

Senate File 2338 - Reprinted

SENATE FILE 2338
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2299)
(SUCCESSOR TO SSB 3176)

(As Amended and Passed by the Senate April 20, 2012)

A BILL FOR

1 An Act relating to government operations and efficiency and
2 other related matters and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

Section 1. Section 8A.205, subsection 2, paragraph g, Code 2011, is amended to read as follows:

g. Encourage participating agencies to utilize duplex printing and a print on demand strategy to reduce printing costs, publication overruns, excessive inventory, and obsolete printed materials.

Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES —
INFORMATION TECHNOLOGY DEVICE INVENTORY.

1. The department of administrative services shall complete an inventory of information technology devices utilized by the department and participating agencies, as defined in section 8A.201. The department shall conduct the inventory with the goal of identifying potential information technology device upgrades, changes, or other efficiencies that will meet the information technology needs of the applicable department or agency at reduced cost to the state.

2. The department shall submit a report to the general assembly by January 1, 2013, describing the department's actions as required by this section. The report shall, if applicable, identify any statutory barriers or needed technology investments for pursuing efforts described in this section and shall include in the report its findings and any recommendations for legislative action.

Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES —
INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.

1. The department of administrative services, in accordance with the requirements of 2010 Acts, chapter 1031, and Code section 8A.202, subsection 2, paragraph "g", to coordinate and manage information technology services within the department, shall establish a schedule by which all departments subject to the requirements of that Act and chapter 8A shall comply with these requirements. The schedule shall provide for implementation of the requirements to all affected state

1 agencies and departments by December 31, 2013. The department
2 shall submit a copy of the schedule to the general assembly
3 by July 31, 2012, and shall provide periodic updates to the
4 general assembly on the progress of meeting the time deadlines
5 contained in the schedule.

6 2. In procuring information technology as provided in
7 section 8A.207, the department of administrative services
8 should explore strategies of procuring information technology
9 through leasing.

10 DIVISION II

11 MEDICATION THERAPY MANAGEMENT

12 Sec. 4. NEW SECTION. 8A.441 Medication therapy management.

13 1. As used in this section, unless the context otherwise
14 requires:

15 a. "*Eligible employee*" means an employee of the state, with
16 the exception of an employee of the state board of regents or
17 institutions under the state board of regents, for whom group
18 health plans are established pursuant to chapter 509A providing
19 for third-party payment or prepayment for health or medical
20 expenses.

21 b. "*Medication therapy management*" means a systematic
22 process performed by a licensed pharmacist, designed to improve
23 quality outcomes for patients and lower health care costs,
24 including emergency room, hospital, provider, and other costs,
25 by optimizing appropriate medication use linked directly to
26 achievement of the clinical goals of therapy. Medication
27 therapy management shall include all of the following services:

28 (1) A medication therapy review and in-person consultation
29 relating to all medications, vitamins, and herbal supplements
30 currently being taken by an eligible individual.

31 (2) A medication action plan, subject to the limitations
32 specified in this section, communicated to the individual and
33 the individual's primary care physician or other appropriate
34 prescriber to address issues including appropriateness,
35 effectiveness, safety, drug interactions, and adherence. The

1 medication action plan may include drug therapy recommendations
2 to prescribers that are needed to meet clinical goals and
3 achieve optimal patient outcomes.

4 (3) Documentation and follow-up to ensure consistent levels
5 of pharmacy services and positive outcomes.

6 2. a. The department shall utilize a request for proposals
7 process and shall enter into a contract for the provision of
8 medication therapy management services for eligible employees
9 who meet any of the following criteria:

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

12 (2) An individual with a prescription drug therapy problem
13 who is identified by the prescribing physician or other
14 appropriate prescriber, and referred to a pharmacist for
15 medication therapy management services.

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

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

1 c. The department may establish an advisory committee
2 comprised of an equal number of physicians and pharmacists
3 to provide advice and oversight in evaluating the results of
4 the program. The department shall appoint the members of the
5 advisory committee based upon designees of the Iowa pharmacy
6 association, the Iowa medical society, and the Iowa osteopathic
7 medical association.

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

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

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

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

29 DIVISION III

30 STATE PHYSICAL RESOURCES

31 Sec. 6. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS
32 AND REPORT. By September 30, 2012, the department of
33 administrative services shall conduct a high level needs
34 analysis of state employee work stations and office standards,
35 assessing adequate square footage needs, and creating healthy,

1 productive, and efficient work environments in an economical
2 manner. Overall objectives of the analysis shall include
3 improving employee density; properly allocating space for
4 individual and group work; improving worker health and
5 safety; improving technology integration; and improving energy
6 efficiency and sustainability in state offices. The department
7 shall submit findings and recommendations to the capitol
8 planning commission and to the legislative fiscal committee by
9 October 30, 2012.

10 DIVISION IV

11 AUDITS

12 Sec. 7. Section 11.6, subsection 10, Code Supplement 2011,
13 is amended to read as follows:

14 10. The auditor of state shall adopt rules in accordance
15 with chapter 17A to establish and collect a filing fee for
16 the filing of each report of audit or examination conducted
17 pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "a"
18 and "c", subsection 2, and subsection 3. The funds collected
19 shall be maintained in a segregated account for use by the
20 office of the auditor of state in performing audits conducted
21 pursuant to subsection 4 and for work paper reviews conducted
22 pursuant to subsection 5. Any funds collected by the auditor
23 pursuant to subsection 4 shall be deposited in this account.
24 Notwithstanding section 8.33, the funds in this account shall
25 not revert at the end of any fiscal year.

26 Sec. 8. Section 182.18, subsection 1, Code 2011, is amended
27 to read as follows:

28 1. Moneys collected under this chapter are subject to audit
29 by the auditor of state and shall be used by the Iowa sheep and
30 wool promotion board first for the payment of collection and
31 refund expenses, second for payment of the costs and expenses
32 arising in connection with conducting referendums, and third
33 for the purposes identified in section 182.11, ~~and fourth~~
34 ~~for the cost of audits for the auditor of state.~~ Moneys of
35 the board remaining after a referendum is held at which a

1 majority of the voters favor termination of the board and the
2 assessment shall continue to be expended in accordance with
3 this chapter until exhausted. ~~The auditor of state may seek~~
4 ~~reimbursement for the cost of the audit.~~

5 Sec. 9. Section 184.14, subsection 2, Code 2011, is amended
6 to read as follows:

7 2. Moneys collected, deposited in the fund, and transferred
8 to the council as provided in this chapter are subject to
9 audit by the auditor of state. ~~The auditor of state may~~
10 ~~seek reimbursement for the cost of the audit.~~ The moneys
11 transferred to the council shall be used by the council first
12 for the payment of collection expenses, second for payment of
13 the costs and expenses arising in connection with conducting
14 referendums, and third to perform the functions and carry out
15 the duties of the council as provided in this chapter, ~~and~~
16 ~~fourth for the cost of audits by the auditor of state.~~ Moneys
17 remaining after the council is abolished and the imposition of
18 an assessment is terminated pursuant to a referendum conducted
19 pursuant to section 184.5 shall continue to be expended in
20 accordance with this chapter until exhausted.

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

23 2. The council shall expend moneys from the account first
24 for the payment of expenses for the collection of assessments,
25 ~~second~~ and then for the payment of expenses related to
26 conducting a referendum as provided in section 184A.12,
27 ~~and third for the cost of audits by the auditor of state as~~
28 ~~required in section 184A.9.~~ The council shall expend remaining
29 moneys for market development, producer education, and the
30 payment of refunds to producers as provided in this chapter.

31 Sec. 11. Section 184A.9, Code 2011, is amended to read as
32 follows:

33 **184A.9 Audit.**

34 Moneys required to be deposited in the turkey council
35 account as provided in section 184A.4 shall be subject to

1 audit by the auditor of state. ~~The auditor of state may seek~~
2 ~~reimbursement for the cost of the audit from moneys deposited~~
3 ~~in the turkey council account.~~

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

6 **185C.26 Deposit of moneys — corn promotion fund.**

7 A state assessment collected by the board from a sale of corn
8 shall be deposited in the office of the treasurer of state in
9 a special fund known as the corn promotion fund. The fund may
10 include any gifts, rents, royalties, interest, license fees,
11 or a federal or state grant received by the board. Moneys
12 collected, deposited in the fund, and transferred to the board
13 as provided in this chapter shall be subject to audit by the
14 auditor of state. ~~The auditor of state may seek reimbursement~~
15 ~~for the cost of the audit from moneys deposited in the fund as~~
16 ~~provided in this chapter.~~ The department of administrative
17 services shall transfer moneys from the fund to the board
18 for deposit into an account established by the board in a
19 qualified financial institution. The department shall transfer
20 the moneys as provided in a resolution adopted by the board.
21 However, the department is only required to transfer moneys
22 once during each day and only during hours when the offices of
23 the state are open. From moneys collected, the board shall
24 first pay all the direct and indirect costs incurred by the
25 secretary and the costs of referendums, elections, and other
26 expenses incurred in the administration of this chapter, before
27 moneys may be expended for the purpose of carrying out the
28 purposes of this chapter as provided in section 185C.11.

29 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 DIVISION V

33 HOMELAND SECURITY AND EMERGENCY MANAGEMENT ORGANIZATION

34 Sec. 14. Section 7E.5, subsection 1, paragraph p, Code
35 Supplement 2011, is amended to read as follows:

1 *p.* The department of public defense, created in section
2 29.1, which has primary responsibility for state military
3 forces ~~and emergency management~~.

4 Sec. 15. Section 7E.5, subsection 1, Code Supplement 2011,
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. *w.* The department of homeland security
7 and emergency management, created in section 29C.5, which has
8 primary responsibility for the administration of emergency
9 planning matters, including emergency resource planning in
10 this state, homeland security activities, and coordination of
11 available services and resources in the event of a disaster to
12 include those services and resources of the federal government
13 and private entities.

