.* The person committing the violation furnished the
20 attorney general with all information known to that person
21 about the violation within thirty days after the date on which
22 the person first obtained the information.

23 *b.* The person fully cooperated with any investigation by the
24 attorney general.

25 *c.* At the time the person furnished the attorney general
26 with information about the violation, a criminal prosecution,
27 civil action, or administrative action had not commenced
28 with respect to the violation, and the person did not have
29 actual knowledge of the existence of an investigation into the
30 violation.

31 3. This section shall not apply to claims, records, or
32 statements made under Title X relating to state revenue and
33 taxation.

34 Sec. 384. NEW SECTION. 685.3 Investigations and
35 prosecutions — powers of prosecuting authority — civil actions

1 by individuals as qui tam plaintiffs and as private citizens —
2 jurisdiction of courts.

3 1. The attorney general shall diligently investigate a
4 violation under section 685.2. If the attorney general finds
5 that a person has violated or is violating section 685.2, the
6 attorney general may bring a civil action under this section
7 against that person.

8 2. *a.* A person may bring a civil action for a violation of
9 this chapter for the person and for the state in the name of
10 the state. The person bringing the action shall be referred
11 to as the qui tam plaintiff. Once filed, the action may be
12 dismissed only with the written consent of the court, taking
13 into account the best interest of the parties involved and the
14 public purposes behind this chapter.

15 *b.* A copy of the complaint and written disclosure of
16 substantially all material evidence and information the
17 person possesses shall be served on the attorney general. The
18 complaint shall also be filed in camera, shall remain under
19 seal for at least sixty days, and shall not be served on the
20 defendant until the court so orders. The attorney general may
21 elect to intervene and proceed with the action within sixty
22 days after the attorney general receives both the complaint and
23 the material evidence and the information.

24 *c.* The attorney general may, for good cause shown, move the
25 court for extensions of the time during which the complaint
26 remains under seal under paragraph "b". Any such motions may be
27 supported by affidavits or other submissions in camera. The
28 defendant shall not be required to respond to any complaint
29 filed under this section until after the complaint is unsealed
30 and served upon the defendant pursuant to rules of civil
31 procedure.

32 *d.* Before the expiration of the sixty-day period or any
33 extensions obtained under paragraph "c", the attorney general
34 shall do one of the following:

35 (1) Proceed with the action, in which case the action shall

1 be conducted by the attorney general.

2 (2) Notify the court that the attorney general declines to
3 take over the action, in which case the person bringing the
4 action shall have the right to conduct the action.

5 e. When a person brings a valid action under this section,
6 no person other than the attorney general may intervene or
7 bring a related action based on the facts underlying the
8 pending action.

9 3. a. If the attorney general proceeds with the action,
10 the attorney general shall have the primary responsibility for
11 prosecuting the action, and shall not be bound by an act of
12 the person bringing the action. Such person shall have the
13 right to continue as a party to the action, subject to the
14 limitations specified in paragraph "b".

15 b. (1) The attorney general may move to dismiss the action
16 for good cause notwithstanding the objections of the qui tam
17 plaintiff if the qui tam plaintiff has been notified by the
18 attorney general of the filing of the motion and the court has
19 provided the qui tam plaintiff with an opportunity to oppose
20 the motion and present evidence at a hearing.

21 (2) The attorney general may settle the action with the
22 defendant notwithstanding the objections of the qui tam
23 plaintiff if the court determines, after a hearing providing
24 the qui tam plaintiff an opportunity to present evidence, that
25 the proposed settlement is fair, adequate, and reasonable under
26 all of the circumstances.

27 (3) Upon a showing by the attorney general that unrestricted
28 participation during the course of the litigation by the
29 person initiating the action would interfere with or unduly
30 delay the attorney general's prosecution of the case, or would
31 be repetitious, irrelevant, or for purposes of harassment,
32 the court may, in its discretion, impose limitations on the
33 person's participation, including but not limited to any of the
34 following:

35 (a) Limiting the number of witnesses the person may call.

1 (b) Limiting the length of the testimony of such witnesses.

2 (c) Limiting the person's cross-examination of witnesses.

3 (d) Otherwise limiting the participation by the person in
4 the litigation.

5 (4) Upon a showing by the defendant that unrestricted
6 participation during the course of the litigation by the person
7 initiating the action would be for purposes of harassment or
8 would cause the defendant undue burden or unnecessary expense,
9 the court may limit the participation by the person in the
10 litigation.

11 c. If the attorney general elects not to proceed with the
12 action, the person who initiated the action shall have the
13 right to conduct the action. If the attorney general requests,
14 the attorney general shall be served with copies of all
15 pleadings filed in the action and shall be supplied with copies
16 of all deposition transcripts at the state's expense. When a
17 person proceeds with the action, the court, without limiting
18 the status and rights of the person initiating the action, may
19 permit the attorney general to intervene at a later date upon a
20 showing of good cause.

21 d. Whether or not the attorney general proceeds with the
22 action, upon a showing by the attorney general that certain
23 actions of discovery by the person initiating the action
24 would interfere with the attorney general's investigation or
25 prosecution of a criminal or civil matter arising out of the
26 same facts, the court may stay such discovery for a period of
27 not more than sixty days. Such a showing shall be conducted
28 in camera. The court may extend the sixty-day period upon
29 a further showing in camera that the attorney general has
30 pursued the criminal or civil investigation or proceedings
31 with reasonable diligence and any proposed discovery in the
32 civil action will interfere with the ongoing criminal or civil
33 investigation or proceedings.

34 e. Notwithstanding subsection 2, the attorney general may
35 elect to pursue the state's claim through any alternate remedy

1 available to the state, including any administrative proceeding
2 to determine a civil penalty. If any such alternate remedy
3 is pursued in another proceeding, the person initiating the
4 action shall have the same rights in such proceeding as such
5 person would have had if the action had continued under this
6 section. Any finding of fact or conclusion of law made in
7 such other proceeding that has become final with respect to
8 a party who is also a party to an action under this section,
9 shall be conclusive as to all such parties to an action under
10 this section. For purposes of this paragraph, a finding or
11 conclusion is final if it has been finally determined on appeal
12 to the appropriate court of the state, if all time for filing
13 such an appeal with respect to the finding or conclusion has
14 expired, or if the finding or conclusion is not subject to
15 judicial review.

16 4. a. (1) If the attorney general proceeds with an action
17 brought by a person under subsection 2, the person shall,
18 subject to subparagraph (2), receive at least fifteen percent
19 but not more than twenty-five percent of the proceeds of the
20 action or settlement of the claim, which includes damages,
21 civil penalties, payments for costs of compliance, and any
22 other economic benefit realized by the state or federal
23 government as a result of the action, depending upon the
24 extent to which the person substantially contributed to the
25 prosecution of the action.

26 (2) If the action is one which the court finds to be
27 based primarily on disclosures of specific information, other
28 than information provided by the person bringing the action,
29 relating to allegations or transactions specifically in a
30 criminal, civil, or administrative hearing, or in a legislative
31 or administrative report, hearing, audit, or investigation, or
32 from the news media, the court may award an amount the court
33 considers appropriate, but in no case more than ten percent
34 of the proceeds, taking into account the significance of the
35 information and the role of the person bringing the action in

1 advancing the case to litigation.

2 (3) Any payment to a person under subparagraph (1) or (2)
3 shall be made from the proceeds. Any such person shall also
4 receive an amount for reasonable expenses which the appropriate
5 court finds to have been necessarily incurred, plus reasonable
6 attorney fees and costs. All such expenses, fees, and costs
7 shall be awarded against the defendant.

8 *b.* If the attorney general does not proceed with an action
9 under this section, the person bringing the action or settling
10 the claim shall receive an amount which the court decides is
11 reasonable for collecting the civil penalty and damages. The
12 amount shall be not less than twenty-five percent and not more
13 than thirty percent of the proceeds of the action or settlement
14 and shall be paid out of such proceeds, which includes damages,
15 civil penalties, payments for costs of compliance, and any
16 other economic benefit realized by the state or federal
17 government as a result of the action. Such person shall also
18 receive an amount for reasonable expenses which the appropriate
19 court finds to have been necessarily incurred, plus reasonable
20 attorney fees and costs. All such expenses, fees, and costs
21 shall be awarded against the defendant.

22 *c.* Whether or not the attorney general proceeds with the
23 action, if the court finds that the action was brought by a
24 person who planned and initiated the violation of section
25 685.2 upon which the action was brought, the court may, to the
26 extent the court considers appropriate, reduce the share of
27 the proceeds of the action which the person would otherwise
28 receive under paragraph "a" or "b", taking into account the
29 role of that person in advancing the case to litigation and any
30 relevant circumstances pertaining to the violation. If the
31 person bringing the action is convicted of criminal conduct
32 arising from the person's role in the violation of section
33 685.2, the person shall be dismissed from the civil action and
34 shall not receive any share of the proceeds of the action.
35 Such dismissal shall not prejudice the right of the attorney

1 general to continue the action.

2 *d.* If the attorney general does not proceed with the action
3 and the person bringing the action conducts the action, the
4 court may award to the defendant reasonable attorney fees and
5 expenses if the defendant prevails in the action and the court
6 finds that the claim of the person bringing the action was
7 clearly frivolous, clearly vexatious, or brought primarily for
8 purposes of harassment.

9 5. *a.* A court shall not have jurisdiction over an action
10 brought under subsection 2 against a member of the general
11 assembly, a member of the judiciary, or an executive branch
12 official if the action is based on evidence or information
13 known to the attorney general when the action was brought.

14 *b.* A person shall not bring an action under subsection 2
15 which is based upon allegations or transactions which are the
16 subject of a civil suit or an administrative civil penalty
17 proceeding in which the state is already a party.

18 *c.* Upon motion of the attorney general, the court may in
19 consideration of all the equities, dismiss a qui tam plaintiff
20 if the elements of the actionable false claims alleged in the
21 qui tam complaint have been publicly disclosed specifically
22 in the news media or in a publicly disseminated governmental
23 report, at the time the complaint is filed.

24 *d.* The state is not liable for expenses which a person
25 incurs in bringing an action under this section.

26 6. Any employee who is discharged, demoted, suspended,
27 threatened, harassed, or in any other manner discriminated
28 against in the terms and conditions of employment by the
29 person's employer because of lawful acts performed by the
30 employee on behalf of the employee or others in furtherance
31 of an action under this section, including investigation for,
32 initiation of, testimony for, or assistance in an action filed
33 or to be filed under this section, shall be entitled to all
34 relief necessary to make the employee whole. Such relief
35 shall include reinstatement with the same seniority status

1 such employee would have had but for the discrimination, two
2 times the amount of back pay, interest on the back pay, and
3 compensation for any special damages sustained as a result of
4 the discrimination, including litigation costs and reasonable
5 attorney fees. An employee may bring an action in the
6 appropriate court of the state for the relief provided in this
7 subsection.

8 Sec. 385. NEW SECTION. **685.4 Limitation of actions —**
9 **burden of proof.**

10 1. A civil action under section 685.3 shall not be brought
11 more than ten years after the date on which the violation was
12 committed.

13 2. A civil action under section 685.3 may be brought based
14 on activity prior to January 1, 2007, if the limitations period
15 pursuant to subsection 1 has not lapsed.

16 3. In any action brought under section 685.3, the attorney
17 general or the qui tam plaintiff shall be required to prove all
18 essential elements of the cause of action, including damages,
19 by a preponderance of the evidence.

20 4. Notwithstanding any other provision of law, a guilty
21 verdict rendered in a criminal proceeding charging false
22 statements or fraud, whether upon a verdict after trial or upon
23 a plea of guilty or nolo contendere, shall estop the defendant
24 from denying the essential elements of the offense in any
25 action which involves the same transaction as in the criminal
26 proceeding and which is brought under section 685.3, subsection
27 1, 2, or 3.

28 Sec. 386. NEW SECTION. **685.5 Remedies under other laws —**
29 **application.**

30 1. The provisions of this chapter are not exclusive, and the
31 remedies provided for in this chapter shall be in addition to
32 any other remedies provided for in any other law or available
33 under common law.

34 2. This chapter shall be liberally construed and applied
35 to promote the public interest. This chapter shall also

1 be construed and applied in a manner that reflects the
2 congressional intent behind the federal False Claims Act,
3 31 U.S.C. § 3729-3733, including the legislative history
4 underlying the 1986 amendments to the federal False Claims Act.

5 Sec. 387. NEW SECTION. 685.6 Venue.

6 An action brought under this chapter may be brought in any
7 judicial district in which the defendant or, in the case of
8 multiple defendants, any one defendant can be found, resides,
9 transacts business, or in which any act proscribed under this
10 chapter occurred. A summons as required by the rules of civil
11 procedure shall be issued by the appropriate district court and
12 service at any place within or outside the United States.

13 Sec. 388. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
14 APPLICABILITY. This division of this Act, being deemed of
15 immediate importance, takes effect upon enactment and applies
16 retroactively to January 1, 2007.

17 DIVISION XXVII

18 MEDICAID PRESCRIPTION DRUGS

19 Sec. 389. Section 249A.20A, subsection 4, Code 2009, is
20 amended to read as follows:

21 4. With the exception of drugs prescribed for the treatment
22 of human immunodeficiency virus or acquired immune deficiency
23 syndrome, transplantation, or cancer ~~and drugs prescribed~~
24 ~~for mental illness~~ with the exception of drugs and drug
25 compounds that do not have a significant variation in a
26 therapeutic profile or side effect profile within a therapeutic
27 class, prescribing and dispensing of prescription drugs not
28 included on the preferred drug list shall be subject to prior
29 authorization.

30 Sec. 390. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING. The
31 department shall adopt rules pursuant to chapter 17A to
32 restrict physicians and other prescribers to prescribing not
33 more than a 72-hour or three-day supply of a prescription drug
34 not included on the medical assistance preferred drug list
35 while seeking approval to continue prescribing the medication.

1 Sec. 391. MEDICAID MENTAL HEALTH MEDICATIONS. The
2 department shall adopt rules pursuant to chapter 17A to require
3 that unless the manufacturer of a chemically unique mental
4 health prescription drug enters into a contract to provide the
5 state with a supplemental rebate, the drug shall be placed on
6 the nonpreferred drug list and subject to prior authorization
7 before a medical assistance program recipient is able to obtain
8 the drug.

9 DIVISION XXVIII

10 MEDICAID DISEASE MANAGEMENT

11 Sec. 392. MEDICAID DISEASE MANAGEMENT FOR CHILDREN. The
12 department of human services shall design and implement a
13 disease management program for children to address the most
14 prevalent chronic diseases among children in Iowa. The program
15 may include technology-based disease management, in-person or
16 telephonic care management, self-management strategies, and
17 health literacy education and training.

18 DIVISION XXIX

19 MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PAYMENTS

20 Sec. 393. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER
21 PAYMENTS — REVIEW. The department of human services shall
22 evaluate payment records and determine the proper mechanism
23 to trigger a review of payments for services provided under a
24 home and community-based services waiver that are in excess of
25 the median amount for payments through the waivers. Following
26 development of the trigger mechanism, the department shall
27 require advance approval for services for which payment is
28 projected to exceed the median.

29 DIVISION XXX

30 DIVESTITURE — MEDICAID PROGRAM

31 Sec. 394. Section 249F.1, subsection 2, paragraph a, Code
32 2009, is amended to read as follows:

33 a. *“Transfer of assets”* means any transfer or assignment
34 of a legal or equitable interest in property, as defined in
35 section 702.14, from a transferor to a transferee for less than

1 fair consideration, made while the transferor is receiving
2 medical assistance or within five years prior to application
3 for medical assistance by the transferor. Any such transfer
4 or assignment is presumed to be made with the intent, on the
5 part of the transferee; transferor; or another person acting
6 on behalf of a transferor who is an actual or implied agent,
7 guardian, attorney-in-fact, or person acting as a fiduciary,
8 of enabling the transferor to obtain or maintain eligibility
9 for medical assistance or of impacting the recovery or payment
10 of a medical assistance debt. This presumption is rebuttable
11 only by clear and convincing evidence that the transferor's
12 eligibility or potential eligibility for medical assistance or
13 the impact on the recovery or payment of a medical assistance
14 debt was no part of the transferee's reason of the transferee;
15 transferor; or other person acting on behalf of a transferor
16 who is an actual or implied agent, guardian, attorney-in-fact,
17 or person acting as a fiduciary for making or accepting the
18 transfer or assignment. A transfer of assets includes a
19 transfer of an interest in the transferor's home, domicile, or
20 land appertaining to such home or domicile while the transferor
21 is receiving medical assistance, unless otherwise exempt under
22 paragraph "b".

23 Sec. 395. Section 249F.1, subsection 2, paragraph b,
24 subparagraph (6), Code 2009, is amended to read as follows:

25 (6) Transfers of assets that would, at the time of the
26 transferor's application for medical assistance, have been
27 exempt from consideration as a resource if retained by the
28 transferor, pursuant to 42 U.S.C. § 1382b(a), as implemented
29 by regulations adopted by the secretary of the United States
30 department of health and human services, excluding the home and
31 land appertaining to the home.

32 DIVISION XXXI

33 CHILD CARE ADVISORY COMMITTEE

34 Sec. 396. NEW SECTION. 135.173A Child care advisory
35 committee.

1 1. The early childhood Iowa council shall establish a state
2 child care advisory committee as part of the council. The
3 advisory committee shall advise and make recommendations to the
4 governor, general assembly, department of human services, and
5 other state agencies concerning child care.

6 2. The membership of the advisory committee shall consist of
7 a broad spectrum of parents and other persons from across the
8 state with an interest in or involvement with child care.

9 3. Except as otherwise provided, the voting members of
10 the advisory committee shall be appointed by the council
11 from a list of names submitted by a nominating committee to
12 consist of one member of the advisory committee, one member
13 of the department of human services' child care staff, three
14 consumers of child care, and one member of a professional child
15 care organization. Two names shall be submitted for each
16 appointment. The voting members shall be appointed for terms
17 of three years.

18 4. The voting membership of the advisory committee shall be
19 appointed in a manner so as to provide equitable representation
20 of persons with an interest in child care and shall include all
21 of the following:

22 a. Two parents of children served by a registered child
23 development home.

24 b. Two parents of children served by a licensed center.

25 c. Two not-for-profit child care providers.

26 d. Two for-profit child care providers.

27 e. One child care home provider.

28 f. Three child development home providers.

29 g. One child care resource and referral service grantee.

30 h. One nongovernmental child advocacy group representative.

31 i. One designee of the department of human services.

32 j. One designee of the Iowa department of public health.

33 k. One designee of the department of education.

34 l. One head start program provider.

35 m. One person who is a business owner or executive officer

1 from nominees submitted by the Iowa chamber of commerce
2 executives.

3 *n.* One designee of the community empowerment office of the
4 department of management.

5 *o.* One person who is a member of the Iowa afterschool
6 alliance.

7 *p.* One person who is part of a local program implementing
8 the statewide preschool program for four-year-old children
9 under chapter 256C.

10 *q.* One person who represents the early childhood Iowa
11 council.

12 5. In addition to the voting members of the advisory
13 committee, the membership shall include four legislators as
14 ex officio, nonvoting members. The four legislators shall
15 be appointed one each by the majority leader of the senate,
16 the minority leader of the senate, the speaker of the house
17 of representatives, and the minority leader of the house of
18 representatives for terms as provided in section 69.16B.

19 6. In fulfilling the advisory committee's role, the
20 committee shall do all of the following:

21 *a.* Consult with the department of human services and make
22 recommendations concerning policy issues relating to child
23 care.

24 *b.* Advise the department of human services concerning
25 services relating to child care, including but not limited to
26 any of the following:

27 (1) Resource and referral services.

28 (2) Provider training.

29 (3) Quality improvement.

30 (4) Public-private partnerships.

31 (5) Standards review and development.

32 (6) The federal child care and development block grant,
33 state funding, grants, and other funding sources for child
34 care.

35 *c.* Assist the department of human services in developing an

1 implementation plan to provide seamless service to recipients
2 of public assistance, which includes child care services.
3 For the purposes of this subsection, "*seamless service*"
4 means coordination, where possible, of the federal and state
5 requirements which apply to child care.

6 *d.* Advise and provide technical services to the director of
7 the department of education or the director's designee relating
8 to prekindergarten, kindergarten, and before and after school
9 programming and facilities.

