

House Study Bill 189 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
HOUSE APPROPRIATIONS
SUBCOMMITTEE ON
ADMINISTRATION AND
REGULATION)

A BILL FOR

1 An Act relating to and making appropriations to certain state
2 departments, agencies, funds, and certain other entities,
3 providing for regulatory authority, and other properly
4 related matters.

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

1 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

2 1. There is appropriated from the general fund of the state
3 to the department of administrative services for the fiscal
4 year beginning July 1, 2011, and ending June 30, 2012, the
5 following amounts, or so much thereof as is necessary, to be
6 used for the purposes designated, and for not more than the
7 following full-time equivalent positions:

8 a. For salaries, support, maintenance, and miscellaneous
9 purposes:

10	.....	\$	4,020,344
11	.....	FTEs	84.18

12 b. For the payment of utility costs:

13	.....	\$	2,939,400
14	.....	FTEs	1.00

15 Notwithstanding section 8.33, any excess funds appropriated
16 for utility costs in this lettered paragraph shall not revert
17 to the general fund of the state at the end of the fiscal year
18 but shall remain available for expenditure for the purposes of
19 this lettered paragraph during the succeeding fiscal year.

20 c. For Terrace Hill operations:

21	\$	405,914
22	FTEs	6.88

23 d. For the I3 distribution account:

24	\$	3,478,000
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25 e. For operations and maintenance of the Iowa building:

26	\$	1,018,185
27	FTEs	4.00

28 2. Members of the general assembly serving as members of
29 the deferred compensation advisory board shall be entitled
30 to receive per diem and necessary travel and actual expenses
31 pursuant to section 2.10, subsection 5, while carrying out
32 their official duties as members of the board.

33 3. Any funds and premiums collected by the department for
34 workers' compensation shall be segregated into a separate
35 workers' compensation fund in the state treasury to be used

1 for payment of state employees' workers' compensation claims
2 and administrative costs. Notwithstanding section 8.33,
3 unencumbered or unobligated moneys remaining in this workers'
4 compensation fund at the end of the fiscal year shall not
5 revert but shall be available for expenditure for purposes of
6 the fund for subsequent fiscal years.

7 Sec. 2. REVOLVING FUNDS. There is appropriated to the
8 department of administrative services for the fiscal year
9 beginning July 1, 2011, and ending June 30, 2012, from the
10 revolving funds designated in chapter 8A and from internal
11 service funds created by the department such amounts as the
12 department deems necessary for the operation of the department
13 consistent with the requirements of chapter 8A.

14 Sec. 3. FUNDING FOR IOWACCESS.

15 1. Notwithstanding section 321A.3, subsection 1, for the
16 fiscal year beginning July 1, 2011, and ending June 30, 2012,
17 the first \$750,000 collected and transferred by the department
18 of transportation to the treasurer of state with respect to the
19 fees for transactions involving the furnishing of a certified
20 abstract of a vehicle operating record under section 321A.3,
21 subsection 1, shall be transferred to the IowAccess revolving
22 fund for the purposes of developing, implementing, maintaining,
23 and expanding electronic access to government records as
24 provided by law.

25 2. All fees collected with respect to transactions
26 involving IowAccess shall be deposited in the IowAccess
27 revolving fund and shall be used only for the support of
28 IowAccess projects.

29 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
30 CHARGE. For the fiscal year beginning July 1, 2011, and ending
31 June 30, 2012, the monthly per contract administrative charge
32 which may be assessed by the department of administrative
33 services shall be \$2 per contract on all health insurance plans
34 administered by the department.

35 Sec. 5. AUDITOR OF STATE.

1 1. There is appropriated from the general fund of the state
2 to the office of the auditor of state for the fiscal year
3 beginning July 1, 2011, and ending June 30, 2012, the following
4 amount, or so much thereof as is necessary, to be used for
5 the purposes designated, and for not more than the following
6 full-time equivalent positions:

7 For salaries, support, maintenance, and miscellaneous
8 purposes:

9	\$	905,468
10	FTEs	103.00

11 2. The auditor of state may retain additional full-time
12 equivalent positions as is reasonable and necessary to
13 perform governmental subdivision audits which are reimbursable
14 pursuant to section 11.20 or 11.21, to perform audits which are
15 requested by and reimbursable from the federal government, and
16 to perform work requested by and reimbursable from departments
17 or agencies pursuant to section 11.5A or 11.5B. The auditor
18 of state shall notify the department of management, the
19 legislative fiscal committee, and the legislative services
20 agency of the additional full-time equivalent positions
21 retained.