14 Sec. 16. Section 8A.202, subsection 5, paragraph e, Code
15 2011, is amended to read as follows:

16 *e.* (1) ~~The department of public defense, including both~~
17 ~~the military division and the homeland security and emergency~~
18 ~~management division,~~ shall not be required to obtain any
19 information technology services pursuant to this subchapter for
20 the department of public defense ~~or its divisions~~ that is
21 provided by the department pursuant to this chapter without the
22 consent of the adjutant general.

23 (2) The department of homeland security and emergency
24 management shall not be required to obtain any information
25 technology services pursuant to this subchapter for the
26 department of homeland security and emergency management that
27 is provided by the department pursuant to this chapter without
28 the consent of the director of the department of homeland
29 security and emergency management.

30 Sec. 17. Section 8D.2, subsection 5, paragraph b, Code
31 Supplement 2011, is amended to read as follows:

32 *b.* For the purposes of this chapter, "*public agency*" also
33 includes any homeland security or defense facility or disaster
34 response agency established by the ~~administrator~~ director of
35 the department of homeland security and emergency management

1 ~~division of the department of public defense~~ or the governor
2 or any facility connected with a security or defense system or
3 disaster response as required by the ~~administrator~~ director of
4 the department of homeland security and emergency management
5 ~~division of the department of public defense~~ or the governor.

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

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

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

33 e. The ~~administrator~~ director of the department of homeland
34 security and emergency management ~~division of the department of~~
35 ~~public defense~~ or the ~~administrator's~~ director's designee.

1 Sec. 20. Section 22.7, subsection 45, Code Supplement 2011,
2 is amended to read as follows:

3 45. The critical asset protection plan or any part of the
4 plan prepared pursuant to section 29C.8 and any information
5 held by the department of homeland security and emergency
6 ~~management division~~ that was supplied to the ~~division~~
7 department by a public or private agency or organization and
8 used in the development of the critical asset protection plan
9 to include, but not be limited to, surveys, lists, maps, or
10 photographs. However, the ~~administrator~~ director shall make
11 the list of assets available for examination by any person.
12 A person wishing to examine the list of assets shall make
13 a written request to the ~~administrator~~ director on a form
14 approved by the ~~administrator~~ director. The list of assets may
15 be viewed at the ~~division's~~ department's offices during normal
16 working hours. The list of assets shall not be copied in any
17 manner. Communications and asset information not required by
18 law, rule, or procedure that are provided to the ~~administrator~~
19 director by persons outside of government and for which the
20 ~~administrator~~ director has signed a nondisclosure agreement are
21 exempt from public disclosures. The department of homeland
22 security and emergency management ~~division~~ may provide all or
23 part of the critical asset plan to federal, state, or local
24 governmental agencies which have emergency planning or response
25 functions if the ~~administrator~~ director is satisfied that
26 the need to know and intended use are reasonable. An agency
27 receiving critical asset protection plan information from the
28 ~~division~~ department shall not redisseminate the information
29 without prior approval of the ~~administrator~~ director.

30 Sec. 21. Section 23A.2, subsection 10, paragraph m, Code
31 2011, is amended to read as follows:

32 *m.* The repair, calibration, or maintenance of radiological
33 detection equipment by the department of homeland security
34 and emergency management ~~division of the department of public~~
35 ~~defense~~.

1 Sec. 22. Section 29.1, Code 2011, is amended to read as
2 follows:

3 **29.1 Department of public defense.**

4 The department of public defense is composed of the ~~military~~
5 ~~division and the homeland security and emergency management~~
6 ~~division~~ office of the adjutant general and the military forces
7 of the state of Iowa. The adjutant general is the director of
8 the department of public defense and ~~the budget and personnel~~
9 ~~of all of the divisions are subject to the approval of the~~
10 ~~adjutant general~~ shall perform all functions, responsibilities,
11 powers, and duties over the military forces of the state of
12 Iowa as provided in the laws of the state. ~~The Iowa emergency~~
13 ~~response commission established by section 30.2 is attached to~~
14 ~~the department of public defense for organizational purposes.~~

15 Sec. 23. Section 29.2A, Code 2011, is amended to read as
16 follows:

17 **29.2A Airport fire fighters — maximum age.**

18 The maximum age for a person to be employed as an airport
19 fire fighter by the ~~military division of the~~ department of
20 public defense is sixty-five years of age.

21 Sec. 24. Section 29A.3A, subsection 4, paragraph a, Code
22 2011, is amended to read as follows:

23 a. Operations and administration of the civil air patrol
24 relating to missions not qualifying for federal mission status
25 shall be funded by the state from moneys appropriated to the
26 department of homeland security and emergency management
27 ~~division of the department of public defense~~ for that purpose.

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

30 1. The adjutant general shall have command and control of
31 the ~~military division~~ department of public defense, and perform
32 such duties as pertain to the office of the adjutant general
33 under law and regulations, pursuant to the authority vested in
34 the adjutant general by the governor. The adjutant general
35 shall superintend the preparation of all letters and reports

1 required by the United States from the state, and perform all
2 the duties prescribed by law. The adjutant general shall
3 have charge of the state military reservations, and all other
4 property of the state kept or used for military purposes. The
5 adjutant general may accept and expend nonappropriated funds
6 in accordance with law and regulations. The adjutant general
7 shall cause an inventory to be taken at least once each year
8 of all military stores, property, and funds under the adjutant
9 general's jurisdiction. In each year preceding a regular
10 session of the general assembly, the adjutant general shall
11 prepare a detailed report of the transactions of that office,
12 its expenses, and other matters required by the governor for
13 the period since the last preceding report, and the governor
14 may at any time require a similar report.

15 Sec. 26. Section 29A.56, Code 2011, is amended to read as
16 follows:

17 **29A.56 Special police.**

18 The adjutant general may by order entered of record
19 commission one or more of the employees of the ~~military~~
20 ~~division~~ department of public defense as special police. Such
21 special police shall on the premises of any state military
22 reservation or other state military property have and exercise
23 the powers of regular peace officers.

24 Sec. 27. Section 29C.1, subsection 1, Code 2011, is amended
25 to read as follows:

26 1. To establish a department of homeland security
27 and emergency management ~~division of the department of~~
28 ~~public defense~~ and to authorize the establishment of local
29 organizations for emergency management in the political
30 subdivisions of the state.

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

33 NEW SUBSECTION. 1A. "Department" means the department of
34 homeland security and emergency management.

35 NEW SUBSECTION. 1B. "Director" means the director of the

1 department of homeland security and emergency management.

2 Sec. 29. Section 29C.5, Code 2011, is amended to read as
3 follows:

4 **29C.5 ~~Homeland~~ Department of homeland security and emergency**
5 **management division.**

6 A The department of homeland security and emergency
7 management division is created ~~within the department of public~~
8 defense. The department of homeland security and emergency
9 management division shall be responsible for the administration
10 of emergency planning matters, including emergency resource
11 planning in this state, cooperation with, support of, funding
12 for, and tasking of the civil air patrol for missions not
13 qualifying for federal mission status as described in section
14 29A.3A in accordance with operational and funding criteria
15 developed with the adjutant general and coordinated with
16 the civil air patrol, homeland security activities, and
17 coordination of available services and resources in the event
18 of a disaster to include those services and resources of the
19 federal government and private entities. The Iowa emergency
20 response commission established by section 30.2 is attached to
21 the department of homeland security and emergency management
22 for organizational purposes.

23 Sec. 30. Section 29C.8, Code Supplement 2011, is amended to
24 read as follows:

25 **29C.8 Powers and duties of ~~administrator~~ director.**

26 1. The department of homeland security and emergency
27 management division shall be under the management of an
28 ~~administrator~~ a director appointed by the governor.

29 2. The ~~administrator~~ director shall be vested with the
30 authority to administer emergency management and homeland
31 security affairs in this state and shall be responsible for
32 preparing and executing the emergency management and homeland
33 security programs of this state subject to the direction of the
34 ~~adjutant general~~ governor. In the event of a disaster beyond
35 local control, the director may assume direct operational

1 control over all or any part of the emergency management
2 functions within this state.

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

6 a. Prepare a comprehensive emergency plan and emergency
7 management program for homeland security, disaster
8 preparedness, response, recovery, mitigation, emergency
9 operation, and emergency resource management of this state.
10 The plan and program shall be integrated into and coordinated
11 with the homeland security and emergency plans of the federal
12 government and of other states to the fullest possible extent
13 and. The director shall also coordinate the preparation of
14 plans and programs for emergency management of the political
15 subdivisions and various state departments of this state.
16 The plans shall be integrated into and coordinated with a
17 comprehensive state homeland security and emergency program for
18 this state as coordinated by the ~~administrator of the homeland~~
19 ~~security and emergency management division~~ director to the
20 fullest possible extent.

21 b. Make such studies and surveys of the industries,
22 resources, and facilities in this state as may be necessary to
23 ascertain the vulnerabilities of critical state infrastructure
24 and assets to attack and the capabilities of the state for
25 disaster recovery, disaster planning and operations, and
26 emergency resource management, and to plan for the most
27 efficient emergency use thereof.

28 c. Provide technical assistance to any commission requiring
29 the assistance in the development of an emergency management
30 or homeland security program.

31 d. Implement planning and training for emergency response
32 teams as mandated by the federal government under the
33 Comprehensive Environmental Response, Compensation, and
34 Liability Act of 1980 as amended by the Superfund Amendments
35 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

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

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

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

35 (2) Each approved homeland security and emergency

1 management response team shall establish standards for team
2 membership, shall provide the division with a listing of all
3 team members, and shall update the list each time a member is
4 removed from or added to the team. Individuals so identified
5 as team members shall be considered to be registered as team
6 members for purposes of subparagraph (1).

7 (3) Upon notification of a compensable loss to a member of
8 a homeland security and emergency management response team, the
9 department of administrative services shall process the claim
10 and seek authorization from the executive council to pay as
11 an expense paid from the appropriations addressed in section
12 7D.29 those costs associated with covered benefits.