10 *e.* Make recommendations concerning child care expansion
11 programs that meet the needs of children attending a core
12 education program by providing child care before and after the
13 core program hours and during times when the core program does
14 not operate.

15 *f.* Make recommendations for improving collaborations
16 between the child care programs involving the department of
17 human services and programs supporting the education and
18 development of young children including but not limited to the
19 federal head start program, the statewide preschool program for
20 four-year-old children and the early childhood, at-risk, and
21 other early education programs administered by the department
22 of education.

23 *g.* Make recommendations for eliminating duplication and
24 otherwise improving the eligibility determination processes
25 used for the state child care assistance program and other
26 programs supporting low-income families, including but not
27 limited to the federal head start, early head start, and even
28 start programs; the early childhood, at-risk, and preschool
29 programs administered by the department of education; the
30 family and self-sufficiency grant program; and the family
31 investment program.

32 *h.* Make recommendations as to the most effective and
33 efficient means of managing the state and federal funding
34 available for the state child care assistance program.

35 *i.* Review program data from the department of human services

1 and other departments concerning child care as deemed to be
2 necessary by the advisory committee, although a department
3 shall not provide personally identifiable data or information.

4 *j.* Advise and assist the early childhood Iowa council in
5 developing the strategic plan required pursuant to section
6 135.173.

7 7. The department of human services shall provide
8 information to the advisory committee semiannually on all of
9 the following:

10 *a.* Federal, state, local, and private revenues and
11 expenditures for child care, including but not limited to
12 updates on the current and future status of the revenues and
13 expenditures.

14 *b.* Financial information and data relating to regulation of
15 child care by the department of human services and the usage of
16 the state child care assistance program.

17 *c.* Utilization and availability data relating to child care
18 regulation, quantity, and quality from consumer and provider
19 perspectives.

20 *d.* Statistical and demographic data regarding child care
21 providers and the families utilizing child care.

22 *e.* Statistical data regarding the processing time for
23 issuing notices of decision to state child care assistance
24 applicants and for issuing payments to child care providers.

25 8. The advisory committee shall coordinate with the early
26 childhood Iowa council its reporting annually in December
27 to the governor and general assembly concerning the status
28 of child care in the state, providing findings, and making
29 recommendations. The annual report may be personally presented
30 to the general assembly's standing committees on human
31 resources by a representative of the advisory committee.

32 Sec. 397. Section 237A.1, subsection 16, Code 2009, is
33 amended to read as follows:

34 16. "*State child care advisory council*" committee" means
35 the state child care advisory ~~council~~ committee established

1 pursuant to ~~sections 237A.21 and 237A.22~~ section 135.173A.

2 Sec. 398. Section 237A.12, subsection 3, Code 2009, is
3 amended to read as follows:

4 3. Rules relating to fire safety for child care centers
5 shall be adopted under this chapter by the state fire marshal
6 in consultation with the department. Rules adopted by the
7 state fire marshal for a building which is owned or leased by a
8 school district or accredited nonpublic school and used as a
9 child care facility shall not differ from standards adopted by
10 the state fire marshal for school buildings under chapter 100.
11 Rules relating to sanitation shall be adopted by the department
12 in consultation with the director of public health. All rules
13 shall be developed in consultation with the state child care
14 advisory ~~council~~ committee. The state fire marshal shall
15 inspect the facilities.

16 Sec. 399. Section 237A.25, subsection 1, Code 2009, is
17 amended to read as follows:

18 1. The department shall develop consumer information
19 material to assist parents in selecting a child care provider.
20 In developing the material, the department shall consult with
21 department of human services staff, department of education
22 staff, the state child care advisory ~~council~~ committee, the
23 Iowa empowerment board, and child care resource and referral
24 services. In addition, the department may consult with other
25 entities at the local, state, and national level.

26 Sec. 400. Section 237A.30, subsection 1, Code 2009, is
27 amended to read as follows:

28 1. The department shall work with the community empowerment
29 office of the department of management established in section
30 28.3 and the state child care advisory ~~council~~ committee in
31 designing and implementing a voluntary quality rating system
32 for each provider type of child care facility.

33 Sec. 401. Section 256.9, subsection 32, paragraph b, Code
34 Supplement 2009, is amended to read as follows:

35 b. Standards and materials developed shall include

1 materials which employ developmentally appropriate practices
2 and incorporate substantial parental involvement. The
3 materials and standards shall include alternative teaching
4 approaches including collaborative teaching and alternative
5 dispute resolution training. The department shall consult
6 with the child development coordinating council, the state
7 child care advisory ~~council~~ committee established pursuant
8 to section 135.173A, the department of human services,
9 the state board of regents center for early developmental
10 education, the area education agencies, the department of
11 ~~child~~ human development and family studies in the college of
12 ~~family and consumer~~ human sciences at Iowa state university of
13 science and technology, the early childhood elementary division
14 of the college of education at the university of Iowa, and the
15 college of education at the university of northern Iowa, in
16 developing these standards and materials.

17 Sec. 402. REPEAL. Sections 237A.21 and 237A.22, Code
18 Supplement 2009, are repealed.

19 Sec. 403. IMPLEMENTATION — EFFECTIVE DATE.

20 1. The early childhood Iowa council shall develop a
21 legislation proposal identifying memberships slots for
22 the state child care advisory committee as created by this
23 division of this Act. The proposal shall ensure that there
24 is appropriate representation for the various types of child
25 care arrangements available in the state and for expertise.
26 The proposal shall be submitted to the governor and general
27 assembly on or before December 15, 2010.

28 2. If a provision of this Act or another enactment of
29 the Eighty-third General Assembly repeals section 135.173
30 and creates the early childhood Iowa state board in new Code
31 chapter 256I, the early childhood Iowa state board shall
32 fulfill the responsibilities assigned to the early childhood
33 Iowa council in subsection 1 and the department of education
34 shall propose corrective legislation for the provisions of
35 this division of this Act in accordance with section 2.16 for

1 consideration by the Eighty-fourth General Assembly, 2011
2 Regular Session.

3 3. The provisions of this division of this Act other than
4 this section take effect July 1, 2011.

5 DIVISION XXXII

6 STATE MENTAL HEALTH INSTITUTES

7 Sec. 404. MOUNT PLEASANT MHI CLOSURE COSTS. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year beginning July
10 1, 2009, and ending June 30, 2010, the following amount, or
11 so much thereof as is necessary, to be used for the purposes
12 designated:

13 For transition costs relating to the transfer of authority
14 over the state facilities of the state mental health institute
15 at Mount Pleasant from the department of human services to the
16 department of corrections in accordance with this division of
17 this Act:

18 \$ 0

19 Sec. 405. Section 218.1, Code 2009, is amended to read as
20 follows:

21 **218.1 Institutions controlled.**

22 1. The director of human services shall have the general and
23 full authority given under statute to control, manage, direct,
24 and operate the ~~following~~ institutions listed in subsection
25 2 under the director's jurisdiction, and may at the director's
26 discretion assign the powers and authorities given the director
27 by statute to any one of the deputy directors, division
28 administrators, or officers or employees of the divisions of
29 the department of human services+.

30 2. The institutions under the authority of the director of
31 human services are the following:

- 32 ~~1.~~ a. Glenwood state resource center.
- 33 ~~2.~~ b. Woodward state resource center.
- 34 ~~3.~~ c. Mental health institute, Cherokee, Iowa.
- 35 ~~4.~~ d. Mental health institute, Clarinda, Iowa.

1 5. e. Mental health institute, Independence, Iowa.

2 6. ~~Mental health institute, Mount Pleasant, Iowa.~~

3 7. f. State training school.

4 8. g. Iowa juvenile home.

5 9. h. Other facilities not attached to the campus of the
6 main institution as program developments require.

7 Sec. 406. Section 219.1, subsection 1, Code 2009, is amended
8 to read as follows:

9 1. All of the following ~~shall be~~ are collectively designated
10 as a single state medical institution:

11 ~~a. The mental health institute, Mount Pleasant, Iowa.~~

12 ~~b. a.~~ a. The mental health institute, Independence, Iowa.

13 ~~c. b.~~ b. The mental health institute, Clarinda, Iowa.

14 ~~d. c.~~ c. The mental health institute, Cherokee, Iowa.

15 ~~e. d.~~ d. The Glenwood state resource center.

16 ~~f. e.~~ e. The Woodward state resource center.

17 Sec. 407. Section 226.1, subsection 1, Code Supplement
18 2009, is amended to read as follows:

19 1. The state hospitals for persons with mental illness ~~shall~~
20 be designated, known as the state mental health institutes,
21 are as follows:

22 ~~a. Mental Health Institute, Mount Pleasant, Iowa.~~

23 ~~b. a. Mental Health Institute~~ health institute,
24 Independence, Iowa.

25 ~~c. b. Mental Health Institute~~ health institute, Clarinda,
26 Iowa.

27 ~~d. c. Mental Health Institute~~ health institute, Cherokee,
28 Iowa.

29 Sec. 408. Section 226.9C, subsection 1, Code 2009, is
30 amended to read as follows:

31 1. The ~~state mental health institute at Mount Pleasant~~
32 shall department of human services may operate the a dual
33 diagnosis mental health and substance abuse program at a state
34 mental health institute. The dual diagnosis program shall
35 operate on a net budgeting basis in which fifty percent of the

1 actual per diem and ancillary services costs are chargeable to
2 the patient's county of legal settlement or as a state case,
3 as appropriate.

4 1A. Subject to the approval of the department, revenues
5 attributable to the dual diagnosis program for each fiscal year
6 shall be deposited in the mental health institute's account
7 and are appropriated to the department for the dual diagnosis
8 program, including but not limited to all of the following
9 revenues:

10 a. Moneys received by the state from billings to counties
11 under section 230.20.

12 b. Moneys received from billings to the Medicare program.

13 c. Moneys received from a managed care contractor providing
14 services under contract with the department or any private
15 third-party payor.

16 d. Moneys received through client participation.

17 e. Any other revenues directly attributable to the dual
18 diagnosis program.

19 Sec. 409. TRANSITION PROVISIONS.

20 1. The director of human services and the director of the
21 department of corrections shall work together to transfer
22 authority over the facilities at the state mental health
23 institute at Mount Pleasant from the department of human
24 services to the department of corrections. The transfer shall
25 be completed on or before July 1, 2011.

26 2. The department of human services shall do all of the
27 following during the fiscal year beginning July 1, 2009,
28 relating to the transfer of authority over such facilities:

29 a. Adopt rules revising the catchment areas for the state
30 mental health institutes from four areas to three areas served
31 by the state mental health institutes at Cherokee, Clarinda,
32 and Independence. The rules shall also address relocation
33 of statewide programs to appropriate state mental health
34 institutes.

35 b. Transfer the patients at the state mental health

1 institute at Mount Pleasant to suitable alternative placements.

2 3. Moneys appropriated to the department of human services
3 for the fiscal year beginning July 1, 2009, and ending June 30,
4 2010, for the state mental health institute at Mount Pleasant
5 shall be expended for the patients placed at the institute,
6 for services provided at alternative placements or for costs
7 incurred by the department of human services relating to the
8 transfer of programs.

9 4. Administrative rules adopted by the department of
10 human services for the state mental health institute at Mount
11 Pleasant in effect as of July 1, 2009, shall remain applicable
12 until the transfer of the authority over the facilities to the
13 department of corrections has been completed. The departments
14 of human services and corrections shall jointly provide written
15 notice to the legislative services agency when the transfer has
16 been completed.

17 Sec. 410. IMPLEMENTATION. Section 25B.2, subsection 3,
18 shall not apply to this division of this Act.

19 Sec. 411. EFFECTIVE UPON ENACTMENT. This division of this
20 Act, being deemed of immediate importance, takes effect upon
21 enactment.

22 DIVISION XXXIII

23 MH/MR/DD/BI COMMISSION DUTIES

24 Sec. 412. Section 135C.23, subsection 2, paragraph b, Code
25 Supplement 2009, is amended to read as follows:

26 *b.* This section does not prohibit the admission of a
27 patient with a history of dangerous or disturbing behavior to
28 an intermediate care facility for persons with mental illness,
29 intermediate care facility for persons with mental retardation,
30 nursing facility, or county care facility when the intermediate
31 care facility for persons with mental illness, intermediate
32 care facility for persons with mental retardation, nursing
33 facility, or county care facility has a program which has
34 received prior approval from the department to properly care
35 for and manage the patient. An intermediate care facility for

1 persons with mental illness, intermediate care facility for
2 persons with mental retardation, nursing facility, or county
3 care facility is required to transfer or discharge a resident
4 with dangerous or disturbing behavior when the intermediate
5 care facility for persons with mental illness, intermediate
6 care facility for persons with mental retardation, nursing
7 facility, or county care facility cannot control the resident's
8 dangerous or disturbing behavior. The department, ~~in~~
9 ~~coordination with the state mental health, mental retardation,~~
10 ~~developmental disabilities, and brain injury commission created~~
11 ~~in section 225C.5,~~ shall adopt rules pursuant to chapter 17A
12 for programs to be required in intermediate care facilities
13 for persons with mental illness, intermediate care facilities
14 for persons with mental retardation, nursing facilities, and
15 county care facilities that admit patients or have residents
16 with histories of dangerous or disturbing behavior.

17 Sec. 413. Section 229.24, subsection 3, unnumbered
18 paragraph 1, Code 2009, is amended to read as follows:

19 If all or part of the costs associated with hospitalization
20 of an individual under this chapter are chargeable to a
21 county of legal settlement, the clerk of the district court
22 shall provide to the county of legal settlement and to the
23 county in which the hospitalization order is entered, ~~in a~~
24 ~~form prescribed by the mental health, mental retardation,~~
25 ~~developmental disabilities, and brain injury commission,~~ the
26 following information pertaining to the individual which would
27 be confidential under subsection 1:

28 Sec. 414. Section 230A.2, Code 2009, is amended to read as
29 follows:

30 **230A.2 Services offered.**

31 A community mental health center established or operating
32 as authorized by section 230A.1 may offer to residents of the
33 county or counties it serves any or all of the mental health
34 services defined by ~~the mental health, mental retardation,~~
35 ~~developmental disabilities, and brain injury commission~~ in the

1 comprehensive state mental health and disability services plan
2 under section 225C.6B.

3 Sec. 415. Section 230A.15, Code 2009, is amended to read as
4 follows:

5 **230A.15 Comprehensive community mental health program.**

6 A community mental health center established or operating
7 as authorized by section 230A.1, or which a county or group
8 of counties has agreed to establish or support pursuant
9 to that section, may with approval of the board or boards
10 of supervisors of the county or counties supporting or
11 establishing the center, undertake to provide a comprehensive
12 community mental health program for the county or counties.
13 A center providing a comprehensive community mental health
14 program shall, at a minimum, make available to residents of the
15 county or counties it serves all of the ~~comprehensive~~ mental
16 health services described in the comprehensive state mental
17 health and disability services plan under section 225C.6B.

18 Sec. 416. Section 331.424A, subsection 1, Code Supplement
19 2009, is amended to read as follows:

20 1. For the purposes of this chapter, unless the context
21 otherwise requires, "*services fund*" means the county mental
22 health, mental retardation, and developmental disabilities
23 services fund created in subsection 2. ~~The county finance~~
24 ~~committee created in section 333A.2 shall consult with~~
25 ~~the state commission in adopting shall adopt rules and~~
26 ~~prescribing forms~~ for administering the services fund. The
27 county finance committee created in section 333A.2 shall
28 prescribe forms in accordance with the rules adopted by the
29 state commission. The forms shall allow for reporting of
30 services for persons with brain injury and other optional
31 services funded through a services fund.

32 Sec. 417. Section 331.438, subsection 1, paragraph b, Code
33 2009, is amended to read as follows:

34 b. "*Qualified mental health, mental retardation, and*
35 *developmental disabilities services*" means the services

1 ~~specified on forms issued in the rules adopted by the county~~
2 ~~finance committee following consultation with the state~~
3 ~~commission for administering the services fund, pursuant to~~
4 ~~section 331.424A.~~

5 Sec. 418. Section 331.438, subsection 4, paragraph b, Code
6 2009, is amended to read as follows:

7 b. The state commission shall do all of the following:

8 (1) ~~Identify~~ Receive and review reports from the department
9 of human services identifying characteristics of the
10 service county services system, including amounts expended,
11 equity of funding among counties, funding sources, provider
12 types, service availability, and equity of service availability
13 among counties and among persons served.

14 ~~(2) Assess the accuracy and uniformity of recordkeeping and~~
15 ~~reporting in the service system.~~

16 ~~(3) Identify for each county the factors associated with~~
17 ~~inflationary growth of the service system.~~

18 ~~(4) Identify opportunities for containing service system~~
19 ~~growth.~~

20 ~~(5)~~ (2) Consider proposals for revising service county
21 services system administrative rules.

22 ~~(6) Consider provisions and adopt rules for counties to~~
23 ~~implement a central point of coordination to plan, budget,~~
24 ~~and monitor county expenditures for the service system. The~~
25 ~~provisions shall provide options for counties to implement~~
26 ~~the central point of coordination in collaboration with other~~
27 ~~counties.~~

28 ~~(7) Develop criteria for annual county mental health,~~
29 ~~mental retardation, and developmental disabilities plans.~~

30 ~~(8)~~ (3) Adopt administrative rules identifying qualified
31 ~~mental health, mental retardation, and developmental~~
32 ~~disabilities service expenditures for purposes of state payment~~
33 ~~pursuant to subsection 1 relating to county management plans.~~

34 ~~(9) Adopt rules for the county central point of coordination~~
35 ~~and clinical assessment processes required under section~~

1 ~~331.440 and other rules necessary for the implementation of~~
2 ~~county management plans and expenditure reports required for~~
3 ~~state payment pursuant to section 331.439.~~

4 ~~(10) Consider recommendations to improve the programs and~~
5 ~~cost-effectiveness of state and county contracting processes~~
6 ~~and procedures, including strategies for negotiations relating~~
7 ~~to managed care. The recommendations implemented by the~~
8 ~~commission for the state and county regarding managed care~~
9 ~~shall include but are not limited to standards for limiting~~
10 ~~excess costs and profits, and for restricting cost shifting~~
11 ~~under a managed care system.~~

12 ~~(11) (4) Provide input, when appropriate, to the director~~
13 ~~of human services in any decision involving administrative~~
14 ~~rules which were adopted by the department of human services~~
15 ~~pertaining to the mental illness, mental retardation, and~~
16 ~~developmental disabilities services system administered by~~
17 ~~counties.~~

18 ~~(12) Identify the fiscal impact of existing or proposed~~
19 ~~legislation and administrative rules on state and county~~
20 ~~expenditures.~~

21 ~~(13) Adopt administrative rules providing statewide~~
22 ~~standards and a monitoring methodology to determine whether~~
23 ~~cost-effective individualized services are available as~~
24 ~~required pursuant to section 331.439, subsection 1, paragraph~~
25 ~~"b".~~

26 ~~(14) (5) Consider recommendations for and adopt~~
27 ~~administrative rules establishing statewide minimum standards~~
28 ~~for services and other support required to be available to~~
29 ~~persons covered by a county management plan under section~~
30 ~~331.439.~~

31 ~~(15) (6) Consider recommendations for measuring and~~
32 ~~improving the quality of state and county mental health, mental~~
33 ~~retardation, and developmental disabilities services and other~~
34 ~~support.~~

35 ~~(16) Develop a procedure for each county to disclose to~~

1 ~~the department of human services information approved by the~~
2 ~~commission concerning the mental health, mental retardation,~~
3 ~~developmental disabilities, and brain injury services provided~~
4 ~~to the individuals served through the county central point~~
5 ~~of coordination process. The procedure shall incorporate~~
6 ~~protections to ensure that if individually identified~~
7 ~~information is disclosed, it is disclosed and maintained in~~
8 ~~compliance with applicable Iowa and federal confidentiality~~
9 ~~laws, including but not limited to federal Health Insurance~~
10 ~~Portability and Accountability Act, Pub. L. No. 104-191,~~
11 ~~requirements.~~

12 Sec. 419. Section 331.439, subsection 1, unnumbered
13 paragraph 1, Code 2009, is amended to read as follows:

14 The state payment to eligible counties under this section
15 shall be made as provided in sections 331.438 and 426B.2. A
16 county is eligible for the state payment, as defined in section
17 331.438, for a fiscal year if the director of human services,
18 ~~in consultation with the state commission,~~ determines for a
19 specific fiscal year that all of the following conditions are
20 met:

21 Sec. 420. Section 331.439, subsection 1, paragraph a, Code
22 2009, is amended to read as follows:

23 a. The county accurately reported by December 1 the
24 county's expenditures for mental health, mental retardation,
25 and developmental disabilities services and the information
26 required under section 225C.6A, subsection 2 3, paragraph
27 "c", for the previous fiscal year ~~on forms prescribed by in~~
28 accordance with rules adopted by the state commission. If
29 the department determines good cause exists, the department
30 may extend a deadline otherwise imposed under this chapter,
31 chapter 225C, or chapter 426B for a county's reporting
32 concerning mental health, mental retardation, or developmental
33 disabilities services or related revenues and expenditures.

