

# **Government Efficiency Bill Senate File 2338**

Last Action:  
**Senate Appropriations  
Committee**  
April 17, 2012

**An Act relating to government operations and efficiency and other related matters and including effective date provisions.**

**Fiscal Services Division  
Legislative Services Agency**

## **NOTES ON BILLS AND AMENDMENTS (NOBA)**

Available on line at <http://www.legis.iowa.gov/LSA/Reports/noba.aspx>  
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## SF 2338 - Senate Government Efficiency Bill

### Fiscal Summary

Bill Div/Sec	Minimum Estimate	Maximum Estimate	Comments
<b>Expenditure Reductions:</b>			
1 Duplex Printing (DAS)	\$ 138,000	\$ 138,000	DAS estimate. Annual savings.
2 & 3 IT Coordination (DAS)	0	0	Max. potential savings of \$10.9 million when fully implemented. May not all be General Fund savings.
Div. III Medication Therapy Management (MTM)	0	3,914,000	Cost avoidance as reported by pilot project vendor. Savings cannot be verified or disputed by DAS.
Div. VIII Move Office of Drug Control Policy to Public Safety	undetermined	undetermined	Savings will depend on the amount appropriated to continue the Office's operations.
93 Electronic Notification (Limitation on Mail)	undetermined	undetermined	Savings will result but cannot be estimated.
Div. X State Records	227,000	227,000	Assumes a separate appropriation for records storage rent will not be made.
119 Electric Motor Vehicle Registration Fees	1,365	1,365	Changes the annual flat fee to the weight/value calculation.
143-146 Eliminate E911 Communications System Board	15,000	15,000	This is a savings to the Wireless E911 Emergency Communications Fund.
Total Expenditure Reductions	<u>\$ 381,365</u>	<u>\$ 4,295,365</u>	
<b>Expenditure Increases:</b>			
Div. III MTM Program	\$ 0	\$ 510,000	Contingent appropriation of \$510,000 in Admin/Reg Approps Bill from Board of Pharmacy fees.
Div. IV Employee Work Environment Analysis	10,000	10,000	DAS estimate. One-time cost.
Div. V State Auditor Loss of Revenue	33,000	33,000	A reduction in the Auditor's fee revenue. Assumes they will incur expense from General Fund budget.
Div. X State Records	227,000	227,000	Increased cost to agencies for records storage billed through the Dept. of Cultural Affairs.
Total Expenditure Increases	<u>\$ 270,000</u>	<u>\$ 780,000</u>	
<b>Overall Impact (Reductions less Increases)</b>	<u>\$ 111,365</u>	<u>\$ 3,515,365</u>	

NOTE: Provisions with minimal or no impact are not listed on this table.

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	3	1	Amend Free-form	8A.205.2.g	
2	34	5	New	8A.441	
5	34	8	Amend	11.6.10	
6	13	9	Amend	182.18.1	
6	27	10	Amend	184.14.2	
7	8	11	Amend	184A.6.2	
7	18	12	Amend	184A.9	
7	26	13	Amend	185C.26	
8	21	15	Amend	7E.5.1.p	
8	26	16	Add	7E.5.1.w	
9	1	17	Amend	8A.202.5.e	
9	17	18	Amend	8D.2.5.b	
9	28	19	Amend	8D.9.3	
10	18	20	Amend	16.191.2.e	
10	23	21	Amend	22.7.45	
11	17	22	Amend	23A.2.10.m	
11	23	23	Amend	29.1	
12	2	24	Amend	29.2A	
12	8	25	Amend	29A.3A.4.a	
12	15	26	Amend	29A.12.1	
13	2	27	Amend	29A.56	
13	11	28	Amend	29C.1.1	
13	18	29	Add	29C.2.1A,1B	
13	24	30	Amend	29C.5	
14	10	31	Amend	29C.8	
17	27	32	Amend	29C.8A.2	
17	33	33	Amend Free-form	29C.9.1,5,7,8,10	
19	11	34	Amend	29C.11.1	
19	23	35	Amend	29C.12	
19	34	36	Amend	29C.12A	
20	10	37	Amend	29C.14	
20	20	38	Amend	29C.18.1	
20	28	39	Amend	29C.20B	
21	28	40	Amend	29C.22.3.c	
22	2	41	Amend	29C.22.11.b,c	
22	21	42	Amend	30.2.1,2	
23	18	43	Amend	30.5.2	
23	29	44	Amend	30.9	

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
24	26	45	Amend	34A.2.2	
24	31	46	Amend	34A.2A	
25	10	47	Amend	34A.6.3	
25	16	48	Amend	34A.7A.1.a	
25	25	49	Amend	34A.7A.2.a,h	
26	7	50	Amend	34A.15.3	
26	15	51	Amend	35A.5.16	
26	24	52	Amend	80.28.2.a.(3)	
26	28	53	Amend	80B.11C	
27	16	54	Amend	97B.49B.1.e.(8)	
27	21	55	Amend	100B.22.1.a	
29	7	56	Amend	135.141.2.a,j	
29	26	57	Amend	135.145.1,2	
30	11	58	Amend	163.3A.2	
30	21	59	Amend	163.51.2.b	
30	34	60	Amend	305.8.1.b	
31	8	61	Amend	455B.266.1.d	
31	14	62	Amend	455B.385	
31	29	63	Amend	466B.3.4.d	
31	34	64	Repeal	29.2,29.3,29C.7	
32	16	66	Amend	12.87.12	
32	25	67	Amend	16.193.1	
33	3	68	Amend	16.194.2	
33	11	69	Amend	16.194.4.u1	
33	16	70	Amend	16.194.7	
33	23	71	Amend	16.194.8.u1	
33	27	72	Amend	16.194.9.b	
33	35	73	Amend	16.194.10	
34	6	74	Amend	16.194A.2,7,9,10	
34	30	75	Amend	16.194A.4.u1	
34	35	76	Amend	16.194A.8.u1	
35	4	77	Amend	16.195	
35	28	78	Amend	16.196	
38	33	79	Amend	16.197	
39	23	81	Repeal	16.191,16.192	
39	27	82	Amend	80.8.3.a	
40	3	83	Add	80.9.10	
40	9	84	Add	80.17.1.g	

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
40	12	85	Amend	80E.1.1	
40	25	86	Amend	80E.1.2.a	
41	6	87	Amend	124.101.21	
41	10	88	Amend	135.130.2	
41	24	89	Amend	216A.132.1.b	
41	32	90	Amend	216A.140.5.h	
41	35	91	Amend	602.8108.4	
42	11	92	Add	22.7.65	
42	29	94	Amend	96.11.11	
43	13	95	Amend	305.2.2	
43	20	96	Strike	305.2.3,5	
43	22	97	Add	305.2.4A	
43	26	98	Amend	305.2.10	
43	35	99	Amend	305.4.u1	
44	4	100	Amend	305.8.1.u1	
44	7	101	Add	305.8.1.0e	
44	12	102	Add	305.8.1.0f,00f,000f,0000f,00000f,000000f	
45	18	103	Add	305.8.1.0i	
45	26	104	Amend	305.8.2.u1	
45	29	105	Add	305.8.2.0g	
45	34	106	Amend	305.8.2.e	
46	6	107	New	305.8A	
47	11	108	Amend	305.10.1.c,d,e,f,j	
47	32	109	Amend	305.10.2	
48	3	110	Amend	305.11	
48	9	111	Amend	305.14	
48	17	112	Amend	305.15	
48	30	113	Amend	305.16.6.b.(1)	
48	35	114	Amend	321.31.1.b	
49	17	115	Repeal	305.3,305.5,305.6,305.7,305.9	
50	2	117	Amend	321.105A.7	
50	16	118	Amend	321.196.4	
50	35	119	Repeal	321.116	
51	34	124	Amend Free-form	455B.481.1-3	
53	26	125	Strike	455B.481.4,5	
53	28	126	Add	455B.482.7A	
54	1	127	Add	455B.484.1A	
54	5	128	Strike	455B.484.2,3,4,6,7,9,10	

Senate File 2338 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
54	7	129	Amend	455B.484A.1.c	
54	14	130	Strike	455B.485.3,5	
54	16	131	Strike	455B.486.1	
54	18	132	Amend	455B.487.u1	
54	35	133	Strike	455B.487.u11	
55	2	134	Strike	455B.487.1-3	
55	4	135	Add	455D.1.4A	
55	31	136	Amend	455D.7.1	
56	1	137	Strike	455D.7.4	
56	3	138	Strike and Replace	455D.15.2	
56	9	139	Strike	455D.15.3	
56	11	140	Strike	455E.8.2,3	
56	13	141	Repeal	455B.516,455B.517,455B.518	
56	17	142	Add	2.69.4.0c	
56	29	143	Amend	34A.2A.2	
57	4	144	Amend	34A.7A.2.h	
57	15	145	Amend	34A.15.3	
57	25	146	Add	80.29.12A	
58	5	147	Amend	190A.3.4	
58	11	148	Strike	256.9.55.j	
58	13	149	Repeal	190A.2	
58	28	151	Repeal	15.112	
58	30	152	Repeal	15C,15D, 28K	

<p>1 1 DIVISION I</p> <p>1 2 GOVERNMENT INFORMATION TECHNOLOGY SERVICES</p> <p>1 3 Section 1. Section 8A.205, subsection 2, paragraph g, Code</p> <p>1 4 2011, is amended to read as follows:</p> <p>1 5 g. Encourage participating agencies to utilize <u>duplex</u></p> <p>1 6 <u>printing and</u> a print on demand strategy to reduce <u>printing</u></p> <p>1 7 <u>costs</u>, publication overruns, excessive inventory, and obsolete</p> <p>1 8 printed materials.</p> <p>1 9 Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES —</p> <p>1 10 INFORMATION TECHNOLOGY DEVICE INVENTORY.</p> <p>1 11 1. The department of administrative services shall complete</p> <p>1 12 an inventory of information technology devices utilized by the</p> <p>1 13 department and participating agencies, as defined in section</p> <p>1 14 8A.201. The department shall conduct the inventory with the</p> <p>1 15 goal of identifying potential information technology device</p> <p>1 16 upgrades, changes, or other efficiencies that will meet the</p> <p>1 17 information technology needs of the applicable department or</p> <p>1 18 agency at reduced cost to the state.</p> <p>1 19 2. The department shall submit a report to the general</p> <p>1 20 assembly by January 1, 2013, describing the department's</p> <p>1 21 actions as required by this section. The report shall,</p> <p>1 22 if applicable, identify any statutory barriers or needed</p> <p>1 23 technology investments for pursuing efforts described in this</p> <p>1 24 section and shall include in the report its findings and any</p> <p>1 25 recommendations for legislative action.</p> <p>1 26 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES —</p> <p>1 27 INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.</p> <p>1 28 1. The department of administrative services, in accordance</p> <p>1 29 with the requirements of 2010 Acts, chapter 1031, and Code</p> <p>1 30 section 8A.202, subsection 2, paragraph "g", to coordinate and</p> <p>1 31 manage information technology services within the department,</p> <p>1 32 shall establish a schedule by which all departments subject</p> <p>1 33 to the requirements of that Act and chapter 8A shall comply</p> <p>1 34 with these requirements. The schedule shall provide for</p> <p>1 35 implementation of the requirements to all affected state</p> <p>2 1 agencies and departments by December 31, 2013. The department</p> <p>2 2 shall submit a copy of the schedule to the general assembly</p> <p>2 3 by July 31, 2012, and shall provide periodic updates to the</p> <p>2 4 general assembly on the progress of meeting the time deadlines</p> <p>2 5 contained in the schedule.</p> <p>2 6 2. In procuring information technology as provided in</p>	<p>Encourages State agencies to use duplex printing to reduce printing costs.</p> <p>FISCAL IMPACT: The Department of Administrative Services (DAS) estimates potential annual savings of \$138,000. The estimated savings affects multiple funding sources. The savings associated with the General Fund cannot be separated out from the estimated.</p> <p>Requires the DAS to complete an inventory of information technology (IT) devices and equipment with a goal of identifying efficiencies to reduce costs. Requires the DAS to submit a status report to the General Assembly by January 1, 2013, that also identifies any statutory barriers and additional technology investments that may be needed to improve efficiencies and reduce costs.</p> <p>Requires the DAS to coordinate and manage IT services and to establish an implementation schedule for IT consolidation. The schedule is to be submitted to the General Assembly by July 31, 2012, and requires implementation by affected departments and agencies by December 31, 2013. Directs the DAS to explore procuring information technology through leasing.</p> <p>DETAIL: Since the enactment of SF 2088 (FY 2011 Government Reorganization Act), the DAS has been implementing consolidation of the State's information technology. The DAS reported savings of \$149,000 in FY 2010 and an annual cost avoidance of \$1,000,000 since FY 2011.</p> <p>The DAS continues to proceed with consolidation of IT services. Consolidation of e-mail messaging is 80.00% complete. Other functions are being addressed and potential savings or cost avoidance</p>
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2 7 section 8A.207, the department of administrative services  
 2 8 should explore strategies of procuring information technology  
 2 9 through leasing.

have been estimated. The DAS has revised statewide estimates for consolidations as follows:

- IT personnel: \$7,240,000
- Desktop, laptop, and related purchasing: \$840,000
- Servers: \$600,000
- Networks: \$1,060,000
- Printers and printing: \$200,000
- Data centers, server farms, and data storage and backup: \$1,000,000

The estimated annual savings totals \$10,940,000 and represents statewide savings to all agencies from multiple funding sources once fully implemented.

2 10  
 2 11 DIVISION II  
 HEALTH INSURANCE TASK FORCE

2 12 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE TASK FORCE.

2 13 1. A state employee health insurance task force is created  
 2 14 under the authority of the legislative council. Members of  
 2 15 the task force shall be appointed by the legislative council  
 2 16 and shall include but not be limited to members of the  
 2 17 general assembly; representatives of employee organizations  
 2 18 representing state employees; representatives of employers of  
 2 19 state employees, including the judicial branch; representatives  
 2 20 involved in administering employee health benefits from the  
 2 21 department of administrative services; and representatives from  
 2 22 insurers providing group health insurance to state employees.

2 23 2. The task force shall examine all aspects of providing  
 2 24 health care coverage to state employees and their families  
 2 25 with the goal of providing quality health care coverage at an  
 2 26 affordable cost. The task force shall examine strategies for  
 2 27 reducing the cost of health care coverage, including but not  
 2 28 limited to wellness and other comparable programs.

2 29 3. The task force shall submit a report, including its  
 2 30 findings and recommendations, to the general assembly by  
 2 31 December 31, 2012.

Creates a Health Insurance Task Force under the Legislative Council for the purpose of examining all aspects of health care coverage for state employees and their families. The Task Force is charged with reviewing strategies for reducing health care costs while providing quality coverage. Requires the Task Force to submit a report to the General Assembly by December 31, 2012.

2 32  
 2 33 DIVISION III  
 MEDICATION THERAPY MANAGEMENT

2 34 Sec. 5. NEW SECTION 8A.441 MEDICATION THERAPY MANAGEMENT.

2 35 1. As used in this section, unless the context otherwise  
 3 1 requires:

CODE: Establishes the Medication Therapy Management (MTM) Program for State employees, except for employees of the Board of



3 2 a. "Eligible employee" means an employee of the state, with  
 3 3 the exception of an employee of the state board of regents or  
 3 4 institutions under the state board of regents, for whom group  
 3 5 health plans are established pursuant to chapter 509A providing  
 3 6 for third-party payment or prepayment for health or medical  
 3 7 expenses.

3 8 b. "Medication therapy management" means a systematic  
 3 9 process performed by a licensed pharmacist, designed to improve  
 3 10 quality outcomes for patients and lower health care costs,  
 3 11 including emergency room, hospital, provider, and other costs,  
 3 12 by optimizing appropriate medication use linked directly to  
 3 13 achievement of the clinical goals of therapy. Medication  
 3 14 therapy management shall include all of the following services:

3 15 (1) A medication therapy review and in-person consultation  
 3 16 relating to all medications, vitamins, and herbal supplements  
 3 17 currently being taken by an eligible individual.

3 18 (2) A medication action plan, subject to the limitations  
 3 19 specified in this section, communicated to the individual and  
 3 20 the individual's primary care physician or other appropriate  
 3 21 prescriber to address issues including appropriateness,  
 3 22 effectiveness, safety, drug interactions, and adherence. The  
 3 23 medication action plan may include drug therapy recommendations  
 3 24 to prescribers that are needed to meet clinical goals and  
 3 25 achieve optimal patient outcomes.

3 26 (3) Documentation and follow-up to ensure consistent levels  
 3 27 of pharmacy services and positive outcomes.

3 28 2. a. The department shall utilize a request for proposals  
 3 29 process and shall enter into a contract for the provision of  
 3 30 medication therapy management services for eligible employees  
 3 31 who meet any of the following criteria:

3 32 (1) An individual who takes four or more prescription drugs  
 3 33 to treat or prevent two or more chronic medical conditions.

3 34 (2) An individual with a prescription drug therapy problem  
 3 35 who is identified by the prescribing physician or other  
 4 1 appropriate prescriber, and referred to a pharmacist for  
 4 2 medication therapy management services.

4 3 (3) An individual who meets other criteria established by  
 4 4 the third-party payment provider contract, policy, or plan.

Regents. Defines medication therapy management as a systematic process performed by a licensed pharmacist, designed to optimize therapeutic outcomes through improved medication use and reduced risk of adverse drug events including:

- A review of all medications, vitamins, and supplements being taken by an eligible individual.
- A medication action plan communicated to the individual and the individual's primary health physician. The action plan may include recommendations to the prescriber for drug therapy.
- Documentation and follow-up to ensure consistent levels of pharmacy services and positive outcomes.

