



From: Carroll, Mike [DAS]
Sent: Monday, January 24, 2011 3:46 PM
To: Dugdale, Grant [AG]
Cc: Boeyink, Jeffrey [IGOV]; Marasco, Julie [DAS]; Le5743@aol.com
Subject: Contract for Consulting Services - Leon Shearer (01-18-11 - 12-31-11).docx
Attachments: Contract for Consulting Services - Leon Shearer (01-18-11 - 12-31-11).docx

Grant:

This is the sole source contract I spoke to you about this morning. Please review and let me know if you have any comments, revisions, or questions.

I would like to get this to Leon as soon as possible.

Thanks,

Mike Carroll

CONTRACT FOR CONSULTING SERVICES

between

Iowa Department of Administrative Services

and

Leon E. Shearer, Shearer Law Firm, P.C.

SECTION 1. IDENTITY OF THE PARTIES

1.1 The Iowa Department of Administrative Services ("Agency") is authorized to enter into this Contract. Agency's address is Hoover State Office Building, 3rd Floor, 1305 East Walnut, Des Moines, Iowa, 50319.

1.2 Leon E. Shearer, Shearer Law Firm, P.C. ("Contractor") a professional corporation is organized under the laws of the state of Iowa and authorized to do business in the state of Iowa. The Contractor's address is 31634 Silverado Lane, Waukee, Iowa, 50263.

SECTION 2. PURPOSE

The parties have entered into this Contract for the purpose of retaining the Contractor to conduct negotiations of collective bargaining agreements on behalf of the Executive Branch of the State of Iowa and its departments and agencies within the parameters established by the Department of Administrative Services.

In accordance with Iowa Code sections 8A.402(1)(g) and 20.17(8), the Governor, through the Department of Administrative Services, retains all decision-making authority with respect to the negotiation of collective bargaining agreements and its departments and agencies. The services to be rendered by Contractor include, but are not limited to, consultation with Executive Branch representatives, meetings with affected departments and agencies, strategy sessions with management representatives, development of a bargaining strategy negotiations, and representation at all impasse proceedings. In addition, Contractor will provide consultation service to the State as needed after negotiations are completed. Contractor shall be considered an independent contractor.

SECTION 3. DURATION OF CONTRACT

The term of this Contract shall be from January 18, 2011 through December 31, 2011 unless terminated earlier in accordance with the Termination section of this Contract. The Agency shall have the option to renew this Contract for an additional two years by giving the Contractor written notice of the extension decision at least five (5) days prior to the expiration of the initial term.

SECTION 4. [INTENTIONALLY LEFT BLANK]

SECTION 5. SERVICES

5.1 Scope of Services. The Contractor shall provide the following services in accordance with the defined performance criteria as set forth below:

- 5.1.1** Conduct negotiations of collective bargaining agreements on behalf of the Executive Branch and its departments and agencies;
- 5.1.2** Consult with Executive Branch representatives about appropriate strategies, negotiations, and agreements, and impacts thereof;
- 5.1.3** Attend meetings and strategy sessions with affected departments and agencies and management representatives;
- 5.1.4** Develop written bargaining strategies prior to table negotiations;
- 5.1.5** Represent the Executive Branch at all impasse proceedings;
- 5.1.6** Provide written updates on the status of the negotiations; and,
- 5.1.7** Provide other services consistent with those identified in the Scope of Services.

5.2 Industry Standards. Services rendered pursuant to this Contract shall be performed in a professional manner in accordance with the terms of this Contract and the standards of performance considered generally acceptable in the field of collective bargaining and contract negotiation.

5.3 Non-Exclusive Rights. This Contract is not exclusive. The Agency reserves the right to select other contractors to provide services similar or identical to the Scope of Services described in this Contract during the term of this Contract.

SECTION 6. COMPENSATION

6.1 Pricing. The Contractor will be paid in the following manner for the services described in the Scope of Services and submitted on detailed invoices:

- 6.1.1** For all services rendered prior to the submission of a request for arbitration and relating to preparation for and the negotiation of the AFSCME, IUP and SPOC Executive Branch contracts with the State of Iowa, an amount not to exceed \$65,000. The sum of \$65,000 for negotiation of the contracts will include all charges for both professional services and actual expenses as defined below.
- 6.1.2** For all services relating to preparation for and the arbitration of the AFSCME, IUP, and SPOC Executive Branch contracts, an amount not to exceed \$10,000 per contract. Charges for services relating to arbitration will begin to accrue from and after the date on which either party (the State or the Union) submits a request for arbitration and will be separately billed for each contract.