34 Sec. 421. Section 331.439, subsection 1, paragraph b,
35 unnumbered paragraph 1, Code 2009, is amended to read as

1 follows:

2 The county developed and implemented a county management
3 plan for the county's mental health, mental retardation, and
4 developmental disabilities services system in accordance with
5 the provisions of this paragraph "b". The plan shall comply
6 with the administrative rules adopted for this purpose by the
7 state commission and is subject to the approval of the director
8 of human services in consultation with the state commission.
9 The plan shall include a description of the county's service
10 management provision for mental health, mental retardation, and
11 developmental disabilities services. For mental retardation
12 and developmental disabilities service management, the plan
13 shall describe the county's development and implementation of a
14 ~~managed~~ system of cost-effective individualized services and
15 shall comply with the provisions of paragraph "f". The goal
16 of this part of the plan shall be to assist the individuals
17 served to be as independent, productive, and integrated into
18 the community as possible. The service management provisions
19 for mental health shall comply with the provisions of paragraph
20 "e". A county is subject to all of the following provisions
21 in regard to the county's services system management plan and
22 planning process:

23 Sec. 422. Section 331.439, subsection 1, paragraph b,
24 subparagraphs (2) and (3), Code 2009, are amended to read as
25 follows:

26 (2) For informational purposes, the county shall submit a
27 management plan review to the department of human services by
28 December 1 of each year. The annual review shall incorporate
29 an analysis of the data associated with the services
30 system managed during the preceding fiscal year by the county
31 or by a ~~managed-care~~ private entity on behalf of the county.
32 The annual review shall also identify measurable outcomes
33 and results showing the county's progress in fulfilling
34 the purposes listed in paragraph "c", and in achieving the
35 disability services outcomes and indicators identified by the

1 commission pursuant to section 225C.6.

2 (3) For informational purposes, every three years the
3 county shall submit to the department of human services a
4 three-year strategic plan. The strategic plan shall describe
5 how the county will proceed to attain the plan's goals and
6 objectives, and the measurable outcomes and results necessary
7 for moving the county's service services system toward an
8 individualized, community-based focus in accordance with
9 paragraph "c". The three-year strategic plan shall be
10 submitted by April 1, 2000, and by April 1 of every third year
11 thereafter.

12 Sec. 423. Section 331.439, subsection 1, paragraphs c, e,
13 and f, Code 2009, are amended to read as follows:

14 c. The county implements its county management plan under
15 paragraph "b" and other service management functions in a
16 manner that seeks to achieve all of the following purposes
17 identified in section 225C.1 for persons who are covered by the
18 plan or are otherwise subject to the county's service services
19 system management functions:

20 (1) The service services system seeks to empower persons
21 to exercise their own choices about the amounts and types of
22 services and other support received.

23 (2) The service services system seeks to empower the persons
24 to accept responsibility, exercise choices, and take risks.

25 (3) The service services system seeks to provide services
26 and other support that are individualized, provided to produce
27 results, flexible, and cost-effective.

28 (4) The service services system seeks to provide services
29 and other ~~supports~~ support in a manner which supports the
30 ability of the persons to live, learn, work, and recreate in
31 communities of their choice.

32 e. (1) For mental health service management, the county
33 may either directly implement a system of service management
34 and contract with service providers, or contract with a
35 private entity to manage the county services system, provided

1 all requirements of this lettered paragraph are met by the
2 private entity. The mental health ~~service management~~ services
3 system shall incorporate a central point of coordination and
4 clinical assessment process developed in accordance with the
5 provisions of section 331.440.

6 (2) ~~A managed care~~ The county services system for mental
7 health proposed by a county shall include but is not limited
8 to all of the following elements which shall be specified in
9 administrative rules adopted by the state commission:

10 (a) The enrollment and eligibility process.

11 (b) The scope of services included.

12 (c) The method of plan administration.

13 (d) The process for managing utilization and access to
14 services and other assistance.

15 (e) The quality assurance process.

16 (f) The risk management provisions and fiscal viability of
17 the provisions, if the county contracts with a private ~~managed~~
18 ~~care~~ entity.

19 *f.* For mental retardation and developmental disabilities
20 services management, the county must either develop and
21 implement a ~~managed~~ system of care which addresses a full
22 array of appropriate services and cost-effective delivery of
23 services by contracting directly with service providers or
24 ~~contract~~ by contracting with a state-approved ~~managed care~~
25 ~~contractor or contractors~~ private entity to manage the county
26 services system. ~~Any system or contract implemented under~~
27 ~~this paragraph~~ The county services system shall incorporate a
28 central point of coordination and clinical assessment process
29 developed in accordance with the provisions of section 331.440.
30 The elements of ~~the county managed system of care~~ a county
31 services system shall be specified in rules developed by the
32 department of human services in consultation with and adopted
33 by the state commission.

34 Sec. 424. Section 331.439, subsection 3, paragraph b, Code
35 2009, is amended to read as follows:

1 *b.* Based upon information contained in county management
2 plans and budgets and proposals made by representatives of
3 counties, the state commission shall recommend an allowed
4 growth factor adjustment to the governor by November 15
5 for the fiscal year which commences two years from the
6 beginning date of the fiscal year in progress at the time the
7 recommendation is made. The allowed growth factor adjustment
8 ~~shall~~ may address various costs including but not limited to
9 the costs associated with new consumers of service, service
10 cost inflation, and investments for economy and efficiency. In
11 developing the service cost inflation recommendation, the state
12 commission shall consider the cost trends indicated by the
13 gross expenditure amount reported in the expenditure reports
14 submitted by counties pursuant to subsection 1, paragraph
15 "a". The governor shall consider the state commission's
16 recommendation in developing the governor's recommendation for
17 an allowed growth factor adjustment for such fiscal year. The
18 governor's recommendation shall be submitted at the time the
19 governor's proposed budget for the succeeding fiscal year is
20 submitted in accordance with chapter 8.

21 Sec. 425. Section 331.439, subsection 7, Code 2009, is
22 amended to read as follows:

23 7. A county shall annually report data concerning the
24 county's services system managed by in accordance with the
25 county management plan. At a minimum, the data reported shall
26 indicate the number of different individuals who utilized
27 services in a fiscal year and the various types of services.
28 Data reported under this subsection shall be submitted with
29 the county's expenditure report required under subsection 1,
30 paragraph "a".

31 DIVISION XXXIV

32 MH/MR/DD/BI SERVICES

33 Sec. 426. Section 225C.4, subsection 1, paragraph a, Code
34 2009, is amended to read as follows:

35 *a.* Prepare and administer the comprehensive mental health

1 and disability services plan as provided in section 225C.6B,
2 including state mental health and mental retardation plans
3 for the provision of disability services within the state and
4 ~~prepare and administer~~ the state developmental disabilities
5 plan. The administrator shall consult with the Iowa department
6 of public health, the state board of regents or a body
7 designated by the board for that purpose, the department
8 of management or a body designated by the director of the
9 department for that purpose, the department of education, the
10 department of workforce development and any other appropriate
11 governmental body, in order to facilitate coordination of
12 disability services provided in this state. The state mental
13 health and mental retardation plans shall be consistent with
14 the state health plan, and shall incorporate county disability
15 services plans.

16 Sec. 427. Section 225C.6, subsections 1 and 3, Code 2009,
17 are amended to read as follows:

18 1. To the extent funding is available, the commission shall
19 perform the following duties:

20 a. Advise the administrator on the administration of the
21 overall state disability services system.

22 b. Adopt necessary rules pursuant to chapter 17A which
23 relate to disability programs and services, including but not
24 limited to definitions of each disability included within the
25 term "*disability services*" as necessary for purposes of state,
26 county, and regional planning, programs, and services.

27 c. Adopt standards for community mental health centers,
28 services, and programs as recommended under section 230A.16.
29 The ~~commission~~ administrator shall determine whether to grant,
30 deny, or revoke the accreditation of the centers, services, and
31 programs.

32 d. Adopt standards for ~~the care of and services to persons~~
33 ~~with mental illness and mental retardation residing in county~~
34 ~~care facilities recommended under section 227.4~~ the provision
35 under medical assistance of individual case management

1 services.

2 e. Unless another governmental body sets standards for a
3 service available to persons with disabilities, adopt state
4 standards for that service. ~~The commission shall provide that~~
5 ~~a service provider's compliance with standards for a service~~
6 ~~set by a nationally recognized body shall be deemed to be in~~
7 ~~compliance with the state standards adopted by the commission~~
8 ~~for that service. The commission shall adopt state standards~~
9 ~~for those residential and community-based providers of services~~
10 ~~to persons with mental illness or developmental disabilities~~
11 ~~that are not otherwise subject to licensure by the department~~
12 ~~of human services or department of inspections and appeals,~~
13 ~~including but not limited to remedial services payable under~~
14 ~~the medical assistance program and other services payable from~~
15 ~~funds credited to a county mental health, mental retardation,~~
16 ~~and developmental disabilities services fund created in section~~
17 ~~331.424A. In addition, the~~ The commission shall review the
18 licensing standards used by the department of human services
19 or department of inspections and appeals for those facilities
20 providing disability services to persons with mental illness
21 or ~~developmental disabilities.~~

22 f. Assure that proper reconsideration and appeal procedures
23 are available to persons aggrieved by decisions, actions, or
24 circumstances relating to accreditation.

25 g. Adopt necessary rules for awarding grants from the state
26 and federal government as well as other moneys that become
27 available to the division for grant purposes.

28 h. Annually submit to the governor and the general assembly:

29 (1) A report concerning the activities of the commission.

30 (2) Recommendations formulated by the commission for
31 changes in law.

32 i. By January 1 of each odd-numbered year, submit to the
33 governor and the general assembly an evaluation of:

34 (1) The extent to which services to persons with
35 disabilities are actually available to persons in each county

1 in the state and the quality of those services.

2 (2) The effectiveness of the services being provided by
3 disability service providers in this state and by each of the
4 state mental health institutes established under chapter 226
5 and by each of the state resource centers established under
6 chapter 222.

7 *j.* Advise the administrator, the council on human services,
8 the governor, and the general assembly on budgets and
9 appropriations concerning disability services.

10 *k.* Coordinate activities with the governor's developmental
11 disabilities council and the mental health planning council,
12 created pursuant to federal law. Work with other state
13 agencies on coordinating, collaborating, and communicating
14 concerning activities involving persons with disabilities.

15 ~~*l.* Establish standards for the provision under medical~~
16 ~~assistance of individual case management services. The~~
17 ~~commission shall determine whether to grant, deny, or revoke~~
18 ~~the accreditation of the services.~~

19 ~~*m.*~~ *l.* Identify basic financial eligibility standards for
20 disability services. The standards shall include but are not
21 limited to the following:

22 (1) A financial eligibility standard providing that a
23 person with an income equal to or less than one hundred fifty
24 percent of the federal poverty level, as defined by the most
25 recently revised poverty income guidelines published by the
26 United States department of health and human services, is
27 eligible for disability services paid with public funding.
28 However, a county may apply a copayment requirement for a
29 particular disability service to a person with an income
30 equal to or less than one hundred fifty percent of the
31 federal poverty level, provided the disability service and
32 the copayment amount both comply with rules adopted by the
33 commission applying uniform standards with respect to copayment
34 requirements. A person with an income above one hundred fifty
35 percent of the federal poverty level may be eligible subject

1 to a copayment or other cost-sharing arrangement subject to
2 limitations adopted in rule by the commission.

3 (2) A requirement that a person who is eligible for
4 federally funded services and other support must apply for the
5 services and support.

6 (3) Resource limitations that are derived from the federal
7 supplemental security income program limitations. A person
8 with resources above the federal supplemental security income
9 program limitations may be eligible subject to limitations
10 adopted in rule by the commission. If a person does not
11 qualify for federally funded services and other support
12 but meets income, resource, and functional eligibility
13 requirements, the following types of resources shall be
14 disregarded:

15 (a) A retirement account that is in the accumulation stage.

16 (b) A burial, medical savings, or assistive technology
17 account.

18 ~~n.~~ m. Identify disability services outcomes and indicators
19 to support the ability of eligible persons with a disability to
20 live, learn, work, and recreate in communities of the persons'
21 choice. The identification duty includes but is not limited to
22 responsibility for identifying, collecting, and analyzing data
23 as necessary to issue reports on outcomes and indicators at the
24 county and state levels.

25 ~~o.~~ Prepare five-year plans based upon the county management
26 plans developed pursuant to section 331.439.

27 ~~p.~~ Work with other state agencies on coordinating,
28 collaborating, and communicating concerning activities
29 involving persons with disabilities.

30 ~~q.~~ Perform analyses and other functions associated with
31 a redesign of the mental health and developmental disability
32 services systems for adults and for children.

33 3. If the executive branch creates a committee, task force,
34 council, or other advisory body to consider mental health
35 and developmental disabilities disability services policy,

1 ~~services~~, or program options involving children or adult
2 consumers, the commission is designated to receive and consider
3 any report, findings, recommendations, or other work product
4 issued by such body. The commission may address the report,
5 findings, recommendations, or other work product in fulfilling
6 the commission's functions and to advise the department,
7 council on human services, governor, and general assembly
8 concerning disability services.

9 Sec. 428. Section 225C.6A, Code 2009, is amended to read as
10 follows:

11 **225C.6A Mental health, developmental disability, and brain**
12 **injury service system redesign implementation.**

13 ~~1. *Purpose.* It is the intent of the general assembly~~
14 ~~to implement a redesign of the mental health, developmental~~
15 ~~disability, and brain injury service system over a period of~~
16 ~~years in order to transition to a coordinated system for Iowans~~
17 ~~with mental illness, mental retardation or other developmental~~
18 ~~disabilities, or brain injury. Because of the significance of~~
19 ~~the redesign to the persons who may be affected by it and the~~
20 ~~degree of uncertainty regarding the extent of funding changes~~
21 ~~necessary for implementation, the department and the commission~~
22 ~~shall not implement a redesign provision through rulemaking or~~
23 ~~other means unless specific statutory authority provides for~~
24 ~~the provision's implementation.~~

25 ~~2. *Initial activities.* For the fiscal years beginning~~
26 ~~July 1, 2004, and July 1, 2005, the The commission shall do~~
27 ~~the following relating to redesign of the disability services~~
28 ~~system in the state:~~

29 ~~a. 1. Identify sources of revenue to support statewide~~
30 ~~delivery of core disability services to eligible disability~~
31 ~~populations.~~

32 ~~b. Further develop adult disability services system redesign~~
33 ~~proposals and propose a redesign of the children's disability~~
34 ~~service system. The redesign of the children's system shall~~
35 ~~address issues associated with an individual's transition~~

1 ~~between the two systems.~~

2 2. Ensure there is a continuous improvement process for
3 development and maintenance of the disability services system
4 for adults and children. The process shall include but is not
5 limited to data collection and reporting provisions.

6 ~~e.~~ (1) 3. a. Plan, collect, and analyze data as necessary
7 to issue cost estimates for serving additional populations and
8 providing core disability services statewide. The department
9 shall maintain compliance with applicable federal and state
10 privacy laws to ensure the confidentiality and integrity of
11 individually identifiable disability services data. The
12 department shall regularly assess the status of the compliance
13 in order to assure that data security is protected.

14 (2) b. In implementing a system under this paragraph
15 ~~"e"~~ subsection for collecting and analyzing state, county,
16 and private contractor data, the department shall establish a
17 client identifier for the individuals receiving services. The
18 client identifier shall be used in lieu of the individual's
19 name or social security number. The client identifier shall
20 consist of the last four digits of an individual's social
21 security number, the first three letters of the individual's
22 last name, the individual's date of birth, and the individual's
23 gender in an order determined by the department.

24 (3) c. Each county shall report to the department annually
25 on or before December 1, for the preceding fiscal year the
26 following information for each individual served: demographic
27 information, expenditure data, and data concerning the services
28 and other support provided to each individual, as specified in
29 administrative rule adopted by the commission.

30 ~~d. With consumer input, identify and propose standardized~~
31 ~~functional assessment tools and processes for use in the~~
32 ~~eligibility determination process when eligibility for a~~
33 ~~particular disability population group is implemented. The~~
34 ~~tools and processes shall be integrated with those utilized~~
35 ~~for the medical assistance program under chapter 249A. For~~

~~1 the initial diagnostic criteria, the commission shall consider
2 identifying a qualifying functional assessment score and any
3 of the following diagnoses: mental illness, chronic mental
4 illness, mental retardation, developmental disability, or brain
5 injury.~~

~~6 e. The commission shall adopt a multiyear plan for
7 developing and providing the data, cost projections, revenue
8 requirements, and other information needed to support decision
9 making concerning redesign provisions. The information shall
10 be provided as part of the commission's regular reports to the
11 governor and general assembly or more often as determined to be
12 appropriate by the commission.~~

~~13 f. Propose case rates for disability services.~~

~~14 g. 4. Work with county representatives and other qualified
15 persons to develop an implementation plan for replacing the
16 county of legal settlement approach to determining service
17 system funding responsibilities with an approach based upon
18 residency. The plan shall address a statewide standard for
19 proof of residency, outline a plan for establishing a data
20 system for identifying residency of eligible individuals,
21 address residency issues for individuals who began residing in
22 a county due to a court order or criminal sentence or to obtain
23 services in that county, recommend an approach for contesting
24 a residency determination, and address other implementation
25 issues.~~

26 Sec. 429. Section 225C.6B, subsection 1, Code 2009, is
27 amended to read as follows:

28 1. *Intent.*

29 a. The general assembly intends for the state to implement
30 a comprehensive, continuous, and integrated state mental
31 health and disability services plan in accordance with
32 the requirements of sections 225C.4 and 225C.6 and other
33 provisions of this chapter, by increasing the department's
34 responsibilities in the development, funding, oversight, and
35 ongoing leadership of mental health and disability services in

1 this state.

2 *b.* In order to further the purposes listed in
3 ~~sections~~ section 225C.1 and 225C.27 and in other provisions
4 of this chapter, the general assembly intends that efforts
5 focus on the goal of making available a comprehensive array
6 of high-quality, evidence-based consumer and family-centered
7 mental health and disability services and other support in the
8 least restrictive, community-based setting appropriate for a
9 consumer.

10 *c.* In addition, it is the intent of the general assembly
11 to promote policies and practices that achieve for consumers
12 the earliest possible detection of mental health problems and
13 the need for disability services and for early intervention;
14 to stress that all health care programs address mental
15 health disorders with the same urgency as physical health
16 disorders; to promote the policies of all public programs
17 that serve adults and children with mental disorders or with
18 a need for disability services, including but not limited to
19 child welfare, Medicaid, education, housing, criminal and
20 juvenile justice, substance abuse treatment, and employment
21 services; to consider the special mental health and disability
22 services needs of adults and children; and to promote recovery
23 and resiliency as expected outcomes for all consumers.

24 Sec. 430. Section 225C.6B, subsection 2, Code 2009, is
25 amended by striking the subsection and inserting in lieu
26 thereof the following:

27 *2. Comprehensive plan.* The division shall develop a
28 comprehensive written five-year state mental health and
29 disability services plan with annual updates and readopt
30 the plan every five years. The plan shall describe the key
31 components of the state's mental health and disability services
32 system, including the services that are community-based, state
33 institution-based, or regional or state-based. The five-year
34 plan and each update shall be submitted annually to the
35 commission on or before October 30 for review and approval.

1 Sec. 431. Section 225C.21, subsection 2, Code 2009, is
2 amended to read as follows:

3 2. The commission shall adopt rules pursuant to chapter 17A
4 establishing minimum standards for supported community living
5 services. The ~~commission~~ administrator shall determine whether
6 to grant, deny, or revoke approval for any supported community
7 living service.