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

18 4. The ~~administrator~~ director, with the approval of the
19 governor ~~and upon recommendation of the adjutant general~~, may
20 employ a deputy ~~administrator~~ director and such technical,
21 clerical, stenographic, and other personnel and make such
22 expenditures within the appropriation or from other funds made
23 available to the department ~~of public defense for purposes of~~
24 ~~emergency management~~, as may be necessary to administer this
25 chapter.

26 5. The ~~homeland security and emergency management division~~
27 department may charge fees for the repair, calibration, or
28 maintenance of radiological detection equipment and may expend
29 funds in addition to funds budgeted for the servicing of the
30 radiological detection equipment. The ~~division~~ department
31 shall adopt rules pursuant to chapter 17A providing for the
32 establishment and collection of fees for radiological detection
33 equipment repair, calibration, or maintenance services and
34 for entering into agreements with other public and private
35 entities to provide the services. Fees collected for repair,

1 calibration, or maintenance services shall be treated as
2 repayment receipts as defined in section 8.2 and shall be used
3 for the operation of the ~~division's~~ department's radiological
4 maintenance facility or radiation incident response training.

5 Sec. 31. Section 29C.8A, subsection 2, Code Supplement
6 2011, is amended to read as follows:

7 2. The emergency response fund shall be administered by the
8 ~~homeland security and emergency management division~~ department
9 to carry out planning and training for the emergency response
10 teams.

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

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

18 5. The commission shall model its bylaws and conduct its
19 business according to the guidelines provided in the ~~state~~
20 ~~division's~~ department's administrative rules.

21 7. The commission shall delegate to the emergency
22 management coordinator the authority to fulfill the
23 commission duties as described in the ~~division's~~ department's
24 administrative rules. Each commission shall appoint a
25 local emergency management coordinator who shall meet the
26 qualifications specified in the administrative rules by the
27 ~~administrator of the homeland security and emergency management~~
28 ~~division~~ director. Additional emergency management personnel
29 may be appointed at the discretion of the commission.

30 8. The commission shall develop, adopt, and submit
31 for approval by local governments within the commission's
32 jurisdiction, a comprehensive emergency plan which meets
33 standards adopted by the ~~division~~ department in accordance
34 with chapter 17A. If an approved comprehensive emergency
35 plan has not been prepared according to established standards

1 and the ~~administrator of the homeland security and emergency~~
2 ~~management division~~ director finds that satisfactory progress
3 is not being made toward the completion of the plan, or if
4 the ~~administrator~~ director finds that a commission has failed
5 to appoint a qualified emergency management coordinator as
6 provided in this chapter, the ~~administrator~~ director shall
7 notify the governing bodies of the counties and cities affected
8 by the failure and the governing bodies shall not appropriate
9 any moneys to the local emergency management fund until the
10 comprehensive emergency plan is prepared and approved or a
11 qualified emergency management coordinator is appointed.
12 If the ~~administrator~~ director finds that a commission has
13 appointed an unqualified emergency management coordinator,
14 the ~~administrator~~ director shall notify the commission citing
15 the qualifications which are not met and the commission shall
16 not approve the payment of the salary or expenses of the
17 unqualified emergency management coordinator.

18 10. Two or more commissions may, upon review by the
19 ~~state administrator~~ director and with the approval of their
20 respective boards of supervisors and cities, enter into
21 agreements pursuant to chapter 28E for the joint coordination
22 and administration of emergency management services throughout
23 the multicounty area.

24 Sec. 33. Section 29C.11, subsection 1, Code Supplement
25 2011, is amended to read as follows:

26 1. The local emergency management commission shall, in
27 collaboration with other public and private agencies within
28 this state, develop mutual aid arrangements for reciprocal
29 disaster services and recovery aid and assistance in case
30 of disaster too great to be dealt with unassisted. The
31 arrangements shall be consistent with the ~~homeland security and~~
32 ~~emergency management division~~ department plan and program, and
33 in time of emergency each local emergency management agency
34 shall render assistance in accordance with the provisions of
35 the mutual aid arrangements.

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

3 **29C.12 Use of existing facilities.**

4 In carrying out the provisions of this chapter, the
5 governor, ~~and the director of the department of public defense,~~
6 and the executive officers or governing boards of political
7 subdivisions of the state shall utilize, to the maximum extent
8 practicable, the services, equipment, supplies, and facilities
9 of existing departments, officers, and agencies of the state
10 and of political subdivisions at their respective levels of
11 responsibility.

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

14 **29C.12A Participation in funding disaster recovery facility.**

15 All state government departments and agencies may
16 participate in sharing the cost of the design, construction,
17 and operation of a disaster recovery facility located in the
18 ~~STARC~~ joint forces headquarters armory at Camp Dodge. State
19 departments and agencies may use funds from any source,
20 including but not limited to user fees and appropriations
21 for operational or capital purposes, to participate in the
22 facility.

23 Sec. 36. Section 29C.14, Code 2011, is amended to read as
24 follows:

25 **29C.14 Director of the department of administrative services**
26 **to issue warrants.**

27 The director of the department of administrative services
28 shall draw warrants on the treasurer of state for the purposes
29 specified in this chapter, upon duly itemized and verified
30 vouchers that have been approved by the ~~administrator~~ director
31 of the department of homeland security and emergency management
32 ~~division~~.

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

35 1. Every organization for homeland security and emergency

1 management established pursuant to this chapter and its
2 officers shall execute and enforce the orders or rules made by
3 the governor, or under the governor's authority and the orders
4 or rules made by subordinate organizations and not contrary or
5 inconsistent with the orders or rules of the governor.

6 Sec. 38. Section 29C.20B, Code Supplement 2011, is amended
7 to read as follows:

8 **29C.20B Disaster case management.**

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

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

- 30 a. Disaster case management standards.
- 31 b. Disaster case management policies.
- 32 c. Reporting requirements.
- 33 d. Eligibility criteria.
- 34 e. Coordination mechanisms necessary to carry out the
35 services provided.

1 *f.* Development of formal working relationships with
2 agencies and creation of interagency agreements for those
3 considered to provide disaster case management services.

4 *g.* Coordination of all available services for individuals
5 from multiple agencies.

6 Sec. 39. Section 29C.22, subsection 3, paragraph c, Code
7 Supplement 2011, is amended to read as follows:

8 *c.* The authorized representative of a participating
9 government may initiate a request by contacting the department
10 of homeland security and emergency management ~~division of the~~
11 ~~state department of public defense~~. When a request is received
12 by the ~~division~~ department, the ~~division~~ department shall
13 directly contact other participating governments to coordinate
14 the provision of mutual aid.

15 Sec. 40. Section 29C.22, subsection 11, paragraphs b and c,
16 Code Supplement 2011, are amended to read as follows:

17 *b.* Any participating government may withdraw from this
18 compact by adopting an ordinance or resolution repealing the
19 same, but a withdrawal shall not take effect until thirty days
20 after the governing body of the withdrawing participating
21 government has given notice in writing of the withdrawal to the
22 ~~administrator~~ director of the department of homeland security
23 and emergency management ~~division~~ who shall notify all other
24 participating governments. The action shall not relieve the
25 withdrawing political subdivision from obligations assumed
26 under this compact prior to the effective date of withdrawal.

27 *c.* Duly authenticated copies of this compact and any
28 supplementary agreements as may be entered into shall
29 be deposited, at the time of their approval, with the
30 ~~administrator~~ director of the department of homeland security
31 and emergency management ~~division~~ who shall notify all
32 participating governments and other appropriate agencies of
33 state government.

34 Sec. 41. Section 30.2, subsections 1 and 2, Code Supplement
35 2011, are amended to read as follows:

1 1. The Iowa emergency response commission is established.
2 The commission is responsible directly to the governor. The
3 commission is attached to the department of ~~public defense~~
4 homeland security and emergency management for routine
5 administrative and support services only.

6 2. a. The commission is composed of ~~fifteen~~ sixteen members
7 appointed by the governor. One member shall be appointed to
8 represent the department of homeland security and emergency
9 management, one to represent the department of agriculture and
10 land stewardship, one to represent the department of workforce
11 development, one to represent the department of justice, one to
12 represent the department of natural resources, one to represent
13 the department of public defense, one to represent the Iowa
14 department of public health, one to represent the department
15 of public safety, one to represent the state department of
16 transportation, one to represent the state fire service and
17 emergency response council, one to represent a local emergency
18 planning committee, one to represent the Iowa hazardous
19 materials task force, and one to represent the office of the
20 governor. Three representatives from private industry shall
21 also be appointed by the governor, subject to confirmation by
22 the senate.

23 b. The commission members representing the departments
24 of homeland security and emergency management, workforce
25 development, natural resources, public defense, public safety,
26 and transportation, a local emergency planning committee,
27 and one private industry representative designated by the
28 commission shall be voting members of the commission. The
29 remaining members of the commission shall serve as nonvoting,
30 advisory members.

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

33 2. The commission may enter into agreements pursuant to
34 chapter 28E to accomplish any duty imposed upon the commission
35 by the Emergency Planning and Community Right-to-know Act,

1 but the commission shall not compensate any governmental unit
2 for the performance of duties pursuant to such an agreement.
3 Funding for administering the duties of the commission under
4 sections 30.7, 30.8, and 30.9 shall be included in the budgets
5 of the department of natural resources and the department of
6 ~~public defense~~ homeland security and emergency management.