The sum of \$10,000 for arbitration of a contract will include all charges for both professional services and actual expenses as defined below.

6.1.3 For all services relating to the preparation for and representation at a fact-finding proceeding for one or more of the Executive Branch contracts an amount not to exceed \$10,000 per contract.

6.1.4 Services rendered by Contractor shall be billed at the rate of \$200 per hour and \$100 for legal assistants.

6.1.5 Billing for services will be on a monthly basis billing cycle, which ends on the 19th of each month. All services will be itemized on a daily basis and will be billed by the tenth of an hour. Contractor will be reimbursed for travel at \$.39/mile; and for the actual costs of long distance telephone calls, filing fees, computer library services and photocopying.

6.2 Billings. The Contractor shall submit, on a monthly basis, an invoice for services rendered in accordance with this Contract. The invoice shall comply with all applicable rules concerning payment of such claims. The Agency shall pay all approved invoices in arrears and in conformance with Iowa Code section 8A.514. The Agency may pay in less than sixty (60) days, as provided in Iowa Code section 8A.514; however, an election to pay in less than sixty (60) days shall not act as an implied waiver of the provisions of 8A.514. Exhibit A details the requirements for the Accountable Government Act, and further defines payments that shall be made to the Contractor.

6.3 Delay of Payment Due to Contractor's Failure. If the Agency in good faith determines that the Contractor has failed to perform or deliver any service or product as required by this Contract, the Contractor shall not be entitled to any compensation under this Contract until such service or product is performed or delivered. In this event, the Agency may withhold that portion of the Contractor's compensation, which represents payment for service or product that was not performed or delivered.

6.4 Set-Off Against Sums Owed by the Contractor. In the event that the Contractor owes the State any sum under the terms of this Contract, any other Contract, pursuant to any judgment, or pursuant to any lack the State may set off the sum owed to the State against any sum owed by the State to the Contractor in the State's sole discretion, unless otherwise required by law. The Contractor agrees that this provision constitutes proper and timely notice under the law of setoff.

SECTION 7. TERMINATION

7.1 Termination Upon Notice. Following written notice, the Agency may terminate this Contract in whole or in part without the payment of any penalty or incurring any further obligation to the Contractor. Following termination upon notice, the Contractor shall be entitled to compensation, upon submission of invoices and proper proof of claim, for services provided under this Contract to the Agency up to and including the date of termination.

7.2 Termination Due to Lack of Funds or Change in Law. The agency shall have the right to terminate this Contract without penalty by giving sixty (60) days' written

notice to the Contractor as a result of inadequate funds are not appropriate or granted to allow the Agency to operate as required and to fulfill its obligations under this Contract; funds are de-appropriated or if funds needed by the Agency, at the Agency's sole discretion are insufficient for any reason; the Agency's authorization to operate is withdrawn or materially altered or its duties are substantially modified.

7.3 –.5 [INTENTIONALLY LEFT BLANK]

7.6 Remedies of the Contractor in Event of Termination by the Agency. In the event of termination of this Contract for any reason by the Agency, the Agency shall pay only those amounts, if any, due and owing to the Contractor for services actually rendered up to and including the date of termination of the Contract and for which the Agency is obligated to pay pursuant to this Contract. Payment will be made only upon submission of invoices and proper proof of the Contractor's claim. This provision in no way limits the remedies available to the Agency under this Contract in the event of termination. However, the Agency shall not be liable for any of the following costs:

7.6.1 The payment of unemployment compensation to the Contractor's employees;

7.6.2 The payment of workers' compensation claims, which occur during the Contract or extend beyond the date on which the Contract terminates;

7.6.3 Any costs incurred by the Contractor in its performance of the Contract, including, but not limited to, startup costs, overhead or other costs associated with the performance of the Contract;

7.6.4 Any taxes that may be owed by the Contractor in connection with the performance of this Contract, including, but not limited to, sales taxes, excise taxes, use taxes, income taxes or property taxes.