8 Sec. 432. Section 225C.52, subsection 1, Code 2009, is
9 amended to read as follows:

10 1. Establishing a comprehensive community-based mental
11 health services system for children and youth is part of
12 fulfilling the requirements of the division and the commission
13 to facilitate a comprehensive, continuous, and integrated state
14 mental health and disability services plan in accordance with
15 sections 225C.4, 225C.6, and 225C.6A, and other provisions
16 of this chapter. The purpose of establishing the children's
17 system is to improve access for children and youth with
18 serious emotional disturbances and youth with other qualifying
19 mental health disorders to mental health treatment, services,
20 and other support in the least restrictive setting possible
21 so the children and youth can live with their families
22 and remain in their communities. The children's system is
23 also intended to meet the needs of children and youth who
24 have mental health disorders that co-occur with substance
25 abuse, mental retardation, developmental disabilities, or
26 other disabilities. The children's system shall emphasize
27 community-level collaborative efforts between children and
28 youth and the families and the state's systems of education,
29 child welfare, juvenile justice, health care, substance abuse,
30 and mental health.

31 Sec. 433. REPEAL. Section 225C.27, Code 2009, is repealed.

32 DIVISION XXXV

33 MH/MR/DD/BI COMMISSION AND WAIVER NAME CHANGE

34 Sec. 434. Section 225C.2, subsection 3, Code 2009, is
35 amended to read as follows:

1 3. "*Commission*" means the mental health, ~~mental retardation,~~
2 ~~developmental disabilities, and brain injury~~ and disability
3 services commission.

4 Sec. 435. Section 225C.5, subsection 1, unnumbered
5 paragraph 1, Code Supplement 2009, is amended to read as
6 follows:

7 A mental health, ~~mental retardation, developmental~~
8 ~~disabilities, and brain injury~~ and disability
9 services commission is created as the state policy-making body
10 for the provision of services to persons with mental illness,
11 mental retardation or other developmental disabilities,
12 or brain injury. The commission's voting members shall
13 be appointed to three-year staggered terms by the governor
14 and are subject to confirmation by the senate. Commission
15 members shall be appointed on the basis of interest and
16 experience in the fields of mental health, mental retardation
17 or other developmental disabilities, and brain injury, in a
18 manner so as to ensure adequate representation from persons
19 with disabilities and individuals knowledgeable concerning
20 disability services. The department shall provide staff
21 support to the commission, and the commission may utilize staff
22 support and other assistance provided to the commission by
23 other persons. The commission shall meet at least four times
24 per year. The membership of the commission shall consist of
25 the following persons who, at the time of appointment to the
26 commission, are active members of the indicated groups:

27 Sec. 436. Section 249A.12, subsection 4, paragraph b, Code
28 2009, is amended to read as follows:

29 *b.* ~~Effective July 1, 1995, the~~ The state shall be
30 responsible for all of the nonfederal share of medical
31 assistance home and community-based services waivers
32 for persons with ~~mental retardation~~ intellectual
33 disabilities services provided to minors and a county is not
34 required to reimburse the department and shall not be billed
35 for the nonfederal share of the costs of the services.

1 Sec. 437. Section 249A.12, subsection 5, paragraph a,
2 unnumbered paragraph 1, Code 2009, is amended to read as
3 follows:

4 The mental health, ~~mental retardation, developmental~~
5 ~~disabilities, and brain injury and disability~~
6 services commission shall recommend to the department
7 the actions necessary to assist in the transition of
8 individuals being served in an intermediate care facility for
9 persons with mental retardation, who are appropriate for the
10 transition, to services funded under a medical assistance
11 home and community-based services waiver for persons with
12 ~~mental retardation~~ intellectual disabilities in a manner which
13 maximizes the use of existing public and private facilities.
14 The actions may include but are not limited to submitting any
15 of the following or a combination of any of the following
16 as a request for a revision of the medical assistance home
17 and community-based services waiver for persons with ~~mental~~
18 ~~retardation in effect as of June 30, 1996~~ intellectual
19 disabilities:

20 Sec. 438. Section 249A.12, subsection 5, paragraph a,
21 subparagraph (1), Code 2009, is amended to read as follows:

22 (1) Allow for the transition of intermediate care
23 facilities for persons with mental retardation licensed under
24 chapter 135C ~~as of June 30, 1996~~, to services funded under the
25 medical assistance home and community-based services waiver for
26 persons with ~~mental retardation~~ intellectual disabilities. The
27 request shall be for inclusion of additional persons under the
28 waiver associated with the transition.

29 Sec. 439. Section 249A.12, subsection 6, paragraphs a and b,
30 Code 2009, are amended to read as follows:

31 a. ~~Effective July 1, 2003, the~~ The provisions of the
32 home and community-based services waiver for persons with
33 ~~mental retardation~~ intellectual disabilities shall include
34 adult day care, prevocational, and transportation services.
35 Transportation shall be included as a separately payable

1 service.

2 *b.* The department of human services shall seek federal
3 approval to amend the home and community-based services
4 waiver for persons with ~~mental retardation~~ intellectual
5 disabilities to include day habilitation services. Inclusion
6 of day habilitation services in the waiver shall take effect
7 upon receipt of federal approval ~~and no later than July 1,~~
8 2004.

9 Sec. 440. Section 423.3, subsection 18, paragraph f,
10 subparagraph (6), Code Supplement 2009, is amended to read as
11 follows:

12 (6) ~~MR~~ Intellectual disabilities waiver service providers,
13 described in 441 IAC 77.37.

14 Sec. 441. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
15 DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES
16 — CODE EDITOR'S DIRECTIVE.

17 1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438,
18 and 426B.4, Code 2009, and sections 249A.4, 249A.31, and
19 426B.5, Code Supplement 2009, are amended by striking the term
20 "mental health, mental retardation, developmental disabilities,
21 and brain injury commission" and inserting in lieu thereof the
22 term "mental health and disability services commission".

23 2. This division of this Act changes the name of the mental
24 health, mental retardation, developmental disabilities, and
25 brain injury commission to the mental health and disability
26 services commission. The Code editor shall correct any
27 references to the term "mental health, mental retardation,
28 developmental disabilities, and brain injury commission"
29 anywhere else in the Iowa Code or Iowa Code Supplement, in any
30 bills awaiting codification, in this Act, and in any bills
31 enacted by the Eighty-third General Assembly, 2010 Regular
32 Session, or any extraordinary session.

33 Sec. 442. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR
34 PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES
35 — CODE EDITOR'S DIRECTIVE.

1 1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009,
2 are amended by striking the term "waiver for persons with
3 mental retardation" and inserting in lieu thereof the term
4 "waiver for persons with intellectual disabilities".

5 2. This division of this Act changes the name of the home
6 and community-based services waiver for persons with mental
7 retardation under the medical assistance program to the waiver
8 for persons with intellectual disabilities. The Code editor
9 shall correct any references to the term "waiver for persons
10 with mental retardation" or other forms of the term anywhere
11 else in the Iowa Code or Iowa Code Supplement, in any bills
12 awaiting codification, in this Act, and in any bills enacted by
13 the Eighty-third General Assembly, 2010 Regular Session, or any
14 extraordinary session.

15 DIVISION XXXVI

16 CONSOLIDATION OF ADVISORY

17 BODIES — COUNCIL ON HUMAN SERVICES

18 Sec. 443. NEW SECTION. 217.3A **Advisory committees.**

19 1. *General.* The council on human services shall establish
20 and utilize the advisory committees identified in this section
21 and may establish and utilize other advisory committees. The
22 council shall establish appointment provisions, membership
23 terms, operating guidelines, and other operational requirements
24 for committees established pursuant to this section.

25 2. *Child abuse prevention.* The council shall establish a
26 child abuse prevention program advisory committee to support
27 the child abuse prevention program implemented in accordance
28 with section 235A.1. The duties of the advisory committee
29 shall include all of the following:

30 a. Advise the director of human services and the
31 administrator of the division of the department of human
32 services responsible for child and family programs regarding
33 expenditures of funds received for the child abuse prevention
34 program.

35 b. Review the implementation and effectiveness of

1 legislation and administrative rules concerning the child abuse
2 prevention program.

3 *c.* Recommend changes in legislation and administrative rules
4 to the general assembly and the appropriate administrative
5 officials.

6 *d.* Require reports from state agencies and other entities as
7 necessary to perform its duties.

8 *e.* Receive and review complaints from the public concerning
9 the operation and management of the child abuse prevention
10 program.

11 *f.* Approve grant proposals.

12 3. *a.* The council shall establish a child support advisory
13 committee.

14 (1) Members of the advisory committee shall include at least
15 one district judge and representatives of custodial parent
16 groups, noncustodial parent groups, the general assembly, the
17 office of citizens' aide, the Iowa state bar association, the
18 Iowa county attorneys association, and other constituencies
19 which have an interest in child support enforcement issues,
20 appointed by the respective entity.

21 (2) The legislative members of the advisory committee shall
22 be appointed as follows: one senator each by the majority
23 leader of the senate, after consultation with the president
24 of the senate, and by the minority leader of the senate, and
25 one member of the house of representatives each by the speaker
26 of the house of representatives, after consultation with the
27 majority leader of the house of representatives, and by the
28 minority leader of the house of representatives.

29 *b.* The legislative members of the advisory committee shall
30 serve for terms as provided in section 69.16B. Appointments
31 shall comply with sections 69.16 and 69.16A. Vacancies shall
32 be filled by the original appointing authority and in the
33 manner of the original appointments.

34 *c.* The child support advisory committee shall assist the
35 department in all of the following activities:

1 (1) Review of existing child support guidelines and
2 recommendations for revision.

3 (2) Examination of the operation of the child support system
4 to identify program improvements or enhancements which would
5 increase the effectiveness of securing parental support and
6 parental involvement.

7 (3) Recommendation of legislation which would clarify and
8 improve state law regarding support for children.

9 d. The committee shall receive input from the public
10 regarding any child support issues.

11 4. *Child welfare.*

12 a. The council shall establish a child welfare advisory
13 committee to advise the department of human services on
14 programmatic and budgetary matters related to the provision
15 or purchase of child welfare services. The committee shall
16 meet to review departmental budgets, policies, and programs,
17 and proposed budgets, policies, and programs, and to make
18 recommendations and suggestions to make the state child welfare
19 budget, programs, and policies more effective in serving
20 families and children.

21 b. The membership of the advisory committee shall
22 include representatives of child welfare service providers,
23 juvenile court services, the Iowa foster and adoptive parent
24 association, the child advocacy board, the coalition for
25 family and children's services in Iowa, children's advocates,
26 service consumers, and others who have training or knowledge
27 related to child welfare services. In addition, four members
28 shall be legislators, all serving as ex officio, nonvoting
29 members, with one each appointed by the speaker of the house
30 of representatives, the minority leader of the house of
31 representatives, the majority leader of the senate, and the
32 minority leader of the senate. The director of human services
33 and the administrator of the division of the department of
34 human services responsible for child welfare services, or their
35 designees, shall also be ex officio, nonvoting members, and

1 shall serve as resource persons to the advisory committee.

2 Sec. 444. Section 235A.1, subsections 3 and 4, Code
3 Supplement 2009, are amended by striking the subsections.

4 Sec. 445. REPEAL. Sections 234.3 and 252B.18, Code 2009,
5 are repealed.

6 Sec. 446. IMPLEMENTATION. In establishing the child abuse
7 prevention program, child support, and child welfare advisory
8 committees and appointing members, the council on human
9 services shall consider reappointing those individuals who
10 were serving as members of the child abuse prevention advisory
11 council, the child support advisory committee, and the child
12 welfare advisory committee as of June 30, 2009.

13 DIVISION XXXVII

14 REPEAL OF HEALTH ADVISORY BODIES

15 Sec. 447. Section 135.29, subsection 3, Code 2009, is
16 amended to read as follows:

17 3. The local substitute medical decision-making board and
18 its members shall not be held liable, jointly or severally,
19 for any actions or omissions taken or made in the official
20 discharge of their duties, except those acts or omissions
21 constituting willful or wanton misconduct. A physician or
22 other health care provider who acts on a decision or directive
23 of the local substitute medical decision-making board ~~or~~
24 ~~state substitute medical decision-making board~~ shall not be
25 held liable for any damages resulting from that act, unless
26 such physician's or other health care provider's actions
27 or omissions constitute negligence in the practice of the
28 profession or occupation, or willful or wanton misconduct.

29 Sec. 448. Section 136C.3, subsection 2, paragraph b, Code
30 Supplement 2009, is amended by striking the paragraph.

31 Sec. 449. Section 691.6, subsection 3, Code Supplement
32 2009, is amended to read as follows:

33 3. To adopt rules pursuant to chapter 17A, and subject to
34 the approval of the director of public health, ~~with the advice~~
35 ~~and approval of the state medical examiner advisory council.~~

1 Sec. 450. REPEAL. Sections 135.28, 135N.1, 135N.2, 135N.3,
2 135N.4, 135N.5, 135N.6, and 142C.16, Code 2009, are repealed.

3 Sec. 451. ELIMINATION OF SWIMMING POOL ADVISORY
4 COMMITTEE. On or before July 1, 2010, the department of
5 public health shall no longer operate any advisory committee
6 on swimming pools created by the department for purposes of
7 chapter 135I.

8 DIVISION XXXVIII

9 DEPARTMENT OF HUMAN SERVICES — FIELD SERVICES ORGANIZATION

10 Sec. 452. Section 217.42, subsection 1, Code 2009, is
11 amended to read as follows:

12 1. The organizational structure to deliver the department's
13 field services shall be based upon service areas designated by
14 the department. The service areas shall serve as a basis for
15 providing field services to persons residing in the counties
16 comprising the service area. ~~The service areas shall be those~~
17 ~~designated by the department effective January 1, 2002. In~~
18 ~~determining the service areas, the department shall consider~~
19 ~~other geographic service areas including but not limited to~~
20 ~~judicial districts and community empowerment areas. The~~
21 ~~department shall consult with the county boards of supervisors~~
22 ~~in a service area with respect to the selection of the service~~
23 ~~area manager responsible for the service area who is initially~~
24 ~~selected for the service area designated effective January 1,~~
25 ~~2002, and any service area manager selected for the service~~
26 ~~area thereafter. Following establishment of the service areas~~
27 ~~effective January 1, 2002, if a county seeks to change the~~
28 ~~boundaries of a service area, the change shall only take place~~
29 ~~if the change is mutually agreeable to the department and all~~
30 ~~affected counties. If it is necessary for the department to~~
31 ~~significantly modify its field operations or the composition~~
32 ~~of a designated service area, or if it is necessary for the~~
33 ~~department to change the number of offices operating less than~~
34 ~~full-time, the department shall consult with the affected~~
35 ~~counties prior to implementing such action.~~

1 Sec. 453. EFFECTIVE UPON ENACTMENT. This division of this
2 Act, being deemed of immediate importance, takes effect upon
3 enactment.

4 DIVISION XXXIX

5 DEPARTMENT OF HUMAN SERVICES — FAMILY SUPPORT SUBSIDY

6 Sec. 454. Section 225C.37, Code Supplement 2009, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 3. Effective July 1, 2010, the department
9 shall not accept new applications for the family support
10 subsidy program and shall not approve pending applications
11 for the program. Subsidy termination or application denial
12 relating to family members enrolled in the family support
13 subsidy program as of July 1, 2010, is subject to section
14 225C.40.

15 DIVISION XL

16 DEPARTMENT OF HUMAN SERVICES — ELECTRONIC FUNDS TRANSFER
17 PAYMENTS

18 Sec. 455. NEW SECTION. **217.24 Payment by electronic funds**
19 **transfer.**

20 The department of human services shall continue expanding
21 the practice of making payments to program participants and
22 vendors by means of electronic funds transfer. The department
23 shall seek the capacity for making payment by such means for
24 all programs administered by the department.

25 DIVISION XLI

26 DEPARTMENT OF HUMAN SERVICES — ADOPTION SUBSIDY PROGRAM

27 Sec. 456. ADOPTION SUBSIDY PROGRAM RATES. For the
28 fiscal year beginning July 1, 2010, the maximum payment for
29 nonrecurring expenses shall be limited to \$500 and additional
30 amounts for court costs and other related legal expenses shall
31 no longer be allowed.

32 DIVISION XLII

33 GUARDIAN AD LITEM

34 Sec. 457. Section 232.2, subsection 22, paragraph b, Code
35 Supplement 2009, is amended to read as follows:

1 ~~b. Unless otherwise enlarged or circumscribed by a court~~
2 ~~or juvenile court having jurisdiction over the child or by~~
3 ~~operation of law, the~~ The duties of a guardian ad litem with
4 respect to a child shall ~~include~~ be all of the following:

5 (1) Conducting ~~in-person~~ interviews with ~~the child,~~
6 ~~if the child's age is appropriate for the interview, and~~
7 interviewing each parent, guardian, or other person having
8 custody of the child, if authorized by counsel.

9 (2) Conducting interviews with the child, if the child's age
10 is appropriate for the interview, ~~prior to any court-ordered~~
11 ~~hearing.~~

12 (3) Visiting the home, residence, or both home and residence
13 of the child and any prospective home or residence of the
14 child, ~~including~~ each time placement is changed.

15 (4) Interviewing any person providing medical, mental
16 health, social, educational, or other services to the child,
17 ~~before any hearing referred to in subparagraph (2).~~

18 (5) Obtaining firsthand knowledge, if possible, of the
19 facts, circumstances, and parties involved in the matter in
20 which the person is appointed guardian ad litem.

21 (6) Attending any court hearings in the matter in which the
22 person is appointed as the guardian ad litem.

23 (7) If the child is required to have a transition plan
24 developed in accordance with the child's case permanency plan
25 and subject to review and approval of a transition committee
26 under section 235.7, assisting the transition committee in
27 development of the transition plan.

28 DIVISION XLIII

29 COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND

30 Sec. 458. Section 35A.16, subsection 3, paragraph a, Code
31 Supplement 2009, is amended to read as follows:

32 a. If sufficient moneys are available, the department
33 shall annually allocate ten thousand dollars to each county
34 commission of veteran affairs, or to each county sharing the
35 services of an executive director or administrator pursuant

1 to chapter 28E, to be used to provide services to veterans
2 pursuant to section 35B.6. Each county receiving an allocation
3 shall annually report on expenditure of the allocation in a
4 form agreed to by the department and county representatives.

5 DIVISION XLIV

6 DEPARTMENT OF CORRECTIONS

7 Sec. 459. Section 904.106, Code 2009, is amended to read as
8 follows:

9 **904.106 Meetings — expenses.**

10 The board shall meet at least ~~twelve times a~~ quarterly
11 throughout the year. Special meetings may be called by the
12 chairperson or upon written request of any three members of the
13 board. The chairperson shall preside at all meetings or in the
14 chairperson's absence, the vice chairperson shall preside. The
15 members of the board shall be paid their actual expenses while
16 attending the meetings. Each member of the board may also be
17 able to receive compensation as provided in section 7E.6.

18 Sec. 460. Section 904.505, Code 2009, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4. The disciplinary rules may impose a
21 reasonable administrative fee for the filing of a report of a
22 major disciplinary rule infraction for which an inmate is found
23 guilty. A fee charged pursuant to this subsection shall be
24 deposited in the general fund of the state.

25 Sec. 461. CORRECTIONAL FACILITY CLOSURE. The department
26 of corrections shall close by October 1, 2010, the Luster
27 Heights facility, which is a satellite facility of the Anamosa
28 state penitentiary, and farm 1 and farm 3, which are satellite
29 facilities of the Iowa state penitentiary, and shall transfer
30 the inmates confined at such facilities to other institutions
31 under the control of the department of corrections.

32 DIVISION XLV

33 STATE PUBLIC DEFENDER

34 Sec. 462. Section 13B.2A, Code 2009, is amended by striking
35 the section and inserting in lieu thereof the following:

1 13B.2A Indigent defense — report — court-appointed counsel
2 fees.

3 1. The state public defender shall file a written report
4 every three years with the governor and the general assembly
5 by January 1 of a year in which a report is due relating to the
6 recommendations and activities of the state public defender
7 relating to the state indigent defense system. The first such
8 report shall be due on January 1, 2012.

9 2. The report shall contain recommendations to the general
10 assembly regarding the hourly rates paid to court-appointed
11 counsel and per case fee limitations. These recommendations
12 shall be consistent with the constitutional requirement to
13 provide effective assistance of counsel to those indigent
14 persons for whom the state is required to provide counsel.