7 Sec. 43. Section 30.9, Code Supplement 2011, is amended to
8 read as follows:

9 **30.9 Duties to be allocated to department of ~~public defense~~**
10 **homeland security and emergency management.**

11 Agreements negotiated by the commission and the department
12 of ~~public defense~~ homeland security and emergency management
13 shall provide for the allocation of duties to the department
14 of ~~public defense~~ homeland security and emergency management
15 as follows:

16 1. Comprehensive emergency plans required to be developed
17 under section 303 of the Emergency Planning and Community
18 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall
19 be submitted to the department of ~~public defense~~ homeland
20 security and emergency management. Committee submission to
21 that department constitutes compliance with the requirement for
22 reporting to the commission. After initial submission, a plan
23 need not be resubmitted unless revisions are requested by the
24 commission. The department of ~~public defense~~ homeland security
25 and emergency management shall review the plan on behalf of the
26 commission and shall incorporate the provisions of the plan
27 into its responsibilities under chapter 29C.

28 2. The department of ~~public defense~~ homeland security and
29 emergency management shall advise the commission of the failure
30 of any committee to submit an initial comprehensive emergency
31 response and recovery plan or a revised plan requested by the
32 commission.

33 3. The department of ~~public defense~~ homeland security and
34 emergency management shall make available to the public upon
35 request during normal working hours the information in its

1 possession pursuant to section 324 of the Emergency Planning
2 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.
3 § 11044.

4 Sec. 44. Section 34A.2, subsection 2, Code 2011, is amended
5 to read as follows:

6 2. 3A. ~~"Administrator"~~ "Director" means the administrator
7 director of the department of homeland security and emergency
8 ~~management division of the department of public defense.~~

9 Sec. 45. Section 34A.2A, Code 2011, is amended to read as
10 follows:

11 **34A.2A Program manager — appointment — duties.**

12 1. The ~~administrator~~ director of the department of homeland
13 security and emergency management ~~division of the department~~
14 ~~of public defense~~ shall appoint an E911 program manager to
15 administer this chapter.

16 2. The E911 program manager shall act under the supervisory
17 control of the ~~administrator~~ director of the department of
18 homeland security and emergency management ~~division of the~~
19 ~~department of public defense~~, and in consultation with the
20 E911 communications council, and shall perform the duties
21 specifically set forth in this chapter and as assigned by the
22 ~~administrator~~ director.

23 Sec. 46. Section 34A.6, subsection 3, Code 2011, is amended
24 to read as follows:

25 3. The secretary of state, in consultation with the
26 ~~administrator~~ director, shall adopt rules for the conduct of
27 joint E911 service referendums as required by and consistent
28 with subsections 1 and 2.

29 Sec. 47. Section 34A.7A, subsection 1, paragraph a, Code
30 2011, is amended to read as follows:

31 a. Notwithstanding section 34A.6, the ~~administrator~~ director
32 shall adopt by rule a monthly surcharge of up to sixty-five
33 cents to be imposed on each wireless communications service
34 number provided in this state. The surcharge shall be imposed
35 uniformly on a statewide basis and simultaneously on all

1 wireless communications service numbers as provided by rule of
2 the ~~administrator~~ director.

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

5 a. An amount as appropriated by the general assembly to the
6 ~~administrator~~ director shall be allocated to the ~~administrator~~
7 director and program manager for implementation, support, and
8 maintenance of the functions of the ~~administrator~~ director and
9 program manager and to employ the auditor of state to perform
10 an annual audit of the wireless E911 emergency communications
11 fund.

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

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

22 3. The council shall advise and make recommendations to
23 the ~~administrator~~ director and program manager regarding
24 the implementation of this chapter. Such advice and
25 recommendations shall be provided on issues at the request of
26 the ~~administrator~~ director or program manager or as deemed
27 necessary by the council.

28 Sec. 50. Section 35A.5, subsection 16, Code Supplement
29 2011, is amended to read as follows:

30 16. In coordination with the ~~military division of the~~
31 department of public defense, advise service members prior to,
32 and after returning from, deployment on active duty service
33 outside the United States of issues related to the filing
34 of tax returns and the payment of taxes due and encourage a
35 service member who has not filed a return or who owes taxes to

1 contact the department of revenue prior to deployment.

2 Sec. 51. Section 80.28, subsection 2, paragraph a,
3 subparagraph (3), Code 2011, is amended to read as follows:

4 (3) One member representing the department of homeland
5 security and emergency management ~~division~~.

6 Sec. 52. Section 80B.11C, Code 2011, is amended to read as
7 follows:

8 **80B.11C Telecommunicator training standards.**

9 The director of the academy, subject to the approval of
10 the council, in consultation with the Iowa state sheriffs'
11 and deputies' association, the Iowa police executive forum,
12 the Iowa association of chiefs of police and peace officers,
13 the Iowa state police association, the Iowa association
14 of professional fire fighters, the Iowa emergency medical
15 services association, the joint council of Iowa fire service
16 organizations, the Iowa department of public safety, the Iowa
17 chapter of the association of public safety communications
18 officials-international, inc., the Iowa chapter of the
19 national emergency number association, the department of
20 homeland security and emergency management ~~division of the Iowa~~
21 ~~department of public defense~~, and the Iowa department of public
22 health, shall adopt rules pursuant to chapter 17A establishing
23 minimum standards for training of telecommunicators. For
24 purposes of this section, "telecommunicator" means a person who
25 receives requests for, or dispatches requests to, emergency
26 response agencies which include, but are not limited to, law
27 enforcement, fire, rescue, and emergency medical services
28 agencies.

29 Sec. 53. Section 97B.49B, subsection 1, paragraph e,
30 subparagraph (8), Code Supplement 2011, is amended to read as
31 follows:

32 (8) An airport fire fighter employed by the ~~military~~
33 ~~division of the~~ department of public defense.

34 Sec. 54. Section 100B.22, subsection 1, paragraph a, Code
35 2011, is amended to read as follows:

1 a. Regional emergency response training centers shall be
2 established to provide training to fire fighters and other
3 emergency responders. The lead public agency for the training
4 centers shall be the following community colleges for the
5 following merged areas:

6 (1) Northeast Iowa community college for merged area I
7 in partnership with the Dubuque county firemen's association
8 and to provide advanced training in agricultural emergency
9 response as such advanced training is funded by the department
10 of homeland security and emergency management ~~division of the~~
11 ~~department of public defense.~~

12 (2) North Iowa area community college for merged area II in
13 partnership with the Mason City fire department.

14 (3) Iowa lakes community college for merged area III and
15 northwest Iowa community college for merged area IV.

16 (4) Iowa central community college for merged area V and to
17 provide advanced training in homeland security as such advanced
18 training is funded by the department of homeland security and
19 emergency management ~~division of the department of public~~
20 ~~defense.~~

21 (5) Hawkeye community college for merged area VII in
22 partnership with the Waterloo regional hazardous materials
23 training center and to provide advanced training in hazardous
24 materials emergency response as such advanced training is
25 funded by the department of homeland security and emergency
26 management ~~division of the department of public defense.~~

27 (6) Eastern Iowa community college for merged area IX in
28 partnership with the city of Davenport fire department.

29 (7) Kirkwood community college for merged area X in
30 partnership with the city of Coralville fire department and the
31 Iowa City fire department and to provide advanced training in
32 agricultural terrorism response and mass casualty and fatality
33 response as such advanced training is funded by the department
34 of homeland security and emergency management ~~division of the~~
35 ~~department of public defense.~~

1 (8) Des Moines area community college for merged area XI and
2 Iowa valley community college for merged area VI and to provide
3 advanced training in operations integration in compliance
4 with the national incident management system as such advanced
5 training is funded by the department of homeland security and
6 emergency management ~~division of the department of public~~
7 ~~defense.~~

8 (9) Western Iowa technical community college for merged
9 area XII in partnership with the Sioux City fire department
10 and to provide advanced training in emergency responder
11 communications as such advanced training is funded by the
12 department of homeland security and emergency management
13 ~~division of the department of public defense.~~

14 (10) Iowa western community college for merged areas XIII
15 and XIV in partnership with southwestern community college and
16 the Council Bluffs fire department.

17 (11) Southeastern Iowa community college for merged areas
18 XV and XVI in partnership with Indian hills community college
19 and the city of Fort Madison fire department.

20 Sec. 55. Section 135.141, subsection 2, paragraphs a and j,
21 Code 2011, are amended to read as follows:

22 a. Coordinate with the department of homeland security
23 and emergency management ~~division of the department of public~~
24 ~~defense~~ the administration of emergency planning matters
25 which involve the public health, including development,
26 administration, and execution of the public health components
27 of the comprehensive emergency plan and emergency management
28 program pursuant to section 29C.8.

29 j. Adopt rules pursuant to chapter 17A for the
30 administration of this division of this chapter including rules
31 adopted in cooperation with the Iowa pharmacy association
32 and the Iowa hospital association for the development of a
33 surveillance system to monitor supplies of drugs, antidotes,
34 and vaccines to assist in detecting a potential public health
35 disaster. Prior to adoption, the rules shall be approved by

1 the state board of health and the ~~administrator~~ director of
2 the department of homeland security and emergency management
3 ~~division of the department of public defense.~~

4 Sec. 56. Section 135.145, subsections 1 and 2, Code 2011,
5 are amended to read as follows:

6 1. When the department of public safety or other federal,
7 state, or local law enforcement agency learns of a case of a
8 disease or health condition, unusual cluster, or a suspicious
9 event that may be the cause of a public health disaster, the
10 department or agency shall immediately notify the department,
11 the ~~administrator~~ director of the department of homeland
12 security and emergency management ~~division of the department~~
13 ~~of public defense~~, the department of agriculture and land
14 stewardship, and the department of natural resources as
15 appropriate.

16 2. When the department learns of a case of a disease
17 or health condition, an unusual cluster, or a suspicious
18 event that may be the cause of a public health disaster, the
19 department shall immediately notify the department of public
20 safety, the department of homeland security and emergency
21 management ~~division of the department of public defense~~, and
22 other appropriate federal, state, and local agencies and
23 officials.