22 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
23 is appropriated from the general fund of the state to the
24 Iowa ethics and campaign disclosure board for the fiscal year
25 beginning July 1, 2011, and ending June 30, 2012, the following
26 amount, or so much thereof as is necessary, for the purposes
27 designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	475,000
32	FTEs	5.00

33 Sec. 7. DEPARTMENT OF COMMERCE.

34 1. There is appropriated from the general fund of the
35 state to the department of commerce for the fiscal year

1 beginning July 1, 2011, and ending June 30, 2012, the following
2 amounts, or so much thereof as is necessary, for the purposes
3 designated:

4 a. ALCOHOLIC BEVERAGES DIVISION

5 For salaries, support, maintenance, and miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions:

8	\$	1,220,391
9	FTEs	21.00

10 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

11 For salaries, support, maintenance, and miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

14	\$	609,353
15	FTEs	12.00

16 2. There is appropriated from the department of commerce
17 revolving fund created in section 546.12 to the department of
18 commerce for the fiscal year beginning July 1, 2011, and ending
19 June 30, 2012, the following amounts, or so much thereof as is
20 necessary, for the purposes designated:

21 a. BANKING DIVISION

22 For salaries, support, maintenance, and miscellaneous
23 purposes, and for not more than the following full-time
24 equivalent positions:

25	\$	8,851,670
26	FTEs	80.00

27 b. CREDIT UNION DIVISION

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	1,727,995
32	FTEs	19.00

33 c. INSURANCE DIVISION

34 (1) For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2	\$	4,983,244
3	FTEs	106.50

4 (2) The insurance division may reallocate authorized
5 full-time equivalent positions as necessary to respond to
6 accreditation recommendations or requirements. The insurance
7 division expenditures for examination purposes may exceed the
8 projected receipts, refunds, and reimbursements, estimated
9 pursuant to section 505.7, subsection 7, including the
10 expenditures for retention of additional personnel, if the
11 expenditures are fully reimbursable and the division first does
12 both of the following:

13 (a) Notifies the department of management, the legislative
14 services agency, and the legislative fiscal committee of the
15 need for the expenditures.

16 (b) Files with each of the entities named in subparagraph
17 division (a) the legislative and regulatory justification for
18 the expenditures, along with an estimate of the expenditures.

19 d. UTILITIES DIVISION

20 (1) For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:

23	\$	8,173,069
24	FTEs	79.00

25 (2) The utilities division may expend additional funds,
26 including funds for additional personnel, if those additional
27 expenditures are actual expenses which exceed the funds
28 budgeted for utility regulation and the expenditures are fully
29 reimbursable. Before the division expends or encumbers an
30 amount in excess of the funds budgeted for regulation, the
31 division shall first do both of the following:

32 (a) Notify the department of management, the legislative
33 services agency, and the legislative fiscal committee of the
34 need for the expenditures.

35 (b) File with each of the entities named in subparagraph

1 division (a) the legislative and regulatory justification for
2 the expenditures, along with an estimate of the expenditures.

3 3. CHARGES. Each division and the office of consumer
4 advocate shall include in its charges assessed or revenues
5 generated an amount sufficient to cover the amount stated
6 in its appropriation and any state-assessed indirect costs
7 determined by the department of administrative services.

8 Sec. 8. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING
9 AND REGULATION BUREAU. There is appropriated from the housing
10 trust fund of the Iowa finance authority created in section
11 16.181, to the bureau of professional licensing and regulation
12 of the banking division of the department of commerce for the
13 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purposes designated:

16 For salaries, support, maintenance, and miscellaneous
17 purposes:

18 \$ 62,317

19 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is
20 appropriated from the general fund of the state to the offices
21 of the governor and the lieutenant governor for the fiscal year
22 beginning July 1, 2011, and ending June 30, 2012, the following
23 amounts, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 1. GENERAL OFFICE

26 For salaries, support, maintenance, and miscellaneous
27 purposes for the general office of the governor and the general
28 office of the lieutenant governor, and for not more than the
29 following full-time equivalent positions:

30 \$ 2,063,492

31 FTEs 21.00

32 2. TERRACE HILL QUARTERS

33 For salaries, support, maintenance, and miscellaneous
34 purposes for the governor's quarters at Terrace Hill, and for
35 not more than the following full-time equivalent positions:

1	\$	124,533
2	FTEs	1.88

3 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There
4 is appropriated from the general fund of the state to the
5 governor's office of drug control policy for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:

9 For salaries, support, maintenance, and miscellaneous
10 purposes, including statewide coordination of the drug abuse
11 resistance education (D.A.R.E.) programs or similar programs,
12 and for not more than the following full-time equivalent
13 positions:

14	\$	326,043
15	FTEs	8.00

16 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
17 from the general fund of the state to the department of human
18 rights for the fiscal year beginning July 1, 2011, and ending
19 June 30, 2012, the following amounts, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 1. CENTRAL ADMINISTRATION DIVISION

22 For salaries, support, maintenance, and miscellaneous
23 purposes, and for not more than the following full-time
24 equivalent positions:

25	\$	235,890
26	FTEs	7.00

27 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	820,135
32	FTEs	17.00

33 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

34 For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2	\$	1,023,892
3	FTEs	10.00

4 The criminal and juvenile justice planning advisory council
5 and the juvenile justice advisory council shall coordinate
6 their efforts in carrying out their respective duties relative
7 to juvenile justice.