15 Sec. 463. PUBLIC DEFENDERS. There is appropriated from the
16 general fund of the state to the office of the state public
17 defender of the department of inspections and appeals for the
18 fiscal year beginning July 1, 2010, and ending June 30, 2011,
19 the following amount, or so much thereof as is necessary, to be
20 used for the purposes designated:

21 For additional assistant local public defender positions
22 and staff, including salaries, support, maintenance, and
23 miscellaneous purposes:

24	\$	640,000
25	FTEs	10.00

26 Sec. 464. WAPELLO COUNTY LOCAL PUBLIC DEFENDER
27 OFFICE. There is appropriated from the general fund of
28 the state to the office of the state public defender of the
29 department of inspections and appeals for the fiscal year
30 beginning July 1, 2010, and ending June 30, 2011, the following
31 amount, or so much thereof as is necessary, to be used for the
32 purposes designated:

33 For establishing a local public defender office in Wapello
34 county pursuant to section 13B.8, including salaries, support,
35 maintenance, and miscellaneous purposes:

1	\$	500,000
2	FTEs	6.00

DIVISION XLVI

IOWA LAW ENFORCEMENT ACADEMY

5 Sec. 465. Section 80B.11B, subsection 2, Code 2009, is
6 amended to read as follows:

7 2. The Iowa law enforcement academy may also charge the
8 department of natural resources ~~or other~~ and the department
9 of transportation the full costs, and any other agency or
10 department of the state, a member of a police force of a
11 city or county, or any political subdivision of the state
12 not more than one-half of the cost, of providing the basic
13 training course which is designed to meet the minimum basic
14 training requirements for a law enforcement officer. All
15 other candidates to the law enforcement academy, including a
16 candidate from a tribal government, shall pay the full costs of
17 providing the basic training requirements for a law enforcement
18 officer.

19 Sec. 466. IOWA LAW ENFORCEMENT ACADEMY — PILOT TRAINING
20 PROGRAM — PRIVATE SECURITY PERSONNEL. The Iowa law
21 enforcement academy, subject to the approval of the Iowa law
22 enforcement academy council, shall develop and administer a
23 pilot program consisting of training seminars for private
24 security personnel. The pilot program shall consist of fifty
25 hours of training for each of ten trainees at a cost of fifty
26 dollars per hour of training. All moneys received from the
27 training seminars shall be deposited in the general fund of the
28 state.

DIVISION XLVII

STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

31 Sec. 467. NEW SECTION. **2.69 State government efficiency**
32 **review committee established.**

33 1. A state government efficiency review committee is
34 established which shall meet at least every four years to
35 review the operations of state government. The committee shall

1 meet as directed by the legislative council.

2 2. *a.* The committee shall consist of three members of the
3 senate appointed by the majority leader of the senate, two
4 members of the senate appointed by the minority leader of the
5 senate, three members of the house of representatives appointed
6 by the speaker of the house of representatives, and two members
7 of the house of representatives appointed by the minority
8 leader of the house of representatives.

9 *b.* Members shall be appointed prior to January 31 of the
10 first regular session of each general assembly and shall serve
11 for terms ending upon the convening of the following general
12 assembly or when their successors are appointed, whichever is
13 later. A vacancy shall be filled in the same manner as the
14 original appointment and shall be for the remainder of the
15 unexpired term of the vacancy.

16 *c.* The committee shall elect a chairperson and vice
17 chairperson.

18 3. The members of the committee shall be reimbursed for
19 actual and necessary expenses incurred in the performance
20 of their duties and shall be paid a per diem as specified
21 in section 7E.6 for each day in which they engaged in the
22 performance of their duties. However, per diem compensation
23 and expenses shall not be paid when the general assembly is
24 actually in session at the seat of government. Expenses and
25 per diem shall be paid from funds appropriated pursuant to
26 section 2.12.

27 4. The committee shall do the following:

28 *a.* Review and consider options for reorganizing state
29 government to improve efficiency, modernize processes,
30 eliminate duplication and outdated processes, reduce costs, and
31 increase accountability. The review shall address the expanded
32 use of the internet and other technology, and the incorporation
33 of productivity improvement measures.

34 *b.* Review recommendations received through a process to
35 receive state government efficiency suggestions offered by the

1 public and public employees.

2 *c.* Issue a report, including its findings and
3 recommendations, to the general assembly.

4 5. The first report required by this section shall be
5 submitted to the general assembly no later than January 1,
6 2014, with subsequent reports developed and submitted by
7 January 1 at least every fourth year thereafter.

8 6. Administrative assistance shall be provided by the
9 legislative services agency.

10

DIVISION XLVIII

11

BOARDS AND COMMISSIONS — ESTABLISHMENT CRITERIA

12

Sec. 468. NEW SECTION. 69.16D Boards and commissions —

13

criteria for establishing.

14

1. Prior to establishing a new appointive board,
15 commission, committee, or council of the state, the general
16 assembly shall consider all of the following:

17

a. Whether there is an existing board or commission
18 that would be able to perform the duties of the new board,
19 commission, committee, or council.

20

b. The estimated annual cost of the new board, commission,
21 committee, or council, including any additional personnel costs
22 arising out of the creation of the new board, commission,
23 committee, or council.

24

c. Whether a repeal date is needed for the new board,
25 commission, committee, or council. Whenever possible, an
26 appropriate repeal date should be included.

27

2. This section shall apply to appointive boards,
28 commissions, committees, and councils of the state established
29 by the Code on or after July 1, 2010.

30

EXPLANATION

31

This bill concerns state government, and provides for
32 reorganizing government agencies, eliminating boards and
33 commissions, providing for governmental efficiencies, and
34 including other matters related to the operation of state
35 government.

1 **DIGITAL GOVERNMENT.**

2 **DIVISION I — GOVERNMENT INFORMATION TECHNOLOGY SERVICES.**

3 Division I concerns information technology services and
4 modifies provisions relative to information technology services
5 provided by the department of administrative services.

6 Code section 8A.111(3) is amended by striking the
7 requirement of the department to provide an annual report
8 regarding total spending on technology currently required to
9 be prepared by the technology governance board. This division
10 of the bill eliminates the board, replaces it with an advisory
11 council, and eliminates the requirement to prepare this annual
12 report.

13 Code section 8A.122, concerning the exemption granted
14 the state board of regents from obtaining services from the
15 department of administrative services without their consent,
16 is amended to eliminate this exemption as it relates to
17 information technology services.

18 Code section 8A.201 is amended to add a definition
19 for infrastructure services as it relates to information
20 technology. The bill defines infrastructure services to
21 include data centers, servers and mainframes, wide area and
22 local area networks, cybersecurity functions, and disaster
23 recovery technology.

24 Code section 8A.201(4) is amended to provide that all
25 state agencies are considered participating agencies for
26 purposes of information technology services provided by the
27 department of administrative services. Current law excludes
28 the state board of regents, public broadcasting, the state
29 department of transportation mobile radio network, the
30 department of public safety law enforcement communications
31 systems, the telecommunications and technology commission
32 with respect to information technology that is unique to the
33 Iowa communications network, the Iowa lottery authority, a
34 judicial district department of correctional services, and the
35 Iowa finance authority from the definition of a participating

1 agency.

2 New Code section 8A.201A provides for the appointment of the
3 chief information officer (CIO). The new Code section provides
4 that the CIO shall be appointed by the governor, and shall have
5 at least five years of experience in the field of information
6 technology and a working knowledge of financial management.
7 Code section 8A.104(12), which provides that the director of
8 the department of administrative services shall serve as the
9 CIO or shall designate one, is stricken.

10 Code section 8A.202, concerning the mission, powers,
11 and duties of the department as it relates to information
12 technology, is amended to provide a process by which agencies
13 may seek a waiver for any of the requirements concerning the
14 acquisition of information technology. Generally, a waiver
15 can be granted if the requesting agency can show that a waiver
16 would be in the best interests of the state.

17 Code section 8A.203, concerning the powers and duties of
18 the director of the department as it relates to information
19 technology, is amended to provide that these powers and duties
20 are granted to the CIO in consultation with the director. The
21 section is also amended to add duties for the CIO relative to
22 operating the information technology aspects of the department,
23 rulemaking, and entering into contracts.

24 Code section 8A.204, establishing the technology governance
25 board, is amended to provide for a technology advisory council.
26 The bill establishes the membership of the council and provides
27 that the council's primary role is to advise the CIO and the
28 department concerning information technology services.

29 Code section 8A.205, concerning digital government, is
30 amended to provide that the department shall assist agencies in
31 converting printed government materials to electronic materials
32 which can be accessed through an internet searchable database.

33 Code section 8A.207, concerning the procurement of
34 information technology, is amended to provide that the
35 department shall be the sole provider of infrastructure

1 services to state agencies and shall develop policies
2 and procedures that apply to all information technology
3 acquisitions by state agencies.

4 Code section 8A.221, establishing the IowAccess advisory
5 council, is rewritten by the bill. The bill eliminates
6 the advisory council and provides that the department shall
7 establish IowAccess and shall have the powers relative to
8 IowAccess previously granted the IowAccess advisory council
9 relative to setting rates and approving projects.

10 Code section 8A.223, providing for an annual technology
11 audit of the electronic transmission system by which government
12 records are transmitted electronically to the public, is
13 repealed and the requirement in Code section 8A.111 to submit
14 an annual report concerning the audit is stricken.

15 The division directs the department of administrative
16 services to consult with and explore opportunities with the
17 legislative and judicial branches of government relative to the
18 providing of information technology services to those branches
19 of government.

20 This division of the bill also requires the chief
21 information officer of the state to conduct a study regarding
22 convenience fees charged by state agencies by credit or debit
23 card or other electronic means of payment. The study shall
24 determine the fees charged and the revenue generated by the
25 fees, and shall explore ways to reduce or eliminate these fees.

26 The division of the bill also directs state agencies to
27 utilize electronic mail to notify holders of permits and
28 licenses that the license or permit needs to be renewed.

29 DIVISION II — ELECTRONIC RECORDS. Code section 7A.11A,
30 concerning reports to the general assembly, is amended to
31 eliminate the requirement that a printed copy of all reports
32 be filed with the general assembly. The requirement to file
33 reports electronically remains.

34 The division of the bill provides that the departments of
35 administrative services and cultural affairs, in consultation

1 with the state records commission, shall conduct a study on and
2 make recommendations for the creation, storage, and retention
3 of state agency records in an electronic format and shall
4 submit a report containing the recommendations to the general
5 assembly by December 15, 2010. In conducting the study, the
6 departments shall collect and assess information from each
7 state agency that includes an inventory of each agency's
8 records including the types of agency records as well as agency
9 records series retention and disposition schedules. The
10 assessment shall include agency records identified as having
11 permanent historical value by the state records commission.
12 The departments shall also describe in the report what
13 efficiencies and cost-saving efforts could be achieved through
14 the creation, storage, and maintenance of such records in an
15 electronic format.

16 DIVISION III — PUBLICATION MODERNIZATION. The bill amends
17 a number of provisions which allow the legislative council
18 and the legislative services agency to control information
19 used to publish official legal publications (the Iowa Acts,
20 the Iowa Code, the Iowa administrative bulletins, the Iowa
21 administrative code, and the Iowa court rules). The bill
22 provides for their publication and official designation,
23 including production and distribution in an electronic or
24 printed form, and for their official publication date for
25 editing and revision changes. The division amends Code section
26 2A.6 which provides for the special distribution of legal
27 publications by the legislative services agency, including the
28 free distribution of official legal publications to federal,
29 state, and local governments officers, offices, or agencies.
30 The division provides that the legislative services agency must
31 make available electronic or printed versions of the official
32 legal publications to those persons, authorizes the agency
33 to charge a fee for an electronic version, and requires the
34 agency to establish policies requiring pricing for the printed
35 versions of the official legal publications. The division

1 provides for the publication of the entire Iowa Code each
2 year or the Iowa Code and the Code Supplement in alternating
3 years. It updates provisions to conform with current practice
4 including detailing the contents of the publications. It
5 accounts for computer programming necessary to distribute
6 publications in an electronic format, and provides for citing
7 and authenticating provisions in those publications in order
8 to conform to current practice and to better accommodate
9 electronic publication.

10 The division amends provisions requiring state agencies to
11 deposit copies of state publications with the department of
12 education's division of libraries and information services, by
13 requiring that the publications be provided in an electronic
14 format.

15 **STATE BUDGETING AND PERSONNEL PRACTICES.**

16 DIVISION IV — STATE BUDGETING AND PERSONNEL. Code section
17 8.36A, concerning full-time equivalent (FTE) positions, is
18 amended to provide that state agencies shall not convert FTE
19 positions into contract positions. The bill provides that
20 the state agency can request the director of the department
21 of management to allow the conversion of an FTE to a contract
22 position if the conversion will provide comparable or increased
23 services at reduced cost.

24 Code section 8.62, concerning the use of retained reversion
25 money for employee training, is amended to provide that
26 an agency can use such reversion money for internet-based
27 training. Current law does not specify that the training be
28 internet-based.

29 Code section 8A.413 is amended to require the department of
30 administrative services to adopt merit system rules for the
31 development and operation of programs within the executive
32 branch to promote job sharing, telecommuting, and flex-time
33 employment opportunities.

34 This division of the bill also requires each judicial
35 district department of correctional services to utilize the

1 state accounting system for tracking both appropriations and
2 expenditures, requires state agencies to budget and plan for
3 lean events, and encourages state agencies to share resources
4 and services.

5 This division also addresses state budgeting practices
6 for FY 2010-2011. Each executive branch agency is required
7 to separately track the budget and actual expenditures for
8 contract services and for employee training. The terms
9 of the contracts entered into or revised during the fiscal
10 year are required to incorporate quality assurance and cost
11 control measures. The training tracking is also required to
12 be further detailed to reflect training categories and the
13 report to address the use of electronically based training. In
14 addition, if a full-time equivalent position of a department
15 remains vacant for at least six months during FY 2010-2011, the
16 department's FTE authorization shall be reduced accordingly and
17 the money appropriated for that FTE position shall only be used
18 for FTE positions and not any other purpose.

19 This division of the bill also directs each joint
20 appropriations subcommittee of the general assembly to conduct
21 a review of fees charged by agencies within the purview of that
22 budget subcommittee.

23 DIVISION V — SPAN OF CONTROL. This division revises
24 provisions contained in the 2009 Iowa Acts revising state
25 human resource management requirements under the department of
26 administrative services in Code section 8A.402 for the span of
27 control of supervisory employees in the executive branch.

28 The term "supervisory employee" is defined to mean a
29 public employee who has authority, in the interest of a
30 public employer, to hire, transfer, suspend, lay off, recall,
31 promote, discharge, assign, reward, or discipline other public
32 employees, the responsibility to direct such employees, or to
33 adjust the grievances of such employees, or to effectively
34 recommend any listed action. A supervisory employee is not
35 a member of a collective bargaining unit. If a supervisory

1 employee is being laid off as part of expanding the number
2 of employees in the ratio of supervisory employees to other
3 employees, the supervisory employee does not have the right
4 to replace or bump a junior employee not being laid off for a
5 position for which the supervisory employee is qualified.

6 Current law provides for an executive branch policy to have
7 an aggregate ratio in the number of employees per supervisory
8 employee of 14 to one by the target date of July 1, 2011. The
9 bill instead provides for a ratio of 15 to one by fiscal year
10 2011-2012, with an annual incremental increase in the ratio by
11 one until the ratio becomes 20 to one by fiscal year 2016-2017.

12 Current law allows a small agency with not more than 28
13 full-time equivalent employees to apply for an exception.
14 The bill allows an additional exception when the supervisory
15 employee ratio is subject to a federal requirement.

16 The bill also provides that if layoffs are implemented, the
17 number of middle management position layoffs are to correspond
18 to the relative number of direct service position layoffs. The
19 state system is required to improve by specifically defining
20 and accounting for supervisory employees span of control.

21 Reporting requirements are extended to cover the multiyear
22 period addressed by the bill.

23 The exemption from the span of control requirements for
24 the state board of regents, department of human services,
25 and judicial district department of correctional services is
26 removed.

27 The division takes effect upon enactment.

28 **ADMINISTRATION AND REGULATION.**

29 **DIVISION VI — DEPARTMENT OF ADMINISTRATIVE SERVICES —**
30 **PURCHASING.** Division VI of the bill concerns purchasing items
31 through and by the department of administrative services.

32 Code section 8A.302(1), concerning the purchase of items of
33 general use, is amended to eliminate the general exemption from
34 the requirement to purchase these items from the department of
35 administrative services for the department of transportation,

1 institutions under the control of the state board of regents,
2 the department for the blind, and any other agencies otherwise
3 exempted. The division does authorize the department to allow
4 these agencies to purchase these items without utilizing the
5 department of administrative services if in the best interests
6 of the state. A corresponding change is made to Code section
7 307.21 to provide that the department of transportation
8 may utilize centralized purchasing for itself only if the
9 department of administrative services so authorizes.

10 Code section 8A.311(10), concerning the authority of
11 agencies to obtain services directly from a vendor, is amended
12 to require the agency to obtain approval from the department
13 to purchase directly from a vendor. In addition, the division
14 requires that a waiver may be granted if purchasing from a
15 vendor is more economical, and not just as economical.

16 New Code section 8A.311A provides authority to the
17 department of administrative services to require agencies to
18 purchase goods or services of general use as designated by
19 the department pursuant to a master contract established by
20 the department. The new Code section also gives governmental
21 subdivisions the option to purchase goods and services pursuant
22 to the contract. The new Code section provides that the
23 department shall establish master contracts for a particular
24 service if the department determines that a high-quality
25 good or service can be acquired by agencies and governmental
26 subdivisions at lower cost through establishment of a master
27 contract. The division provides that an agency can directly
28 purchase the item from a vendor if the department determines
29 that the agency satisfies the requirements for a direct
30 purchase otherwise provided in Code section 8A.311(10) or is
31 acquired pursuant to an existing contract.

32 This division of the bill also directs the department of
33 administrative services to require agencies to provide the
34 department of administrative services with reports about what
35 agencies plan to buy on an annual basis, require agencies to

1 report on an annual basis about efforts to standardize products
2 and services within their own agencies and with other state
3 agencies, require employees who conduct bids for services to
4 receive training on an annual basis about procurement rules
5 and regulations and procurement best practices, identify
6 procurement compliance employees within the department of
7 administrative services, review the process and basis for
8 establishing department of administrative services fees
9 for purchasing, establish a work group to collaborate on
10 best practices to implement the best cost savings for the
11 state, explore interstate and intergovernmental purchasing
12 opportunities and encourage the legislative and judicial
13 branches to participate in consolidated purchasing and
14 efficiencies wherever possible, and to expand the use of
15 procurement cards.

16 DIVISION VII — DEPARTMENT OF ADMINISTRATIVE SERVICES —
17 OPERATIONS. Division VII of this bill concerns operations of
18 the department of administrative services.

19 Code section 8A.104, concerning the duties of the director
20 of the department, is amended to provide that a duty of the
21 director is to examine and develop best practices for the
22 efficient operation of government and to encourage state
23 agencies to adopt and implement these practices.

24 New Code section 8A.459 provides that all state employees,
25 by July 1, 2011, shall, unless a collective bargaining
26 agreement provides otherwise, receive their pay and allowances
27 through electronic funds transfer. The new Code section
28 allows state employees to receive their pay and allowances
29 through a paper warrant but only after paying the department
30 an administrative fee for processing such paper warrants. The
31 bill does allow the department to grant a waiver from paying
32 the administrative fee.

33 This division of the bill also requires the department of
34 administrative services to study ways to streamline the hiring
35 process for personnel within state agencies.

1 The division also requires the department to conduct an
2 audit of real estate and leases of state government, study the
3 possibility of selling and leasing back government properties,
4 and to submit a report to the general assembly by January 1,
5 2011, concerning these audits and studies.

6 During FY 2010-2011, the division directs the department of
7 administrative services, in collaboration with the departments
8 of human services and corrections, to identify and sell real
9 property under their control that is no longer needed and will
10 maximize the return to the state. The division also directs
11 the department of administrative services to identify and sell,
12 or sell and lease back, property under their control that will
13 maximize the return to the state. In both instances, money
14 received from the sale of real property shall be deposited in
15 the general fund of the state.

16 DIVISION VIII — ALCOHOLIC BEVERAGES DIVISION —
17 REORGANIZATION. This division of this bill transfers the
18 alcoholic beverages division from the department of commerce
19 to the department of revenue.