24 Sec. 57. Section 163.3A, subsection 2, Code Supplement
25 2011, is amended to read as follows:

26 2. The services shall be performed under the direction of
27 the department and may be part of measures authorized by the
28 governor under a declaration or proclamation issued pursuant to
29 chapter 29C. In such case, the department shall cooperate with
30 the Iowa department of public health under chapter 135, and the
31 department of ~~public defense~~, homeland security and emergency
32 management ~~division~~, and local emergency management agencies as
33 provided in chapter 29C.

34 Sec. 58. Section 163.51, subsection 2, paragraph b, Code
35 2011, is amended to read as follows:

1 *b.* If the department confirms an outbreak of foot and
2 mouth disease in this state, the department shall cooperate
3 with the governor; federal agencies, including the United
4 States department of agriculture; and state agencies, including
5 the department of homeland security and emergency management
6 ~~division of the department of public defense~~, in order to
7 provide the public with timely and accurate information
8 regarding the outbreak. The department shall cooperate with
9 organizations representing agricultural producers in order to
10 provide all necessary information to agricultural producers
11 required to control the outbreak.

12 Sec. 59. Section 305.8, subsection 1, paragraph b, Code
13 2011, is amended to read as follows:

14 *b.* In consultation with the department of homeland security
15 and emergency management ~~division of the department of public~~
16 ~~defense~~, establish policies, standards, and guidelines for
17 the identification, protection, and preservation of records
18 essential for the continuity or reestablishment of governmental
19 functions in the event of an emergency arising from a natural
20 or other disaster.

21 Sec. 60. Section 455B.266, subsection 1, paragraph d, Code
22 2011, is amended to read as follows:

23 *d.* Determination by the department in conjunction with
24 the department of homeland security and emergency management
25 ~~division of the department of public defense~~ of a local crisis
26 which affects availability of water.

27 Sec. 61. Section 455B.385, Code 2011, is amended to read as
28 follows:

29 **455B.385 State hazardous condition contingency plan.**

30 All public agencies, as defined in chapter 28E, shall
31 cooperate in the development and implementation of a state
32 hazardous condition contingency plan. The plan shall detail
33 the manner in which public agencies shall participate in the
34 response to a hazardous condition. The director may enter
35 into agreements, with approval of the commission, with any

1 state agency or unit of local government or with the federal
2 government, as necessary to develop and implement the plan.
3 The plan shall be coordinated with the department of homeland
4 security and emergency management ~~division of the department~~
5 ~~of public defense~~ and any joint emergency management agencies
6 established pursuant to chapter 29C.

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

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

12 Sec. 63. REPEAL. Sections 29.2, 29.3, and 29C.7, Code and
13 Code Supplement 2011, are repealed.

14 Sec. 64. TRANSITION PROVISIONS.

15 1. Any rule, regulation, form, order, or directive
16 promulgated by the division of homeland security and
17 emergency management of the department of public defense shall
18 continue in full force and effect until amended, repealed,
19 or supplemented by affirmative action of the department of
20 homeland security and emergency management as established in
21 this Act.

22 2. All employees of the division of homeland security and
23 emergency management of the department of public defense shall
24 be considered employees of the department of homeland security
25 and emergency management upon the elimination of the former and
26 creation of the latter as provided in this Act.

27 DIVISION VI

28 IOWA JOBS BOARD

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

31 12. Neither the treasurer of state, the Iowa ~~jobs board~~
32 finance authority, nor any person acting on behalf of the
33 treasurer of state or the Iowa ~~jobs board~~ finance authority
34 while acting within the scope of their employment or agency, is
35 subject to personal liability resulting from carrying out the

1 powers and duties conferred by this section and sections 12.88
2 through 12.90.

3 Sec. 66. Section 16.193, subsection 1, Code Supplement
4 2011, is amended to read as follows:

5 ~~1. The Iowa finance authority, subject to approval by the~~
6 ~~Iowa jobs board,~~ shall adopt administrative rules pursuant to
7 chapter 17A necessary to administer the Iowa jobs program and
8 Iowa jobs II program. The authority shall ~~provide the board~~
9 ~~with assistance in implementing administrative functions, be~~
10 responsible for providing technical assistance and application
11 assistance to applicants under the programs, negotiating
12 contracts, and providing project follow up. ~~The authority, in~~
13 ~~cooperation with the board, may conduct negotiations on behalf~~
14 ~~of the board with applicants regarding terms and conditions~~
15 ~~applicable to awards under the program.~~

16 Sec. 67. Section 16.194, subsection 2, Code 2011, is amended
17 to read as follows:

18 2. A city or county or a public organization in this
19 state may submit an application to the ~~Iowa jobs board~~
20 authority for financial assistance for a local infrastructure
21 competitive grant for an eligible project under the program,
22 notwithstanding any limitation on the state's percentage in
23 funding as contained in section 29C.6, subsection 17.

24 Sec. 68. Section 16.194, subsection 4, unnumbered paragraph
25 1, Code 2011, is amended to read as follows:

26 The ~~board~~ authority shall consider the following criteria in
27 evaluating eligible projects to receive financial assistance
28 under the program:

29 Sec. 69. Section 16.194, subsection 7, Code 2011, is amended
30 to read as follows:

31 7. In order for a project to be eligible to receive
32 financial assistance from the ~~board~~ authority, the project must
33 be a public construction project pursuant to subsection 1 with a
34 demonstrated substantial local, regional, or statewide economic
35 impact.

1 Sec. 70. Section 16.194, subsection 8, unnumbered paragraph
2 1, Code 2011, is amended to read as follows:

3 The ~~board~~ authority shall not approve an application for
4 assistance for any of the following purposes:

5 Sec. 71. Section 16.194, subsection 9, paragraph b, Code
6 2011, is amended to read as follows:

7 b. Any portion of an amount allocated for projects
8 that remains unexpended or unencumbered one year after the
9 allocation has been made may be reallocated to another project
10 category, at the discretion of the ~~board~~ authority. The ~~board~~
11 authority shall ensure that all bond proceeds be expended
12 within three years from when the allocation was initially made.

13 Sec. 72. Section 16.194, subsection 10, Code 2011, is
14 amended to read as follows:

15 10. The ~~board~~ authority shall ensure that funds obligated
16 under this section are coordinated with other federal program
17 funds received by the state, and that projects receiving funds
18 are located in geographically diverse areas of the state.

19 Sec. 73. Section 16.194A, subsections 2, 7, 9, and 10, Code
20 2011, are amended to read as follows:

21 2. A city or county in this state that applies the smart
22 planning principles and guidelines pursuant to sections
23 18B.1 and 18B.2 may submit an application to the ~~Iowa jobs board~~
24 authority for financial assistance for a local infrastructure
25 competitive grant for an eligible project under the program,
26 notwithstanding any limitation on the state's percentage in
27 funding as contained in section 29C.6, subsection 17.

28 7. In order for a project to be eligible to receive
29 financial assistance from the ~~board~~ authority, the project must
30 be a public construction project pursuant to subsection 1 with a
31 demonstrated substantial local, regional, or statewide economic
32 impact.

33 9. Any portion of an amount allocated for projects
34 that remains unexpended or unencumbered one year after the
35 allocation has been made may be reallocated to another project

1 category, at the discretion of the ~~board~~ authority. The ~~board~~
2 authority shall ensure that all bond proceeds be expended
3 within three years from when the allocation was initially made.

4 10. The ~~board~~ authority shall ensure that funds obligated
5 under this section are coordinated with other federal program
6 funds received by the state, and that projects receiving funds
7 are located in geographically diverse areas of the state.

8 Sec. 74. Section 16.194A, subsection 4, unnumbered
9 paragraph 1, Code 2011, is amended to read as follows:

10 The ~~board~~ authority shall consider the following criteria in
11 evaluating eligible projects to receive financial assistance
12 under the program:

13 Sec. 75. Section 16.194A, subsection 8, unnumbered
14 paragraph 1, Code 2011, is amended to read as follows:

15 The ~~board~~ authority shall not approve an application for
16 assistance for any of the following purposes:

17 Sec. 76. Section 16.195, Code Supplement 2011, is amended
18 to read as follows:

19 **16.195 Iowa jobs program application review.**

20 1. Applications for assistance under the Iowa jobs program
21 and Iowa jobs II program shall be submitted to the ~~Iowa finance~~
22 authority for review and approval. ~~The authority shall provide~~
23 ~~a staff review and evaluation of applications to the Iowa jobs~~
24 ~~program review committee referred to in subsection 2 and to the~~
25 ~~Iowa jobs board.~~

26 2. ~~A review committee composed of members of the board~~
27 ~~as determined by the board shall review Iowa jobs program~~
28 ~~applications submitted to the board and make recommendations~~
29 ~~regarding the applications to the board.~~ When reviewing the
30 applications, the ~~review committee and the~~ authority shall
31 consider the project criteria specified in sections 16.194 and
32 16.194A. The ~~board~~ authority shall develop the appropriate
33 level of transparency regarding project fund allocations.

34 3. Upon approval of an application for financial assistance
35 under the program, the ~~board~~ authority shall notify the

1 treasurer of state regarding the amount of moneys needed to
2 satisfy the award of financial assistance and the terms of the
3 award. The treasurer of state shall notify the ~~Iowa finance~~
4 authority any time moneys are disbursed to a recipient of
5 financial assistance under the program.