7.7 The Contractor's Termination Duties. The Contractor shall, upon receipt of notice of termination or upon request of the Agency:

7.7.1 Cease work under this Contract and take all necessary or appropriate steps to limit disbursements and minimize costs, and furnish a report within thirty (30) days of the date of notice of termination, describing the status of all work under the Contract, including, without limitation, results accomplished, conclusions resulting therefrom, any other matters the Agency may require.

7.7.2 Immediately cease using and return to the Agency any State property or materials, whether tangible or intangible, provided by the Agency to the Contractor.

7.7.3 Comply with the Agency's instructions for the timely transfer of any active files and work product produced by the Contractor under this Contract.

7.7.4 Cooperate in good faith with the Agency, its employees, agents and contractors during the transition period between the notification of termination and the substitution of any replacement contractor.

7.7.5 Immediately return to the Agency any payments made by the Agency for services that were not rendered by the Contractor.

SECTION 8. ACCOUNTABLE GOVERNMENT ACT PROVISIONS

Performance Monitoring, Measurement and Payments. The Agency shall measure and monitor Contractor’s performance by attending the meetings, negotiations and other proceedings to ensure the services have been completed to the satisfaction of the agency. Written documents submitted by the Contractor shall be reviewed and approved by the Agency. Payments to Contractor shall be made in accordance with Iowa Code section 8A.514 after it has been determined by the Agency that the services rendered are acceptable and are in full compliance with the provisions of this Contract.

SECTION 9. INSURANCE

9.1 Insurance Requirements. The Contractor, and any subcontractor, shall maintain in full force and effect, with insurance companies licensed by the State of Iowa, at the Contractor’s expense, insurance covering its work during the entire term of this Contract and any extensions or renewals. The Contractor’s insurance shall, among other things, be occurrence based and shall insure against any loss or damage resulting from or related to the Contractor’s performance of this Contract regardless of the date the claim is filed or expiration of the policy.

9.2 Types and Amounts of Insurance Required. Unless otherwise requested by the Agency in writing, the Contractor shall cause to be issued the insurance coverages set forth below:

General Liability (including contractual liability) written on an occurrence basis	General Aggregate Personal Injury Each Occurrence	\$2 Million \$1 Million \$1 Million
Automobile Liability (including any auto, hired autos, and non-owned autos)	Combined Single Limit	\$1 Million
Workers Compensation and Employer Liability	As required by Iowa law	As required by Iowa law

SECTIONS 10. – 13. [INTENTIONALLY LEFT BLANK]

SECTION 14. WARRANTIES

14.1 Construction of Warranties Expressed in this Contract with Warranties Implied by Law. All warranties made by the Contractor in all provisions of this Contract and the Proposal by the Contractor, whether or not this Contract specifically denominates the Contractor's promise as a warranty or whether the warranty is created only by the Contractor's affirmation or promise, or is created by a description of the materials and services to be provided, or by provision of samples to the Agency, shall not be construed as limiting or negating any warranty provided by law, including without limitation, warranties which arise through course of dealing or usage of trade. The

warranties expressed in this Contract are intended to modify the warranties implied by law only to the extent that they expand the warranties applicable to the goods and services provided by the Contractor. The provisions of this Section apply during the term of this Contract and any extensions or renewals thereof.

14.2 [INTENTIONALLY LEFT BLANK]

14.3 Professional Practices. The Contractor represents and warrants that all of the services to be performed hereunder will be rendered using sound, professional practices and in a competent and professional manner by knowledgeable, trained and qualified personnel.

14.4 Conformity with Contractual Requirements. The Contractor represents and warrants that the Works will appear and operate in conformance with the terms and conditions of this Contract.

14.5 Authority to Enter into Contract. The Contractor represents and warrants that it has full authority to enter into this Contract and that it has not granted and will not grant any right or interest to any person or entity that might derogate, encumber or interfere with the rights granted to the Agency.

14.6 Obligations Owed to Third Parties. The Contractor represents and warrants that all obligations owed to third parties with respect to the activities contemplated to be undertaken by the Contractor pursuant to this Contract are or will be fully satisfied by the Contractor so that the Agency will not have any obligations with respect thereto.

14.7 Title to Property. The Contractor represents and warrants that title to any property assigned, conveyed or licensed to the Agency is good and that transfer of title or license to the Agency is rightful and that all property shall be delivered free of any security interest or other lien or encumbrance.