DETAIL: An MTM pilot project was implemented in FY 2011. The DAS entered into a contract with a private vendor to implement the requirements of the legislation in July 2010. The vendor provided periodic updates throughout the fiscal year detailing the activity of the Program.

FISCAL IMPACT: At the end of FY 2011, the results reported by the vendor to the DAS indicated a total estimated cost avoidance of \$3,914,000 to the State. The DAS stated that the cost avoidance estimate reported by the vendor could not be validated nor disputed. It is possible that the establishment of the Program on a permanent basis would, at least initially, yield similar results in terms of cost avoidance.

NOTE: Senate File 2313 (Administration and Regulation Appropriations Bill) makes a contingent transfer of \$510,000 from the fees collected by the Board of Pharmacy, to the DAS, for the MTM Program. The transfer is contingent on enactment of legislation authorizing the Program during the 2012 Legislative Session.

CODE: Requires the DAS to enter into a contract for MTM services for employees that meet certain eligibility criteria.

4 5 b. The contract shall require the entity to provide annual  
 4 6 reports to the general assembly detailing the costs, savings,  
 4 7 estimated cost avoidance and return on investment, and improved  
 4 8 patient outcomes related to the medication therapy management  
 4 9 services provided. The entity shall guarantee demonstrated  
 4 10 annual savings for overall health care costs, including  
 4 11 emergency room, hospital, provider, and other costs, with  
 4 12 savings including associated cost avoidance, at least equal  
 4 13 to the program's costs with any shortfall amount refunded to  
 4 14 the state. The contract shall include terms, conditions,  
 4 15 and applicable measurement standards associated with the  
 4 16 demonstration of savings. The department shall verify the  
 4 17 demonstrated savings reported by the entity were achieved in  
 4 18 accordance with the agreed upon measurement standards. The  
 4 19 entity shall be prohibited from using the entity's employees to  
 4 20 provide the medication therapy management services and shall  
 4 21 instead be required to contract with licensed pharmacies,  
 4 22 pharmacists, or physicians.

4 23 c. The department may establish an advisory committee  
 4 24 comprised of an equal number of physicians and pharmacists  
 4 25 to provide advice and oversight in evaluating the results of  
 4 26 the program. The department shall appoint the members of the  
 4 27 advisory committee based upon designees of the Iowa pharmacy  
 4 28 association, the Iowa medical society, and the Iowa osteopathic  
 4 29 medical association.

4 30 d. The fees for pharmacist-delivered medication therapy  
 4 31 management services shall be separate from the reimbursement  
 4 32 for prescription drug product or dispensing services; shall  
 4 33 be determined by each third-party payment provider contract,  
 4 34 policy, or plan; and must be reasonable based on the resources  
 4 35 and time required to provide the service.

5 1 e. A fee shall be established for physician reimbursement  
 5 2 for services delivered for medication therapy management as  
 5 3 determined by each third-party payment provider contract,  
 5 4 policy, or plan, and must be reasonable based on the resources  
 5 5 and time required to provide the service.

5 6 f. If any part of the medication therapy management  
 5 7 plan developed by a pharmacist incorporates services which  
 5 8 are outside the pharmacist's independent scope of practice  
 5 9 including the initiation of therapy, modification of dosages,  
 5 10 therapeutic interchange, or changes in drug therapy, the  
 5 11 express authorization of the individual's physician or other  
 5 12 appropriate prescriber is required.

CODE: Requires the contractor that administers the Program to provide annual reports to the General Assembly concerning costs, savings, estimated cost avoidance, and return on investment. Requires the contractor to guarantee an annual savings associated with cost avoidance that is at least equal to the Program's cost. Any shortfall between the calculated cost avoidance and the Program's cost is to be refunded to the State. Requires the DAS to verify that the demonstrated savings reported by the contractor were achieved.

Permits the DAS to form an advisory committee comprised of physicians and pharmacists to provide advice and oversight regarding the request for proposals and the program evaluation process.

Specifies that the fees for pharmacist-related MTM services be separate from the reimbursement for pharmacy-related services. Requires the fees to be reasonable and to be determined by each third-party payment provider contract.

Specifies that the fees for physician-related MTM services to be reasonable and to be determined by each third-party payment provider contract.

Specifies that if any part of the MTM plan developed by a pharmacist incorporates services outside the pharmacist's scope of practice, authorization of an individual's physician is required.

5 13 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this  
 5 14 Act, being deemed of immediate importance, takes effect upon  
 5 15 enactment.

This Division is effective on enactment.

5 16 DIVISION IV  
 5 17 STATE PHYSICAL RESOURCES

5 18 Sec. 7. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS  
 5 19 AND REPORT. By September 30, 2012, the department of  
 5 20 administrative services shall conduct a high level needs  
 5 21 analysis of state employee work stations and office standards,  
 5 22 assessing adequate square footage needs, and creating healthy,  
 5 23 productive, and efficient work environments in an economical  
 5 24 manner. Overall objectives of the analysis shall include  
 5 25 improving employee density; properly allocating space for  
 5 26 individual and group work; improving worker health and  
 5 27 safety; improving technology integration; and improving energy  
 5 28 efficiency and sustainability in state offices. The department  
 5 29 shall submit findings and recommendations to the capitol  
 5 30 planning commission and to the legislative fiscal committee by  
 5 31 October 30, 2012.

Requires the DAS to analyze State employee work stations and office standards with the objective of making recommendations for improving employee work space density, properly allocating individual and group work space, improving worker health and safety, improving technology integration, and energy efficiency and sustainability in state offices. Requires the DAS to submit a report to the Capitol Planning Commission and to the Legislative Fiscal Committees by October 30, 2012.

FISCAL IMPACT: The DAS has indicated they may need to hire a consultant to evaluate State employee work environments relative to market trends and private sector standards. The cost of a consultant is estimated at \$10,000.

5 32 DIVISION V  
 5 33 AUDITS

5 34 Sec. 8. Section 11.6, subsection 10, Code Supplement 2011,  
 5 35 is amended to read as follows:  
 6 1 10. The auditor of state shall adopt rules in accordance  
 6 2 with chapter 17A to establish and collect a filing fee for  
 6 3 the filing of each report of audit or examination conducted  
 6 4 pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "a"  
 6 5 and "c", subsection 2, and subsection 3. The funds collected  
 6 6 shall be maintained in a segregated account for use by the  
 6 7 office of the auditor of state in performing audits conducted  
 6 8 pursuant to subsection 4 and for work paper reviews conducted  
 6 9 pursuant to subsection 5. Any funds collected by the auditor  
 6 10 pursuant to subsection 4 shall be deposited in this account.  
 6 11 Notwithstanding section 8.33, the funds in this account shall  
 6 12 not revert at the end of any fiscal year.

CODE: Exempts community mental health centers (established in Chapter 230A), substance abuse programs (established in Chapter 125), and community action agencies from being charged a filing fee by the Auditor of State.

DETAIL: This Section makes a corrective change to the Iowa Code that was enacted in HF 536 (Audits of Public Financial Activities Act) during the 2011 Legislative Session, and inadvertently charged these organizations an audit report filing fee.

6 13 Sec. 9. Section 182.18, subsection 1, Code 2011, is amended  
 6 14 to read as follows:  
 6 15 1. Moneys collected under this chapter are subject to audit  
 6 16 by the auditor of state and shall be used by the Iowa sheep and  
 6 17 wool promotion board first for the payment of collection and  
 6 18 refund expenses, second for payment of the costs and expenses

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Sheep and Wool Promotion Board.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$5,500 annually and will require the Auditor to use other resources to cover the audit costs.

6 19 arising in connection with conducting referendums, ~~and third~~  
 6 20 ~~for the purposes identified in section 182.11, and fourth for~~  
 6 21 ~~the cost of audits for the auditor of state.~~ Moneys of the  
 6 22 board remaining after a referendum is held at which a majority  
 6 23 of the voters favor termination of the board and the assessment  
 6 24 shall continue to be expended in accordance with this chapter  
 6 25 until exhausted. ~~The auditor of state may seek reimbursement~~  
 6 26 ~~for the cost of the audit.~~

6 27 Sec. 10. Section 184.14, subsection 2, Code 2011, is amended  
 6 28 to read as follows:

6 29 2. Moneys collected, deposited in the fund, and transferred  
 6 30 to the council as provided in this chapter are subject to  
 6 31 audit by the auditor of state. ~~The auditor of state may~~  
 6 32 ~~seek reimbursement for the cost of the audit.~~ The moneys  
 6 33 transferred to the council shall be used by the council first  
 6 34 for the payment of collection expenses, second for payment of  
 6 35 the costs and expenses arising in connection with conducting  
 7 1 referendums, ~~and~~ third to perform the functions and carry out  
 7 2 the duties of the council as provided in this chapter, ~~and~~  
 7 3 ~~fourth for the cost of audits by the auditor of state.~~ Moneys  
 7 4 remaining after the council is abolished and the imposition of  
 7 5 an assessment is terminated pursuant to a referendum conducted  
 7 6 pursuant to section 184.5 shall continue to be expended in  
 7 7 accordance with this chapter until exhausted.

7 8 Sec. 11. Section 184A.6, subsection 2, Code 2011, is amended  
 7 9 to read as follows:

7 10 2. The council shall expend moneys from the account first  
 7 11 for the payment of expenses for the collection of assessments,  
 7 12 ~~second and then~~ for the payment of expenses related to  
 7 13 conducting a referendum as provided in section 184A.12;  
 7 14 ~~and third for the cost of audits by the auditor of state as~~  
 7 15 ~~required in section 184A.9.~~ The council shall expend remaining  
 7 16 moneys for market development, producer education, and the  
 7 17 payment of refunds to producers as provided in this chapter.

7 18 Sec. 12. Section 184A.9, Code 2011, is amended to read as  
 7 19 follows:

7 20 184A.9 AUDIT.

7 21 Moneys required to be deposited in the turkey council  
 7 22 account as provided in section 184A.4 shall be subject to  
 7 23 audit by the auditor of state. ~~The auditor of state may seek~~  
 7 24 ~~reimbursement for the cost of the audit from moneys deposited~~  
 7 25 ~~in the turkey council account.~~

7 26 Sec. 13. Section 185C.26, Code 2011, is amended to read as

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Egg Council.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$8,500 annually and will require the Auditor to use other resources to cover the audit costs.

CODE: Prohibits the Auditor of State from charging a fee for audit services to the Iowa Turkey Marketing Council.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$8,000 annually and will require the Auditor to use other resources to cover the audit costs.

CODE: Prohibits the Auditor of State from charging a fee for audit

7 27 follows:  
 7 28 185C.26 DEPOSIT OF MONEYS — CORN PROMOTION FUND.  
 7 29 A state assessment collected by the board from a sale of corn  
 7 30 shall be deposited in the office of the treasurer of state in  
 7 31 a special fund known as the corn promotion fund. The fund may  
 7 32 include any gifts, rents, royalties, interest, license fees,  
 7 33 or a federal or state grant received by the board. Moneys  
 7 34 collected, deposited in the fund, and transferred to the board  
 7 35 as provided in this chapter shall be subject to audit by the  
 8 1 auditor of state. ~~The auditor of state may seek reimbursement~~  
 8 2 ~~for the cost of the audit from moneys deposited in the fund as~~  
 8 3 ~~provided in this chapter.~~ The department of administrative  
 8 4 services shall transfer moneys from the fund to the board  
 8 5 for deposit into an account established by the board in a  
 8 6 qualified financial institution. The department shall transfer  
 8 7 the moneys as provided in a resolution adopted by the board.  
 8 8 However, the department is only required to transfer moneys  
 8 9 once during each day and only during hours when the offices of  
 8 10 the state are open. From moneys collected, the board shall  
 8 11 first pay all the direct and indirect costs incurred by the  
 8 12 secretary and the costs of referendums, elections, and other  
 8 13 expenses incurred in the administration of this chapter, before  
 8 14 moneys may be expended for the purpose of carrying out the  
 8 15 purposes of this chapter as provided in section 185C.11.

8 16 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this  
 8 17 Act, being deemed of immediate importance, takes effect upon  
 8 18 enactment.

8 19 DIVISION VI  
 8 20 HOMELAND SECURITY AND EMERGENCY MANAGEMENT ORGANIZATION

8 21 Sec. 15. Section 7E.5, subsection 1, paragraph p, Code  
 8 22 Supplement 2011, is amended to read as follows:  
 8 23 p. The department of public defense, created in section  
 8 24 29.1, which has primary responsibility for state military  
 8 25 forces ~~and emergency management.~~

8 26 Sec. 16. Section 7E.5, subsection 1, Code Supplement 2011,  
 8 27 is amended by adding the following new paragraph:  
 8 28 NEW PARAGRAPH w. The department of homeland security  
 8 29 and emergency management, created in section 29C.5, which has  
 8 30 primary responsibility for the administration of emergency  
 8 31 planning matters, including emergency resource planning in  
 8 32 this state, homeland security activities, and coordination of  
 8 33 available services and resources in the event of a disaster to  
 8 34 include those services and resources of the federal government

services to the Iowa Corn Promotion Board.

FISCAL IMPACT: It is estimated that this provision will reduce the Auditor of State's fee revenue by \$11,000 annually and will require the Auditor to use other resources to cover the audit costs.

This Division is effective on enactment.

CODE: This Division changes the Division of Homeland Security and Emergency Management Agency of the Department of Public Defense to a stand alone department within State government. This Division makes the technical statutory changes to the Iowa Code to conform with the designation change.

8 35 and private entities.

9 1 Sec. 17. Section 8A.202, subsection 5, paragraph e, Code  
9 2 2011, is amended to read as follows:

9 3 e. ~~(1) The department of public defense, including both~~  
9 4 ~~the military division and the homeland security and emergency~~  
9 5 ~~management division,~~ shall not be required to obtain any  
9 6 information technology services pursuant to this subchapter  
9 7 for the department of public defense ~~or its divisions~~ that is  
9 8 provided by the department pursuant to this chapter without the  
9 9 consent of the adjutant general.

9 10 (2) The department of homeland security and emergency  
9 11 management shall not be required to obtain any information  
9 12 technology services pursuant to this subchapter for the  
9 13 department of homeland security and emergency management that  
9 14 is provided by the department pursuant to this chapter without  
9 15 the consent of the director of the department of homeland  
9 16 security and emergency management.

9 17 Sec. 18. Section 8D.2, subsection 5, paragraph b, Code  
9 18 Supplement 2011, is amended to read as follows:

9 19 b. For the purposes of this chapter, "public agency" also  
9 20 includes any homeland security or defense facility or disaster  
9 21 response agency established by the ~~administrator~~ director of  
9 22 the department of homeland security and emergency management  
9 23 ~~division of the department of public defense~~ or the governor  
9 24 or any facility connected with a security or defense system or  
9 25 disaster response as required by the ~~administrator~~ director of  
9 26 the department of homeland security and emergency management  
9 27 ~~division of the department of public defense~~ or the governor.

9 28 Sec. 19. Section 8D.9, subsection 3, Code Supplement 2011,  
9 29 is amended to read as follows:

9 30 3. A facility that is considered a public agency pursuant  
9 31 to section 8D.2, subsection 5, paragraph "b", shall be  
9 32 authorized to access the Iowa communications network strictly  
9 33 for homeland security communication purposes and disaster  
9 34 communication purposes. Any utilization of the network that  
9 35 is not related to communications concerning homeland security  
10 1 or a disaster, as defined in section 29C.2, is expressly  
10 2 prohibited. Access under this subsection shall be available  
10 3 only if a state of disaster emergency is proclaimed by the  
10 4 governor pursuant to section 29C.6 or a homeland security  
10 5 or disaster event occurs requiring connection of disparate  
10 6 communications systems between public agencies to provide  
10 7 for a multiagency or multijurisdictional response. Access  
10 8 shall continue only for the period of time the homeland  
10 9 security or disaster event exists. For purposes of this  
10 10 subsection, disaster communication purposes includes training

10 11 and exercising for a disaster if public notice of the training  
10 12 and exercising session is posted on the ~~website~~ internet site  
10 13 of the department of homeland security and emergency management  
10 14 ~~division of the department of public defense~~. A scheduled and  
10 15 noticed training and exercising session shall not exceed five  
10 16 days. Interpretation and application of the provisions of this  
10 17 subsection shall be strictly construed.

10 18 Sec. 20. Section 16.191, subsection 2, paragraph e, Code  
10 19 Supplement 2011, is amended to read as follows:

10 20 e. The ~~administrator~~ director of the department of homeland  
10 21 security and emergency management ~~division of the department of~~  
10 22 ~~public defense~~ or the ~~administrator's~~ director's designee.

10 23 Sec. 21. Section 22.7, subsection 45, Code Supplement 2011,  
10 24 is amended to read as follows:

10 25 45. The critical asset protection plan or any part of the  
10 26 plan prepared pursuant to section 29C.8 and any information  
10 27 held by the department of homeland security and emergency  
10 28 management ~~division~~ that was supplied to the ~~division~~  
10 29 department by a public or private agency or organization and  
10 30 used in the development of the critical asset protection plan  
10 31 to include, but not be limited to, surveys, lists, maps, or  
10 32 photographs. However, the ~~administrator~~ director shall make  
10 33 the list of assets available for examination by any person.  
10 34 A person wishing to examine the list of assets shall make  
10 35 a written request to the ~~administrator~~ director on a form  
11 1 approved by the ~~administrator~~ director. The list of assets may  
11 2 be viewed at the ~~division's~~ department's offices during normal  
11 3 working hours. The list of assets shall not be copied in any  
11 4 manner. Communications and asset information not required by  
11 5 law, rule, or procedure that are provided to the ~~administrator~~  
11 6 director by persons outside of government and for which the  
11 7 ~~administrator~~ director has signed a nondisclosure agreement are  
11 8 exempt from public disclosures. The department of homeland  
11 9 security and emergency management ~~division~~ may provide all or  
11 10 part of the critical asset plan to federal, state, or local  
11 11 governmental agencies which have emergency planning or response  
11 12 functions if the ~~administrator~~ director is satisfied that  
11 13 the need to know and intended use are reasonable. An agency  
11 14 receiving critical asset protection plan information from the  
11 15 ~~division~~ department shall not disseminate the information  
11 16 without prior approval of the ~~administrator~~ director.