6 Sec. 77. Section 16.196, Code 2011, is amended to read as
7 follows:

8 **16.196 Iowa jobs restricted capitals fund — appropriations.**

9 ~~1. An Iowa jobs restricted capitals fund is created and
10 established as a separate and distinct fund in the state
11 treasury. The fund consists of moneys appropriated from
12 the revenue bonds capitals fund created in section 12.88.
13 The moneys in the fund are appropriated to the Iowa jobs
14 board for purposes of the Iowa jobs program established in
15 section 16.194. Moneys in the fund shall not be subject to
16 appropriation for any other purpose by the general assembly,
17 but shall be used only for the purposes of the Iowa jobs
18 program. The treasurer of state shall act as custodian of the
19 fund and disburse moneys contained in the fund. The fund shall
20 be administered by the board which shall make allocations from
21 the fund consistent with the purposes of the Iowa jobs program.~~

22 ~~2. 1.~~ There is appropriated from the revenue bonds capitals
23 fund created in section 12.88, ~~to the Iowa jobs restricted~~
24 ~~capitals fund,~~ for the fiscal year beginning July 1, 2009, and
25 ending June 30, 2010, one hundred sixty-five million dollars to
26 be allocated as follows:

27 *a.* One hundred eighteen million five hundred thousand
28 dollars for competitive grants for local infrastructure
29 projects relating to disaster rebuilding, reconstruction
30 and replacement of local buildings, flood control and flood
31 protection, and future flood prevention public projects. An
32 applicant for a local infrastructure grant shall not receive
33 more than fifty million dollars in financial assistance from
34 the fund.

35 *b.* Forty-six million five hundred thousand dollars for

1 disaster relief and mitigation and local infrastructure
2 grants for the following renovation and construction projects,
3 notwithstanding any limitation on the state's percentage
4 participation in funding as contained in section 29C.6,
5 subsection 17:

6 (1) For grants to a county with a population between
7 one hundred eighty-nine thousand and one hundred ninety-six
8 thousand in the latest preceding certified federal census, to
9 be distributed as follows:

10 (a) Ten million dollars for the construction of a new,
11 shared facility between nonprofit human service organizations
12 serving the public, especially the needs of low-income Iowans,
13 including those displaced as a result of the disaster of 2008.

14 (b) Five million dollars for the construction or renovation
15 of a facility for a county-funded workshop program serving
16 the public and particularly persons with mental illness or
17 developmental disabilities.

18 (2) For grants to a city with a population between one
19 hundred ten thousand and one hundred twenty thousand in the
20 latest preceding certified federal census, to be distributed
21 as follows:

22 (a) Five million dollars for an economic redevelopment
23 project benefiting the public by improving energy efficiency
24 and the development of alternative and renewable energy
25 technologies.

26 (b) Ten million dollars for a museum serving the public and
27 dedicated to the preservation of an eastern European cultural
28 heritage through the collection, exhibition, preservation, and
29 interpretation of historical artifacts.

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

32 (d) Five million dollars for a public library.

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

34 (3) One million five hundred thousand dollars, to be
35 distributed as follows:

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

5 (b) Five hundred thousand dollars to a city with a
6 population between one thousand four hundred and one thousand
7 five hundred in the latest preceding certified federal census,
8 for a public fire station.

9 (c) Five hundred thousand dollars for a city with a
10 population between seven thousand eight hundred and seven
11 thousand eight hundred fifty, for a public fire station.

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

29 ~~4. Moneys in the fund are not subject to section 8.33.~~
30 ~~Notwithstanding section 12C.7, subsection 2, interest or~~
31 ~~earnings on moneys in the fund shall be credited to the fund.~~

32 ~~5.~~ 3. Annually, on or before January 15 of each year, the
33 ~~board~~ authority shall report to the legislative services agency
34 and the department of management the status of all projects
35 receiving moneys from the fund completed or in progress. The

1 report shall include a description of the project, the progress
2 of work completed, the total estimated cost of the project, a
3 list of all revenue sources being used to fund the project, the
4 amount of funds expended, the amount of funds obligated, and
5 the date the project was completed or an estimated completion
6 date of the project, where applicable.

7 ~~6-~~ 4. Payment of moneys appropriated from the fund shall be
8 made in a manner that does not adversely affect the tax-exempt
9 status of any outstanding bonds issued by the treasurer of
10 state.

11 Sec. 78. Section 16.197, Code 2011, is amended to read as
12 follows:

13 **16.197 Limitation of liability.**

14 ~~A member of the Iowa jobs board, a person acting on behalf of~~
15 ~~the board while acting within the scope of their employment or~~
16 ~~agency, The authority or the treasurer of state, shall not be~~
17 ~~subject to personal liability resulting from carrying out the~~
18 ~~powers and duties of the board authority or the treasurer, as~~
19 ~~applicable, in sections ~~16.192~~ 16.193 through 16.196.~~

20 Sec. 79. IOWA JOBS BOARD — TRANSITION PROVISIONS —
21 LIMITATION OF LIABILITY.

22 1. Any contract or agreement issued or entered into by the
23 Iowa jobs board relating to the provisions of this division
24 of this Act, in effect on the effective date of this division
25 of this Act, shall continue in full force and effect and
26 any responsibility of the board relative to the contracts or
27 agreements as provided in those contracts or agreements shall
28 be transferred to the Iowa finance authority.

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

1 Sec. 80. REPEAL. Sections 16.191 and 16.192, Code
2 Supplement 2011, are repealed.

3 DIVISION VII

4 ELECTRONIC COMMUNICATIONS

5 Sec. 81. Section 22.7, Code Supplement 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 65. Electronic mail addresses of
8 individuals collected by state departments and agencies for the
9 purpose of electronic communications.

10 Sec. 82. STATE DEPARTMENT AND AGENCY LIMITATIONS ON
11 MAIL. Notwithstanding any provision of the law to the
12 contrary, a state department or agency shall provide
13 departmental or agency notices or information through the
14 department's or agency's internet site or through electronic
15 mail to the fullest extent possible. This requirement shall
16 not apply to department and agency communications required for
17 purposes of pursuing legal action or to comply with federal
18 law. Departments and agencies shall have rulemaking authority
19 to implement this section and to collect electronic mail
20 addresses for the purpose of electronic communications.

21 DIVISION VIII

22 STATE RECORDS

23 Sec. 83. Section 96.11, subsection 11, Code 2011, is amended
24 to read as follows:

25 11. *Destruction of records.* The department may destroy
26 or dispose of such original reports or records as have been
27 properly recorded or summarized in the permanent records of
28 the department and are deemed by the director and the ~~state~~
29 ~~records commission~~ department of cultural affairs to be no
30 longer necessary to the proper administration of this chapter.
31 Wage records of the individual worker or transcripts therefrom
32 may be destroyed or disposed of, if approved by the ~~state~~
33 ~~records commission~~ department of cultural affairs, two years
34 after the expiration of the period covered by such wage records
35 or upon proof of the death of the worker. Such destruction

1 or disposition shall be made only by order of the director in
2 consultation with the ~~state records commission~~ department of
3 cultural affairs. Any moneys received from the disposition of
4 such records shall be deposited to the credit of the employment
5 security administration fund, subject to rules promulgated by
6 the department.

7 Sec. 84. Section 305.2, subsection 2, Code 2011, is amended
8 to read as follows:

9 2. "*Archives*" means records that have been appraised by
10 the ~~state records commission~~ department as having sufficient
11 historical, research, evidential, or informational value to
12 warrant permanent preservation and that have been transferred
13 to the custody of the state archives.

14 Sec. 85. Section 305.2, subsections 3 and 5, Code 2011, are
15 amended by striking the subsections.

16 Sec. 86. Section 305.2, Code 2011, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 4A. "*Department*" means the department of
19 cultural affairs.

20 Sec. 87. Section 305.2, subsection 10, Code 2011, is amended
21 to read as follows:

22 10. "*Records series retention and disposition schedule*" means
23 a timetable established by the ~~state records commission~~
24 department that describes the length of time a records series
25 of an agency or multiple agencies must be retained in active
26 and inactive status and provides authorization for a final
27 disposition of the records series by destruction or permanent
28 retention.

29 Sec. 88. Section 305.4, unnumbered paragraph 1, Code 2011,
30 is amended to read as follows:

31 The ~~commission~~ department shall adopt government information
32 policies, standards, and guidelines to do all of the following:

33 Sec. 89. Section 305.8, subsection 1, unnumbered paragraph
34 1, Code 2011, is amended to read as follows:

35 The ~~commission~~ department shall do all of the following:

1 Sec. 90. Section 305.8, subsection 1, Code 2011, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *0e.* Provide training, advice, and counsel
4 to agencies on government information policies, standards, and
5 guidelines.

6 Sec. 91. Section 305.8, subsection 1, Code 2011, is amended
7 by adding the following new paragraphs:

8 NEW PARAGRAPH. *0f.* Develop and distribute operating
9 procedures for agencies to use to implement the plans,
10 policies, standards, and guidelines adopted by the department.

11 NEW PARAGRAPH. *00f.* Manage any centralized records storage
12 facility established by the department for the temporary
13 storage of agency records prior to their final disposition by
14 destruction or permanent preservation in accordance with the
15 records series retention and disposition schedules.

16 NEW PARAGRAPH. *000f.* Appoint a state archivist to head the
17 state archives and records program.

18 NEW PARAGRAPH. *0000f.* Manage the state archives and develop
19 operating procedures for the transfer, accession, arrangement,
20 description, preservation, protection, and public access of
21 those records the department identifies as having permanent
22 value.

23 NEW PARAGRAPH. *00000f.* Maintain physical custody and legal
24 custody of archives that have been transferred and delivered
25 to the state archives.

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

31 (2) Upon request, the state archivist shall make a certified
32 copy of any record in the legal custody or in the physical
33 custody of the state archivist, or a certified transcript
34 of any record if reproduction is inappropriate because of
35 legal or physical considerations. If a copy or transcript is

1 properly authenticated, it has the same legal effect as though
2 certified by the officer from whose office it was transferred
3 or by the secretary of state. The department shall establish
4 reasonable fees for certified copies or certified transcripts
5 of records in the legal custody or physical custody of the
6 state archivist.

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

12 Sec. 92. Section 305.8, subsection 1, Code 2011, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. *0i.* Establish rates to be charged an agency
15 by the department for storage and retention of records of
16 the agency in a records storage facility maintained by the
17 department. Rates established shall be reviewed annually by
18 the department and shall be reasonably related to the cost of
19 storing and retaining records of an agency.