8 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS. There
9 is appropriated from the general fund of the state to the
10 department of inspections and appeals for the fiscal year
11 beginning July 1, 2011, and ending June 30, 2012, the following
12 amounts, or so much thereof as is necessary, for the purposes
13 designated:

14 1. ADMINISTRATION DIVISION

15 For salaries, support, maintenance, and miscellaneous
16 purposes, and for not more than the following full-time
17 equivalent positions:

18	\$	1,537,715
19	FTEs	37.40

20 2. ADMINISTRATIVE HEARINGS DIVISION

21 For salaries, support, maintenance, and miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:

24	\$	528,753
25	FTEs	23.00

26 3. INVESTIGATIONS DIVISION

27 a. For salaries, support, maintenance, and miscellaneous
28 purposes, and for not more than the following full-time
29 equivalent positions:

30	\$	1,168,639
31	FTEs	58.50

32 b. The department, in coordination with the investigations
33 division, shall provide a report to the general assembly by
34 January 10, 2012, concerning the fiscal impact of additional
35 full-time equivalent positions on the department's efforts

1 relative to the Medicaid divestiture program under chapter
2 249F.

3 4. HEALTH FACILITIES DIVISION

4 a. For salaries, support, maintenance, and miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:

7	\$	3,400,541
8	FTEs	134.75

9 b. The department shall, in coordination with the health
10 facilities division, make the following information available
11 to the public in a timely manner, to include providing the
12 information on the department's internet website, during the
13 fiscal year beginning July 1, 2011, and ending June 30, 2012:

14 (1) The number of inspections conducted by the division
15 annually by type of service provider and type of inspection.

16 (2) The total annual operations budget for the division,
17 including general fund appropriations and federal contract
18 dollars received by type of service provider inspected.

19 (3) The total number of full-time equivalent positions in
20 the division, to include the number of full-time equivalent
21 positions serving in a supervisory capacity, and serving as
22 surveyors, inspectors, or monitors in the field by type of
23 service provider inspected.

24 (4) Identification of state and federal survey trends,
25 cited regulations, the scope and severity of deficiencies
26 identified, and federal and state fines assessed and collected
27 concerning nursing and assisted living facilities and programs.

28 c. It is the intent of the general assembly that the
29 department and division continuously solicit input from
30 facilities regulated by the division to assess and improve
31 the division's level of collaboration and to identify new
32 opportunities for cooperation.

33 5. EMPLOYMENT APPEAL BOARD

34 a. For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2	\$	42,215
3	FTEs	14.00

4 b. The employment appeal board shall be reimbursed by
5 the labor services division of the department of workforce
6 development for all costs associated with hearings conducted
7 under chapter 91C, related to contractor registration. The
8 board may expend, in addition to the amount appropriated under
9 this subsection, additional amounts as are directly billable
10 to the labor services division under this subsection and to
11 retain the additional full-time equivalent positions as needed
12 to conduct hearings required pursuant to chapter 91C.

13 6. CHILD ADVOCACY BOARD

14 a. For foster care review and the court appointed special
15 advocate program, including salaries, support, maintenance, and
16 miscellaneous purposes, and for not more than the following
17 full-time equivalent positions:

18	\$	2,404,771
19	FTEs	40.80

20 b. The department of human services, in coordination with
21 the child advocacy board and the department of inspections and
22 appeals, shall submit an application for funding available
23 pursuant to Tit. IV-E of the federal Social Security Act for
24 claims for child advocacy board administrative review costs.

25 c. The court appointed special advocate program shall
26 investigate and develop opportunities for expanding
27 fund-raising for the program.

28 d. Administrative costs charged by the department of
29 inspections and appeals for items funded under this subsection
30 shall not exceed 4 percent of the amount appropriated in this
31 subsection.

32 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL
33 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
34 July 1, 2011, and ending June 30, 2012, the department of
35 inspections and appeals shall retain any license fees generated

1 during the fiscal year as a result of actions under section
2 137F.3A occurring during the period beginning July 1, 2009,
3 and ending June 30, 2011, for the purpose of enforcing the
4 provisions of chapters 137C, 137D, and 137F.