11 17 Sec. 22. Section 23A.2, subsection 10, paragraph m, Code  
11 18 2011, is amended to read as follows:

11 19 m. The repair, calibration, or maintenance of radiological  
11 20 detection equipment by the department of homeland security  
11 21 and emergency management ~~division of the department of public~~

11 22 defense.

11 23 Sec. 23. Section 29.1, Code 2011, is amended to read as  
11 24 follows:

11 25 29.1 DEPARTMENT OF PUBLIC DEFENSE.

11 26 The department of public defense is composed of the ~~military~~  
11 27 ~~division and the homeland security and emergency management~~  
11 28 ~~division office of the adjutant general and the military forces~~  
11 29 ~~of the state of Iowa~~. The adjutant general is the director of  
11 30 the department of public defense and ~~the budget and personnel~~  
11 31 ~~of all of the divisions are subject to the approval of the~~  
11 32 ~~adjutant general shall perform all functions, responsibilities,~~  
11 33 ~~powers, and duties over the military forces of the state of~~  
11 34 ~~Iowa as provided in the laws of the state~~. The ~~Iowa emergency~~  
11 35 ~~response commission established by section 30.2 is attached to~~  
12 1 ~~the department of public defense for organizational purposes.~~

12 2 Sec. 24. Section 29.2A, Code 2011, is amended to read as  
12 3 follows:

12 4 29.2A AIRPORT FIRE FIGHTERS — MAXIMUM AGE.

12 5 The maximum age for a person to be employed as an airport  
12 6 fire fighter by the ~~military division of the department of~~  
12 7 ~~public defense~~ is sixty-five years of age.

12 8 Sec. 25. Section 29A.3A, subsection 4, paragraph a, Code  
12 9 2011, is amended to read as follows:

12 10 a. Operations and administration of the civil air patrol  
12 11 relating to missions not qualifying for federal mission status  
12 12 shall be funded by the state from moneys appropriated to the  
12 13 ~~department of homeland security and emergency management~~  
12 14 ~~division of the department of public defense~~ for that purpose.

12 15 Sec. 26. Section 29A.12, subsection 1, Code 2011, is amended  
12 16 to read as follows:

12 17 1. The adjutant general shall have command and control of  
12 18 the ~~military division~~ department of public defense, and perform  
12 19 such duties as pertain to the office of the adjutant general  
12 20 under law and regulations, pursuant to the authority vested in  
12 21 the adjutant general by the governor. The adjutant general  
12 22 shall superintend the preparation of all letters and reports  
12 23 required by the United States from the state, and perform all  
12 24 the duties prescribed by law. The adjutant general shall  
12 25 have charge of the state military reservations, and all other  
12 26 property of the state kept or used for military purposes. The  
12 27 adjutant general may accept and expend nonappropriated funds  
12 28 in accordance with law and regulations. The adjutant general  
12 29 shall cause an inventory to be taken at least once each year  
12 30 of all military stores, property, and funds under the adjutant  
12 31 general's jurisdiction. In each year preceding a regular  
12 32 session of the general assembly, the adjutant general shall



12 33 prepare a detailed report of the transactions of that office,  
12 34 its expenses, and other matters required by the governor for  
12 35 the period since the last preceding report, and the governor  
13 1 may at any time require a similar report.

13 2 Sec. 27. Section 29A.56, Code 2011, is amended to read as  
13 3 follows:  
13 4 29A.56 SPECIAL POLICE.  
13 5 The adjutant general may by order entered of record  
13 6 commission one or more of the employees of the ~~military~~  
13 7 ~~division~~ department of public defense as special police. Such  
13 8 special police shall on the premises of any state military  
13 9 reservation or other state military property have and exercise  
13 10 the powers of regular peace officers.

13 11 Sec. 28. Section 29C.1, subsection 1, Code 2011, is amended  
13 12 to read as follows:  
13 13 1. To establish a department of homeland security  
13 14 and emergency management ~~division of the department of~~  
13 15 ~~public defense~~ and to authorize the establishment of local  
13 16 organizations for emergency management in the political  
13 17 subdivisions of the state.

13 18 Sec. 29. Section 29C.2, Code Supplement 2011, is amended by  
13 19 adding the following new subsections:  
13 20 NEW SUBSECTION 1A. "Department" means the department of  
13 21 homeland security and emergency management.  
13 22 NEW SUBSECTION 1B. "Director" means the director of the  
13 23 department of homeland security and emergency management.

13 24 Sec. 30. Section 29C.5, Code 2011, is amended to read as  
13 25 follows:  
13 26 ~~29C.5—HOMELAND DEPARTMENT OF HOMELAND SECURITY AND~~  
13 27 ~~EMERGENCY MANAGEMENT DIVISION .~~  
13 28 ~~—A~~ The department of homeland security and emergency  
13 29 management division is created within the department of public  
13 30 defense. The department of homeland security and emergency  
13 31 management division shall be responsible for the administration  
13 32 of emergency planning matters, including emergency resource  
13 33 planning in this state, cooperation with, support of, funding  
13 34 for, and tasking of the civil air patrol for missions not  
13 35 qualifying for federal mission status as described in section  
14 1 29A.3A in accordance with operational and funding criteria  
14 2 developed with the adjutant general and coordinated with  
14 3 the civil air patrol, homeland security activities, and  
14 4 coordination of available services and resources in the event  
14 5 of a disaster to include those services and resources of the  
14 6 federal government and private entities. The Iowa emergency  
14 7 response commission established by section 30.2 is attached to  
14 8 the department of homeland security and emergency management

14 9 for organizational purposes.  
14 10 Sec. 31. Section 29C.8, Code Supplement 2011, is amended to  
14 11 read as follows:  
14 12 29C.8 POWERS AND DUTIES OF ~~ADMINISTRATOR~~ DIRECTOR .  
14 13 1. The department of homeland security and emergency  
14 14 management ~~division~~ shall be under the management of an  
14 15 ~~administrator~~ a director appointed by the governor.  
14 16 2. The ~~administrator~~ director shall be vested with the  
14 17 authority to administer emergency management and homeland  
14 18 security affairs in this state and shall be responsible for  
14 19 preparing and executing the emergency management and homeland  
14 20 security programs of this state subject to the direction of the  
14 21 ~~adjutant general~~ governor. In the event of a disaster beyond  
14 22 local control, the director may assume direct operational  
14 23 control over all or any part of the emergency management  
14 24 functions within this state.  
14 25 3. The ~~administrator~~ director, upon the direction of  
14 26 the governor ~~and supervisory control of the director of the~~  
14 27 ~~department of public defense~~, shall:  
14 28 a. Prepare a comprehensive emergency plan and emergency  
14 29 management program for homeland security, disaster  
14 30 preparedness, response, recovery, mitigation, emergency  
14 31 operation, and emergency resource management of this state.  
14 32 The plan and program shall be integrated into and coordinated  
14 33 with the homeland security and emergency plans of the federal  
14 34 government and of other states to the fullest possible extent  
14 35 ~~and~~. The director shall also coordinate the preparation of  
15 1 plans and programs for emergency management of the political  
15 2 subdivisions and various state departments of this state.  
15 3 The plans shall be integrated into and coordinated with a  
15 4 comprehensive state homeland security and emergency program for  
15 5 this state as coordinated by the ~~administrator of the homeland~~  
15 6 ~~security and emergency management division~~ director to the  
15 7 fullest possible extent.  
15 8 b. Make such studies and surveys of the industries,  
15 9 resources, and facilities in this state as may be necessary to  
15 10 ascertain the vulnerabilities of critical state infrastructure  
15 11 and assets to attack and the capabilities of the state for  
15 12 disaster recovery, disaster planning and operations, and  
15 13 emergency resource management, and to plan for the most  
15 14 efficient emergency use thereof.  
15 15 c. Provide technical assistance to any commission requiring  
15 16 the assistance in the development of an emergency management  
15 17 or homeland security program.  
15 18 d. Implement planning and training for emergency response  
15 19 teams as mandated by the federal government under the

15 20 Comprehensive Environmental Response, Compensation, and  
15 21 Liability Act of 1980 as amended by the Superfund Amendments  
15 22 and Reauthorization Act of 1986, 42 U.S.C. §9601 et seq.  
15 23 e. Prepare a critical asset protection plan that contains  
15 24 an inventory of infrastructure, facilities, systems, other  
15 25 critical assets, and symbolic landmarks; an assessment of the  
15 26 criticality, vulnerability, and level of threat to the assets;  
15 27 and information pertaining to the mobilization, deployment, and  
15 28 tactical operations involved in responding to or protecting the  
15 29 assets.

15 30 f. Approve and support the development and ongoing  
15 31 operations of homeland security and emergency response teams to  
15 32 be deployed as a resource to supplement and enhance disrupted  
15 33 or overburdened local emergency and disaster operations and  
15 34 deployed as available to provide assistance to other states  
15 35 pursuant to the interstate emergency management assistance  
16 1 compact described in section 29C.21. The following shall apply  
16 2 to homeland security and emergency response teams:

16 3 (1) A member of a homeland security and emergency response  
16 4 team acting under this section upon the directive of the  
16 5 ~~administrator~~ director or pursuant to a governor's disaster  
16 6 proclamation as provided in section 29C.6 shall be considered  
16 7 an employee of the state for purposes of section 29C.21 and  
16 8 chapter 669 and shall be afforded protection as an employee  
16 9 of the state under section 669.21. Disability, workers'  
16 10 compensation, and death benefits for team members working  
16 11 under the authority of the ~~administrator~~ director or pursuant  
16 12 to the provisions of section 29C.6 shall be paid by the  
16 13 state in a manner consistent with the provisions of chapter  
16 14 85, 410, or 411 as appropriate, depending on the status of  
16 15 the member, provided that the member is registered with the  
16 16 ~~homeland security and emergency management division~~ department  
16 17 as a member of an approved team and is participating as a  
16 18 team member in a response or recovery operation initiated  
16 19 by the ~~administrator~~ director or governor pursuant to this  
16 20 section or in a training or exercise activity approved by the  
16 21 ~~administrator~~ director.

16 22 (2) Each approved homeland security and emergency  
16 23 management response team shall establish standards for team  
16 24 membership, shall provide the division with a listing of all  
16 25 team members, and shall update the list each time a member is  
16 26 removed from or added to the team. Individuals so identified  
16 27 as team members shall be considered to be registered as team  
16 28 members for purposes of subparagraph (1).

16 29 (3) Upon notification of a compensable loss to a member of  
16 30 a homeland security and emergency management response team, the

16 31 department of administrative services shall process the claim  
16 32 and seek authorization from the executive council to pay as an  
16 33 expense paid from the appropriations addressed in section 7D.29  
16 34 those costs associated with covered benefits.

16 35 g. Implement and support the national incident management  
17 1 system as established by the United States department of  
17 2 homeland security to be used by state agencies and local and  
17 3 tribal governments to facilitate efficient and effective  
17 4 assistance to those affected by emergencies and disasters.

17 5 4. The ~~administrator~~ director, with the approval of the  
17 6 governor ~~and upon recommendation of the adjutant general~~, may  
17 7 employ a deputy ~~administrator~~ director and such technical,  
17 8 clerical, stenographic, and other personnel and make such  
17 9 expenditures within the appropriation or from other funds made  
17 10 available to the department ~~of public defense for purposes of~~  
17 11 ~~emergency management~~, as may be necessary to administer this  
17 12 chapter.

17 13 5. The ~~homeland security and emergency management division~~  
17 14 ~~department~~ may charge fees for the repair, calibration, or  
17 15 maintenance of radiological detection equipment and may expend  
17 16 funds in addition to funds budgeted for the servicing of the  
17 17 radiological detection equipment. The ~~division~~ department  
17 18 shall adopt rules pursuant to chapter 17A providing for the  
17 19 establishment and collection of fees for radiological detection  
17 20 equipment repair, calibration, or maintenance services and  
17 21 for entering into agreements with other public and private  
17 22 entities to provide the services. Fees collected for repair,  
17 23 calibration, or maintenance services shall be treated as  
17 24 repayment receipts as defined in section 8.2 and shall be used  
17 25 for the operation of the ~~division's~~ department's radiological  
17 26 maintenance facility or radiation incident response training.

17 27 Sec. 32. Section 29C.8A, subsection 2, Code Supplement  
17 28 2011, is amended to read as follows:

17 29 2. The emergency response fund shall be administered by the  
17 30 ~~homeland security and emergency management division~~ department  
17 31 to carry out planning and training for the emergency response  
17 32 teams.

17 33 Sec. 33. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code  
17 34 Supplement 2011, are amended to read as follows:

17 35 1. The county boards of supervisors, city councils, and  
18 1 the sheriff in each county shall cooperate with the ~~homeland~~  
18 2 ~~security and emergency management division of the department of~~  
18 3 ~~public defense~~ department to establish a commission to carry  
18 4 out the provisions of this chapter.

18 5 5. The commission shall model its bylaws and conduct its  
18 6 business according to the guidelines provided in the ~~state~~

18 7 division's department's administrative rules.

18 8 7. The commission shall delegate to the emergency  
18 9 management coordinator the authority to fulfill the  
18 10 commission duties as described in the ~~division's~~ department's  
18 11 administrative rules. Each commission shall appoint a  
18 12 local emergency management coordinator who shall meet the  
18 13 qualifications specified in the administrative rules by the  
18 14 ~~administrator of the homeland security and emergency management~~  
18 15 ~~division~~ director. Additional emergency management personnel  
18 16 may be appointed at the discretion of the commission.

18 17 8. The commission shall develop, adopt, and submit  
18 18 for approval by local governments within the commission's  
18 19 jurisdiction, a comprehensive emergency plan which meets  
18 20 standards adopted by the ~~division~~ department in accordance  
18 21 with chapter 17A. If an approved comprehensive emergency  
18 22 plan has not been prepared according to established standards  
18 23 and the ~~administrator of the homeland security and emergency~~  
18 24 ~~management division~~ director finds that satisfactory progress  
18 25 is not being made toward the completion of the plan, or if  
18 26 the ~~administrator~~ director finds that a commission has failed  
18 27 to appoint a qualified emergency management coordinator as  
18 28 provided in this chapter, the ~~administrator~~ director shall  
18 29 notify the governing bodies of the counties and cities affected  
18 30 by the failure and the governing bodies shall not appropriate  
18 31 any moneys to the local emergency management fund until the  
18 32 comprehensive emergency plan is prepared and approved or a  
18 33 qualified emergency management coordinator is appointed.

18 34 If the ~~administrator~~ director finds that a commission has  
18 35 appointed an unqualified emergency management coordinator,  
19 1 the ~~administrator~~ director shall notify the commission citing  
19 2 the qualifications which are not met and the commission shall  
19 3 not approve the payment of the salary or expenses of the  
19 4 unqualified emergency management coordinator.

19 5 10. Two or more commissions may, upon review by the  
19 6 ~~state administrator~~ director and with the approval of their  
19 7 respective boards of supervisors and cities, enter into  
19 8 agreements pursuant to chapter 28E for the joint coordination  
19 9 and administration of emergency management services throughout  
19 10 the multicounty area.

19 11 Sec. 34. Section 29C.11, subsection 1, Code Supplement  
19 12 2011, is amended to read as follows:

19 13 1. The local emergency management commission shall, in  
19 14 collaboration with other public and private agencies within  
19 15 this state, develop mutual aid arrangements for reciprocal  
19 16 disaster services and recovery aid and assistance in case  
19 17 of disaster too great to be dealt with unassisted. The

19 18 arrangements shall be consistent with the homeland security and  
19 19 ~~emergency management division~~ department plan and program, and  
19 20 in time of emergency each local emergency management agency  
19 21 shall render assistance in accordance with the provisions of  
19 22 the mutual aid arrangements.

19 23 Sec. 35. Section 29C.12, Code 2011, is amended to read as  
19 24 follows:

19 25 29C.12 USE OF EXISTING FACILITIES.

19 26 In carrying out the provisions of this chapter, the  
19 27 governor, ~~and the director of the department of public defense,~~  
19 28 and the executive officers or governing boards of political  
19 29 subdivisions of the state shall utilize, to the maximum extent  
19 30 practicable, the services, equipment, supplies, and facilities  
19 31 of existing departments, officers, and agencies of the state  
19 32 and of political subdivisions at their respective levels of  
19 33 responsibility.

19 34 Sec. 36. Section 29C.12A, Code 2011, is amended to read as  
19 35 follows:

20 1 29C.12A PARTICIPATION IN FUNDING DISASTER RECOVERY FACILITY.

20 2 All state government departments and agencies may  
20 3 participate in sharing the cost of the design, construction,  
20 4 and operation of a disaster recovery facility located in the  
20 5 ~~STARC joint forces headquarters~~ armory at Camp Dodge. State  
20 6 departments and agencies may use funds from any source,  
20 7 including but not limited to user fees and appropriations  
20 8 for operational or capital purposes, to participate in the  
20 9 facility.