20 Sec. 93. Section 305.8, subsection 2, unnumbered paragraph
21 1, Code 2011, is amended to read as follows:

22 The ~~commission~~ department may do all of the following:

23 Sec. 94. Section 305.8, subsection 2, Code 2011, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. *0g.* Upon written consent of the state
26 archivist, accept records of political subdivisions that are
27 voluntarily transferred to the state archives.

28 Sec. 95. Section 305.8, subsection 2, paragraph e, Code
29 2011, is amended to read as follows:

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

35 Sec. 96. NEW SECTION. **305.8A Records retention and storage**

1 **costs — billing — internal service fund.**

2 1. The department may bill an agency for records storage
3 and retention services rendered by the department pursuant to
4 the rates established by the department for these services.
5 The department shall periodically render a billing statement
6 to an agency outlining the cost of services provided. The
7 amount indicated on the statement shall be paid by the agency
8 and amounts received by the department shall be considered
9 repayment receipts as defined in section 8.2, and deposited
10 into the accounts of the department.

11 2. *a.* The department may establish and maintain an internal
12 service fund in accordance with generally accepted accounting
13 principles, as defined in section 8.57, for the records storage
14 and retention activities of the department which are primarily
15 funded from billings to agencies for services rendered by the
16 department.

17 *b.* The internal service fund shall be administered by
18 the department and shall consist of moneys collected by the
19 department from billings issued in accordance with this section
20 and any other moneys obtained or accepted by the department,
21 including but not limited to gifts, loans, donations, grants,
22 and contributions, which are designated to support the
23 activities of the internal service fund.

24 *c.* The proceeds of the internal service fund established
25 pursuant to this section shall be used by the department
26 for the operations of the department in records storage and
27 retention consistent with this chapter.

28 *d.* Section 8.33 does not apply to any moneys in the
29 internal service fund established pursuant to this section.
30 Notwithstanding section 12C.7, subsection 2, interest or
31 earnings on moneys deposited in the fund shall be credited to
32 the fund.

33 *e.* The director of the department shall annually provide
34 financial information and reports relative to the internal
35 service fund established pursuant to this section to the

1 department of management and the general assembly. The
2 information provided may include the recommendation that a
3 portion of unexpended net income be periodically returned to
4 the appropriate funding source.

5 Sec. 97. Section 305.10, subsection 1, paragraphs c, d, e,
6 f, and j, Code 2011, are amended to read as follows:

7 c. Cooperate with the ~~state records commission~~ department
8 and the state archives and records program in the development
9 and implementation of government information policies,
10 standards, and guidelines, and in the development and
11 implementation of records series retention and disposition
12 schedules.

13 d. Comply with requests from the ~~state records commission~~
14 ~~or~~ department and the state archives and records program to
15 examine records in the possession, constructive possession, or
16 control of the agency in order to carry out the purposes of
17 this chapter.

18 e. Inventory agency records in accordance with ~~state~~
19 ~~records commission~~ department policies to draft records series
20 retention and disposition schedules.

21 f. Identify vital operating records in accordance with
22 the policies, standards, and guidelines of the ~~state records~~
23 ~~commission~~ department.

24 j. Provide for compliance with this chapter and the rules
25 adopted by the ~~state records commission~~ department.

26 Sec. 98. Section 305.10, subsection 2, Code 2011, is amended
27 to read as follows:

28 2. Agency heads may petition the ~~state records commission~~
29 department to create or modify government information policies,
30 standards, and guidelines, and to create or modify records
31 series retention and disposition schedules.

32 Sec. 99. Section 305.11, Code 2011, is amended to read as
33 follows:

34 **305.11 Termination of state agency — records transfer.**

35 Upon the termination of a state agency whose functions have

1 not been transferred to another agency, custody of the records
2 of the agency shall transfer to the ~~commission~~ department.

3 Sec. 100. Section 305.14, Code 2011, is amended to read as
4 follows:

5 **305.14 Liability precluded.**

6 No ~~member~~ employee of the ~~commission~~ department or head of
7 an agency shall be held liable for damages or loss, or civil
8 or criminal liability, because of the destruction of public
9 records pursuant to the provisions of this chapter or any other
10 law authorizing their destruction.

11 Sec. 101. Section 305.15, Code 2011, is amended to read as
12 follows:

13 **305.15 Exemptions — duties of state department of
14 transportation and state board of regents.**

15 The state department of transportation and the agencies and
16 institutions under the control of the state board of regents
17 are exempt from the state records manual and the provisions of
18 this chapter. However, the state department of transportation
19 and the state board of regents shall adopt rules pursuant to
20 chapter 17A for their employees, agencies, and institutions
21 that are consistent with the objectives of this chapter.
22 The rules shall be approved by the ~~state records commission~~
23 department.

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

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

29 Sec. 103. Section 321.31, subsection 1, paragraph b, Code
30 2011, is amended to read as follows:

31 *b.* The department may make photostatic, microfilm, or other
32 photographic copies of certificates of title, registration
33 receipts, or other records, reports or documents which are
34 required to be retained by the department. When copies have
35 been made, the department may destroy the original records in

1 such manner as prescribed by the director. The photostatic,
2 microfilm, or other photographic copies, when no longer of use,
3 may be destroyed in the manner prescribed by the director,
4 subject to the approval of the ~~state records commission~~
5 department of cultural affairs. Photostatic, microfilm, or
6 other photographic copies of records shall be admissible in
7 evidence when duly certified and authenticated by the officer
8 having custody and control of the copies of records. Records
9 of vehicle certificates of title may be destroyed seven years
10 after the date of issue.

11 Sec. 104. REPEAL. Sections 305.3, 305.5, 305.6, 305.7, and
12 305.9, Code 2011, are repealed.

13 Sec. 105. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

14 1. Any rule, regulation, form, order, or directive
15 promulgated by the state records commission relative to the
16 provisions of this Act in existence on the effective date of
17 this division of this Act shall continue in full force and
18 effect until amended, repealed, or supplemented by affirmative
19 action of the department of cultural affairs under the duties
20 and powers established in this division of this Act and under
21 the procedure established in subsection 2.

22 2. In regard to updating references and format in the Iowa
23 administrative code in order to correspond to the transferring
24 of duties as established in this division of this Act, the
25 administrative rules coordinator and the administrative rules
26 review committee, in consultation with the administrative code
27 editor, shall jointly develop a schedule for the necessary
28 updating of the Iowa administrative code.

29 DIVISION IX

30 DEPARTMENT OF TRANSPORTATION PROVISIONS

31 Sec. 106. Section 321.196, subsection 4, Code 2011, is
32 amended to read as follows:

33 4. The department in its discretion may authorize the
34 renewal of a valid driver's license other than a commercial
35 driver's license upon application without an examination

1 provided that the applicant meets one of the following
2 conditions:

3 a. The applicant satisfactorily passes a vision test as
4 prescribed by the department ~~or~~.

5 b. The applicant files a vision report in accordance with
6 section 321.186A which shows that the applicant's visual acuity
7 level meets or exceeds those required by the department.

8 c. The applicant is eligible for license renewal
9 electronically, pursuant to rules adopted by the department.

10 4A. An application for renewal of a driver's license shall
11 include a statement for the applicant to sign that acknowledges
12 the applicant's knowledge of the requirement to notify the
13 department of a mailing address change under section 321.182,
14 subsection 1.

15 Sec. 107. REPEAL. Section 321.116, Code 2011, is repealed.

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

25 Sec. 109. EFFECTIVE UPON ENACTMENT. The following
26 provisions of this division of this Act, being deemed of
27 immediate importance, take effect upon enactment:

28 1. The section of this division of this Act amending section
29 321.196, subsection 4.

30 2. The section of this division of this Act authorizing the
31 adoption of emergency rules.

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

35

DIVISION X

1 REPORT — STATE DEBT COORDINATOR

2 Sec. 111. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE
3 DEBT COORDINATOR — REPORT. The director of the department
4 of revenue shall develop and recommend legislative proposals
5 deemed necessary for the continued efficiency of the functions
6 of the office of the state debt coordinator established in
7 section 421C.1, and shall prepare and file a report detailing
8 the recommendations. The report shall be filed by the director
9 of the department of revenue with the department of management,
10 the governor, and the general assembly no later than January
11 14, 2013.

12 DIVISION XI

13 POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

14 Sec. 112. Section 455B.481, subsections 1 through 3, Code
15 2011, are amended to read as follows:

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

27 2. ~~It is also the intent of the general assembly that a~~
28 ~~comprehensive waste management plan be established by the~~
29 ~~department which includes: the determination of need and~~
30 ~~adequate regulatory controls prior to the initiation of site~~
31 ~~selection; the process for selecting a superior site determined~~
32 ~~to be necessary; the establishment of a process for a site~~
33 ~~community to submit or present data, views, or arguments~~
34 ~~regarding the selection of the operator and the technology~~
35 ~~that best ensures proper facility operation; the prohibition~~

1 ~~of shallow land burial of hazardous and low-level radioactive~~
 2 ~~wastes; the establishment of a regulatory framework for a~~
 3 ~~facility; and the establishment of provisions for the safe~~
 4 ~~and orderly development, operation, closure, postclosure, and~~
 5 ~~long-term monitoring and maintenance of the facility.~~

6 3. 2. ~~In order to meet capacity assurance requirements~~
 7 ~~of section 104k of the federal Superfund Amendments and~~
 8 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
 9 ~~the objectives of waste minimization, the The department, in~~
 10 ~~cooperation with the small-business assistance Iowa waste~~
 11 ~~reduction center at the university of northern Iowa, shall work~~
 12 ~~with generators of hazardous wastes in the state to develop and~~
 13 ~~implement aggressive waste minimization programs. The goal~~
 14 ~~of these programs is to reduce the volume of hazardous waste~~
 15 ~~generated in the state as a whole by twenty-five percent of~~
 16 ~~the amount generated as of January 1, 1987, as reported in the~~
 17 ~~biennial reports collected by the United States environmental~~
 18 ~~protection agency. The twenty-five percent reduction goal~~
 19 ~~shall be reached as expeditiously as possible and no later than~~
 20 ~~July 1, 1994. In meeting the reduction goal, elements "a"~~
 21 ~~through "d" of the hazardous waste management hierarchy shall~~
 22 ~~be utilized. The department, in cooperation with the small~~
 23 ~~business assistance center, shall reassess the twenty-five~~
 24 ~~percent reduction goal in 1994. The department shall promote~~
 25 ~~research and development, provide and promote educational~~
 26 ~~and informational programs, promote and encourage provide~~
 27 ~~confidential, voluntary technical assistance to hazardous waste~~
 28 ~~generators, promote assistance by the small-business assistance~~
 29 ~~Iowa waste reduction center, and promote other activities by~~
 30 ~~the public and private sectors that support this goal. In~~
 31 ~~the promotion of the goal, the following hazardous waste~~
 32 ~~management pollution prevention hierarchy, in descending order~~
 33 ~~of preference, is established by the department:~~

34 a. Source reduction for waste elimination.