5 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS —
6 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
7 provision of section 135C.16 to the contrary, inspections of
8 health care facilities that are only state-licensed and not
9 certified under the Medicare or Medicaid programs shall not be
10 inspected by the department of inspections and appeals every
11 thirty months, but only as provided pursuant to sections 135C.9
12 and 135C.38.

13 Sec. 15. RACING AND GAMING COMMISSION.

14 1. RACETRACK REGULATION

15 There is appropriated from the gaming regulatory revolving
16 fund established in section 99F.20 to the racing and gaming
17 commission of the department of inspections and appeals for the
18 fiscal year beginning July 1, 2011, and ending June 30, 2012,
19 the following amount, or so much thereof as is necessary, to be
20 used for the purposes designated:

21 For salaries, support, maintenance, and miscellaneous
22 purposes for the regulation of pari-mutuel racetracks, and for
23 not more than the following full-time equivalent positions:
24 \$ 2,511,440
25 FTEs 28.53

26 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

27 There is appropriated from the gaming regulatory revolving
28 fund established in section 99F.20 to the racing and gaming
29 commission of the department of inspections and appeals for the
30 fiscal year beginning July 1, 2011, and ending June 30, 2012,
31 the following amount, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 For salaries, support, maintenance, and miscellaneous
34 purposes for administration and enforcement of the excursion
35 boat gambling and gambling structure laws, and for not more

1 than the following full-time equivalent positions:

2	\$	3,078,100
3	FTEs	44.22

4 Sec. 16. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF
5 INSPECTIONS AND APPEALS. There is appropriated from the road
6 use tax fund created in section 312.1 to the administrative
7 hearings division of the department of inspections and appeals
8 for the fiscal year beginning July 1, 2011, and ending June 30,
9 2012, the following amount, or so much thereof as is necessary,
10 for the purposes designated:

11 For salaries, support, maintenance, and miscellaneous
12 purposes:

13	\$	1,623,897
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14 Sec. 17. DEPARTMENT OF MANAGEMENT.

15 1. There is appropriated from the general fund of the state
16 to the department of management for the fiscal year beginning
17 July 1, 2011, and ending June 30, 2012, the following amounts,
18 or so much thereof as is necessary, to be used for the purposes
19 designated:

20 For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:

23	\$	2,163,998
24	FTEs	25.00

25 2. Of the moneys appropriated in this section, the
26 department shall use a portion for enterprise resource
27 planning, providing for a salary model administrator,
28 conducting performance audits, and for the department's LEAN
29 process.

30 Sec. 18. ROAD USE TAX APPROPRIATION — DEPARTMENT OF
31 MANAGEMENT. There is appropriated from the road use tax fund
32 created in section 312.1 to the department of management for
33 the fiscal year beginning July 1, 2011, and ending June 30,
34 2012, the following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

1 For salaries, support, maintenance, and miscellaneous
2 purposes:

3 \$ 56,000

4 Sec. 19. DEPARTMENT OF REVENUE.

5 1. There is appropriated from the general fund of the state
6 to the department of revenue for the fiscal year beginning July
7 1, 2011, and ending June 30, 2012, the following amounts, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:

10 For salaries, support, maintenance, and miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13 \$ 17,615,484

14 FTEs 303.48

15 2. Of the funds appropriated pursuant to this section,
16 \$400,000 shall be used to pay the direct costs of compliance
17 related to the collection and distribution of local sales and
18 services taxes imposed pursuant to chapters 423B and 423E.

19 3. The director of revenue shall prepare and issue a state
20 appraisal manual and the revisions to the state appraisal
21 manual as provided in section 421.17, subsection 17, without
22 cost to a city or county.

23 Sec. 20. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
24 appropriated from the motor fuel tax fund created by section
25 452A.77 to the department of revenue for the fiscal year
26 beginning July 1, 2011, and ending June 30, 2012, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purposes designated:

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for administration and enforcement of the provisions of
31 chapter 452A and the motor vehicle use tax program:

32 \$ 1,305,775

33 Sec. 21. SECRETARY OF STATE.

34 1. There is appropriated from the general fund of the state
35 to the office of the secretary of state for the fiscal year

1 beginning July 1, 2011, and ending June 30, 2012, the following
2 amounts, or so much thereof as is necessary, to be used for the
3 purposes designated:

4 a. For salaries, support, maintenance, and miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:

7 \$ 2,895,585
8 FTEs 45.00

9 b. For costs associated with decennial redistricting:

10 \$ 75,000

11 2. The state department or state agency which provides
12 data processing services to support voter registration file
13 maintenance and storage shall provide those services without
14 charge.