20 10 Sec. 37. Section 29C.14, Code 2011, is amended to read as  
20 11 follows:

20 12 29C.14 DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES  
20 13 TO ISSUE WARRANTS.

20 14 The director of the department of administrative services  
20 15 shall draw warrants on the treasurer of state for the purposes  
20 16 specified in this chapter, upon duly itemized and verified  
20 17 vouchers that have been approved by the ~~administrator~~ director  
20 18 of the department of homeland security and emergency management  
20 19 ~~division~~.

20 20 Sec. 38. Section 29C.18, subsection 1, Code 2011, is amended  
20 21 to read as follows:

20 22 1. Every organization for homeland security and emergency  
20 23 management established pursuant to this chapter and its  
20 24 officers shall execute and enforce the orders or rules made by  
20 25 the governor, or under the governor's authority and the orders  
20 26 or rules made by subordinate organizations and not contrary or  
20 27 inconsistent with the orders or rules of the governor.

20 28 Sec. 39. Section 29C.20B, Code Supplement 2011, is amended

20 29 to read as follows:  
20 30 29C.20B DISASTER CASE MANAGEMENT.  
20 31 1. The department of homeland security and emergency  
20 32 management ~~division~~ shall work with the department of  
20 33 human services and nonprofit, voluntary, and faith-based  
20 34 organizations active in disaster recovery and response in  
20 35 coordination with the department of human services to establish  
21 1 a statewide system of disaster case management to be activated  
21 2 following the governor's proclamation of a disaster emergency  
21 3 or the declaration of a major disaster by the president of  
21 4 the United States for individual assistance purposes. Under  
21 5 the system, the department of homeland security and emergency  
21 6 management ~~division~~ shall coordinate case management services  
21 7 locally through local committees as established in each  
21 8 commission's emergency plan.  
21 9 2. The department of homeland security and emergency  
21 10 management ~~division~~, in conjunction with the department of  
21 11 human services and an Iowa representative to the national  
21 12 voluntary organizations active in disaster, shall adopt rules  
21 13 pursuant to chapter 17A to create coordination mechanisms  
21 14 and standards for the establishment and implementation of  
21 15 a statewide system of disaster case management which shall  
21 16 include at least all of the following:  
21 17 a. Disaster case management standards.  
21 18 b. Disaster case management policies.  
21 19 c. Reporting requirements.  
21 20 d. Eligibility criteria.  
21 21 e. Coordination mechanisms necessary to carry out the  
21 22 services provided.  
21 23 f. Development of formal working relationships with  
21 24 agencies and creation of interagency agreements for those  
21 25 considered to provide disaster case management services.  
21 26 g. Coordination of all available services for individuals  
21 27 from multiple agencies.  
21 28 Sec. 40. Section 29C.22, subsection 3, paragraph c, Code  
21 29 Supplement 2011, is amended to read as follows:  
21 30 c. The authorized representative of a participating  
21 31 government may initiate a request by contacting the department  
21 32 of homeland security and emergency management ~~division of the~~  
21 33 ~~state department of public defense~~. When a request is received  
21 34 by the ~~division~~ department, the ~~division~~ department shall  
21 35 directly contact other participating governments to coordinate  
22 1 the provision of mutual aid.  
22 2 Sec. 41. Section 29C.22, subsection 11, paragraphs b and c,  
22 3 Code Supplement 2011, are amended to read as follows:  
22 4 b. Any participating government may withdraw from this

22 5 compact by adopting an ordinance or resolution repealing the  
22 6 same, but a withdrawal shall not take effect until thirty days  
22 7 after the governing body of the withdrawing participating  
22 8 government has given notice in writing of the withdrawal to the  
22 9 ~~administrator~~ director of the department of homeland security  
22 10 and emergency management ~~division~~ who shall notify all other  
22 11 participating governments. The action shall not relieve the  
22 12 withdrawing political subdivision from obligations assumed  
22 13 under this compact prior to the effective date of withdrawal.

22 14 c. Duly authenticated copies of this compact and any  
22 15 supplementary agreements as may be entered into shall  
22 16 be deposited, at the time of their approval, with the  
22 17 ~~administrator~~ director of the department of homeland security  
22 18 and emergency management ~~division~~ who shall notify all  
22 19 participating governments and other appropriate agencies of  
22 20 state government.

22 21 Sec. 42. Section 30.2, subsections 1 and 2, Code Supplement  
22 22 2011, are amended to read as follows:

22 23 1. The Iowa emergency response commission is established.  
22 24 The commission is responsible directly to the governor. The  
22 25 commission is attached to the department of ~~public defense~~  
22 26 homeland security and emergency management for routine  
22 27 administrative and support services only.

22 28 2. a. The commission is composed of ~~fifteen~~ sixteen members  
22 29 appointed by the governor. One member shall be appointed to  
22 30 represent the department of homeland security and emergency  
22 31 management, one to represent the department of agriculture and  
22 32 land stewardship, one to represent the department of workforce  
22 33 development, one to represent the department of justice, one to  
22 34 represent the department of natural resources, one to represent  
22 35 the department of public defense, one to represent the Iowa  
23 1 department of public health, one to represent the department  
23 2 of public safety, one to represent the state department of  
23 3 transportation, one to represent the state fire service and  
23 4 emergency response council, one to represent a local emergency  
23 5 planning committee, one to represent the Iowa hazardous  
23 6 materials task force, and one to represent the office of the  
23 7 governor. Three representatives from private industry shall  
23 8 also be appointed by the governor, subject to confirmation by  
23 9 the senate.

23 10 b. The commission members representing the departments  
23 11 of homeland security and emergency management, workforce  
23 12 development, natural resources, public defense, public safety,  
23 13 and transportation, a local emergency planning committee,  
23 14 and one private industry representative designated by the  
23 15 commission shall be voting members of the commission. The



23 16 remaining members of the commission shall serve as nonvoting,  
23 17 advisory members.

23 18 Sec. 43. Section 30.5, subsection 2, Code 2011, is amended  
23 19 to read as follows:

23 20 2. The commission may enter into agreements pursuant to  
23 21 chapter 28E to accomplish any duty imposed upon the commission  
23 22 by the Emergency Planning and Community Right-to-know Act,  
23 23 but the commission shall not compensate any governmental unit  
23 24 for the performance of duties pursuant to such an agreement.  
23 25 Funding for administering the duties of the commission under  
23 26 sections 30.7, 30.8, and 30.9 shall be included in the budgets  
23 27 of the department of natural resources and the department of  
23 28 ~~public defense~~ homeland security and emergency management.

23 29 Sec. 44. Section 30.9, Code Supplement 2011, is amended to  
23 30 read as follows:

23 31 30.9 DUTIES TO BE ALLOCATED TO DEPARTMENT OF ~~PUBLIC DEFENSE~~  
23 32 HOMELAND SECURITY AND EMERGENCY MANAGEMENT .

23 33 Agreements negotiated by the commission and the department  
23 34 of ~~public defense~~ homeland security and emergency management  
23 35 shall provide for the allocation of duties to the department  
24 1 of ~~public defense~~ homeland security and emergency management  
24 2 as follows:

24 3 1. Comprehensive emergency plans required to be developed  
24 4 under section 303 of the Emergency Planning and Community  
24 5 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. §11003, shall  
24 6 be submitted to the department of ~~public defense~~ homeland  
24 7 security and emergency management. Committee submission to  
24 8 that department constitutes compliance with the requirement for  
24 9 reporting to the commission. After initial submission, a plan  
24 10 need not be resubmitted unless revisions are requested by the  
24 11 commission. The department of ~~public defense~~ homeland security  
24 12 and emergency management shall review the plan on behalf of the  
24 13 commission and shall incorporate the provisions of the plan  
24 14 into its responsibilities under chapter 29C.

24 15 2. The department of ~~public defense~~ homeland security and  
24 16 emergency management shall advise the commission of the failure  
24 17 of any committee to submit an initial comprehensive ~~emergency~~  
24 18 response and recovery plan or a revised plan requested by the  
24 19 commission.

24 20 3. The department of ~~public defense~~ homeland security and  
24 21 emergency management shall make available to the public upon  
24 22 request during normal working hours the information in its  
24 23 possession pursuant to section 324 of the Emergency Planning  
24 24 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.  
24 25 §11044.

24 26 Sec. 45. Section 34A.2, subsection 2, Code 2011, is amended

24 27 to read as follows:

24 28 ~~2. 3A.~~ “Administrator” “Director” means the ~~administrator~~  
24 29 ~~director~~ of the ~~department of~~ homeland security and emergency  
24 30 management ~~division of the department of public defense~~.

24 31 Sec. 46. Section 34A.2A, Code 2011, is amended to read as  
24 32 follows:

24 33 34A.2A PROGRAM MANAGER — APPOINTMENT — DUTIES.

24 34 1. The ~~administrator~~ director of the ~~department of~~ homeland  
24 35 security and emergency management ~~division of the department~~  
25 1 ~~of public defense~~ shall appoint an E911 program manager to  
25 2 administer this chapter.

25 3 2. The E911 program manager shall act under the supervisory  
25 4 control of the ~~administrator~~ director of the ~~department of~~  
25 5 homeland security and emergency management ~~division of the~~  
25 6 ~~department of public defense~~, and in consultation with the  
25 7 E911 communications council, and shall perform the duties  
25 8 specifically set forth in this chapter and as assigned by the  
25 9 ~~administrator~~ director.

25 10 Sec. 47. Section 34A.6, subsection 3, Code 2011, is amended  
25 11 to read as follows:

25 12 3. The secretary of state, in consultation with the  
25 13 ~~administrator~~ director, shall adopt rules for the conduct of  
25 14 joint E911 service referendums as required by and consistent  
25 15 with subsections 1 and 2.

25 16 Sec. 48. Section 34A.7A, subsection 1, paragraph a, Code  
25 17 2011, is amended to read as follows:

25 18 a. Notwithstanding section 34A.6, the ~~administrator~~ director  
25 19 shall adopt by rule a monthly surcharge of up to sixty-five  
25 20 cents to be imposed on each wireless communications service  
25 21 number provided in this state. The surcharge shall be imposed  
25 22 uniformly on a statewide basis and simultaneously on all  
25 23 wireless communications service numbers as provided by rule of  
25 24 the ~~administrator~~ director.

25 25 Sec. 49. Section 34A.7A, subsection 2, paragraphs a and h,  
25 26 Code 2011, are amended to read as follows:

25 27 a. An amount as appropriated by the general assembly to the  
25 28 ~~administrator~~ director shall be allocated to the ~~administrator~~  
25 29 director and program manager for implementation, support, and  
25 30 maintenance of the functions of the ~~administrator~~ director and  
25 31 program manager and to employ the auditor of state to perform  
25 32 an annual audit of the wireless E911 emergency communications  
25 33 fund.

25 34 h. The ~~administrator~~ director, in consultation with the  
25 35 program manager and the E911 communications council, shall  
26 1 adopt rules pursuant to chapter 17A governing the distribution  
26 2 of the surcharge collected and distributed pursuant to this

26 3 subsection. The rules shall include provisions that all joint  
26 4 E911 service boards and the department of public safety which  
26 5 answer or service wireless E911 calls are eligible to receive  
26 6 an equitable portion of the receipts.

26 7 Sec. 50. Section 34A.15, subsection 3, Code Supplement  
26 8 2011, is amended to read as follows:

26 9 3. The council shall advise and make recommendations to  
26 10 the ~~administrator~~ director and program manager regarding  
26 11 the implementation of this chapter. Such advice and  
26 12 recommendations shall be provided on issues at the request of  
26 13 the ~~administrator~~ director or program manager or as deemed  
26 14 necessary by the council.

26 15 Sec. 51. Section 35A.5, subsection 16, Code Supplement  
26 16 2011, is amended to read as follows:

26 17 16. In coordination with the ~~military division of the~~  
26 18 department of public defense, advise service members prior to,  
26 19 and after returning from, deployment on active duty service  
26 20 outside the United States of issues related to the filing  
26 21 of tax returns and the payment of taxes due and encourage a  
26 22 service member who has not filed a return or who owes taxes to  
26 23 contact the department of revenue prior to deployment.

26 24 Sec. 52. Section 80.28, subsection 2, paragraph a,  
26 25 subparagraph (3), Code 2011, is amended to read as follows:

26 26 (3) One member representing the department of homeland  
26 27 security and emergency management ~~division~~.

26 28 Sec. 53. Section 80B.11C, Code 2011, is amended to read as  
26 29 follows:

26 30 80B.11C TELECOMMUNICATOR TRAINING STANDARDS.

26 31 The director of the academy, subject to the approval of  
26 32 the council, in consultation with the Iowa state sheriffs'  
26 33 and deputies' association, the Iowa police executive forum,  
26 34 the Iowa association of chiefs of police and peace officers,  
26 35 the Iowa state police association, the Iowa association  
27 1 of professional fire fighters, the Iowa emergency medical  
27 2 services association, the joint council of Iowa fire service  
27 3 organizations, the Iowa department of public safety, the Iowa  
27 4 chapter of the association of public safety communications  
27 5 officials-international, inc., the Iowa chapter of the  
27 6 national emergency number association, the department of  
27 7 homeland security and emergency management ~~division of the Iowa~~  
27 8 ~~department of public defense~~, and the Iowa department of public  
27 9 health, shall adopt rules pursuant to chapter 17A establishing  
27 10 minimum standards for training of telecommunicators. For  
27 11 purposes of this section, "telecommunicator" means a person who  
27 12 receives requests for, or dispatches requests to, emergency  
27 13 response agencies which include; but are not limited to; law

27 14 enforcement, fire, rescue, and emergency medical services  
27 15 agencies.

27 16 Sec. 54. Section 97B.49B, subsection 1, paragraph e,  
27 17 subparagraph (8), Code Supplement 2011, is amended to read as  
27 18 follows:

27 19 (8) An airport fire fighter employed by the ~~military~~  
27 20 ~~division of the~~ department of public defense.

27 21 Sec. 55. Section 100B.22, subsection 1, paragraph a, Code  
27 22 2011, is amended to read as follows:

27 23 a. Regional emergency response training centers shall be  
27 24 established to provide training to fire fighters and other  
27 25 emergency responders. The lead public agency for the training  
27 26 centers shall be the following community colleges for the  
27 27 following merged areas:

27 28 (1) Northeast Iowa community college for merged area I  
27 29 in partnership with the Dubuque county firemen's association  
27 30 and to provide advanced training in agricultural emergency  
27 31 response as such advanced training is funded by the department  
27 32 of homeland security and emergency management ~~division of the~~  
27 33 ~~department of public defense~~.

27 34 (2) North Iowa area community college for merged area II in  
27 35 partnership with the Mason City fire department.

28 1 (3) Iowa lakes community college for merged area III and  
28 2 northwest Iowa community college for merged area IV.

28 3 (4) Iowa central community college for merged area V and to  
28 4 provide advanced training in homeland security as such advanced  
28 5 training is funded by the department of homeland security and  
28 6 emergency management ~~division of the department of public~~  
28 7 ~~defense~~.

28 8 (5) Hawkeye community college for merged area VII in  
28 9 partnership with the Waterloo regional hazardous materials  
28 10 training center and to provide advanced training in hazardous  
28 11 materials emergency response as such advanced training is  
28 12 funded by the department of homeland security and emergency  
28 13 management ~~division of the department of public defense~~.

28 14 (6) Eastern Iowa community college for merged area IX in  
28 15 partnership with the city of Davenport fire department.

28 16 (7) Kirkwood community college for merged area X in  
28 17 partnership with the city of Coralville fire department and the  
28 18 Iowa City fire department and to provide advanced training in  
28 19 agricultural terrorism response and mass casualty and fatality  
28 20 response as such advanced training is funded by the department  
28 21 of homeland security and emergency management ~~division of the~~  
28 22 ~~department of public defense~~.

28 23 (8) Des Moines area community college for merged area XI and  
28 24 Iowa valley community college for merged area VI and to provide

28 25 advanced training in operations integration in compliance  
28 26 with the national incident management system as such advanced  
28 27 training is funded by the department of homeland security and  
28 28 emergency management ~~division of the department of public~~  
28 29 ~~defense~~.

28 30 (9) Western Iowa technical community college for merged  
28 31 area XII in partnership with the Sioux City fire department  
28 32 and to provide advanced training in emergency responder  
28 33 communications as such advanced training is funded by the  
28 34 department of homeland security and emergency management  
28 35 ~~division of the department of public defense~~.

29 1 (10) Iowa western community college for merged areas XIII  
29 2 and XIV in partnership with southwestern community college and  
29 3 the Council Bluffs fire department.

29 4 (11) Southeastern Iowa community college for merged areas  
29 5 XV and XVI in partnership with Indian hills community college  
29 6 and the city of Fort Madison fire department.

29 7 Sec. 56. Section 135.141, subsection 2, paragraphs a and j,  
29 8 Code 2011, are amended to read as follows:

29 9 a. Coordinate with the department of homeland security  
29 10 and emergency management ~~division of the department of public~~  
29 11 ~~defense~~ the administration of emergency planning matters  
29 12 which involve the public health, including development,  
29 13 administration, and execution of the public health components  
29 14 of the comprehensive emergency plan and emergency management  
29 15 program pursuant to section 29C.8.

29 16 j. Adopt rules pursuant to chapter 17A for the  
29 17 administration of this division of this chapter including rules  
29 18 adopted in cooperation with the Iowa pharmacy association  
29 19 and the Iowa hospital association for the development of a  
29 20 surveillance system to monitor supplies of drugs, antidotes,  
29 21 and vaccines to assist in detecting a potential public health  
29 22 disaster. Prior to adoption, the rules shall be approved by  
29 23 the state board of health and the ~~administrator~~ director of  
29 24 the department of homeland security and emergency management  
29 25 ~~division of the department of public defense~~.