35 b. Reuse.

1 c. On-site recycling.

2 ~~e.~~ d. Off-site recycling.

3 ~~d.~~ e. Waste treatment.

4 ~~e.~~ f. ~~Incineration~~ Combustion with energy recovery.

5 ~~f.~~ g. Land disposal.

6 Sec. 113. Section 455B.481, subsections 4 and 5, Code 2011,
7 are amended by striking the subsections.

8 Sec. 114. Section 455B.482, Code 2011, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 7A. "*Pollution prevention*" means employment
11 of a practice that reduces the industrial use of toxic
12 substances or reduces the environmental and health hazards
13 associated with an environmental waste without diluting or
14 concentrating the waste before the release, handling, storage,
15 transport, treatment, or disposal of the waste.

16 Sec. 115. Section 455B.484, Code 2011, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 1A. Implement the waste management policy
19 provided in section 455B.481.

20 Sec. 116. Section 455B.484, subsections 2, 3, 4, 6, 7, 9,
21 and 10, Code 2011, are amended by striking the subsections.

22 Sec. 117. Section 455B.484A, subsection 1, paragraph c,
23 Code 2011, is amended to read as follows:

24 *c.* "*Assistance program*" means the ~~waste reduction assistance~~
25 pollution prevention program of the department or of the Iowa
26 waste reduction center for safe and economic management of
27 solid waste and hazardous substances conducted pursuant to
28 section 268.4.

29 Sec. 118. Section 455B.485, subsections 3 and 5, Code 2011,
30 are amended by striking the subsections.

31 Sec. 119. Section 455B.486, subsection 1, Code 2011, is
32 amended by striking the subsection.

33 Sec. 120. Section 455B.487, unnumbered paragraph 1, Code
34 2011, is amended to read as follows:

35 The commission shall adopt rules establishing criteria for

1 the identification of land areas or sites which are suitable
2 for the operation of facilities for the management of ~~hazardous~~
3 ~~and~~ low-level radioactive wastes. Upon request, the department
4 shall assist in locating suitable sites for the location of
5 a facility. The commission may purchase or condemn land to
6 be leased or used for the operation of a facility subject to
7 chapter 6A. Consideration for a contract for purchase of land
8 shall not be in excess of funds appropriated by the general
9 assembly for that purpose. The commission may lease land
10 purchased under this section to any person including the state
11 or a state agency. This section authorizes the state to own or
12 operate ~~hazardous waste facilities and~~ low-level radioactive
13 waste facilities, subject to the approval of the general
14 assembly.

15 Sec. 121. Section 455B.487, unnumbered paragraph 11, Code
16 2011, is amended by striking the unnumbered paragraph.

17 Sec. 122. Section 455B.487, subsections 1 through 3, Code
18 2011, are amended by striking the subsections.

19 Sec. 123. Section 455D.1, Code 2011, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 4A. *"Pollution prevention techniques"* means
22 any of the following practices employed by the user of a toxic
23 substance:

24 a. Input substitution, which is the replacement of a toxic
25 substance or raw material used in a production process with a
26 nontoxic or less toxic substance.

27 b. Product reformulation, which is the substitution of an
28 end product which is nontoxic or less toxic upon use or release
29 for an existing end product.

30 c. Production process redesign or modification, which is
31 the development and use of production processes of a different
32 design other than those currently in use.

33 d. Production process modernization, which is the upgrading
34 or replacing of existing production process equipment or
35 methods with other equipment or methods based on the same

1 production process.

2 e. Improved operation and maintenance of existing production
3 process equipment and methods, which is the modification or
4 addition to existing equipment or methods, including but not
5 limited to such techniques as improved housekeeping practices,
6 system adjustments, product and process inspections, and
7 production process control equipment or methods.

8 f. Recycling, reuse, or extended use of toxic substances by
9 using equipment or methods that become an integral part of the
10 production process.

11 Sec. 124. Section 455D.5, subsection 2, paragraph h, Code
12 2011, is amended to read as follows:

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

21 Sec. 125. Section 455D.7, subsection 1, Code 2011, is
22 amended to read as follows:

23 1. Unless otherwise specified in this chapter, adopt rules
24 necessary to implement this chapter pursuant to chapter 17A.
25 ~~Initial rules shall be adopted no later than April 1, 1992.~~

26 Sec. 126. Section 455D.7, subsection 4, Code 2011, is
27 amended by striking the subsection.

28 Sec. 127. Section 455D.15, subsection 2, Code Supplement
29 2011, is amended by striking the subsection and inserting in
30 lieu thereof the following:

31 2. The fund shall be utilized by the department for
32 providing technical assistance to Iowa businesses in developing
33 and implementing pollution prevention techniques.

34 Sec. 128. Section 455D.15, subsection 3, Code Supplement
35 2011, is amended by striking the subsection.

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

3 Sec. 130. REPEAL. Sections 455B.516, 455B.517, and
4 455B.518, Code 2011, are repealed.

5 DIVISION XII

6 ONGOING PROGRAM REVIEW

7 Sec. 131. Section 2.69, subsection 4, Code 2011, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *oc.* Comprehensively review on a regular
10 basis the programs and projects administered by state
11 government to determine whether each program and project
12 reviewed is effectively and efficiently meeting the needs for
13 which created, and whether the needs remain applicable. The
14 review shall consider whether modifications to the program or
15 project reviewed could better meet the needs identified in a
16 more effective manner.

17 DIVISION XIII

18 BOARDS AND COMMISSIONS

19 Sec. 132. Section 34A.2A, subsection 2, Code 2011, is
20 amended to read as follows:

21 2. The E911 program manager shall act under the supervisory
22 control of the administrator of the homeland security and
23 emergency management division of the department of public
24 defense, and in consultation with the ~~E911 communications~~
25 ~~council~~ state interoperable communications system board
26 established in section 80.28, and perform the duties
27 specifically set forth in this chapter and as assigned by the
28 administrator.

29 Sec. 133. Section 34A.7A, subsection 2, paragraph h, Code
30 2011, is amended to read as follows:

31 *h.* The administrator, in consultation with the program
32 manager and the ~~E911 communications council~~ state interoperable
33 communications system board established in section 80.28, shall
34 adopt rules pursuant to chapter 17A governing the distribution
35 of the surcharge collected and distributed pursuant to this

1 subsection. The rules shall include provisions that all joint
2 E911 service boards and the department of public safety which
3 answer or service wireless E911 calls are eligible to receive
4 an equitable portion of the receipts.

5 Sec. 134. Section 34A.15, subsection 3, Code Supplement
6 2011, is amended to read as follows:

7 3. The council shall advise and make recommendations to
8 the ~~administrator and program manager~~ state interoperable
9 communications system board established in section 80.28
10 regarding the implementation of this chapter. Such advice and
11 recommendations shall be provided on issues at the request
12 of the ~~administrator or program manager~~ state interoperable
13 communications system board established in section 80.28 or as
14 deemed necessary by the council.

15 Sec. 135. Section 80.29, Code 2011, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 12A. Advise and make recommendations, in
18 consultation with the E911 communications council established
19 in section 34A.15, to the director of the department of
20 homeland security and emergency management and the E911 program
21 manager appointed pursuant to section 34A.2A regarding the
22 implementation of chapter 34A. Such advice and recommendations
23 shall be provided on issues at the request of the director or
24 program manager or as deemed necessary by the board. However,
25 the authority of the board as to this duty is limited to the
26 issues specifically identified in this subsection and does
27 not preempt the authority of the utilities board, created in
28 section 474.1, to act on issues within the jurisdiction of the
29 utilities board.

30 Sec. 136. Section 190A.3, subsection 4, Code 2011, is
31 amended to read as follows:

32 4. The ~~farm-to-school council~~ department of agriculture and
33 land stewardship and the department of education shall actively
34 seek financial or in-kind contributions from organizations or
35 persons to support the program.

1 Sec. 137. Section 256.9, subsection 55, paragraph j, Code
2 Supplement 2011, is amended by striking the paragraph.

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

4 Sec. 139. MULTIPLE AMENDMENTS — HARMONIZATION AND
5 PREVALENCE.

6 1. The amendments in this division of this Act and in
7 the division of this Act creating a department of homeland
8 security and emergency management to section 34A.2A, subsection
9 2, and section 34A.7A, subsection 2, paragraph "h", shall be
10 harmonized by the Code editor in accordance with section 2B.13.

11 2. If section 34A.15, subsection 3, is amended in this
12 division of this Act and in the division of this Act creating a
13 department of homeland security and emergency management, the
14 amendments are deemed irreconcilable and the amendment in this
15 division of this Act shall prevail.

16 DIVISION XIV

17 OBSOLETE PROVISIONS

18 Sec. 140. REPEAL. Section 15.112, Code Supplement 2011, is
19 repealed.

20 Sec. 141. REPEAL. Chapters 15C and 15D, Code 2011, are
21 repealed.