15 Sec. 22. SECRETARY OF STATE FILING FEES REFUND.

16 Notwithstanding the obligation to collect fees pursuant to the
17 provisions of section 490.122, subsection 1, paragraphs "a" and
18 "s", and section 504.113, subsection 1, paragraphs "a", "c",
19 "d", "j", "k", "l", and "m", for the fiscal year beginning July
20 1, 2011, the secretary of state may refund these fees to the
21 filer pursuant to rules established by the secretary of state.
22 The decision of the secretary of state not to issue a refund
23 under rules established by the secretary of state is final and
24 not subject to review pursuant to chapter 17A.

25 Sec. 23. TREASURER.

26 1. There is appropriated from the general fund of the
27 state to the office of treasurer of state for the fiscal year
28 beginning July 1, 2011, and ending June 30, 2012, the following
29 amount, or so much thereof as is necessary, to be used for the
30 purposes designated:

31 For salaries, support, maintenance, and miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 854,289
35 FTEs 28.80

1 2. The office of treasurer of state shall supply clerical
2 and secretarial support for the executive council.

3 Sec. 24. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER
4 OF STATE. There is appropriated from the road use tax fund
5 created in section 312.1 to the office of treasurer of state
6 for the fiscal year beginning July 1, 2011, and ending June 30,
7 2012, the following amount, or so much thereof as is necessary,
8 to be used for the purposes designated:

9 For enterprise resource management costs related to the
10 distribution of road use tax funds:

11 \$ 93,148

12 Sec. 25. IPERS — GENERAL OFFICE. There is appropriated
13 from the Iowa public employees' retirement system fund to the
14 Iowa public employees' retirement system for the fiscal year
15 beginning July 1, 2011, and ending June 30, 2012, the following
16 amount, or so much thereof as is necessary, to be used for the
17 purposes designated:

18 For salaries, support, maintenance, and other operational
19 purposes to pay the costs of the Iowa public employees'
20 retirement system, and for not more than the following
21 full-time equivalent positions:

22 \$ 17,686,968

23 FTEs 90.13

24 Sec. 26. Section 8A.361, Code 2011, is amended to read as
25 follows:

26 **8A.361 Vehicle assignment — authority in department.**

27 The department shall provide for the assignment of all
28 ~~state-owned~~ motor vehicles ~~to~~ utilized by all state officers
29 and employees, and ~~to~~ by all state offices, departments,
30 bureaus, and commissions, except the state department of
31 transportation, institutions under the control of the state
32 board of regents, the department for the blind, and any other
33 agencies exempted by law.

34 Sec. 27. Section 8A.362, subsection 4, paragraphs a through
35 c, Code 2011, are amended to read as follows:

1 *a.* The director shall provide for the purchase of ~~all~~ motor
2 vehicles for all branches of the state government, except the
3 state department of transportation, institutions under the
4 control of the state board of regents, the department for
5 the blind, and any other state agency exempted by law, which
6 are not rented or leased pursuant to Code section 8A.367.

7 The director shall purchase new vehicles in accordance with
8 competitive bidding procedures for items or services as
9 provided in this subchapter. The director may purchase used
10 or preowned vehicles at governmental or dealer auctions if
11 the purchase is determined to be in the best interests of the
12 state.

13 *b.* The director, and any other state agency, which for
14 purposes of this subsection includes but is not limited to
15 community colleges and institutions under the control of the
16 state board of regents, or local governmental subdivisions
17 purchasing new motor vehicles, shall purchase ~~new passenger~~
18 motor vehicles and light trucks, which are not rented or
19 leased pursuant to Code section 8A.367, so that the average
20 fuel efficiency for the fleet of new passenger vehicles and
21 light trucks purchased in that year equals or exceeds the
22 average fuel economy standard for the vehicles' model year as
23 established by the United States secretary of transportation
24 under 15 U.S.C. § 2002. This paragraph does not apply to
25 vehicles purchased for law enforcement purposes or used for
26 off-road maintenance work, or work vehicles used to pull loaded
27 trailers.

28 *c.* Not later than June 15 of each year, the director
29 shall report compliance with the corporate average fuel
30 economy standards published by the United States secretary
31 of transportation for ~~new~~ assigned motor vehicles, other
32 than motor vehicles purchased by the state department of
33 transportation, institutions under the control of the state
34 board of regents, the department for the blind, and any other
35 state agency exempted from the requirements of this subsection.

1 The report of compliance shall classify the vehicles ~~purchased~~
2 assigned for the current vehicle model year using the following
3 categories: passenger automobiles, enforcement automobiles,
4 vans, and light trucks. The director shall deliver a copy
5 of the report to the office of energy independence. As used
6 in this paragraph, "*corporate average fuel economy*" means the
7 corporate average fuel economy as defined in 49 C.F.R. § 533.5.