29 26 Sec. 57. Section 135.145, subsections 1 and 2, Code 2011,  
29 27 are amended to read as follows:

29 28 1. When the department of public safety or other federal,  
29 29 state, or local law enforcement agency learns of a case of a  
29 30 disease or health condition, unusual cluster, or a suspicious  
29 31 event that may be the cause of a public health disaster, the  
29 32 department or agency shall immediately notify the department,  
29 33 the ~~administrator~~ director of the department of homeland  
29 34 security and emergency management ~~division of the department~~  
29 35 ~~of public defense~~, the department of agriculture and land

30 1 stewardship, and the department of natural resources as  
30 2 appropriate.

30 3 2. When the department learns of a case of a disease  
30 4 or health condition, an unusual cluster, or a suspicious  
30 5 event that may be the cause of a public health disaster, the  
30 6 department shall immediately notify the department of public  
30 7 safety, the department of homeland security and emergency  
30 8 management ~~division of the department of public defense~~, and  
30 9 other appropriate federal, state, and local agencies and  
30 10 officials.

30 11 Sec. 58. Section 163.3A, subsection 2, Code Supplement  
30 12 2011, is amended to read as follows:

30 13 2. The services shall be performed under the direction of  
30 14 the department and may be part of measures authorized by the  
30 15 governor under a declaration or proclamation issued pursuant to  
30 16 chapter 29C. In such case, the department shall cooperate with  
30 17 the Iowa department of public health under chapter 135, and the  
30 18 department of ~~public defense~~, homeland security and emergency  
30 19 management ~~division~~, and local emergency management agencies as  
30 20 provided in chapter 29C.

30 21 Sec. 59. Section 163.51, subsection 2, paragraph b, Code  
30 22 2011, is amended to read as follows:

30 23 b. If the department confirms an outbreak of foot and  
30 24 mouth disease in this state, the department shall cooperate  
30 25 with the governor; federal agencies, including the United  
30 26 States department of agriculture; and state agencies, including  
30 27 the department of homeland security and emergency management  
30 28 ~~division of the department of public defense~~, in order to  
30 29 provide the public with timely and accurate information  
30 30 regarding the outbreak. The department shall cooperate with  
30 31 organizations representing agricultural producers in order to  
30 32 provide all necessary information to agricultural producers  
30 33 required to control the outbreak.

30 34 Sec. 60. Section 305.8, subsection 1, paragraph b, Code  
30 35 2011, is amended to read as follows:

31 1 b. In consultation with the department of homeland security  
31 2 and emergency management ~~division of the department of public~~  
31 3 ~~defense~~, establish policies, standards, and guidelines for  
31 4 the identification, protection, and preservation of records  
31 5 essential for the continuity or reestablishment of governmental  
31 6 functions in the event of an emergency arising from a natural  
31 7 or other disaster.

31 8 Sec. 61. Section 455B.266, subsection 1, paragraph d, Code  
31 9 2011, is amended to read as follows:

31 10 d. Determination by the department in conjunction with  
31 11 the department of homeland security and emergency management

31 12 division of the department of public defense of a local crisis  
 31 13 which affects availability of water.  
 31 14 Sec. 62. Section 455B.385, Code 2011, is amended to read as  
 31 15 follows:  
 31 16 455B.385 STATE HAZARDOUS CONDITION CONTINGENCY PLAN.  
 31 17 All public agencies, as defined in chapter 28E, shall  
 31 18 cooperate in the development and implementation of a state  
 31 19 hazardous condition contingency plan. The plan shall detail  
 31 20 the manner in which public agencies shall participate in the  
 31 21 response to a hazardous condition. The director may enter  
 31 22 into agreements, with approval of the commission, with any  
 31 23 state agency or unit of local government or with the federal  
 31 24 government, as necessary to develop and implement the plan.  
 31 25 The plan shall be coordinated with the department of homeland  
 31 26 security and emergency management ~~division of the department~~  
 31 27 ~~of public defense~~ and any joint emergency management agencies  
 31 28 established pursuant to chapter 29C.

31 29 Sec. 63. Section 466B.3, subsection 4, paragraph d, Code  
 31 30 Supplement 2011, is amended to read as follows:  
 31 31 d. The ~~administrator~~ director of the department of homeland  
 31 32 security and emergency management ~~division of the department of~~  
 31 33 ~~public defense~~ or the ~~administrator's~~ director's designee.

31 34 Sec. 64. REPEAL. Sections 29.2, 29.3, and 29C.7, Code and  
 31 35 Code Supplement 2011, are repealed.

32 1 Sec. 65. TRANSITION PROVISIONS.  
 32 2 1. Any rule, regulation, form, order, or directive  
 32 3 promulgated by the division of homeland security and  
 32 4 emergency management of the department of public defense shall  
 32 5 continue in full force and effect until amended, repealed,  
 32 6 or supplemented by affirmative action of the department of  
 32 7 homeland security and emergency management as established in  
 32 8 this Act.  
 32 9 2. All employees of the division of homeland security and  
 32 10 emergency management of the department of public defense shall  
 32 11 be considered employees of the department of homeland security  
 32 12 and emergency management upon the elimination of the former and  
 32 13 creation of the latter as provided in this Act.

32 14 DIVISION VII  
 32 15 IOWA JOBS BOARD

32 16 Sec. 66. Section 12.87, subsection 12, Code Supplement  
 32 17 2011, is amended to read as follows:  
 32 18 12. Neither the treasurer of state, the Iowa ~~jobs board~~  
 32 19 finance authority, nor any person acting on behalf of the  
 32 20 treasurer of state or the Iowa ~~jobs board~~ finance authority

CODE: This Division repeals the Iowa Jobs (IJOBS) Board and changes the statutory references in the IJOBS Program and IJOBS Program II from the Board to the Iowa Finance Authority (IFA). Repeals the IJOBS Restricted Capitals Fund.

32 21 while acting within the scope of their employment or agency, is  
 32 22 subject to personal liability resulting from carrying out the  
 32 23 powers and duties conferred by this section and sections 12.88  
 32 24 through 12.90.  
 32 25 Sec. 67. Section 16.193, subsection 1, Code Supplement  
 32 26 2011, is amended to read as follows:  
 32 27 —4. The ~~lowa finance authority, subject to approval by the~~  
 32 28 ~~lowa jobs board~~, shall adopt administrative rules pursuant to  
 32 29 chapter 17A necessary to administer the Iowa jobs program and  
 32 30 Iowa jobs II program. The authority shall ~~provide the board~~  
 32 31 ~~with assistance in implementing administrative functions, be~~  
 32 32 ~~responsible for~~ providing technical assistance and application  
 32 33 assistance to applicants under the programs, negotiating  
 32 34 contracts, and providing project follow up. ~~The authority, in~~  
 32 35 ~~cooperation with the board, may conduct negotiations on behalf~~  
 33 1 ~~of the board with applicants regarding terms and conditions~~  
 33 2 ~~applicable to awards under the program.~~  
 33 3 Sec. 68. Section 16.194, subsection 2, Code 2011, is amended  
 33 4 to read as follows:  
 33 5 2. A city or county or a public organization in this  
 33 6 state may submit an application to the ~~Iowa jobs board~~  
 33 7 authority for financial assistance for a local infrastructure  
 33 8 competitive grant for an eligible project under the program,  
 33 9 notwithstanding any limitation on the state's percentage in  
 33 10 funding as contained in section 29C.6, subsection 17.  
 33 11 Sec. 69. Section 16.194, subsection 4, unnumbered paragraph  
 33 12 1, Code 2011, is amended to read as follows:  
 33 13 The ~~board~~ authority shall consider the following criteria in  
 33 14 evaluating eligible projects to receive financial assistance  
 33 15 under the program:  
 33 16 Sec. 70. Section 16.194, subsection 7, Code 2011, is amended  
 33 17 to read as follows:  
 33 18 7. In order for a project to be eligible to receive  
 33 19 financial assistance from the ~~board~~ authority, the project  
 33 20 must be a public construction project pursuant to subsection 1  
 33 21 with a demonstrated substantial local, regional, or statewide  
 33 22 economic impact.  
 33 23 Sec. 71. Section 16.194, subsection 8, unnumbered paragraph  
 33 24 1, Code 2011, is amended to read as follows:  
 33 25 The ~~board~~ authority shall not approve an application for  
 33 26 assistance for any of the following purposes:  
 33 27 Sec. 72. Section 16.194, subsection 9, paragraph b, Code  
 33 28 2011, is amended to read as follows:  
 33 29 b. Any portion of an amount allocated for projects  
 33 30 that remains unexpended or unencumbered one year after the  
 33 31 allocation has been made may be reallocated to another project

DETAIL: This Division transfers all duties from the IJOBS Board to the IFA. The IJOBS Board was established in SF 376 (Revenue Bonding and IJOBS Program Act) during the 2009 Legislative Session and is comprised of 11 members. A total of \$225,900,000 in appropriations from the Revenue Bonds Capitals Fund (RBC) and Revenue Bonds Capitals II Fund (RBC2) was overseen by the Board. Of that amount, \$148,500,000 was allocated through competitive grants for local infrastructure and disaster prevention infrastructure approved by the Board and \$77,400,000 was allocated by the Board to specified targeted rebuilding and flood mitigation projects.

While the Board has completed its work granting the funds to local recipients, it does meet occasionally and continues to oversee the projects. For example, if a project has a change in scope, funding, or timing, the amendment to the grant agreement is approved by the Board. The IFA staffs the Board, administers the programs under the Board, and pays per diem and expenses for the Board. For FY 2010 and FY 2011, the IFA received a standing appropriation of \$200,000 from the Rebuild Iowa Infrastructure Fund (RIIF) for administration of the IJOBS Programs and for per diem expenses for the Board. This appropriation was eliminated in HF 648 (FY 2012 Infrastructure Appropriations Act) and costs of administering the two Programs and per diem expenses were assumed within the IFA operating budget. The IFA operating budget is estimated at \$63,400,000 for FY 2012 and is derived solely from income from its financings. The Authority does not receive General Fund moneys for operations. Costs for administration and per diem expenses of the Board were \$169,470 in FY 2011 and are estimated at \$36,350 for FY 2012.

FISCAL IMPACT: The changes in this Division have no impact on the General Fund. The elimination of the Board may result in some savings to the IFA operating budget, but it is not expected to be significant. Additionally, there is no impact from the repeal of the IJOBS Restricted Capitals Fund. In practice, the \$165,000,000 in appropriations from the RBC that was overseen by the IJOBS Board were not deposited in the IJOBS Restricted Capitals Fund, but were appropriated directly from the RBC. This was due to advice from the Treasurer of State and bond counsel regarding accounting practices for the bond proceeds. Iowa Code section 16.196 was not changed to reflect what was in practice. The repeal of the unused IJOBS Restricted Capitals Fund does not affect the \$165,000,000 from the RBC or the grants and allocations made from the Fund.



33 32 category, at the discretion of the board authority. The board  
33 33 authority shall ensure that all bond proceeds be expended  
33 34 within three years from when the allocation was initially made.  
33 35 Sec. 73. Section 16.194, subsection 10, Code 2011, is  
34 1 amended to read as follows:  
34 2 10. The ~~board~~ authority shall ensure that funds obligated  
34 3 under this section are coordinated with other federal program  
34 4 funds received by the state, and that projects receiving funds  
34 5 are located in geographically diverse areas of the state.  
34 6 Sec. 74. Section 16.194A, subsections 2, 7, 9, and 10, Code  
34 7 2011, are amended to read as follows:  
34 8 2. A city or county in this state that applies the smart  
34 9 planning principles and guidelines pursuant to sections 18B.1  
34 10 and 18B.2 may submit an application to the ~~Iowa jobs board~~  
34 11 authority for financial assistance for a local infrastructure  
34 12 competitive grant for an eligible project under the program,  
34 13 notwithstanding any limitation on the state's percentage in  
34 14 funding as contained in section 29C.6, subsection 17.  
34 15 7. In order for a project to be eligible to receive  
34 16 financial assistance from the ~~board~~ authority, the project  
34 17 must be a public construction project pursuant to subsection 1  
34 18 with a demonstrated substantial local, regional, or statewide  
34 19 economic impact.  
34 20 9. Any portion of an amount allocated for projects  
34 21 that remains unexpended or unencumbered one year after the  
34 22 allocation has been made may be reallocated to another project  
34 23 category, at the discretion of the ~~board~~ authority. The ~~board~~  
34 24 authority shall ensure that all bond proceeds be expended  
34 25 within three years from when the allocation was initially made.  
34 26 10. The ~~board~~ authority shall ensure that funds obligated  
34 27 under this section are coordinated with other federal program  
34 28 funds received by the state, and that projects receiving funds  
34 29 are located in geographically diverse areas of the state.  
34 30 Sec. 75. Section 16.194A, subsection 4, unnumbered  
34 31 paragraph 1, Code 2011, is amended to read as follows:  
34 32 The ~~board~~ authority shall consider the following criteria in  
34 33 evaluating eligible projects to receive financial assistance  
34 34 under the program:  
34 35 Sec. 76. Section 16.194A, subsection 8, unnumbered  
35 1 paragraph 1, Code 2011, is amended to read as follows:  
35 2 The ~~board~~ authority shall not approve an application for  
35 3 assistance for any of the following purposes:  
35 4 Sec. 77. Section 16.195, Code Supplement 2011, is amended  
35 5 to read as follows:  
35 6 16.195 IOWA JOBS PROGRAM APPLICATION REVIEW.  
35 7 1. Applications for assistance under the Iowa jobs program

35 8 and Iowa jobs II program shall be submitted to the Iowa finance  
35 9 authority ~~for review and approval. The authority shall provide~~  
35 10 ~~a staff review and evaluation of applications to the Iowa jobs~~  
35 11 ~~program review committee referred to in subsection 2 and to the~~  
35 12 ~~Iowa jobs board.~~

35 13 2.—A review committee composed of members of the board  
35 14 as determined by the board shall review Iowa jobs program  
35 15 applications submitted to the board and make recommendations  
35 16 regarding the applications to the board. When reviewing the  
35 17 applications, the ~~review committee and the~~ authority shall  
35 18 consider the project criteria specified in sections 16.194 and  
35 19 16.194A. The ~~board~~ authority shall develop the appropriate  
35 20 level of transparency regarding project fund allocations.

35 21 3. Upon approval of an application for financial assistance  
35 22 under the program, the ~~board~~ authority shall notify the  
35 23 treasurer of state regarding the amount of moneys needed to  
35 24 satisfy the award of financial assistance and the terms of the  
35 25 award. The treasurer of state shall notify the ~~Iowa finance~~  
35 26 authority any time moneys are disbursed to a recipient of  
35 27 financial assistance under the program.

35 28 Sec. 78. Section 16.196, Code 2011, is amended to read as  
35 29 follows:

35 30 16.196 IOWA JOBS —RESTRICTED CAPITALS FUND — APPROPRIATIONS.

35 31 —1. ~~An Iowa jobs restricted capitals fund is created and~~  
35 32 ~~established as a separate and distinct fund in the state~~  
35 33 ~~treasury. The fund consists of moneys appropriated from~~  
35 34 ~~the revenue bonds capitals fund created in section 12.88.~~  
35 35 ~~The moneys in the fund are appropriated to the Iowa jobs~~  
36 1 ~~board for purposes of the Iowa jobs program established in~~  
36 2 ~~section 16.194. Moneys in the fund shall not be subject to~~  
36 3 ~~appropriation for any other purpose by the general assembly;~~  
36 4 ~~but shall be used only for the purposes of the Iowa jobs~~  
36 5 ~~program. The treasurer of state shall act as custodian of the~~  
36 6 ~~fund and disburse moneys contained in the fund. The fund shall~~  
36 7 ~~be administered by the board which shall make allocations from~~  
36 8 ~~the fund consistent with the purposes of the Iowa jobs program.~~

36 9 —2. 1. There is appropriated from the revenue bonds capitals  
36 10 fund created in section 12.88, ~~to the Iowa jobs restricted~~  
36 11 ~~capitals fund~~, for the fiscal year beginning July 1, 2009, and  
36 12 ending June 30, 2010, one hundred sixty-five million dollars to  
36 13 be allocated as follows:

36 14 a. One hundred eighteen million five hundred thousand  
36 15 dollars for competitive grants for local infrastructure  
36 16 projects relating to disaster rebuilding, reconstruction  
36 17 and replacement of local buildings, flood control and flood  
36 18 protection, and future flood prevention public projects. An

36 19 applicant for a local infrastructure grant shall not receive  
36 20 more than fifty million dollars in financial assistance from  
36 21 the fund.

36 22 b. Forty-six million five hundred thousand dollars for  
36 23 disaster relief and mitigation and local infrastructure  
36 24 grants for the following renovation and construction projects,  
36 25 notwithstanding any limitation on the state's percentage  
36 26 participation in funding as contained in section 29C.6,  
36 27 subsection 17:

36 28 (1) For grants to a county with a population between  
36 29 one hundred eighty-nine thousand and one hundred ninety-six  
36 30 thousand in the latest preceding certified federal census, to  
36 31 be distributed as follows:

36 32 (a) Ten million dollars for the construction of a new,  
36 33 shared facility between nonprofit human service organizations  
36 34 serving the public, especially the needs of low-income lowans,  
36 35 including those displaced as a result of the disaster of 2008.

37 1 (b) Five million dollars for the construction or renovation  
37 2 of a facility for a county-funded workshop program serving  
37 3 the public and particularly persons with mental illness or  
37 4 developmental disabilities.