20 DIVISION IX — ALCOHOLIC BEVERAGES DIVISION — OPERATIONS.
21 This division concerns certain operations of the alcoholic
22 beverages division.

23 This division of the bill requires the administrator of the
24 alcoholic beverages division of the department of commerce
25 to close the main state warehouse keeping alcoholic liquors
26 every Friday from July 1, 2010, until June 30, 2015, with the
27 authority to extend this closure requirement for an additional
28 fiscal year. The bill authorizes the administrator to keep the
29 warehouse open on designated Fridays if anticipated sales on
30 that Friday justify keeping the warehouse open.

31 This division also restricts the number of checks conducted
32 to ensure licensed retail establishment compliance with tobacco
33 laws, regulations, and ordinances applicable to minors to one
34 such check for the fiscal year beginning July 1, 2010, and
35 ending June 30, 2011. The division authorizes an additional

1 check for any retail outlet found in violation during the first
2 check. The compliance checks are conducted pursuant to the
3 terms of a Code chapter 28D agreement entered into between
4 the division of tobacco use prevention and control of the
5 Iowa department of public health and the alcoholic beverages
6 division of the department of commerce.

7 DIVISION X — ALCOHOLIC BEVERAGES DIVISION — DIRECT
8 SHIPMENT OF WINE. This division of the bill authorizes the
9 direct shipment of wine from out-of-state wine manufacturers to
10 residents of this state under specified circumstances.

11 Current law provides that a winery licensed or permitted
12 pursuant to laws regulating alcoholic beverages in another
13 state which affords Iowa an equal reciprocal shipping privilege
14 may ship into this state by private common carrier, to a person
15 21 years of age or older, not more than 18 liters of wine
16 per month, for consumption or use by the person. This bill
17 removes the requirement or condition of reciprocity, such that
18 a wine manufacturer in any state may ship wine directly to Iowa
19 residents, subject to the terms and conditions specified in the
20 bill.

21 The bill provides that a wine manufacturer licensed or
22 permitted pursuant to laws regulating alcoholic beverages
23 in another state must obtain a wine direct shipper license
24 to directly ship wine to Iowa residents. A license may be
25 obtained upon receipt by the administrator of the alcoholic
26 beverages division of the department of commerce of a written
27 application from a wine manufacturer, accompanied by a true
28 copy of the manufacturer's current alcoholic beverage license
29 issued in another state, and a copy of the manufacturer's
30 winery license issued by the federal alcohol and tobacco tax
31 and trade bureau. A \$25 license fee is additionally required,
32 and the bill specifies that a license may be annually renewed
33 if the information originally submitted is resubmitted each
34 year together with the \$25 fee.

35 The bill imposes certain requirements and restrictions

1 upon the direct shipment of wine. The bill provides that
2 no more than 18 liters of wine may be shipped per month by
3 a wine direct shipper licensee to an Iowa resident 21 years
4 of age or older, for the resident's personal use and not for
5 resale. Additionally, the wine must be properly registered
6 with the federal alcohol and tobacco tax and trade bureau, and
7 manufactured on the winery premises of the wine direct shipper
8 licensee. The bill further specifies that all containers of
9 direct shipped wine must be conspicuously labeled with the
10 words CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
11 REQUIRED FOR DELIVERY or alternative preapproved wording, and
12 that the containers be shipped by a licensed alcohol carrier.

13 The bill requires a direct shipper licensee to remit to
14 the division an amount equivalent to the \$1.75 per gallon
15 wine gallonage tax for deposit in the beer and liquor control
16 fund created in Code section 123.53, and subject to the same
17 time, manner, and penalty requirements or provisions as are
18 otherwise applicable to the tax. The bill maintains sales and
19 use tax exemptions, and refund value exemptions, currently
20 applicable to reciprocal shipments of wine in Code section
21 123.187. Additionally, the bill provides that a direct shipper
22 licensee shall be deemed to have consented to the jurisdiction
23 of the division or any other agency or court in the state, and
24 that the division may perform an audit of shipping records upon
25 request.

26 The bill specifies that an alcohol carrier license shall
27 be issued subject to requirements, fees, and upon application
28 forms to be determined by the administrator by rule. An
29 alcohol carrier licensee shall not be authorized to deliver
30 wine to any person under 21 years of age, or to any person
31 who either is or appears to be in an intoxicated state or
32 condition. The bill requires a licensee to obtain valid proof
33 of identity and age prior to delivery, and the signature of an
34 adult. The bill imposes specified recordkeeping requirements
35 as a condition of maintaining an alcohol carrier license.

1 The bill maintains the current provision that the holder of
2 a permit for the sale or manufacture and sale of wine issued
3 by the division shall be authorized under that permit to ship
4 out of state by private common carrier, to a person 21 years of
5 age or older, not more than 18 liters of wine per month, for
6 consumption or use by the person.

7 The bill subjects violators of the bill's provisions to the
8 license suspension and revocation provisions, and civil penalty
9 provisions, otherwise applicable to permittees in Code section
10 123.39.

11 DIVISION XI — DEPARTMENT OF HUMAN RIGHTS — REORGANIZATION.

12 This division of this bill concerns the department of human
13 rights. The bill reorganizes the department into three
14 divisions, the new division of community advocacy and services,
15 the current division of community action agencies, and the
16 current division of criminal and juvenile justice planning.
17 The current divisions of Latino affairs, status of women,
18 persons with disabilities, deaf services, status of African
19 Americans, Iowans of Asian and Pacific Islander heritage, and
20 Native American affairs, are redesignated as offices and are
21 included within the new division of community advocacy and
22 services. The bill also provides that the administrators of
23 the various divisions of the department, currently appointed
24 by the governor, are eliminated. However, administrators
25 appointed by the department director are retained for the three
26 remaining divisions. The division does provide, however,
27 that current administrators eliminated by the division shall
28 be retained as employees of the department but shall be
29 subject to the merit system. In addition, except for the
30 commission of Native American affairs, all commissions within
31 the new division of community advocacy and services are
32 limited to seven voting members. The current human rights
33 administrative-coordinating council is stricken and replaced
34 with a human rights board. In addition, the bill reassigns
35 duties and responsibilities between the offices and commissions

1 within the department. The various subchapters of Code chapter
2 216A are amended by the bill as follows:

3 ADMINISTRATION:

4 Code section 216A.1 is amended to establish that the
5 department consists of three new divisions, the division of
6 community advocacy and services, the division of community
7 action agencies, and the division of criminal and juvenile
8 justice planning, and renames the current divisions now
9 included within the division of community advocacy and services
10 of the department as offices.

11 Code section 216A.2, concerning the department director and
12 administrators, is amended. The bill maintains current law
13 that provides that the director of the department of human
14 rights is appointed by the governor, subject to confirmation
15 by the senate. However, the bill provides that the current
16 administrators of the various divisions of the department,
17 appointed by the governor, are eliminated. In addition, the
18 bill also provides that the department director is responsible
19 for appointing the personnel of the department. The rewritten
20 Code section also provides that the department director has
21 the authority to solicit gifts on behalf of the department,
22 commissions, or offices, and can enter into contracts, and
23 issue reports on behalf of the department.

24 Code section 216A.3, concerning the human rights
25 administrative-coordinating council, is stricken and replaced
26 with a human rights board. The new board consists of nine
27 voting members and five nonvoting members. The nine voting
28 members shall be selected by the applicable permanent
29 commissions and councils of the department and two additional
30 voting members shall be appointed by the governor. The
31 nonvoting members shall consist of the director of the
32 department and four members of the general assembly. Current
33 law provides that the administrator of each division of the
34 department is a member of the eliminated council. The bill
35 provides that the duties of the board include adopting the

1 proposed budget for the department, adopting rules of the
2 department, and developing a comprehensive strategic plan for
3 the department. The bill also provides that any substantive
4 action taken by the board must be adopted by a two-thirds vote.

5 New Code section 216A.7 provides that the director or an
6 administrator of one of the divisions created by this bill
7 shall have access to nonconfidential information of state
8 entities that is relevant to the department upon request.

9 DIVISION OF LATINO AFFAIRS:

10 The bill renames the division of Latino affairs as the office
11 of Latino affairs and eliminates the administrator position.

12 Code section 216A.12, concerning the commission of Latino
13 affairs, is amended by the bill. The bill provides that the
14 commission shall consist of seven and not nine members, shall
15 meet at least quarterly each year, and establishes a mechanism
16 for a member not to vote on a matter in which the person has
17 a conflict of interest. Code section 216A.13, concerning the
18 organization of the commission, is rewritten to establish the
19 duties of the commission and the substance of the current Code
20 section is moved to the rewritten Code section 216A.12.

21 Code section 216A.14, concerning commission employees, is
22 stricken and rewritten by the bill. Current law granting
23 authority to the commission to employ personnel is stricken
24 as this authority is provided to the department director in
25 the bill. The rewritten Code section provides for the duties
26 of the office of Latino affairs. The bill transfers to the
27 office current duties of the commission concerning assistance
28 to state agencies and other public organizations relative to
29 Latino persons, training, and work. The bill eliminates the
30 requirement to establish a Latino information center.

31 Code section 216A.15, concerning the duties of the
32 commission on Latino affairs, is amended to strike those duties
33 transferred to the office of Latino affairs. In addition, the
34 bill also strikes the authority of the commission to adopt
35 rules.

1 Code section 216A.16, concerning commission powers to accept
2 gifts, solicit grants, and enter into contracts, and Code
3 section 216A.17, concerning a commission biennial report, are
4 repealed by the bill.

5 DIVISION ON THE STATUS OF WOMEN:

6 The bill renames the division on the status of women as the
7 office on the status of women and eliminates the administrator
8 position.

9 Code section 216A.52, creating the commission on the status
10 of women, Code section 216A.53, concerning commission terms of
11 office, and Code section 216A.54, concerning the meetings of
12 the commission, are stricken and the Code sections rewritten
13 by the bill.

14 Rewritten Code section 216A.52 establishes the duties of
15 the office on the status of women which include some duties
16 currently assigned to the commission. The bill provides that
17 the office shall serve as the primary advocate for, and shall
18 provide assistance and information relative to, women and
19 girls.

20 Rewritten Code section 216A.53 establishes the commission.
21 Provisions of current Code sections 216A.52, 216A.53, and
22 216A.54, are modified and included in this rewritten Code
23 section. The bill changes current law by reducing the number
24 of commission members from 13 to seven, providing that all
25 members must reside in Iowa and that the commission must meet
26 at least quarterly, instead of at least six times per year.
27 The rewritten Code section also specifies what constitutes a
28 quorum, what vote is necessary for substantive action, and
29 includes a conflict of interest provision for members.

30 Rewritten Code section 216A.54 establishes the powers and
31 duties of the commission. The Code section provides that the
32 commission shall study opportunities for and changing needs
33 of women and girls, serve as a liaison between the office and
34 the public, recommend rules for the commission and office, the
35 new human rights board, and recommend proposed policies and

1 legislation.

2 Code section 216A.55, concerning the objectives of the
3 commission, and Code section 216A.56, concerning the authority
4 of the commission to employ personnel and set the budget, are
5 repealed by the bill.

6 Code sections 216A.57 and 216A.58, concerning the duties and
7 authority of the commission, are repealed. Current law allowed
8 the commission to hold hearings, enter into contracts, and
9 accept grants of money or property.

10 Code section 216A.59, concerning access to information,
11 is repealed. The authority granted in this Code section is
12 provided to the department director and administrators of the
13 department, in new Code section 216A.7.

14 Code section 216A.60, concerning a commission annual report,
15 is repealed.

16 DIVISION OF PERSONS WITH DISABILITIES:

17 The bill renames the division of persons with disabilities
18 as the office of persons with disabilities and eliminates the
19 administrator position.

20 Code section 216A.72 is stricken and rewritten by the
21 bill to establish the duties of the office of persons with
22 disabilities. The duties currently assigned to the commission
23 of persons with disabilities and specified in current Code
24 section 216A.77, subsections 1 through 6, are modified and
25 transferred to the office.

26 Code section 216A.73, providing for ex officio members of
27 the commission, is repealed.

28 Code section 216A.74, concerning the membership of the
29 commission, is stricken and rewritten by the bill to include
30 the membership of the commission which is reduced from 24 ex
31 officio and voting members to seven voting members, the terms
32 of office, and officers of the commission, currently provided
33 in Code sections 216A.74 through 216A.76. The rewritten Code
34 section also specifies that the commission must meet at least
35 quarterly, what constitutes a quorum, what vote is necessary

1 for substantive action, and includes a conflict of interest
2 provision for members.

3 Code section 216A.75, is stricken and rewritten by the bill,
4 to provide for the duties of the commission. The Code section
5 provides that the commission shall study opportunities for and
6 changing needs of persons with disabilities, serve as a liaison
7 between the office and the public, recommend to the new board
8 rules for the commission and office, and recommend proposed
9 policies and legislation.

10 Code section 216A.76, concerning officers of the commission,
11 and Code section 216A.77, concerning duties of the commission,
12 are repealed.

13 Code section 216A.78, concerning the administrator, and Code
14 section 216A.79, concerning acceptance of gifts and grants, are
15 repealed.

16 DIVISION OF COMMUNITY ACTION AGENCIES:

17 The bill maintains the division of community action agencies
18 as a division but modifies some of the division's functions.

19 Code section 216A.92, concerning duties of the
20 administrator, is stricken and rewritten to provide that the
21 division shall provide assistance to implement community action
22 programs, administer low-income energy assistance block grants,
23 administer department of energy funds for weatherization,
24 implement accountability measures, and issue an annual report.

25 Code section 216A.92A, concerning the commission of
26 community action agencies, is amended to specify that the
27 commission must meet at least four times per year.

28 Code section 216A.92B, concerning the duties of the
29 commission, is rewritten by the bill. The bill provides that
30 the commission shall supervise collection of data on services
31 provided by community action agencies, serve as a liaison
32 between the division and the public, recommend to the new board
33 rules for the commission and division, and recommend proposed
34 policies and legislation.

35 Code section 216A.93, concerning establishment of community

1 action agencies, is amended to provide that if any geographic
2 area in the state ceases to be served by a community action
3 agency, the division may assist the governor in designating an
4 agency for that area.

5 Code section 216A.101, concerning an emergency
6 weatherization fund, and Code section 216A.103, establishing an
7 Iowa affordable heating program, are repealed.

8 Code section 216A.107, concerning the family development
9 and self-sufficiency council, is amended to specify what
10 constitutes a quorum, what vote is necessary for substantive
11 action, and includes a conflict of interest provision for
12 members.

13 DIVISION OF DEAF SERVICES:

14 The bill renames the division of deaf services as the office
15 of deaf services and eliminates the administrator position.

16 Code section 216A.112, creating the commission of deaf
17 services, and Code section 216A.113, granting authority to the
18 commission to employ staff, are stricken and the Code sections
19 rewritten.

20 Rewritten Code section 216A.112 establishes the duties of
21 the office of deaf services.

22 Rewritten Code section 216A.113 creates the commission.
23 Current provisions of Code section 216A.112 are transferred
24 to this Code section which specifies that the commission must
25 meet at least quarterly, what constitutes a quorum, what vote
26 is necessary for substantive action, and includes a conflict
27 of interest provision for members. The bill provides that the
28 term of office for commission members is four years and not the
29 current three years.

30 Code section 216A.114, concerning the powers and duties
31 of the commission, is rewritten by the bill. The bill
32 provides that the commission shall study the needs of deaf
33 and hard-of-hearing people, serve as a liaison between the
34 office and the public, recommend to the new board rules for the
35 commission and office, provide input to the department director

1 concerning the budget, and recommend proposed policies and
2 legislation.

3 Code section 216A.115, concerning the powers of the
4 commission that include the ability to accept grants and enter
5 into contracts, is repealed by the bill.

6 Code section 216A.116, concerning a report of the
7 commission, is repealed by the bill.

8 Code section 216A.117, which creates the interpretation
9 services account, is repealed by the bill. The account
10 provides moneys to deaf services for continued and expanded
11 interpretation services.

12 DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING:

13 The bill keeps the division of criminal and juvenile justice
14 planning.

15 New Code section 216A.131A establishes the division to
16 perform the duties required in this subchapter.

17 Code section 216A.132, concerning the criminal and juvenile
18 justice planning council, is amended to provide that the
19 council must appoint a chairperson and vice chairperson, to
20 establish what constitutes a quorum and a majority to take
21 affirmative action, and to establish a conflict of interest
22 provision for members.

23 Code section 216A.133, concerning duties of the council, is
24 amended by adding additional duties. The additional duties
25 include assisting agencies in using criminal juvenile justice
26 data, serving as a liaison between the division and the public,
27 adopting rules for the council and division, providing input to
28 the department director concerning the budget, and recommending
29 proposed policies and legislation.

30 DIVISION ON THE STATUS OF AFRICAN AMERICANS:

31 The bill renames the division on the status of African
32 Americans as the office on the status of African Americans and
33 eliminates the administrator position.

34 Code section 216A.142, concerning the commission on the
35 status of African Americans, is rewritten by the bill. The

1 rewritten Code section reduces the number of members of the
2 commission from nine to seven, provides that the members must
3 reside in Iowa, provides for the terms of office, requires the
4 appointment of a chairperson and vice chairperson, establishes
5 quorum and majority vote requirements, and establishes a
6 conflict of interest provision for members.

7 Code section 216A.143, concerning meetings of the
8 commission, is stricken and rewritten by the bill to establish
9 the powers and duties of the commission. The bill provides
10 that the commission shall study the needs of the African
11 American community, serve as a liaison between the office and
12 the public, recommend to the new board rules for the commission
13 and office, establish advisory committees, and recommend
14 proposed policies and legislation.

15 Code section 216A.144, concerning objectives of the
16 commission, is repealed by the bill.

17 Code section 216A.145, concerning the authority of the
18 administrator, is repealed.

19 Code section 216A.146, concerning the duties of the
20 commission, is amended by the bill to establish the office on
21 the status of African Americans and provide for the duties of
22 the office.

23 Code section 216A.147, concerning additional authority for
24 the commission, Code section 216A.148, concerning access to
25 information, and Code section 216A.149, concerning an annual
26 report, are repealed by the bill.

27 DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC
28 ISLANDER HERITAGE:

29 The bill renames the division on the status of Iowans of
30 Asian and Pacific Islander heritage as the office of Asian
31 and Pacific Islander affairs and eliminates the administrator
32 position.

33 Code sections 216A.152, 216A.153, and 216A.154, concerning
34 the commission on the status of Iowans of Asian and Pacific
35 Islander heritage, are stricken and included in rewritten

1 Code section 216A.152. The rewritten Code section reduces
2 the number of members of the commission from nine to seven,
3 and also specifies that the members must reside in Iowa, the
4 commission must meet at least quarterly, what constitutes a
5 quorum, what vote is necessary for substantive action, and
6 includes a conflict of interest provision for members.

7 Rewritten Code section 216A.153 provides for the powers
8 and duties of the commission. The bill provides that the
9 commission shall study the needs of Asian and Pacific Islanders
10 in this state, serve as a liaison between the office and the
11 public, recommend to the new board rules for the commission and
12 office, establish advisory committees, and recommend proposed
13 policies and legislation.

14 Rewritten Code section 216A.154 establishes the office of
15 Asian and Pacific Islander affairs and its duties.

16 Code section 216A.155, concerning the duties of the
17 commission, is repealed.

18 Code section 216A.156, concerning review of grant
19 applications and budget requests, Code section 216A.157,
20 concerning additional commission authority, Code section
21 216A.158, concerning employees and responsibility, Code section
22 216A.159, concerning state agency assistance, and Code section
23 216A.160, concerning an annual report, are repealed by the
24 bill.

25 **DIVISION ON NATIVE AMERICAN AFFAIRS:**

26 The bill renames the division on Native American affairs
27 as the office of Native American affairs and eliminates the
28 administrator position.

29 Code section 216A.162, concerning the commission on Native
30 American affairs, is amended to provide for the appointment
31 of a chairperson, quarterly meetings, compensation, what
32 constitutes a quorum, what vote is necessary for substantive
33 action, and includes a conflict of interest provision for
34 members. Code section 216A.164, concerning meetings of
35 the commission, is repealed and the substance of these Code

1 sections incorporated in Code section 216A.162.