8 Sec. 28. Section 8A.362, subsection 5, Code 2011, is amended
9 by striking the subsection.

10 Sec. 29. Section 8A.362, subsections 7 through 9, Code 2011,
11 are amended to read as follows:

12 7. The director may authorize the establishment of motor
13 pools consisting of a number of ~~state-owned~~ state-assigned
14 motor vehicles under the director's supervision. The director
15 may store the motor vehicles in a public or private garage. If
16 the director establishes a motor pool, any state officer or
17 employee desiring the use of a ~~state-owned~~ state-assigned motor
18 vehicle on state business shall notify the director of the need
19 for a vehicle within a reasonable time prior to actual use of
20 the motor vehicle. The director may assign a motor vehicle
21 from the motor pool to the state officer or employee, or from
22 the vendor awarded a contract pursuant to section 8A.367. If
23 two or more state officers or employees desire the use of a
24 ~~state-owned~~ state-assigned motor vehicle for a trip to the
25 same destination for the same length of time, the director may
26 assign one vehicle to make the trip.

27 8. The director shall require that a sign be placed on
28 each state-owned motor vehicle in a conspicuous place which
29 indicates its ownership by the state. This requirement
30 shall not apply to motor vehicles requested to be exempt by
31 the director or by the commissioner of public safety. All
32 state-owned motor vehicles shall display registration plates
33 bearing the word "official" except motor vehicles requested to
34 be furnished with ordinary plates by the director or by the
35 commissioner of public safety pursuant to section 321.19. The

1 director shall keep an accurate record of the registration
2 plates used on all state-owned motor vehicles. This subsection
3 shall not apply to an assigned vehicle rented or leased
4 pursuant to section 8A.367.

5 9. All fuel used in ~~state-owned~~ state-assigned automobiles
6 shall be purchased at cost from the various installations
7 or garages of the state department of transportation, state
8 board of regents, department of human services, or state motor
9 pools throughout the state, unless the state-owned sources
10 for the purchase of fuel are not reasonably accessible. If
11 the director determines that state-owned sources for the
12 purchase of fuel are not reasonably accessible, the director
13 shall authorize the purchase of fuel from other sources. The
14 director may prescribe a manner, other than the use of the
15 revolving fund, in which the purchase of fuel from state-owned
16 sources is charged to the state agency responsible for the
17 use of the motor vehicle. The director shall prescribe the
18 manner in which oil and other normal motor vehicle maintenance
19 for state-owned motor vehicles may be purchased from private
20 sources, if they cannot be reasonably obtained from a state
21 motor pool. The director may advertise for bids and award
22 contracts in accordance with competitive bidding procedures
23 for items and services as provided in this subchapter for
24 furnishing fuel, oil, grease, and vehicle replacement parts for
25 all state-owned motor vehicles. The director and other state
26 agencies, when advertising for bids for gasoline, shall also
27 seek bids for ethanol blended gasoline.

28 Sec. 30. Section 8A.363, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. A state officer or employee shall not use a ~~state-owned~~
31 state-assigned motor vehicle for personal private use. A
32 state officer or employee shall not be compensated for driving
33 a privately owned motor vehicle unless it is done on state
34 business with the approval of the director. In that case
35 the state officer or employee shall receive an amount to be

1 determined by the director. The amount shall not exceed
2 the maximum allowable under the federal internal revenue
3 service rules per mile, notwithstanding established mileage
4 requirements or depreciation allowances. However, the director
5 may authorize private motor vehicle rates in excess of the
6 rate allowed under the federal internal revenue service rules
7 for state business use of substantially modified or specially
8 equipped privately owned vehicles required by persons with
9 disabilities. A statutory provision establishing reimbursement
10 for necessary mileage, travel, or actual expenses to a state
11 officer falls under the private motor vehicle mileage rate
12 limitation provided in this section unless specifically
13 provided otherwise. Any peace officer employed by the state
14 as defined in section 801.4 who is required to use a private
15 motor vehicle in the performance of official duties shall
16 receive the private vehicle mileage rate at the rate provided
17 in this section. However, the director may delegate authority
18 to officials of the state, and department heads, for the
19 use of private vehicles on state business up to a yearly
20 mileage figure established by the director. If a state motor
21 vehicle has been assigned to a state officer or employee, the
22 officer or employee shall not collect mileage for the use of a
23 privately owned motor vehicle unless the state motor vehicle
24 assigned is not usable.