37 5 (2) For grants to a city with a population between one  
37 6 hundred ten thousand and one hundred twenty thousand in the  
37 7 latest preceding certified federal census, to be distributed  
37 8 as follows:

37 9 (a) Five million dollars for an economic redevelopment  
37 10 project benefiting the public by improving energy efficiency  
37 11 and the development of alternative and renewable energy  
37 12 technologies.

37 13 (b) Ten million dollars for a museum serving the public and  
37 14 dedicated to the preservation of an eastern European cultural  
37 15 heritage through the collection, exhibition, preservation, and  
37 16 interpretation of historical artifacts.

37 17 (c) Five million dollars for a theater serving the public  
37 18 and promoting culture, entertainment, and tourism.

37 19 (d) Five million dollars for a public library.

37 20 (e) Five million dollars for a public works building.

37 21 (3) One million five hundred thousand dollars, to be  
37 22 distributed as follows:

37 23 (a) Five hundred thousand dollars to a city with a  
37 24 population between six hundred and six hundred fifty in the  
37 25 latest preceding certified federal census, for a public fire  
37 26 station.

37 27 (b) Five hundred thousand dollars to a city with a  
37 28 population between one thousand four hundred and one thousand  
37 29 five hundred in the latest preceding certified federal census,

37 30 for a public fire station.

37 31 (c) Five hundred thousand dollars for a city with a

37 32 population between seven thousand eight hundred and seven

37 33 thousand eight hundred fifty, for a public fire station.

37 34 ~~—3. 2.~~ Grant awards for a project under subsection 2,

37 35 paragraph “b”, are contingent upon submission of a plan for

38 1 each project by the applicable county or city governing board

38 2 or in the case of a project submitted pursuant to subsection

38 3 2, paragraph “b”, subparagraph (2), subparagraph division (b),

38 4 by the board of directors, to the ~~lowa jobs board~~ authority,

38 5 no later than September 1, 2009, detailing a description of

38 6 the project, the plan to rebuild, and the amount or percentage

38 7 of federal, state, local, or private matching moneys which

38 8 will be or have been provided for the project. Funds not

38 9 utilized in accordance with subsection 2, paragraph “b”, due

38 10 to failure to file a plan by the September 1 deadline shall

38 11 revert to the ~~lowa jobs restricted revenue bonds~~ capitals fund

38 12 to be available for local infrastructure competitive grants. A

38 13 grant recipient under subsection 2, paragraph “b”, shall not be

38 14 precluded from applying for a local infrastructure competitive

38 15 grant pursuant to this section and section 16.195.

38 16 ~~—4. Moneys in the fund are not subject to section 8.33.~~

38 17 ~~Notwithstanding section 12C.7, subsection 2, interest or~~

38 18 ~~earnings on moneys in the fund shall be credited to the fund.~~

38 19 ~~—5. 3.~~ Annually, on or before January 15 of each year, the

38 20 ~~board~~ authority shall report to the legislative services agency

38 21 and the department of management the status of all projects

38 22 receiving moneys from the fund completed or in progress. The

38 23 report shall include a description of the project, the progress

38 24 of work completed, the total estimated cost of the project, a

38 25 list of all revenue sources being used to fund the project, the

38 26 amount of funds expended, the amount of funds obligated, and

38 27 the date the project was completed or an estimated completion

38 28 date of the project, where applicable.

38 29 ~~—6. 4.~~ Payment of moneys appropriated from the fund shall be

38 30 made in a manner that does not adversely affect the tax-exempt

38 31 status of any outstanding bonds issued by the treasurer of

38 32 state.

38 33 Sec. 79. Section 16.197, Code 2011, is amended to read as

38 34 follows:

38 35 16.197 LIMITATION OF LIABILITY.

39 1 ~~—A member of the lowa jobs board, a person acting on behalf of~~

39 2 ~~the board while acting within the scope of their employment or~~

39 3 ~~agency; The authority~~ or the treasurer of state, shall not be

39 4 subject to personal liability resulting from carrying out the

39 5 powers and duties of the ~~board~~ authority or the treasurer, as

39 6 applicable, in sections 16.192 ~~16.193~~ through 16.196.  
 39 7 Sec. 80. IOWA JOBS BOARD — TRANSITION PROVISIONS —  
 39 8 LIMITATION OF LIABILITY.  
 39 9 1. Any contract or agreement issued or entered into by the  
 39 10 Iowa jobs board relating to the provisions of this division  
 39 11 of this Act, in effect on the effective date of this division  
 39 12 of this Act, shall continue in full force and effect and  
 39 13 any responsibility of the board relative to the contracts or  
 39 14 agreements as provided in those contracts or agreements shall  
 39 15 be transferred to the Iowa finance authority.  
 39 16 2. A member of the Iowa jobs board or a person acting on  
 39 17 behalf of the board while acting within the scope of that  
 39 18 person's employment or agency shall not be subject to personal  
 39 19 liability resulting from carrying out the powers and duties  
 39 20 of the board prior to the effective date of this division of  
 39 21 this Act, as applicable, in sections 12.87 through 12.90 and in  
 39 22 sections 16.192 through 16.196, Code and Code Supplement 2011.  
 39 23 Sec. 81. REPEAL. Sections 16.191 and 16.192, Code  
 39 24 Supplement 2011, are repealed.

39 25 DIVISION VIII  
 39 26 OFFICE OF DRUG CONTROL POLICY

39 27 Sec. 82. Section 80.8, subsection 3, paragraph a, Code 2011,  
 39 28 is amended to read as follows:  
 39 29 a. The salaries of peace officers and employees of the  
 39 30 department and the expenses of the department shall be provided  
 39 31 for by a legislative appropriation, except the salary of the  
 39 32 drug policy coordinator shall be fixed by the governor as  
 39 33 provided in section 80E.1. The compensation of peace officers  
 39 34 of the department shall be fixed according to grades as to rank  
 39 35 and length of service by the commissioner with the approval of  
 40 1 the department of administrative services, unless covered by a  
 40 2 collective bargaining agreement that provides otherwise.  
 40 3 Sec. 83. Section 80.9, Code 2011, is amended by adding the  
 40 4 following new subsection:  
 40 5 NEW SUBSECTION 10. The department shall receive and review  
 40 6 the budget submitted by the drug policy coordinator and assist  
 40 7 the drug policy coordinator in directing the office of drug  
 40 8 control's policy pursuant to section 80E.1.  
 40 9 Sec. 84. Section 80.17, subsection 1, Code 2011, is amended  
 40 10 by adding the following new paragraph:  
 40 11 NEW PARAGRAPH g. Office of drug control policy.  
 40 12 Sec. 85. Section 80E.1, subsection 1, Code 2011, is amended  
 40 13 to read as follows:  
 40 14 1. The office of drug control policy is established in the

CODE: This Division reassigns the duties of the Office of Drug Control Policy to the Department of Public Safety and provides other necessary conforming changes.

FISCAL IMPACT: The fiscal impact of moving the Office of Drug Control Policy to the Department of Public Safety will depend on the amount the General Assembly appropriates to the Office for FY 2013. The Office received an appropriation of \$290,000 from the General Fund for FY 2012.

40 15 ~~department of public safety.~~A drug policy coordinator shall  
40 16 be appointed by the governor, subject to confirmation by the  
40 17 senate, and shall serve at the pleasure of the governor. The  
40 18 governor shall fill a vacancy in the office in the same manner  
40 19 as the original appointment was made. The coordinator shall be  
40 20 selected primarily for administrative ability. The coordinator  
40 21 shall not be selected on the basis of political affiliation  
40 22 and shall not engage in political activity while holding the  
40 23 office. The salary of the coordinator shall be fixed by the  
40 24 governor.

40 25 Sec. 86. Section 80E.1, subsection 2, paragraph a, Code  
40 26 2011, is amended to read as follows:

40 27 a. Direct the ~~governor's~~ office of drug control policy,  
40 28 and coordinate and monitor all statewide narcotics enforcement  
40 29 efforts, coordinate and monitor all state and federal substance  
40 30 abuse treatment grants and programs, coordinate and monitor all  
40 31 statewide substance abuse prevention and education programs  
40 32 in communities and schools, and engage in such other related  
40 33 activities as required by law. The coordinator shall work in  
40 34 coordinating the efforts of the department of corrections, the  
40 35 department of education, the Iowa department of public health,  
41 1 ~~the department of public safety,~~ and the department of human  
41 2 services. The coordinator shall assist in the development  
41 3 and implementation of local and community strategies to fight  
41 4 substance abuse, including local law enforcement, education,  
41 5 and treatment activities.

41 6 Sec. 87. Section 124.101, subsection 21, Code 2011, is  
41 7 amended to read as follows:

41 8 21. "Office" means the ~~governor's~~ office of drug control  
41 9 policy, as referred to in section 80E.1.

41 10 Sec. 88. Section 135.130, subsection 2, Code 2011, is  
41 11 amended to read as follows:

41 12 2. A substance abuse treatment facility advisory council  
41 13 is established within the department to advise and make  
41 14 recommendations to the director regarding the establishment  
41 15 and operation of a facility for persons with a substance  
41 16 abuse problem who are on probation and to assist with the  
41 17 implementation of treatment programs that are proven to  
41 18 be effective for offenders. The substance abuse treatment  
41 19 facility advisory council shall consist of the directors of the  
41 20 eight judicial district departments of correctional services  
41 21 and one representative each from the judicial branch, the Iowa  
41 22 department of public health, the department of corrections, and  
41 23 the ~~governor's~~ office of drug control policy.

41 24 Sec. 89. Section 216A.132, subsection 1, paragraph b, Code  
41 25 2011, is amended to read as follows:

41 26 b. The departments of human services, corrections, and  
 41 27 public safety, the office on the status of African Americans,  
 41 28 the department of public health, the chairperson of the board  
 41 29 of parole, the attorney general, the state public defender,  
 41 30 and the ~~governor's~~ office of drug control policy shall each  
 41 31 designate a person to serve on the council.

41 32 Sec. 90. Section 216A.140, subsection 5, paragraph h, Code  
 41 33 2011, is amended to read as follows:

41 34 h.—~~Governor's office~~ Office of drug control policy.

41 35 Sec. 91. Section 602.8108, subsection 4, Code Supplement  
 42 1 2011, is amended to read as follows:

42 2 4. The clerk of the district court shall remit all moneys  
 42 3 collected from the drug abuse resistance education surcharge  
 42 4 provided in section 911.2 to the state court administrator  
 42 5 for deposit in the general fund of the state and the amount  
 42 6 deposited is appropriated to the ~~governor's~~ office of drug  
 42 7 control policy for use by the drug abuse resistance education  
 42 8 program and other programs directed for a similar purpose.

42 9 DIVISION IX  
 42 10 ELECTRONIC COMMUNICATIONS

42 11 Sec. 92. Section 22.7, Code Supplement 2011, is amended by  
 42 12 adding the following new subsection:  
 42 13 NEW SUBSECTION 65. Electronic mail addresses of  
 42 14 individuals collected by state departments and agencies for the  
 42 15 purpose of electronic communications.

CODE: Adds electronic mail addresses of individuals, that are collected by State agencies, to the list of confidential information under the Iowa Code chapter pertaining to the Examination of Public Records.

42 16 Sec. 93. STATE DEPARTMENT AND AGENCY LIMITATIONS ON  
 42 17 MAIL. Notwithstanding any provision of the law to the  
 42 18 contrary, a state department or agency shall provide  
 42 19 departmental or agency notices or information through the  
 42 20 department's or agency's internet site or through electronic  
 42 21 mail to the fullest extent possible. This requirement shall  
 42 22 not apply to department and agency communications required for  
 42 23 purposes of pursuing legal action or to comply with federal  
 42 24 law. Departments and agencies shall have rulemaking authority  
 42 25 to implement this section and to collect electronic mail  
 42 26 addresses for the purpose of electronic communications.

Requires State agencies to distribute notices and information through the agencies' Internet site or through electronic mail to the fullest extent possible. The requirement does not apply notices concerning legal action or requirements relating to compliance with federal law.

FISCAL IMPACT: This item will result in some savings but a specific amount cannot be estimated.

42 27 DIVISION X  
 42 28 STATE RECORDS

42 29 Sec. 94. Section 96.11, subsection 11, Code 2011, is amended  
 42 30 to read as follows:  
 42 31 11. DESTRUCTION OF RECORDS. The department may destroy  
 42 32 or dispose of such original reports or records as have been

CODE: This Division repeals the State Records Commission and transfers the responsibilities to the Department of Cultural Affairs. Sections 94 - 100 of this Bill make conforming changes that are associated with transferring the duties of the Commission to the

42 33 properly recorded or summarized in the permanent records of  
 42 34 the department and are deemed by the director and the ~~state~~  
 42 35 ~~records commission~~ department of cultural affairs to be no  
 43 1 longer necessary to the proper administration of this chapter.  
 43 2 Wage records of the individual worker or transcripts therefrom  
 43 3 may be destroyed or disposed of, if approved by the ~~state~~  
 43 4 ~~records commission~~ department of cultural affairs, two years  
 43 5 after the expiration of the period covered by such wage records  
 43 6 or upon proof of the death of the worker. Such destruction  
 43 7 or disposition shall be made only by order of the director in  
 43 8 consultation with the ~~state records commission~~ department of  
 43 9 cultural affairs. Any moneys received from the disposition of  
 43 10 such records shall be deposited to the credit of the employment  
 43 11 security administration fund, subject to rules promulgated by  
 43 12 the department.

43 13 Sec. 95. Section 305.2, subsection 2, Code 2011, is amended  
 43 14 to read as follows:

43 15 2. "Archives" means records that have been appraised by  
 43 16 the ~~state records commission~~ department as having sufficient  
 43 17 historical, research, evidential, or informational value to  
 43 18 warrant permanent preservation and that have been transferred  
 43 19 to the custody of the state archives.

43 20 Sec. 96. Section 305.2, subsections 3 and 5, Code 2011, are  
 43 21 amended by striking the subsections.

43 22 Sec. 97. Section 305.2, Code 2011, is amended by adding the  
 43 23 following new subsection:

43 24 NEW SUBSECTION 4A. "Department" means the department of  
 43 25 cultural affairs.

43 26 Sec. 98. Section 305.2, subsection 10, Code 2011, is amended  
 43 27 to read as follows:

43 28 10. "Records series retention and disposition schedule"  
 43 29 means a timetable established by the ~~state records commission~~  
 43 30 department that describes the length of time a records series  
 43 31 of an agency or multiple agencies must be retained in active  
 43 32 and inactive status and provides authorization for a final  
 43 33 disposition of the records series by destruction or permanent  
 43 34 retention.

43 35 Sec. 99. Section 305.4, unnumbered paragraph 1, Code 2011,  
 44 1 is amended to read as follows:

44 2 The ~~commission~~ department shall adopt government information  
 44 3 policies, standards, and guidelines to do all of the following:

44 4 Sec. 100. Section 305.8, subsection 1, unnumbered paragraph  
 44 5 1, Code 2011, is amended to read as follows:

44 6 The ~~commission~~ department shall do all of the following:

44 7 Sec. 101. Section 305.8, subsection 1, Code 2011, is amended

Department.

FISCAL IMPACT: This Division will shift the cost of records storage and retention from the Department of Cultural Affairs to other State agencies that utilize the records storage services of the Department. The Department of Cultural Affairs receives an annual appropriation to pay the facility lease where State records are stored and for support costs associated with records storage and retention. For FY 2012, the appropriation was \$227,000. This Section allows the Department to bill other agencies for the cost of records storage in an amount similar to the appropriation received in FY 2012. It is assumed that the annual appropriation will be discontinued beginning in FY 2013, if Division X is enacted.

CODE: Sections 101 and 102 of this Bill provide additional



44 8 by adding the following new paragraph:  
44 9 NEW PARAGRAPH 0e. Provide training, advice, and counsel  
44 10 to agencies on government information policies, standards, and  
44 11 guidelines.  
44 12 Sec. 102. Section 305.8, subsection 1, Code 2011, is amended  
44 13 by adding the following new paragraphs:  
44 14 NEW PARAGRAPH 0f. Develop and distribute operating  
44 15 procedures for agencies to use to implement the plans,  
44 16 policies, standards, and guidelines adopted by the department.  
44 17 NEW PARAGRAPH 00f. Manage any centralized records storage  
44 18 facility established by the department for the temporary  
44 19 storage of agency records prior to their final disposition by  
44 20 destruction or permanent preservation in accordance with the  
44 21 records series retention and disposition schedules.  
44 22 NEW PARAGRAPH 000f. Appoint a state archivist to head the  
44 23 state archives and records program.  
44 24 NEW PARAGRAPH 0000f. Manage the state archives and develop  
44 25 operating procedures for the transfer, accession, arrangement,  
44 26 description, preservation, protection, and public access of  
44 27 those records the department identifies as having permanent  
44 28 value.  
44 29 NEW PARAGRAPH 00000f. Maintain physical custody and legal  
44 30 custody of archives that have been transferred and delivered  
44 31 to the state archives.  
44 32 (1) Upon receipt by the state archivist, the archives shall  
44 33 not be removed without the state archivist's consent except in  
44 34 response to a subpoena of a court of record or in accordance  
44 35 with approved records series retention and disposition  
45 1 schedules or after review and approval of the department.  
45 2 (2) Upon request, the state archivist shall make a certified  
45 3 copy of any record in the legal custody or in the physical  
45 4 custody of the state archivist, or a certified transcript  
45 5 of any record if reproduction is inappropriate because of  
45 6 legal or physical considerations. If a copy or transcript is  
45 7 properly authenticated, it has the same legal effect as though  
45 8 certified by the officer from whose office it was transferred  
45 9 or by the secretary of state. The department shall establish  
45 10 reasonable fees for certified copies or certified transcripts  
45 11 of records in the legal custody or physical custody of the  
45 12 state archivist.  
45 13 NEW PARAGRAPH 000000f. Establish, maintain, and administer  
45 14 an archive of records created and maintained in electronic  
45 15 format in order to preserve and provide public access to state  
45 16 government records identified as having permanent historical  
45 17 value by the department.

requirements for the Department of Cultural Affairs relating to the management and storage of State records. The new provisions require the Department to:

- Provide training to agencies relating to policies and guidelines of records storage and retention.
- Develop operating procedures for agencies to use.
- Manage all records storage facilities.
- Appoint a State Archivist.
- Manage the State archives and develop operating procedures pertaining to archived records.
- Maintain physical and legal custody of archives that have been transferred to the State archives.
- Consider establishing a reasonable fee for providing certified copies and transcripts or records that are in the legal or physical custody of the State Archivist.
- Establish and maintain an electronic archive of records to preserve and provide public access to State government records that have permanent historical value.