2 Code section 216A.165, concerning duties of the commission,
3 is rewritten to provide that the duties are studying
4 opportunities for and changing needs of Native American
5 persons, serving as a liaison between the office and the
6 public, recommending to the new board rules for the commission
7 and office, establishing advisory committees, and recommending
8 proposed policies and legislation.

9 Code section 216A.166 is amended to establish the office of
10 Native American affairs and its duties.

11 Code section 216A.167, concerning additional duties of
12 the commission, is amended by striking the authority of the
13 commission concerning the budget of the commission and office
14 and the ability to enter into contracts and accept gifts.

15 Code section 216A.168, concerning the administrator, Code
16 section 216A.169, concerning state agency assistance, and Code
17 section 216A.170, concerning an annual report, are repealed by
18 the bill.

19 The bill also establishes transition provisions relative
20 to the reorganization of the department as provided in the
21 bill. As part of these provisions, the bill provides that the
22 governor, in consultation with the director of the department
23 of human rights, establish a process to implement the
24 changes in this division relative to changes in this division
25 concerning the members of commissions and boards within the
26 department.

27 This division of this bill takes effect upon enactment.

28 DIVISION XII — GAMBLING SETOFFS. Division XII of the bill
29 relates to the setoff of debts from gambling winnings.

30 Currently, a debtor who wins money on a wager at a racetrack,
31 excursion gambling boat, or gambling structure in this state
32 is subject to a setoff from those winnings of the amount of
33 debt owed if the winnings are equal to or greater than \$10,000.
34 Division XII amends Code sections 99D.28 and 99F.19 so that
35 debtors who win \$1,200 or more are subject to the setoff.

1 DIVISION XIII — DEPARTMENT OF MANAGEMENT — FINANCIAL
2 ADMINISTRATION REORGANIZATION. Division XIII of the bill
3 transfers the financial administration duties of the department
4 of administrative services to the department of management. In
5 addition, the bill requires the department of management to
6 establish a centralized payroll system for all state agencies.

7 This division also requires the department of management
8 to explore the possibility of merging all state payroll
9 systems within the centralized payroll system operated by the
10 department and to provide that state employees be paid on a
11 semimonthly instead of a biweekly basis.

12 DIVISION XIV — ADMINISTRATION AND REGULATION
13 APPROPRIATIONS. This division of the bill appropriates money to
14 the department of revenue to hire additional examiners and to
15 the department of management to create and fill an additional
16 position in the office of grants enterprise management.

17 AGRICULTURE AND NATURAL RESOURCES.

18 DIVISION XV — ELIMINATION OF STATE ENTITIES ASSOCIATED
19 WITH THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. This
20 division eliminates entities associated with the department of
21 agriculture and land stewardship.

22 RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE. This
23 bill eliminates the renewable fuels and coproducts advisory
24 committee established in the department of agriculture and land
25 stewardship (Code section 159A.4). The committee consists of
26 persons heading state agencies or their designees, including
27 the department of agriculture and land stewardship, the
28 department of economic development, the state department of
29 transportation, and the office of energy independence; and
30 persons representing persons interested in renewable fuels
31 including retail motor fuel dealers, petroleum refiners,
32 farmers (with special representation for livestock producers,
33 corn growers, and soybean producers), and renewable fuel
34 producers. The committee advises the department of agriculture
35 and land stewardship and other persons regarding the production

1 and consumption of renewable fuels and coproducts, but does not
2 control policy decisions (Code section 159A.5). Departmental
3 programs to encourage the production and consumption of
4 renewable fuels and coproducts are administered by the office
5 of renewable fuels and coproducts.

6 ORGANIC ADVISORY COUNCIL. The bill eliminates an organic
7 advisory council established within the department of
8 agriculture and land stewardship (Code section 190C.2). The
9 council is composed of persons who operate farms producing
10 organic agricultural products, operate businesses processing
11 organic agricultural products, and operate businesses handling
12 or selling organic agricultural products. It also includes
13 persons who have earned an educational degree and have
14 experience in agricultural or food science, and persons who are
15 interested in the public interest, the natural environment,
16 or consumers. The advisory council is required to assist the
17 department of agriculture and land stewardship in developing
18 policies, establishing and changing fees, providing advice, and
19 promoting organic agricultural products in compliance with the
20 state organic program (Code section 190C.2A). The department
21 retains its statutory duties and powers to administer the
22 program.

23 DIVISION XVI — ELIMINATION OF STATE ENTITIES ASSOCIATED
24 WITH THE DEPARTMENT OF NATURAL RESOURCES' CONTROL OF THE
25 NATURAL HABITAT. The bill eliminates entities established
26 within the department of natural resources that carry out
27 duties associated with the conservation of fish, wildlife,
28 and habitat generally under the jurisdiction of the natural
29 resource commission.

30 SUSTAINABLE NATURAL RESOURCE FUNDING ADVISORY COMMITTEE.
31 The bill eliminates the sustainable natural resource funding
32 advisory committee (2008 Iowa Acts, chapter 1080). The
33 committee is composed of state officials including the director
34 of the department of natural resources, a commissioner of a
35 soil and water conservation district, and representatives of

1 persons interested in the natural environment, agriculture,
2 land improvement, renewable fuels, rivers, and wildlife. It
3 also includes four members of the general assembly who serve as
4 ex officio, nonvoting members. The committee is required to
5 submit a report to the general assembly in 2010.

6 The committee's elimination takes effect upon enactment.

7 UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. The bill
8 eliminates the upland game bird study advisory committee
9 established to restore sustainable and socially acceptable
10 populations of pheasants and quail in the state to maximize
11 the economic value of upland game bird hunting to Iowa's
12 economy (2009 Iowa Acts, ch. 144, section 49). The committee
13 is composed of persons representing organizations associated
14 with conservation, farming, hunting, realty, environmental
15 protection, and land management; Iowa's United States senators;
16 federal agencies responsible for fish and wildlife and farm
17 policy; and the department of agriculture and land stewardship,
18 the department of natural resources, the department of economic
19 development, the state department of transportation, and the
20 state soil conservation committee. It also includes four
21 members of the general assembly. The committee is required to
22 submit a final report to the governor and the general assembly
23 by January 10, 2010.

24 The committee's elimination takes effect upon enactment.

25 DIVISION XVII — ELIMINATION OF STATE ENTITIES ASSOCIATED
26 WITH THE DEPARTMENT OF NATURAL RESOURCES — IOWA CLIMATE CHANGE
27 ADVISORY COUNCIL. The bill eliminates the Iowa climate change
28 advisory council established within the department of natural
29 resources (Iowa Code section 455B.851). The council consists
30 of persons engaged in academic and research institutions,
31 farming, public transit, utilities, environmental protection,
32 business, energy conservation, renewable fuel promotion,
33 local government, and alternative energy production. It also
34 includes four ex officio, nonvoting members of the general
35 assembly. The council was responsible for developing multiple

1 scenarios designed to reduce statewide greenhouse gas emissions
2 in order to reduce such emissions by 50 percent by 2050. The
3 council was required to submit a proposal by January 1, 2009.

4 The department is still required to submit a report to the
5 governor and the general assembly regarding the greenhouse gas
6 emissions in the state during the previous calendar year and
7 forecasting trends in such emissions.

8 The council's elimination takes effect upon enactment.

9 DIVISION XVIII — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
10 STORAGE TANK FUND BOARD. Division XVIII relates to the
11 elimination of the Iowa comprehensive petroleum underground
12 storage tank fund board. This division transfers all
13 administrative duties of the board to the department of natural
14 resources and, in the case of approval of certain contracts
15 and duties pursuant to Code chapter 17A, to the environmental
16 protection commission. The division transfers the authority to
17 issue bonds for the Iowa comprehensive petroleum underground
18 storage tank fund from the Iowa finance authority to the
19 treasurer of state. The division makes conforming amendments.
20 The division eliminates the July 1, 2010, repeal of Code
21 sections 455G.6 and 455G.7, relating to bonding authority for
22 the Iowa comprehensive petroleum underground storage tank fund.

23 The division appropriates moneys from the Iowa comprehensive
24 petroleum underground storage tank fund to the department of
25 natural resources and to the general fund of the state.

26 **ECONOMIC DEVELOPMENT.**

27 DIVISION XIX — ECONOMIC DEVELOPMENT — COMMITTEES AND
28 COUNCILS. Division XIX of this bill relates to the duties
29 of certain boards, committees, and councils in the areas of
30 cultural affairs and economic development. The bill eliminates
31 some boards, committees, and councils and reassigns some of
32 their functions to other state governmental bodies.

33 Code section 15.108, subsection 7, paragraph "h", provides
34 for a small business advisory council and requires the
35 department of economic development to provide assistance to it.

1 Division XIX eliminates this council.

2 Code section 15.203 provides for the establishment of an
3 agricultural products advisory council, and Code section
4 15G.115 provides a role for this council in approving
5 applications for financial assistance under the value-added
6 agriculture component of the grow Iowa values fund. This
7 division eliminates this council and removes references to the
8 council from the provisions of the grow Iowa values fund and
9 financial assistance program. With the elimination of the
10 council, applications for assistance under the value-added
11 agriculture component of the grow Iowa values fund will be
12 considered by the due diligence committee of the economic
13 development board.

14 Code section 15.114 provides for the establishment of
15 a microenterprise development advisory committee by the
16 department of economic development. This division eliminates
17 this committee.

18 DIVISION XX — CONSOLIDATION OF HOUSING PROGRAMS. Division
19 XX of the bill transfers authority for the administration of
20 the shelter assistance fund from the department of economic
21 development to the Iowa finance authority.

22 Division XX of the bill also directs the department of
23 economic development and the Iowa finance authority to conduct
24 a joint review of the housing-related programs they currently
25 administer, including all federal programs. The joint review
26 must include a review of all federal moneys received and spent
27 on housing programs and must identify all programs that are
28 duplicative of another program or which have purposes similar
29 to that of another program.

30 Division XX directs the department of economic development
31 and the Iowa finance authority to produce a report recommending
32 how best to transfer all responsibilities for housing-related
33 programs from the department of economic development to
34 the Iowa finance authority. The report must be submitted
35 by September 1, 2010, to the governor, the department of

1 management, and the general assembly.

2 **EDUCATION.**

3 DIVISION XXI — AREA EDUCATION AGENCIES AND
4 EDUCATION-RELATED MATTERS. This division relates to
5 area education agencies (AEAs) by changing the composition
6 of area education agency boards of directors, directs the
7 director of the department of education to provide guidance and
8 standards to AEAs for federal and state education initiatives
9 which the AEAs must implement statewide, and provides for
10 studies related to AEA funding and standards of services.
11 The bill also eliminates the education telecommunications
12 council and revises the appointment process and duties of the
13 regional telecommunications councils; eliminates the council
14 for agriculture education, and the Iowa learning technology
15 initiative; and initiates the process for withdrawal from
16 the midwestern higher education compact. Under the bill,
17 the duties of the education telecommunications council are
18 transferred to the regional telecommunications councils.

19 The bill provides that each AEA board shall be comprised
20 of at least nine members rather than the current requirement
21 of between five and nine members. The bill also requires
22 that candidates for membership on the board be nominated by
23 the school districts in the area. Under the bill, the board
24 must be comprised of at least one superintendent, a principal,
25 a regular teacher, a special education teacher, a special
26 education paraprofessional, and a parent or guardian of a
27 child requiring special education who is receiving special
28 education services from an AEA. If a person who meets these
29 qualifications is not nominated, a director district convention
30 must be called to elect a board member for that director
31 district.

32 The bill directs AEA accreditation teams to determine
33 whether the standards for statewide education initiatives
34 developed by the director have been met. The department of
35 education is directed to conduct a study of the current AEA

1 funding system and develop alternative proposals for funding
2 the AEA system. The department must submit its report to the
3 general assembly and the governor by December 15, 2010.

4 The department of education is directed to conduct a study
5 of current and potential AEA standards of services and to
6 develop potential standards of performance aligned with the
7 standards of services which shall be a component of the AEA
8 accreditation process. The department must submit its findings
9 and recommendations in a report to the general assembly and the
10 governor by October 1, 2010.

11 The bill includes conforming provisions.

12 DIVISION XXII — EARLY CHILDHOOD IOWA INITIATIVE. This
13 division relates to the state and local system for early care
14 by replacing the community empowerment initiative administered
15 for state purposes through the department of management with
16 the early childhood Iowa initiative administered through the
17 department of education.

18 The division enacts the early childhood Iowa initiative
19 in new Code chapter 256I to replace the community empowerment
20 initiative in Code chapter 28, which is repealed.

21 New Code section 256I.1 provides definitions.

22 New Code section 256I.2 states a set of desired results
23 for the early childhood Iowa initiative, which is essentially
24 the same as the set of desired results under the community
25 empowerment initiative. In addition, the section outlines the
26 purpose of the initiative and the roles of the state agencies
27 and communities involved with the initiative.

28 New Code section 256I.3 creates the early childhood Iowa
29 state board charged to promote the vision of a comprehensive
30 early care, education, health, and human services system
31 achieved through assuring collaboration and other coordination
32 efforts directed to the individual state and local systems
33 connected with the state agencies. The voting membership
34 consists of six state agency staff and three public members
35 and also includes four members of the general assembly serving

1 as ex officio, nonvoting members. The six state agencies
2 represented are from the departments of economic development,
3 education, human rights, human services, public health, and
4 workforce development.

5 New Code section 256I.4 outlines the duties of the state
6 board, including authority to manage grant funding, approve
7 boundaries of early childhood Iowa areas, designate early
8 childhood Iowa area boards, implement a levels of excellence
9 rating system for use in designating area boards, and create a
10 strategic plan that implements a comprehensive system of early
11 care, education, health, and human services.

12 New Code section 256I.5 designates the department of
13 education as the lead agency for implementation of the
14 initiative and for support of the state board and the
15 comprehensive system. The early childhood coordination center
16 is created in the department with specified staff, authority
17 for designation of additional staff, and inclusion of a
18 technical assistance team consisting of staff from the other
19 state departments represented on the state board. The center
20 duties include entering into memoranda of agreement with state
21 departments and working with stakeholders to implement the
22 initiative and resolve disputes.

23 New Code section 256I.6 addresses designation of early
24 childhood Iowa areas throughout the state and includes
25 a statement of purpose, authority of the state board in
26 designating areas, criteria for designating boundaries, and
27 authority to waive the criteria.

28 New Code section 256I.7 provides for the functions of an
29 early childhood Iowa area to be performed by an area board,
30 outlines membership and other requirements, provides tort
31 liability protection, and requires compliance with laws
32 relating to open meetings and public records.

33 New Code section 256I.8 addresses the required duties
34 and optional authority for area boards. The duties include
35 designating a public entity or nonprofit corporation to serve

1 as fiscal agent, administering grant funding, developing a
2 comprehensive community plan, and submitting an annual report
3 on the effectiveness of the plan. The optional authority
4 relates to designating committees and using other community
5 bodies to provide input.

6 New Code section 256I.9 provides for development of a school
7 ready grant program. The requirements are similar to those
8 under the school ready children grant program implemented
9 under the community empowerment initiative, including the
10 requirements for providing preschool services for at-risk
11 children, and family support and parent education services
12 for parents with very young children, approval requirements,
13 evaluation components, and a limitation on authority to carry
14 forward unused funding to the succeeding fiscal year.

15 New Code section 256I.10 requires the department of
16 education to implement an early childhood Iowa internet site to
17 disseminate information concerning the early care, education,
18 health, and human services systems and other information and a
19 link to a special internet site for parents.

20 New Code section 256I.11 creates the early childhood Iowa
21 fund and the school ready children grants account, early
22 childhood programs grants account, and first years first
23 account, as part of the fund. The department of education has
24 authority over the fund and the accounts.

25 Code chapter 28, relating to the community empowerment
26 initiative, and Code section 135.173, relating to the early
27 childhood Iowa council, are repealed.

28 This division also makes conforming amendments to replace
29 references to the Iowa empowerment initiative, Iowa empowerment
30 board, community empowerment areas, and Code chapter 28 with
31 references to the early childhood Iowa initiative, early
32 childhood Iowa state board, early childhood Iowa areas, and
33 Code chapter 256I, respectively.

34 The division may include a state mandate as defined in
35 Code section 25B.3. The division makes inapplicable Code

1 section 25B.2, subsection 3, which would relieve a political
2 subdivision from complying with a state mandate if funding for
3 the cost of the state mandate is not provided or specified.
4 Therefore, political subdivisions are required to comply with
5 any state mandate included in the division.

6 A transition section addresses transition of community
7 empowerment initiative provisions to the early childhood Iowa
8 initiative beginning on July 1, 2010, including transition
9 of community empowerment area boards to early childhood Iowa
10 area boards, state or federal funding possessed by community
11 empowerment area boards, and administrative rules.

12 DIVISION XXIII — HEALTH AND HUMAN SERVICES PROGRAM. This
13 division of the bill provides directives to various state
14 departments to develop and implement strategies to increase
15 efficiencies and cost savings in programs relating to health
16 and human services. The bill directs the department of human
17 services to develop and implement strategies to increase
18 efficiencies by reducing paperwork, decreasing staff time, and
19 providing more streamlined services to the public relative to
20 programs under the purview of the department. Such strategies
21 may include but are not limited to simplifying and reducing
22 duplication in eligibility determinations among programs by
23 utilizing the same eligibility processes across programs to the
24 extent allowed by federal law. The department is also directed
25 to provide a progress report to the joint appropriations
26 subcommittee on health and human services on a quarterly basis.

27 The bill also directs the departments of human services,
28 public health, corrections, and management, and any
29 other appropriate department to review the provision of
30 pharmaceuticals to populations they serve and programs under
31 their respective purview to determine efficiencies in the
32 purchase of pharmaceuticals. The departments are required to
33 develop strategies to implement efficiencies and reduce costs
34 to the state, and to also determine any changes in state law or
35 approval from the federal government necessary to implement any

1 strategy identified.

2 DIVISION XXIV — HOSPITAL LICENSING BOARD. The hospital
3 licensing board consults with and advises the department of
4 inspections and appeals in matters relating to the licensure of
5 hospitals, and approves rules and standards relating to such
6 licensure prior to their approval by the state board of health.
7 This division of the bill eliminates the hospital licensing
8 board.

9 Code section 135B.5 is also amended to eliminate the
10 requirement that the annual licensure fee for hospitals be
11 dedicated to support educational programs on regulatory issues
12 for hospitals.

13 DIVISION XXV — CHILD SUPPORT. This division of the bill
14 relates to child support and directs the department of human
15 services to establish criteria and a phased-in schedule to
16 require, no later than June 30, 2015, payors of income to
17 electronically transmit the amounts withheld under an income
18 withholding order. The bill directs the department to assist
19 payors of income in complying with the required electronic
20 transmission, and to adopt rules setting forth procedures for
21 use in electronic transmission of funds, and exemption from use
22 of electronic transmission taking into consideration any undue
23 hardship electronic transmission creates for payors of income.

24 DIVISION XXVI — FALSE CLAIMS ACT. This division the bill
25 relates to the False Claims Act. This division establishes
26 a state false claims Act to allow a procedure for the state
27 and private individuals to bring an action for fraud against
28 another person that might result in financial loss to the
29 government. The federal Deficit Reduction Act of 2005, Pub.
30 L. No. 109-171, § 6032, provided financial encouragement to
31 states to have in effect a law dealing with false or fraudulent
32 claims that meets certain federal requirements. If a state
33 has such a law in place, when recoveries are made for Medicaid
34 funds improperly paid, the share owed to the federal government
35 will be decreased by 10 percent. This provision of the federal

1 Deficit Reduction Act took effect January 1, 2007.

2 The division provides definitions of "claim", "employer",
3 "knowing" or "knowingly", and "qui tam plaintiff" which means a
4 private plaintiff who brings an action under the division on
5 behalf of the state.