25 Sec. 31. NEW SECTION. 8A.367 State-owned passenger vehicles
26 — disposition and sale — fleet privatization.

27 1. For purposes of this section, "*passenger vehicles*"
28 means United States environmental protection agency designated
29 compact sedans, compact wagon, midsize sedans, midsize wagons,
30 full-size sedans, and passenger minivans, and additional
31 vehicle classes determined by the department to be able to be
32 reasonably supported by a private entity for rental or leasing.
33 "*Passenger vehicles*" does not mean utility vehicles, vans other
34 than passenger minivans, fire trucks, ambulances, motor homes,
35 buses, medium-duty and heavy-duty trucks, heavy construction

1 equipment, and other highway maintenance vehicles, vehicles
2 assigned for law enforcement purposes, and any other classes of
3 vehicles of limited application approved by the director of the
4 department of administrative services.

5 2. On or before September 30, 2011, the department shall
6 implement a request for proposal process to enter into a
7 contract for the purpose of state passenger vehicle rental or
8 leasing from a private entity. Prior to awarding a contract, a
9 private entity shall demonstrate the following:

10 a. Existence of sufficient inventory of passenger vehicles
11 within this state to accommodate the needs of the state in
12 assigning passenger vehicles.

13 b. Existence of adequate personnel in any county within
14 the state where rental and leasing activity can be supported
15 to satisfy the terms of the contract in renting or leasing
16 state-assigned vehicles.

17 c. Existence of adequate personnel to facilitate the
18 sale and disposition of the existing state-owned passenger
19 vehicles returned to the department pursuant to subsection 3 or
20 otherwise under the control of the department. Notwithstanding
21 the provisions of section 8A.364 to the contrary, proceeds from
22 the sale of motor vehicles as provided by this subsection shall
23 be credited to the fund from which the motor vehicles were
24 purchased.

25 3. By March 1, 2012, the department shall award a vehicle
26 rental or leasing contract to a private entity, and shall
27 assign passenger vehicles for rental or lease pursuant to that
28 contract, to the extent the department determines doing so
29 would be economically feasible and financially advantageous.
30 By March 1, 2012, all state-assigned passenger vehicles
31 designated for use by multiple drivers, and located in any
32 county of this state which can support the operation of a
33 private entity for rental and leasing purposes, which the
34 department determines would be suitable for rental or leasing
35 shall be returned to the department for use and disposition as

1 provided in this section.

2 4. Notwithstanding any other provision of state law to the
3 contrary, a private entity awarded a contract pursuant to this
4 section shall not be required to indemnify or hold harmless the
5 state for any liability the state might have to any third party
6 due to the negligence of the state or any of its employees.

7 5. The department shall conduct an ongoing evaluation
8 regarding the economic advantages of renting or leasing
9 state-assigned vehicles versus state ownership of such
10 vehicles, and shall accordingly adjust the number of vehicles
11 subject to the rental and leasing contract pursuant to this
12 section at intervals specified in the contract.

13 Sec. 32. Section 99D.14, subsection 2, paragraph b, Code
14 2011, is amended to read as follows:

15 b. Notwithstanding sections 8.60 and 99D.17, the portion of
16 the fee paid pursuant to paragraph "a" relating to the costs
17 of special agents plus any direct and indirect support costs
18 for the agents, for the division of criminal investigation's
19 racetrack activities, shall not be deposited in the general
20 fund of the state but instead shall be deposited into either
21 the gaming enforcement revolving fund established in section
22 80.43 or the gaming regulatory revolving fund established in
23 section 99F.20, as determined by the department.

24 Sec. 33. Section 99F.10, subsection 4, paragraph b, Code
25 2011, is amended to read as follows:

26 b. Notwithstanding sections 8.60 and 99F.4, the portion of
27 the fee paid pursuant to paragraph "a" relating to the costs
28 of special agents and officers plus any direct and indirect
29 support costs for the agents and officers, for the division of
30 criminal investigation's excursion gambling boat or gambling
31 structure activities, shall not be deposited in the general
32 fund of the state but instead shall be deposited into either
33 the gaming enforcement revolving fund established in section
34 80.43 or the gaming regulatory revolving fund established in
35 section 99F.20, as determined by the department.

1 Sec. 34. NEW SECTION. **99F.20 Gaming regulatory revolving**
2 **fund.**

3 1. A gaming regulatory revolving fund is created in the
4 state treasury under the control of the department. The fund
5 shall consist of fees collected and deposited into the fund
6 paid by licensees pursuant to section 99D.14, subsection 2,
7 paragraph "b", and fees paid by licensees pursuant to section
8 99F.10, subsection 4, paragraph "b". All costs relating to
9 racetrack, excursion boat, and gambling structure regulation
10 shall be paid from the fund as provided in appropriations made
11 for this purpose by the general assembly.

12 2. To meet the department's cash flow needs, the department
13 may temporarily use funds from the general fund of the state
14 to pay expenses in excess of moneys available in the revolving
15 fund if those additional expenditures are fully reimbursable
16 and the department reimburses the general fund of the state
17 and ensures all moneys are repaid in full by the close of the
18 fiscal year. Because any general fund moneys used shall be
19 fully reimbursed, such temporary use of funds from the general
20 fund of the state shall not constitute an appropriation for
21 purposes of calculating the state general fund expenditure
22 limitation pursuant to section 8.54.