45 18 Sec. 103. Section 305.8, subsection 1, Code 2011, is amended  
 45 19 by adding the following new paragraph:  
 45 20 NEW PARAGRAPH 0i. Establish rates to be charged an agency  
 45 21 by the department for storage and retention of records of  
 45 22 the agency in a records storage facility maintained by the  
 45 23 department. Rates established shall be reviewed annually by  
 45 24 the department and shall be reasonably related to the cost of  
 45 25 storing and retaining records of an agency.

CODE: Allows the Department of Cultural Affairs to establish rates for the purpose of billing State agencies for the storage and retention of records.

45 26 Sec. 104. Section 305.8, subsection 2, unnumbered paragraph  
 45 27 1, Code 2011, is amended to read as follows:  
 45 28 The ~~commission~~ department may do all of the following:

CODE: Makes a conforming change associated with transferring the duties of the State Records Commission to the Department of Cultural Affairs.

45 29 Sec. 105. Section 305.8, subsection 2, Code 2011, is amended  
 45 30 by adding the following new paragraph:  
 45 31 NEW PARAGRAPH 0g. Upon written consent of the state  
 45 32 archivist, accept records of political subdivisions that are  
 45 33 voluntarily transferred to the state archives.

CODE: Allows the Department to accept records of political subdivisions that are voluntarily transferred to the State archives.

45 34 Sec. 106. Section 305.8, subsection 2, paragraph e, Code  
 45 35 2011, is amended to read as follows:  
 46 1 e. Make, or cause to be made, preservation duplicates of  
 46 2 records, which may include existing copies of original state  
 46 3 records. Any preservation duplicate record shall be durable,  
 46 4 accurate, complete, and clear, and shall be made by means  
 46 5 designated by the ~~commission~~ department.

CODE: Makes a conforming change associated with transferring the duties of the State Records Commission to the Department of Cultural Affairs.

46 6 Sec. 107. NEW SECTION 305.8A RECORDS RETENTION AND STORAGE  
 46 7 COSTS — BILLING — INTERNAL SERVICE FUND.  
 46 8 1. The department may bill an agency for records storage  
 46 9 and retention services rendered by the department pursuant to  
 46 10 the rates established by the department for these services.  
 46 11 The department shall periodically render a billing statement  
 46 12 to an agency outlining the cost of services provided. The  
 46 13 amount indicated on the statement shall be paid by the agency  
 46 14 and amounts received by the department shall be considered  
 46 15 repayment receipts as defined in section 8.2, and deposited  
 46 16 into the accounts of the department.  
 46 17 2. a. The department may establish and maintain an internal  
 46 18 service fund in accordance with generally accepted accounting  
 46 19 principles, as defined in section 8.57, for the records storage  
 46 20 and retention activities of the department which are primarily  
 46 21 funded from billings to agencies for services rendered by the  
 46 22 department.  
 46 23 b. The internal service fund shall be administered by  
 46 24 the department and shall consist of moneys collected by the

CODE: Allows the Department of Cultural Affairs to establish an internal service fund for records storage and retention services and to bill State agencies for the costs associated with storage and retention of records. Requires interest earnings of the internal service fund to remain in the fund.

46 25 department from billings issued in accordance with this section  
 46 26 and any other moneys obtained or accepted by the department,  
 46 27 including but not limited to gifts, loans, donations, grants,  
 46 28 and contributions, which are designated to support the  
 46 29 activities of the internal service fund.

46 30 c. The proceeds of the internal service fund established  
 46 31 pursuant to this section shall be used by the department  
 46 32 for the operations of the department in records storage and  
 46 33 retention consistent with this chapter.

46 34 d. Section 8.33 does not apply to any moneys in the  
 46 35 internal service fund established pursuant to this section.

47 1 Notwithstanding section 12C.7, subsection 2, interest or  
 47 2 earnings on moneys deposited in the fund shall be credited to  
 47 3 the fund.

47 4 e. The director of the department shall annually provide  
 47 5 financial information and reports relative to the internal  
 47 6 service fund established pursuant to this section to the  
 47 7 department of management and the general assembly. The  
 47 8 information provided may include the recommendation that a  
 47 9 portion of unexpended net income be periodically returned to  
 47 10 the appropriate funding source.

47 11 Sec. 108. Section 305.10, subsection 1, paragraphs c, d, e,  
 47 12 f, and j, Code 2011, are amended to read as follows:

47 13 c. Cooperate with the ~~state records commission~~ department  
 47 14 and the state archives and records program in the development  
 47 15 and implementation of government information policies,  
 47 16 standards, and guidelines, and in the development and  
 47 17 implementation of records series retention and disposition  
 47 18 schedules.

47 19 d. Comply with requests from the ~~state records commission~~  
 47 20 ~~or department and~~ the state archives and records program to  
 47 21 examine records in the possession, constructive possession, or  
 47 22 control of the agency in order to carry out the purposes of  
 47 23 this chapter.

47 24 e. Inventory agency records in accordance with ~~state~~  
 47 25 ~~records commission~~ department policies to draft records series  
 47 26 retention and disposition schedules.

47 27 f. Identify vital operating records in accordance with  
 47 28 the policies, standards, and guidelines of the ~~state records~~  
 47 29 ~~commission~~ department.

47 30 j. Provide for compliance with this chapter and the rules  
 47 31 adopted by the ~~state records commission~~ department.

47 32 Sec. 109. Section 305.10, subsection 2, Code 2011, is  
 47 33 amended to read as follows:

47 34 2. Agency heads may petition the ~~state records commission~~

CODE: Sections 108 - 114 of this Bill make conforming changes that  
 are associated with transferring the duties of the State Records  
 Commission to the Department of Cultural Affairs.

47 35 department to create or modify government information policies,  
48 1 standards, and guidelines, and to create or modify records  
48 2 series retention and disposition schedules.

48 3 Sec. 110. Section 305.11, Code 2011, is amended to read as  
48 4 follows:

48 5 305.11 TERMINATION OF STATE AGENCY — RECORDS TRANSFER.

48 6 Upon the termination of a state agency whose functions have  
48 7 not been transferred to another agency, custody of the records  
48 8 of the agency shall transfer to the ~~commission~~ department.

48 9 Sec. 111. Section 305.14, Code 2011, is amended to read as  
48 10 follows:

48 11 305.14 LIABILITY PRECLUDED.

48 12 No ~~member~~ employee of the ~~commission~~ department or head of  
48 13 an agency shall be held liable for damages or loss, or civil  
48 14 or criminal liability, because of the destruction of public  
48 15 records pursuant to the provisions of this chapter or any other  
48 16 law authorizing their destruction.

48 17 Sec. 112. Section 305.15, Code 2011, is amended to read as  
48 18 follows:

48 19 305.15 EXEMPTIONS — DUTIES OF STATE DEPARTMENT OF  
48 20 TRANSPORTATION AND STATE BOARD OF REGENTS.

48 21 The state department of transportation and the agencies and  
48 22 institutions under the control of the state board of regents  
48 23 are exempt from the state records manual and the provisions of  
48 24 this chapter. However, the state department of transportation  
48 25 and the state board of regents shall adopt rules pursuant to  
48 26 chapter 17A for their employees, agencies, and institutions  
48 27 that are consistent with the objectives of this chapter.

48 28 The rules shall be approved by the ~~state records commission~~  
48 29 department.

48 30 Sec. 113. Section 305.16, subsection 6, paragraph b,  
48 31 subparagraph (1), Code 2011, is amended to read as follows:

48 32 (1) Serve in an advisory capacity to the ~~state records~~  
48 33 ~~commission~~ department, the state archives and records program,  
48 34 and other statewide archival or records agencies.

48 35 Sec. 114. Section 321.31, subsection 1, paragraph b, Code  
49 1 2011, is amended to read as follows:

49 2 b. The department may make photostatic, microfilm, or other  
49 3 photographic copies of certificates of title, registration  
49 4 receipts, or other records, reports or documents which are  
49 5 required to be retained by the department. When copies have  
49 6 been made, the department may destroy the original records in  
49 7 such manner as prescribed by the director. The photostatic,  
49 8 microfilm, or other photographic copies, when no longer of use,  
49 9 may be destroyed in the manner prescribed by the director,  
49 10 subject to the approval of the ~~state records commission~~

49 11 department of cultural affairs. Photostatic, microfilm, or  
 49 12 other photographic copies of records shall be admissible in  
 49 13 evidence when duly certified and authenticated by the officer  
 49 14 having custody and control of the copies of records. Records  
 49 15 of vehicle certificates of title may be destroyed seven years  
 49 16 after the date of issue.

49 17 Sec. 115. REPEAL. Sections 305.3, 305.5, 305.6, 305.7, and  
 49 18 305.9, Code 2011, are repealed.

CODE: Repeals the State Records Commission.

DETAIL: The duties of the State Records Commission are transferred to the Department of Cultural Affairs.

49 19 Sec. 116. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

49 20 1. Any rule, regulation, form, order, or directive  
 49 21 promulgated by the state records commission relative to the  
 49 22 provisions of this Act in existence on the effective date of  
 49 23 this division of this Act shall continue in full force and  
 49 24 effect until amended, repealed, or supplemented by affirmative  
 49 25 action of the department of cultural affairs under the duties  
 49 26 and powers established in this division of this Act and under  
 49 27 the procedure established in subsection 2.

Establishes a process for updating the Administrative Rules as it relates to the transfer of the State Records Commission duties to the Department of Cultural Affairs.

49 28 2. In regard to updating references and format in the Iowa  
 49 29 administrative code in order to correspond to the transferring  
 49 30 of duties as established in this division of this Act, the  
 49 31 administrative rules coordinator and the administrative rules  
 49 32 review committee, in consultation with the administrative code  
 49 33 editor, shall jointly develop a schedule for the necessary  
 49 34 updating of the Iowa administrative code.

49 35 DIVISION XI  
 50 1 DEPARTMENT OF TRANSPORTATION PROVISIONS

50 2 Sec. 117. Section 321.105A, subsection 7, Code Supplement  
 50 3 2011, is amended to read as follows:  
 50 4 7. PENALTY FOR FALSE STATEMENT OR EVASION OF FEE . A person  
 50 5 who willfully makes a false statement in regard to the purchase  
 50 6 price of a vehicle subject to a fee for new registration or  
 50 7 willfully attempts in any manner to evade payment of the fee  
 50 8 required by this section is guilty of a fraudulent practice.  
 50 9 A person who willfully makes a false statement in regard to  
 50 10 the purchase price of such a vehicle with the intent to evade  
 50 11 payment of the fee for new registration or willfully attempts  
 50 12 in any manner to evade payment of the fee required by this  
 50 13 section shall be assessed a penalty of seventy-five percent of  
 50 14 the amount of the fee unpaid and required to be paid on the  
 50 15 actual purchase price less trade-in allowance.

CODE: Authorizes the Department of Transportation (DOT) to establish rules for the electronic completion and issuance of salvage vehicle theft examination certificates and affidavits.

FISCAL IMPACT: The amount of time needed to develop the technology to implement this requirement has not yet been determined by the DOT, but the Department expects the project to be completed in-house without additional expense to the DOT.

50 16 Sec. 118. Section 321.196, subsection 4, Code 2011, is  
 50 17 amended to read as follows:  
 50 18 4. The department in its discretion may authorize the  
 50 19 renewal of a valid driver's license other than a commercial  
 50 20 driver's license upon application without an examination  
 50 21 provided that the applicant meets one of the following  
 50 22 conditions:  
 50 23 a. The applicantsatisfactorily passes a vision test as  
 50 24 prescribed by the department or,  
 50 25 b. The applicantfiles a vision report in accordance with  
 50 26 section 321.186A which shows that the applicant's visual acuity  
 50 27 level meets or exceeds those required by the department.  
 50 28 c. The applicant is eligible for license renewal  
 50 29 electronically, pursuant to rules adopted by the department.  
 50 30 4A. An application for renewal of a driver's license shall  
 50 31 include a statement for the applicant to sign that acknowledges  
 50 32 the applicant's knowledge of the requirement to notify the  
 50 33 department of a mailing address change under section 321.182,  
 50 34 subsection 1.

CODE: Facilitates the creation of an online driver's license renewal of by allowing the DOT to waive the vision screening for persons allowed by law to renew online.

FISCAL IMPACT: The DOT estimates a three-year average of 403,825 individuals ranging from 18 to 65 years may be eligible to renew a driver's license online. In addition, the DOT states there are no additional start-up expenses to design and implement a driver's license online renewal system. The number of individuals eligible to renew a driver's license online that would take advantage of the electronic renewal over a DOT driver's license station and the resulting employee hours saved cannot be estimated at this time.

The DOT has indicated that any personnel savings experienced as a result of online renewal implementation will be applied towards the 35.0 FTE positions currently being held vacant in the Motor Vehicle Division due to budget constraints. The DOT states that Nebraska adopted an online driver's license renewal system and experienced an average renewal transfer of 10.0% to 15.0% during the start-up period. The amount of online renewals increased to an average of 35.0% after a period of heavy promotion by the Nebraska Department of Transportation. The DOT will experience a "sign-on" expense from the Department of Administrative Services (DAS) for an authentication service before proceeding to the DOT's online renewal service. The DAS will charge the DOT two cents for each authentication. The DOT estimates this charge to be approximately \$2,500 per year for the service.

50 35 Sec. 119. REPEAL. Section 321.116, Code 2011, is repealed.

CODE: Repeals the annual fee for electric motor vehicles.

DETAIL: The current annual fee is \$25 for electric motor vehicles that are five years and newer and \$15 for those older than five years. The repeal of this Iowa Code section will require the electric motor vehicle registration fee to be based on the current weight/value formula, which averages \$130 per vehicle per year.

FISCAL IMPACT: Currently, there are 13 electric motor vehicles registered in Iowa and it is estimated that the average registration fee for these vehicles would increase by \$105 per year. This would generate an additional \$1,365 to the Road Use Tax Fund.

51 1 Sec. 120. EMERGENCY RULES. The department of  
 51 2 transportation may adopt emergency rules under section 17A.4,  
 51 3 subsection 3, and section 17A.5, subsection 2, paragraph "b",  
 51 4 to implement section 321.196, subsection 4, paragraph "c",

Allows the DOT to adopt emergency rules to implement the issuance of online driver's license renewals.

51 5 as enacted in this division of this Act, and the rules shall  
 51 6 be effective immediately upon filing unless a later date is  
 51 7 specified in the rules. Any rules adopted in accordance with  
 51 8 this section shall also be published as a notice of intended  
 51 9 action as provided in section 17A.4.

51 10 Sec. 121. EFFECTIVE UPON ENACTMENT. The following  
 51 11 provisions of this division of this Act, being deemed of  
 51 12 immediate importance, take effect upon enactment:

51 13 1. The section of this division of this Act amending section  
 51 14 321.196, subsection 4.

51 15 2. The section of this division of this Act authorizing the  
 51 16 adoption of emergency rules.

51 17 Sec. 122. APPLICABILITY. The section of this division of  
 51 18 this Act that repeals section 321.116 applies for registration  
 51 19 years beginning on or after January 1, 2013.

51 20 DIVISION XII  
 51 21 REPORT — STATE DEBT COORDINATOR

51 22 Sec. 123. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE  
 51 23 DEBT COORDINATOR — REPORT. The director of the department  
 51 24 of revenue shall develop and recommend legislative proposals  
 51 25 deemed necessary for the continued efficiency of the functions  
 51 26 of the office of the state debt coordinator established in  
 51 27 section 421C.1, and shall prepare and file a report detailing  
 51 28 the recommendations. The report shall be filed by the director  
 51 29 of the department of revenue with the department of management,  
 51 30 the governor, and the general assembly no later than January  
 51 31 14, 2013.

51 32 DIVISION XIII  
 51 33 POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

51 34 Sec. 124. Section 455B.481, subsections 1 through 3, Code  
 51 35 2011, are amended to read as follows:

52 1 1. The purpose of this part is to promote the proper and  
 52 2 ~~safe storage, treatment, and disposal~~ management of solid,  
 52 3 hazardous, and low-level radioactive wastes in Iowa. ~~The~~  
 52 4 ~~management of these wastes generated within Iowa is the~~  
 52 5 ~~responsibility of Iowans. It is the intent of the general~~  
 52 6 ~~assembly that Iowans assume this responsibility to the extent~~  
 52 7 ~~consistent with the protection of public health, safety, and~~  
 52 8 ~~the environment, and that Iowans insure that waste management~~  
 52 9 ~~practices, as alternatives to land disposal, including source~~  
 52 10 ~~reduction, recycling, compaction, incineration, and other forms~~

The following provisions are effective on enactment:

- The section that allows the DOT to waive vision screening for certain person renewing a driver's license.
- The section that allows the DOT to adopt emergency rules.