6 The division provides that a person who commits certain
7 specified acts is liable to the state for three times the
8 amount of damages which the state sustains because of the act
9 of that person, and is also liable to the state for the costs
10 of a civil action brought to recover any of those penalties
11 or damages, and for a civil penalty of not less than \$5,000
12 and not more than \$10,000 for each violation. The prohibited
13 acts include: knowingly presenting or causing to be presented
14 to any employee, officer, or agent of the state, or to any
15 contractor, grantee, or other recipient of state funds, a
16 false or fraudulent claim for payment or approval; knowingly
17 making, using, or causing to be made or used, a false record
18 or statement to get a false or fraudulent claim paid or
19 approved; conspiring to defraud the state by getting a false
20 claim allowed or paid, or conspiring to defraud the state by
21 knowingly making, using, or causing to be made or used, a
22 false record or statement to conceal, avoid, or decrease an
23 obligation to pay or transmit money or property to the state;
24 having possession, custody, or control of public property or
25 money used or to be used by the state and knowingly delivering
26 or causing to be delivered less property than the amount for
27 which the person receives a certificate or receipt; being
28 authorized to make or deliver a document certifying receipt
29 of property used or to be used by the state and knowingly
30 making or delivering a receipt that falsely represents the
31 property used or to be used; knowingly buying or receiving
32 as a pledge of an obligation or debt, public property from
33 any person who lawfully may not sell or pledge the property;
34 knowingly making, using, or causing to be made or used, a
35 false record or statement to conceal, avoid, or decrease an

1 obligation to pay or transmit money or property to the state;
2 and being a beneficiary of an inadvertent submission of a
3 false claim to any employee, officer, or agent of the state,
4 or to any contractor, grantee, or other recipient of state
5 funds, subsequently discovering the falsity of the claim, and
6 failing to disclose the false claim to the attorney general
7 within a reasonable time after discovery of the false claim.
8 The division provides for an assessment of a lesser amount of
9 damages under certain circumstances.

10 The division provides a process for the attorney general to
11 investigate and bring civil actions under the division. The
12 division also provides a process for a person to bring a civil
13 action for a violation of the division for the person and for
14 the state in the name of the state as a qui tam plaintiff. The
15 division provides for awards to the qui tam plaintiff, bars
16 certain actions including those brought against a member of
17 the state legislature, a member of the judicial branch, or an
18 executive branch official if the action is based on evidence
19 or information known to the attorney general when the action
20 was brought and other actions in which the state is already a
21 party. The division provides that the state is not liable for
22 expenses which a person incurs in bringing an action under the
23 bill, and provides for relief to a person who is retaliated
24 against by an employer for bringing a private action under the
25 bill.

26 The division provides that a civil action under the division
27 must be brought not more than 10 years after the date on which
28 the violation was committed, and requires the attorney general
29 or the private plaintiff to prove all essential elements of the
30 cause of action by a preponderance of the evidence.

31 The division takes effect upon enactment and is
32 retroactively applicable to January 1, 2007.

33 DIVISION XXVII — MEDICAID PRESCRIPTION DRUGS. This
34 division of the bill relates to prescription drugs under
35 the medical assistance program by directing the department

1 of human services to adopt rules to restrict physicians and
2 other prescribers to prescribing not more than a 72-hour or
3 three-day supply of a prescription drug not included on the
4 Medicaid preferred drug list while seeking approval to continue
5 prescribing the medication; and directing the department to
6 adopt rules to require that unless the manufacturer of a
7 chemically unique mental health prescription drug enters into a
8 contract to provide the state with a supplemental rebate, the
9 drug shall be placed on the nonpreferred drug list and subject
10 to prior authorization before a Medicaid program recipient is
11 able to obtain the drug.

12 DIVISION XXVIII — MEDICAID DISEASE MANAGEMENT. Division
13 XXVIII of the bill relates to Medicaid disease management
14 for children and directs the department of human services
15 to design and implement a disease management program for
16 children to address the most prevalent chronic diseases among
17 children in Iowa. The program may include technology-based
18 disease management, in-person or telephonic care management,
19 self-management strategies, and health literacy education and
20 training.

21 DIVISION XXIX — MEDICAID HOME AND COMMUNITY-BASED SERVICES
22 WAIVER PAYMENTS. This division of the bill relates to Medicaid
23 home and community-based services waiver payments by directing
24 the department of human services to evaluate payment records
25 and determine the proper mechanism to trigger a review of
26 payments for home and community-based services waiver services
27 that are in excess of the median amount for payments through
28 the waivers. Following development of the trigger mechanism,
29 the department must require advance approval for services for
30 which payment is projected to exceed the median amount.

31 DIVISION XXX — DIVESTITURE — MEDICAID PROGRAM. This
32 division relates to divestiture activities under the Medicaid
33 program. This division amends the definition of "transfer
34 of assets" for the purpose of eligibility for the medical
35 assistance (Medicaid) program. The division amends the

1 definition to provide that any transfer or assignment of a
2 legal or equitable interest in property, from a transferor to
3 a transferee for less than fair consideration, made while the
4 transferor is receiving medical assistance or within five years
5 prior to application for medical assistance by the transferor,
6 is presumed to be made with the intent, on the part of not
7 only the transferee, but also the transferor; or another
8 person acting on behalf of a transferor who is an actual or
9 implied agent, guardian, attorney-in-fact, or person acting as
10 a fiduciary, of enabling the transferor to obtain or maintain
11 eligibility for medical assistance or of impacting the recovery
12 or payment of a medical assistance debt. The presumption is
13 then rebuttable only by clear and convincing evidence that
14 the transferor's eligibility or potential eligibility for
15 Medicaid or the impact on the recovery or payment of a medical
16 assistance debt was no part of the reason of not only the
17 transferee, but any of the other parties specified for making
18 the transfer or assignment.

19 The division provides that a transfer of assets includes a
20 transfer of an interest in the transferor's home, domicile, or
21 land appertaining to such home or domicile while the transferor
22 is receiving medical assistance, unless otherwise exempt.

23 The division amends the listing of transfers that are exempt
24 from the definition to provide that a transfer of assets that
25 would have been exempt from consideration as a resource if
26 retained by the transferor pursuant to federal law does not
27 include a transfer of the home or land appertaining to the
28 home.

29 DIVISION XXXI — CHILD CARE ADVISORY COMMITTEE. This
30 division replaces the child care advisory council in Code
31 sections 237A.21 and 237A.22 with a child care advisory
32 committee established by the early childhood Iowa council. The
33 following changes are made from current law relating to this
34 advisory body: members are appointed by the early childhood
35 Iowa council instead of the governor and additional provisions

1 are included for coordination between the council and the
2 new advisory committee. The division includes conforming
3 amendments reflecting the change. The council is required
4 to submit a legislation proposal to the governor and general
5 assembly specifying membership slots for the committee by
6 December 15, 2010. A contingent provision provides that if
7 the early childhood Iowa council is repealed and replaced by
8 the early childhood Iowa state board, the legislative proposal
9 requirement is to be assumed by the state board. Otherwise the
10 division takes effect July 1, 2011.

11 DIVISION XXXII — STATE MENTAL HEALTH INSTITUTES. This
12 division relates to transfer of authority over the facilities
13 of the state mental health institute at Mount Pleasant from the
14 department of human services to the department of corrections.

15 The Code references to the state mental health institute at
16 Mount Pleasant are eliminated in Code section 218.1, relating
17 to the institutions under the control of the director of human
18 services; in Code section 219.1, collectively designating the
19 state mental health institutes and the state resource centers
20 as a single state medical institution; in Code section 226.1,
21 relating to the official designation of the state hospitals
22 for persons with mental illness; and in Code section 226.9C,
23 authorizing the operation of a dual diagnosis mental health and
24 substance abuse program using net general fund budgeting.

25 Transition provisions are included for the departments
26 of human services and corrections to work together so that
27 the administration of the state mental health institute's
28 facilities is transferred from the department of human services
29 to the department of corrections over the course of fiscal year
30 2009-2010 and the succeeding fiscal year and is completed on
31 or before July 1, 2011.

32 The transition provisions include requirements for the
33 department of human services to revise the catchment areas
34 for state mental health institutes from four to three and to
35 transfer patients at the Mount Pleasant facility to suitable

1 placements. Moneys appropriated to the department of human
2 services for the two state mental health institutes for fiscal
3 year 2009-2010 are to be used for patient services and the
4 department of human services administrative costs connected to
5 the transfer.

6 Administrative rules applicable to the state mental health
7 institute at Mount Pleasant in effect as of July 1, 2009,
8 are to remain in effect until completion of the transfer
9 of administration of the facilities to the department of
10 corrections. The directors of the department of human services
11 and the department of corrections are required to jointly
12 provide written notice to the legislative services agency when
13 the transfer is complete.

14 The division may include a state mandate as defined in
15 Code section 25B.3. The division makes inapplicable Code
16 section 25B.2, subsection 3, which would relieve a political
17 subdivision from complying with a state mandate if funding for
18 the cost of the state mandate is not provided or specified.
19 Therefore, political subdivisions are required to comply with
20 any state mandate included in the division.

21 DIVISION XXXIII — MH/MR/DD/BI COMMISSION DUTIES. This
22 division provides general amendments associated with the
23 commission in Code chapters other than Code chapter 225C.

24 Code section 135C.23, relating to requirements for admission
25 to a health care facility (defined to include residential care
26 facilities, nursing facilities, intermediate care facilities
27 for persons with mental illness, and intermediate care
28 facilities for persons with mental retardation), is amended to
29 eliminate a requirement for the department of inspections and
30 appeals to coordinate with the commission in the adoption of
31 rules. The affected rules require programs for health care
32 facilities that admit patients or have residents with a history
33 of dangerous or disturbing behavior.

34 Code section 229.24, relating to the confidentiality
35 requirements for involuntary hospitalization proceedings,

1 is amended to eliminate the use of a form prescribed by the
2 commission when the clerk of court provides information to
3 counties concerning the commitment of an individual when the
4 costs of the individual's care are chargeable to a county.

5 Code section 230A.2, relating to the services offered by
6 a community mental health center, is amended to eliminate a
7 reference to the commission in defining services included in
8 the comprehensive mental health and developmental disability
9 services plan addressed by the bill in Code section 225C.6B.

10 Code section 230A.15, relating to requirements for a
11 comprehensive community mental health program, is amended to
12 include a reference to the comprehensive plan addressed by the
13 bill.

14 Code section 331.424A, establishing the county mental
15 health, mental retardation, and developmental disabilities
16 (MH/MR/DD) services funds, is amended to provide for adoption
17 of rules by the commission and issuance of forms by the county
18 finance committee in accordance with those rules. The forms
19 are to allow for reporting of services for persons with brain
20 injury and other optional services funded through a services
21 fund.

22 Code section 331.438, relating to county MH/MR/DD services
23 expenditures and the county and state planning associated with
24 the expenditures, is amended to strike a reference to the
25 expenditure reporting forms. In addition, the bill reduces the
26 number of duties for the commission enumerated in that section
27 from 16 to six.

28 Code section 331.439, relating to county eligibility
29 for state property tax relief and allowed growth funding in
30 connection with MH/MR/DD services, is amended to address
31 several issues. A requirement that the director of human
32 services consult with the commission when the director
33 determines various qualifications are met by counties is
34 eliminated. A reference to forms in a reporting requirement
35 is eliminated. Terminology references to county services

1 are revised to incorporate the term "services system". A
2 limitation in current law authorizing county services to be
3 contracted out to a managed care contractor is replaced with
4 authority to contract with any state-approved private entity.
5 Certain costs are made optional instead of being required to
6 be addressed by the allowed growth adjustment factor annually
7 recommended by the commission to the governor.

8 DIVISION XXXIV — MH/MR/DD/BI SERVICES. This division
9 amends Code chapter 225C, relating to the services and other
10 support available to a person with mental illness, mental
11 retardation, developmental disabilities, or brain injury
12 (MI/MR/DD/BI), defined by the Code chapter as "disability
13 services".

14 Code section 225C.4, relating the duties of the
15 administrator of the division of mental health and
16 disability services, is amended to include a reference to the
17 comprehensive plan addressed by the bill.

18 Code section 225C.6, relating to the duties of the
19 commission, is amended to reorganize the list of duties. In
20 addition, the bill shifts responsibility from the commission to
21 the department of human services' mental health and disability
22 services administrator for determining whether to grant, deny,
23 or revoke service provider accreditations. The commission
24 retains responsibility for adopting the standards used. An
25 existing requirement for the commission to coordinate with
26 other bodies is expanded to include the mental health planning
27 council and other state agencies generally.

28 Code section 225C.6A, relating to a service system redesign
29 the commission worked on in fiscal years 2004-2005 and
30 2005-2006, is amended to eliminate obsolete language and to
31 make various planning responsibilities permanent. Pursuant to
32 Code section 225C.6B, as amended in the bill, the commission is
33 required to develop a comprehensive five-year plan for mental
34 health and all disability services. The plan is to be revised
35 every five years and updated annually.

1 Code section 225C.21, relating to supported community
2 services, is amended to shift the provider accreditation
3 determination responsibility from the commission to the
4 department's division administrator.

5 Code section 225C.52, relating to the mental health services
6 system for children, is amended to include a reference to the
7 comprehensive plan responsibility included in the bill.

8 The bill repeals Code section 225C.27, the purpose section
9 of the bill of rights and service quality standards of
10 persons with mental retardation, developmental disabilities,
11 brain injury, or chronic mental illness. The Code section
12 requires the commission to adopt rules to promote and encourage
13 fulfillment of the individual due process and participation
14 in planning rights provisions of the bill of rights in Code
15 section 225C.28B.

16 DIVISION XXXV — MH/MR/DD/BI COMMISSION AND WAIVER NAME
17 CHANGE. This division changes the name of the mental health,
18 mental retardation, developmental disabilities, and brain
19 injury commission to the mental health and disability services
20 commission and the name of the home and community-based
21 services waiver for persons with mental retardation under the
22 medical assistance program to the waiver for persons with
23 intellectual disabilities. Various specific Code provisions
24 are addressed and the Code editor is authorized to make these
25 changes in other provisions.

26 DIVISION XXXVI — CONSOLIDATION OF ADVISORY BODIES —
27 COUNCIL ON HUMAN SERVICES. This division eliminates the
28 following bodies: the child abuse prevention program advisory
29 council (Code section 235A.1), the child support advisory
30 committee (Code section 252B.18), and the child welfare
31 advisory committee (Code section 234.3), and reauthorizes these
32 bodies as advisory committees established by the council on
33 human services. In establishing the advisory committees and
34 appointing members, the council on human services is required
35 to consider reappointing those individuals who were serving as

1 members of these bodies as of June 30, 2009. Corrections are
2 made to the Code references to the bodies.

3 DIVISION XXXVII — REPEAL OF HEALTH ADVISORY BODIES. This
4 division eliminates the following bodies: the hemophilia
5 advisory council (Code chapter 135N), the state medical
6 examiner advisory council (Code section 691.6C), and the state
7 substitute medical decision-making board (Code section 135.28).
8 The department of public health is required to no longer
9 operate an advisory committee on swimming pools created by the
10 department.

11 DIVISION XXXVIII — DEPARTMENT OF HUMAN SERVICES — FIELD
12 SERVICES ORGANIZATION. This division relates to the field
13 services organization for the department of human services
14 under Code section 217.42, providing for service areas to be
15 designated by the department.

16 The division eliminates other language limiting the field
17 services organization to the service areas designated as of
18 January 1, 2002, requiring consideration of other geographic
19 service areas, requiring consultation with county boards of
20 supervisors regarding selection of service area managers,
21 providing a procedure for counties seeking to change the
22 boundaries of a service area, and requiring consultation with
23 affected counties if it is necessary for the department to
24 significantly modify service areas or related operations.

25 The division takes effect upon enactment.

26 DIVISION XXXIX — DEPARTMENT OF HUMAN SERVICES — FAMILY
27 SUPPORT SUBSIDY. This division prohibits the department of
28 human services, effective July 1, 2010, from accepting new
29 applications for the family support subsidy program and from
30 approving pending applications. Existing provisions under
31 Code section 225C.40 remain applicable regarding termination
32 or denial of a subsidy for existing program participants.
33 These provisions include death of the participant, eligibility
34 criteria are no longer met, the participant attains age 18, and
35 reporting requirements are not met.

1 DIVISION XL — DEPARTMENT OF HUMAN SERVICES — ELECTRONIC
2 FUNDS TRANSFER PAYMENTS. This division directs the department
3 of human services to continue expanding the practice of making
4 payments to program participants and vendors by means of
5 electronic funds transfer. A goal is provided in new Code
6 section 217.24 for the department having the capacity for
7 making payment by such means for all departmental programs.

8 DIVISION XLI — DEPARTMENT OF HUMAN SERVICES — ADOPTION
9 SUBSIDY PROGRAM. This division provides that for the
10 fiscal year beginning July 1, 2010, the maximum payment for
11 nonrecurring expenses is limited to \$500 and additional amounts
12 for court costs and other related legal expenses will no longer
13 be allowed.

14 DIVISION XLII — GUARDIAN AD LITEM. This division amends
15 the duties listed for a "guardian ad litem" under Code section
16 232.2, which provides definitions used in the juvenile justice
17 code. A guardian ad litem is a person appointed by the court,
18 generally an attorney, to represent the interests of a child
19 in any judicial proceeding to which the child is a party. The
20 bill narrows the duties to only attending court hearings,
21 eliminates the requirement for an in-person interview of the
22 child prior to a court hearing, and provides that required
23 interviews no longer have to be conducted before court
24 hearings.

25 DIVISION XLIII — COUNTY COMMISSIONS OF VETERAN AFFAIRS
26 FUND. This division amends Code section 35A.16, relating to
27 \$10,000 grants provided to county veteran affairs commissions.
28 Each county receiving a grant is required to annually report on
29 expenditure of the grant.

30 **JUSTICE SYSTEM.**

31 DIVISION XLIV — DEPARTMENT OF CORRECTIONS. The division at
32 Code section 904.106 is amended to reduce the minimum number of
33 required meetings of the board of corrections from 12 meetings
34 per year to quarterly meetings per year.

35 Code section 904.505 is amended to allow the department of

1 corrections to impose an administrative fee for the filing of
2 a report of a major disciplinary rule infraction for which an
3 inmate is found guilty. The fee shall be deposited in the
4 general fund of the state.

5 This division also closes, by October 1, 2010, the Luster
6 Heights facility and the farm 1 and farm 3 facilities of the
7 department of corrections and transfers the inmates confined at
8 such facilities to other institutions under the control of the
9 department of corrections.

10 DIVISION XLV — STATE PUBLIC DEFENDER. The indigent defense
11 advisory commission makes recommendations regarding the
12 hourly rates paid to court-appointed counsel and per case fee
13 limitations. The commission issues a report every three years.
14 The division eliminates the commission and requires the state
15 public defender to prepare the reports.

16 This division appropriates moneys to the office of the state
17 public defender of the department of inspections and appeals
18 for 10 additional local public defender and staff positions.
19 The division also appropriates moneys to the office of the
20 state public defender for establishing a local public defender
21 office in Wapello county pursuant to Code section 13B.8.

22 DIVISION XLVI — IOWA LAW ENFORCEMENT ACADEMY. This
23 division of the bill requires the Iowa law enforcement
24 academy to charge the department of natural resources and the
25 department of transportation the entire cost of providing the
26 basic training course for law enforcement officers. Under
27 current law, the academy may charge a state agency not more
28 than one-half the cost of the basic training course.

29 Division XLVI of this bill provides that the Iowa law
30 enforcement academy, subject to the approval of the Iowa law
31 enforcement academy council, shall develop and administer a
32 pilot program consisting of training seminars for private
33 security personnel, consisting of 50 hours of training for each
34 of 10 trainees at a cost of \$50 per hour of training. The
35 moneys received from the training seminars are required to be

1 deposited in the general fund of the state.

2 **MISCELLANEOUS PROVISIONS.**

3 DIVISION XLVII — STATE GOVERNMENT EFFICIENCY REVIEW
4 COMMITTEE. This division of this bill establishes a state
5 government efficiency review committee which shall meet at
6 least every four years to review the operations of state
7 government. The committee shall consist of five members of the
8 senate and five members of the house of representatives who
9 shall be appointed prior to January 31 of the first regular
10 session of each general assembly. The committee shall meet as
11 directed by the legislative council. The division provides
12 that the committee review and consider options for reorganizing
13 state government to improve efficiency, modernize processes,
14 eliminate duplication and outdated processes, reduce costs, and
15 increase accountability. The bill requires the committee, as
16 enacted by this bill, to issue its first report by January 1,
17 2014, and at least every fourth year thereafter.

18 DIVISION XLVIII — BOARDS AND COMMISSIONS — ESTABLISHMENT
19 CRITERIA. This division creates new Code section 69.16D which
20 provides that, prior to establishing a new board or commission,
21 the general assembly shall consider whether an existing board
22 or commission can perform the duties of the new board or
23 commission, the estimated cost of the new board or commission,
24 and whether a repeal date is needed for the new board or
25 commission.