23 3. Section 8.33 does not apply to any moneys credited or
24 appropriated to the revolving fund from any other fund and,
25 notwithstanding section 12C.7, subsection 2, earnings or
26 interest on moneys deposited in the revolving fund shall be
27 credited to the revolving fund.

28 Sec. 35. NEW SECTION. **216A.102A Immigration status**
29 **verification for low-income home energy assistance program.**

30 1. The department of human rights shall participate in
31 the systematic alien verification for entitlements program
32 established by United States citizenship and immigration
33 services in order to verify the eligibility of each person
34 seeking funds pursuant to the federal low-income home energy
35 assistance program.

1 2. Unless otherwise required by federal law, funds from the
2 federal low-income home energy assistance program shall not
3 be awarded to a household unless at least one member of the
4 household is a United States citizen or lawfully present in the
5 United States.

6 Sec. 36. REPEAL. 2009 Iowa Acts, chapter 179, section 146,
7 is repealed.

8 Sec. 37. CODE EDITOR DIRECTIVE. The Code editor is directed
9 to change the words "state-owned" to "state-assigned", to the
10 extent not otherwise changed pursuant to this Act, in Code
11 sections 8A.362, 8A.363, 8A.364, and 8A.366.

12 EXPLANATION

13 This bill relates to and appropriates moneys to various
14 state departments, agencies, and funds for the fiscal year
15 beginning July 1, 2011, and ending June 30, 2012. The bill
16 makes appropriations to state departments and agencies
17 including the department of administrative services, auditor of
18 state, Iowa ethics and campaign disclosure board, department
19 of commerce, offices of governor and lieutenant governor, the
20 governor's office of drug control policy, department of human
21 rights, department of inspections and appeals, department
22 of management, department of revenue, secretary of state,
23 treasurer of state, and Iowa public employees' retirement
24 system.

25 The bill requires the department of administrative services
26 to implement a request for proposals by September 30, 2011, to
27 enter into a contract for the purpose of renting or leasing
28 state passenger vehicles, as defined in the bill, from a
29 private entity with sufficient inventory and personnel to
30 accommodate the needs of the state. The bill provides that by
31 March 1, 2012, the department shall award a contract for rental
32 or leasing to the private entity, and assign passenger vehicles
33 for rental or lease, to the extent the department determines
34 doing so would be economically feasible and financially
35 advantageous. If a contract is entered into, the bill states

1 that all state-assigned passenger vehicles located in any
2 county which can support the operation of a rental and leasing
3 entity, which the department determines would be suitable for
4 rental or leasing, shall be returned to the department for
5 sale or disposal by the private entity. The bill absolves
6 the private entity from liability to a third party due to
7 negligence on the part of the state or its employees, and
8 requires the department to evaluate the economic advantages of
9 state ownership versus rental or leasing and adjust the number
10 of vehicles subject to the contract accordingly. The bill
11 makes conforming changes consistent with these provisions, and
12 eliminates Code section 8A.362, subsection 5, which requires
13 that a minimum of 10 percent of new state-owned passenger
14 vehicles and light pickup trucks shall be equipped with engines
15 which utilize specified alternative methods of propulsion.

16 The bill establishes a new gaming regulatory revolving fund
17 in the state treasury under the control of the department of
18 inspections and appeals, consisting of fees collected and
19 deposited into the fund paid by pari-mutuel wagering licensees
20 pursuant to Code section 99D.14, subsection 2, paragraph "b",
21 and fees paid by gambling boat and racetrack licensees pursuant
22 to Code section 99F.10, subsection 4, paragraph "b". The bill
23 specifies that all costs relating to racetrack, excursion boat,
24 and gambling structure regulation shall be paid from the fund
25 as provided in appropriations made for this purpose by the
26 general assembly. The bill makes conforming Code modifications
27 consistent with this provision.

28 The bill directs the department of human rights to
29 participate in the systematic alien verification for
30 entitlements (SAVE) program established by United States
31 citizenship and immigration services in order to verify the
32 eligibility of each person seeking funds through the federal
33 low-income home energy assistance program. The bill prohibits
34 the department from awarding funds from the program to a
35 household unless at least one member of the household is a

1 United States citizen or lawfully present in the United States,
2 unless otherwise required by federal law.

3 The bill repeals a sunset provision enacted during the 2009
4 legislative session applicable to the department of commerce
5 revolving fund established in Code section 546.12. The
6 provision currently repeals the Code section effective July 1,
7 2011.