Specifies that repeal the annual fee for electric motor vehicles applies to registration years beginning on or after January 1, 2013.

Requires the Department of Revenue to develop proposals to make the Office of the State Debt Coordinator more efficient and to submit a report of the recommendations to the Department of Management, the Governor, and the General Assembly by January 14, 2013.

CODE: Amends Iowa Code language related to the management of solid, hazardous, and low-level radioactive waste in Iowa. The DNR will continue to work with the University of Northern Iowa Small Business Center to develop and implement waste minimization programs. These are voluntary programs that will develop a pollution prevention hierarchy. Removes outdated references in the Iowa Code.

FISCAL IMPACT: This Division has no fiscal impact to the State.

52 11 of waste reduction, are employed.

52 12 —2.— It is also the intent of the general assembly that a

52 13 comprehensive waste management plan be established by the

52 14 department which includes: the determination of need and

52 15 adequate regulatory controls prior to the initiation of site

52 16 selection; the process for selecting a superior site determined

52 17 to be necessary; the establishment of a process for a site

52 18 community to submit or present data, views, or arguments

52 19 regarding the selection of the operator and the technology

52 20 that best ensures proper facility operation; the prohibition

52 21 of shallow land burial of hazardous and low-level radioactive

52 22 wastes; the establishment of a regulatory framework for a

52 23 facility; and the establishment of provisions for the safe

52 24 and orderly development, operation, closure, postclosure, and

52 25 long-term monitoring and maintenance of the facility.

52 26 —3. 2.— In order to meet capacity assurance requirements

52 27 of section 104k of the federal Superfund Amendments and

52 28 Reauthorization Act of 1986, Pub.L. No. 99-499, and further

52 29 the objectives of waste minimization, the The department,

52 30 in cooperation with the small business assistance center at

52 31 the university of northern Iowa, shall work with generators

52 32 of hazardous wastes in the state to develop and implement

52 33 aggressive waste minimization programs. The goal of these

52 34 programs is to reduce the volume of hazardous waste generated

52 35 in the state as a whole by twenty-five percent of the amount

53 1 generated as of January 1, 1987, as reported in the biennial

53 2 reports collected by the United States environmental protection

53 3 agency. The twenty-five percent reduction goal shall be

53 4 reached as expeditiously as possible and no later than July

53 5 1, 1994. In meeting the reduction goal, elements "a" through

53 6 "d" of the hazardous waste management hierarchy shall be

53 7 utilized. The department, in cooperation with the small

53 8 business assistance center, shall reassess the twenty-five

53 9 percent reduction goal in 1994. The department shall promote

53 10 research and development, provide and promote educational

53 11 and informational programs, ~~promote and encourage~~ provide

53 12 confidential, voluntary technical assistance to hazardous waste

53 13 generators, promote assistance by the small business assistance

53 14 center, and promote other activities by the public and private

53 15 sectors that support this goal. In the promotion of the goal,

53 16 the following hazardous waste management pollution prevention

53 17 hierarchy, in descending order of preference, ~~is established~~

53 18 ~~by the department~~:

53 19 a. Source reduction for waste elimination.

53 20 b. Reuse.

53 21 c. On-site recycling.

53 22 \_\_\_\_\_



53 22	c. <del>__d.</del> Off-site recycling.	
53 23	<del>d. __e.</del> Waste treatment.	
53 24	<del>e. __f.</del> <del>Incineration</del> <u>Combustion with energy recovery.</u>	
53 25	<del>f. __g.</del> Land disposal.	
53 26	Sec. 125. Section 455B.481, subsections 4 and 5, Code 2011,	CODE: Repeals reporting requirements related to recycled hazardous
53 27	are amended by striking the subsections.	waste materials.
53 28	Sec. 126. Section 455B.482, Code 2011, is amended by adding	CODE: Adds a definition for pollution prevention as it relates to duties
53 29	the following new subsection:	of the DNR.
53 30	NEW SUBSECTION 7A. "Pollution prevention" means employment	
53 31	of a practice that reduces the industrial use of toxic	
53 32	substances or reduces the environmental and health hazards	
53 33	associated with an environmental waste without diluting or	
53 34	concentrating the waste before the release, handling, storage,	
53 35	transport, treatment, or disposal of the waste.	
54 1	Sec. 127. Section 455B.484, Code 2011, is amended by adding	CODE: Adds waste management policy to the list of duties required by
54 2	the following new subsection:	the DNR.
54 3	NEW SUBSECTION 1A. Implement the waste management policy	
54 4	provided in section 455B.481.	
54 5	Sec. 128. Section 455B.484, subsections 2, 3, 4, 6, 7, 9,	CODE: Eliminates activities related to the Hazardous Waste
54 6	and 10, Code 2011, are amended by striking the subsections.	Management Assistance Fund that were never implemented.
54 7	Sec. 129. Section 455B.484A, subsection 1, paragraph c,	CODE: Defines the DNR's assistance program as the Pollution
54 8	Code 2011, is amended to read as follows:	Prevention Program.
54 9	c. "Assistance program" means the <del>waste reduction assistance</del>	
54 10	<u>pollution prevention</u> program of the department or of the Iowa	
54 11	waste reduction center for safe and economic management of	
54 12	solid waste and hazardous substances conducted pursuant to	
54 13	section 268.4.	
54 14	Sec. 130. Section 455B.485, subsections 3 and 5, Code 2011,	CODE: Eliminates activities related to the Hazardous Waste
54 15	are amended by striking the subsections.	Management Assistance Fund that were never implemented.
54 16	Sec. 131. Section 455B.486, subsection 1, Code 2011, is	CODE: Eliminates the DNR's responsibility for facility siting for
54 17	amended by striking the subsection.	treatment, disposal, or storage of hazardous waste.
54 18	Sec. 132. Section 455B.487, unnumbered paragraph 1, Code	CODE: Removes the term hazardous from sites or land areas where
54 19	2011, is amended to read as follows:	facilities can be located.
54 20	The commission shall adopt rules establishing criteria for	
54 21	the identification of land areas or sites which are suitable	
54 22	for the operation of facilities for the management of <del>hazardous</del>	
54 23	<del>and</del> low-level radioactive wastes. Upon request, the department	

54 24 shall assist in locating suitable sites for the location of  
 54 25 a facility. The commission may purchase or condemn land to  
 54 26 be leased or used for the operation of a facility subject to  
 54 27 chapter 6A. Consideration for a contract for purchase of land  
 54 28 shall not be in excess of funds appropriated by the general  
 54 29 assembly for that purpose. The commission may lease land  
 54 30 purchased under this section to any person including the state  
 54 31 or a state agency. This section authorizes the state to own or  
 54 32 operate ~~hazardous waste facilities and~~ low-level radioactive  
 54 33 waste facilities, subject to the approval of the general  
 54 34 assembly.

54 35 Sec. 133. Section 455B.487, unnumbered paragraph 11, Code  
 55 1 2011, is amended by striking the unnumbered paragraph.  
 55 2 Sec. 134. Section 455B.487, subsections 1 through 3, Code  
 55 3 2011, are amended by striking the subsections.

CODE: Removes language related to the operation of a hazardous waste facility.

55 4 Sec. 135. Section 455D.1, Code 2011, is amended by adding  
 55 5 the following new subsection:  
 55 6 NEW SUBSECTION 4A. "Pollution prevention techniques" means  
 55 7 any of the following practices employed by the user of a toxic  
 55 8 substance:  
 55 9 a. Input substitution, which is the replacement of a toxic  
 55 10 substance or raw material used in a production process with a  
 55 11 nontoxic or less toxic substance.  
 55 12 b. Product reformulation, which is the substitution of an  
 55 13 end product which is nontoxic or less toxic upon use or release  
 55 14 for an existing end product.  
 55 15 c. Production process redesign or modification, which is  
 55 16 the development and use of production processes of a different  
 55 17 design other than those currently in use.  
 55 18 d. Production process modernization, which is the upgrading  
 55 19 or replacing of existing production process equipment or  
 55 20 methods with other equipment or methods based on the same  
 55 21 production process.  
 55 22 e. Improved operation and maintenance of existing production  
 55 23 process equipment and methods, which is the modification or  
 55 24 addition to existing equipment or methods, including but not  
 55 25 limited to such techniques as improved housekeeping practices,  
 55 26 system adjustments, product and process inspections, and  
 55 27 production process control equipment or methods.  
 55 28 f. Recycling, reuse, or extended use of toxic substances by  
 55 29 using equipment or methods that become an integral part of the  
 55 30 production process.

CODE: Outlines pollution prevention techniques for toxic substances.

55 31 Sec. 136. Section 455D.7, subsection 1, Code 2011, is

CODE: Eliminates an outdated requirement for the DNR to adopt

<p>55 32 amended to read as follows:  55 33 1. Unless otherwise specified in this chapter, adopt rules  55 34 necessary to implement this chapter pursuant to chapter 17A.  55 35 <del>Initial rules shall be adopted no later than April 1, 1992.</del></p> <p>56 1 Sec. 137. Section 455D.7, subsection 4, Code 2011, is  56 2 amended by striking the subsection.</p> <p>56 3 Sec. 138. Section 455D.15, subsection 2, Code Supplement  56 4 2011, is amended by striking the subsection and inserting in  56 5 lieu thereof the following:  56 6 2. The fund shall be utilized by the department for  56 7 providing technical assistance to Iowa businesses in developing  56 8 and implementing pollution prevention techniques.</p> <p>56 9 Sec. 139. Section 455D.15, subsection 3, Code Supplement  56 10 2011, is amended by striking the subsection.</p> <p>56 11 Sec. 140. Section 455E.8, subsections 2 and 3, Code 2011,  56 12 are amended by striking the subsections.</p> <p>56 13 Sec. 141. REPEAL. Sections 455B.516, 455B.517, and  56 14 455B.518, Code 2011, are repealed.</p> <p>56 15  56 16</p> <p>56 17 Sec. 142. Section 2.69, subsection 4, Code 2011, is amended  56 18 by adding the following new paragraph:  56 19 NEW PARAGRAPH 0c. Comprehensively review on a regular  56 20 basis the programs and projects administered by state  56 21 government to determine whether each program and project  56 22 reviewed is effectively and efficiently meeting the needs for  56 23 which created, and whether the needs remain applicable. The  56 24 review shall consider whether modifications to the program or  56 25 project reviewed could better meet the needs identified in a  56 26 more effective manner.</p> <p>56 27  56 28</p>	<p>administrative rules as the rules have been adopted.</p> <p>CODE: Eliminates the annual report for waste abatement fees, rebates, and deposits.</p> <p>CODE: Removes the issuance of grants by the DNR and allows the Department to use money in the Waste Volume Reduction and Recycling Fund for providing technical assistance to Iowa businesses for pollution prevention techniques.</p> <p>CODE: Repeals language related to the Waste Volume Reduction and Recycling Fund.</p> <p>CODE: Repeals the following from the duties of the DNR Director:</p> <ul style="list-style-type: none"> <li>• Annual report on the number and concentration of contaminants detected in ground water.</li> <li>• Any data concerning the contamination of ground water by a contaminant not regulated under the federal Safe Drinking Water Act.</li> </ul> <p>CODE: Repeals language related to the Toxic Pollution Program.</p> <p>CODE: Requires the State Government Efficiency Review Committee to regularly review programs administered by the State to determine if programs are meeting the needs as designed and whether or not the programs could be modified to be more effective.</p>
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56 29 Sec. 143. Section 34A.2A, subsection 2, Code 2011, is  
 56 30 amended to read as follows:

56 31 2. The E911 program manager shall act under the supervisory  
 56 32 control of the administrator of the homeland security and  
 56 33 emergency management division of the department of public  
 56 34 defense, and in consultation with the ~~E911 communications~~  
 56 35 ~~council~~ state interoperable communications system board  
 57 1 established in section 80.28, and perform the duties  
 57 2 specifically set forth in this chapter and as assigned by the  
 57 3 administrator.

57 4 Sec. 144. Section 34A.7A, subsection 2, paragraph h, Code  
 57 5 2011, is amended to read as follows:

57 6 h. The administrator, in consultation with the program  
 57 7 manager and the ~~E911 communications council~~ state interoperable  
 57 8 communications system board established in section 80.28, shall  
 57 9 adopt rules pursuant to chapter 17A governing the distribution  
 57 10 of the surcharge collected and distributed pursuant to this  
 57 11 subsection. The rules shall include provisions that all joint  
 57 12 E911 service boards and the department of public safety which  
 57 13 answer or service wireless E911 calls are eligible to receive  
 57 14 an equitable portion of the receipts.

57 15 Sec. 145. Section 34A.15, subsection 3, Code Supplement  
 57 16 2011, is amended to read as follows:

57 17 3. The council shall advise and make recommendations to  
 57 18 the ~~administrator and program manager~~ state interoperable  
 57 19 communications system board established in section 80.28  
 57 20 regarding the implementation of this chapter. Such advice and  
 57 21 recommendations shall be provided on issues at the request  
 57 22 of the ~~administrator or program manager~~ state interoperable  
 57 23 communications system board established in section 80.28 or as  
 57 24 deemed necessary by the council.

57 25 Sec. 146. Section 80.29, Code 2011, is amended by adding the  
 57 26 following new subsection:

57 27 NEW SUBSECTION 12A. Advise and make recommendations, in  
 57 28 consultation with the E911 communications council established  
 57 29 in section 34A.15, to the director of the department of  
 57 30 homeland security and emergency management and the E911 program  
 57 31 manager appointed pursuant to section 34A.2A regarding the  
 57 32 implementation of chapter 34A. Such advice and recommendations  
 57 33 shall be provided on issues at the request of the director or  
 57 34 program manager or as deemed necessary by the board. However,  
 57 35 the authority of the board as to this duty is limited to the  
 58 1 issues specifically identified in this subsection and does  
 58 2 not preempt the authority of the utilities board, created in  
 58 3 section 474.1, to act on issues within the jurisdiction of the

CODE: Conforming changes related to transferring the duties of the E911 Communications Council to the State Interoperable Communications System Board.

CODE: Requires the State Interoperable Communications System Board to provide advice and recommendations, in consultation with the E911 Communications Council, to the Department of Homeland Security and Emergency Management and the E911 Program Manager concerning implementation of the Enhanced 911 Emergency Telephone System.

FISCAL IMPACT: Eliminating the E911 Communications Council and transferring the duties to the State Interoperable Communications System Board will result in an estimated annual savings of \$15,000 to the Wireless E911 Emergency Communications Fund.

58 4	utilities board.	
58 5 58 6 58 7 58 8 58 9 58 10	Sec. 147. Section 190A.3, subsection 4, Code 2011, is amended to read as follows: 4. The <del>farm-to-school council</del> <u>department of agriculture and land stewardship and the department of education</u> shall actively seek financial or in-kind contributions from organizations or persons to support the program.	CODE: Eliminates reference to the Farm-to-School Council. The Council is eliminated in Section 149 of this Bill.
58 11 58 12	Sec. 148. Section 256.9, subsection 55, paragraph j, Code Supplement 2011, is amended by striking the paragraph.	CODE: Removes the representative associated with the Farm-to-School Council from membership on the Nutrition Advisory Panel. This change conforms to the repeal of the Farm-to-School Council.
58 13	Sec. 149. REPEAL. Section 190A.2, Code 2011, is repealed.	CODE: Repeals the Farm-to-School Council that was created to establish partnerships with public agencies and nonprofit organizations to facilitate communication between farmers and schools.  DETAIL: The Farm-to-School Program was established to encourage and promote the purchase of locally and regionally produced or processed food in order to improve child nutrition and strengthen local and regional farm economies. The Program is administered jointly by the Department of Agriculture and Land Stewardship and the Department of Education.  FISCAL IMPACT: Minimal fiscal impact.
58 14 58 15 58 16 58 17 58 18 58 19 58 20 58 21 58 22 58 23 58 24 58 25	Sec. 150. MULTIPLE AMENDMENTS — HARMONIZATION AND PREVALENCE. 1. The amendments in this division of this Act and in the division of this Act creating a department of homeland security and emergency management to section 34A.2A, subsection 2, and section 34A.7A, subsection 2, paragraph "h", shall be harmonized by the Code editor in accordance with section 2B.13. 2. If section 34A.15, subsection 3, is amended in this division of this Act and in the division of this Act creating a department of homeland security and emergency management, the amendments are deemed irreconcilable and the amendment in this division of this Act shall prevail.	Provides that any necessary technical changes to the Iowa Code will be made in order to conform to the amendments in Division VI relating to changing the Division of Homeland Security and Emergency Management Agency to a stand alone Department.
58 26 58 27	DIVISION XVI OBSOLETE PROVISIONS	
58 28 58 29	Sec. 151. REPEAL. Section 15.112, Code Supplement 2011, is repealed.	CODE: Repeals a requirement that the Iowa Economic Development Authority (IEDA) provide a State match in the event federal funds are provided for the Farmworks National Demonstration Project. Current statutory language requires the State IEDA to provide a match from the

Rural Enterprise Fund or another fund equal to 4.00% of the federal funding received for a three-year period on a dollar-for-dollar matching basis with local or private contributions.

FISCAL IMPACT: No fiscal impact.

58 30 Sec. 152. REPEAL. Chapters 15C and 15D, Code 2011, are  
58 31 repealed.

CODE: Repeals the Code chapters pertaining to the State's participation in the World Trade Center and the Midwest Nuclear Compact.

FISCAL IMPACT: No fiscal impact.