SECTION 15. CONTRACT ADMINISTRATION

15.1 Independent Contractor. The status of the Contractor shall be that of an independent contractor. The Contractor, its employees, agents and any subcontractors performing under this Contract are not employees or agents of the State of Iowa or any agency, division or department of the State. Neither the Contractor nor its employees shall be considered employees of the Agency or the State of Iowa for federal or state tax purposes. The Agency will not withhold taxes on behalf of the Contractor (unless required by law).

15.2 Conflict of Interest. Contractor represents, warrants, and covenants that no relationship exists or will exist during the Contract period between the Contractor and the Agency that is a conflict of interest. No employee, officer or agent of the Contractor or subcontractor shall participate in the selection or in the award or administration of a subcontract if a conflict of interest, real or apparent, exists. The provisions of Iowa Code chapter 68B shall apply to this Contract. If a conflict of interest is proven to the Agency, the Agency may terminate this Contract, and the Contractor shall be liable for

any excess costs to the Agency as a result of the conflict of interest. The Contractor shall establish safeguards to prevent employees, consultants, or members of governing bodies from using their positions for purposes that are, or give the appearance of being, motivated by the desire for private gain for themselves or others with whom they have family, business, or other ties. The Contractor shall report any potential, real, or apparent conflict of interest to the Agency.

15.3 Confidential Information. Access to Confidential Information. The Contractor's employees, agents and subcontractors may have access to confidential information maintained by the Agency to the extent necessary to carry out its responsibilities under the Contract. The Contractor shall presume that all information received pursuant to this Contract is confidential unless otherwise designated by the Agency. The Contractor shall provide to the Agency a written description of its policies and procedures to safeguard confidential information. Policies of confidentiality shall address, as appropriate, information conveyed in verbal, written, and electronic formats. The Contractor must designate one individual who shall remain the responsible authority in charge of all data collected, used, or disseminated by the Contractor in connection with the performance of the Contract. The Contractor shall provide adequate supervision and training to its agents, employees and subcontractors to ensure compliance with the terms of this Contract. The private or confidential information shall remain the property of the Agency at all times.

15.3.1 No Dissemination of Confidential Information. No confidential information collected, maintained, or used in the course of performance of the Contract shall be disseminated by Contractor except as authorized by law and only with the prior written consent of the Agency, either during the period of the Contract or thereafter. Any data supplied by the Agency to the Contractor or created by the Contractor in the course of the performance of this Contract shall be considered the property of the Agency. The Contractor must return any and all data collected, maintained, created or used in the course of the performance of the Contract in whatever form it is maintained promptly at the request of the Agency. The Contractor may be held civilly or criminally liable for improper disclosure of confidential information.

15.3.2 Subpoena. In the event that a subpoena or other legal process is served upon the Contractor for records containing confidential information, the Contractor shall promptly notify the Agency and cooperate with the Agency in any lawful effort to protect the confidential information.

15.3.3 Reporting of Unauthorized Disclosure. The Contractor shall immediately report to the Agency any unauthorized disclosure of confidential information.

15.3.4 Survives Termination. The Contractor's obligations under this section shall survive termination or expiration of this Contract.

15.4 Compliance with the Law. The Contractor, its employees, agents, and subcontractors shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations and orders when performing the services under this Contract, including without limitation, all laws applicable to the prevention of discrimination in

employment and the use of targeted small businesses as subcontractors or suppliers. The Contractor, its employees, agents and subcontractors shall also comply with all federal, state and local laws regarding business permits and licenses that may be required to carry out the work performed under this Contract.

15.5 Amendments. This Contract may be amended in writing from time to time by mutual consent of the parties. All amendments to this Contract must be in writing and fully executed by the parties.

15.6 Third Party Beneficiaries. There are no third party beneficiaries to this Contract. This Contract is intended only to benefit the State, the Agency and the Contractor.

15.7 Choice of Law and Forum. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with this Contract without regard to the choice of law provisions of Iowa law. In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this Contract, the exclusive jurisdiction for the proceeding shall be brought in Polk County District Court for the State of Iowa, Des Moines, Iowa. This provision shall not be construed as waiving any immunity to suit or liability including without limitation sovereign immunity in State or Federal court, which may be available to the Agency or the State of Iowa.

15.8 Assignment and Delegation. This Contract may not be assigned, transferred or conveyed in whole or in part without the prior written consent of the other party. For the purpose of construing this clause, a transfer of a controlling interest in the Contractor shall be considered an assignment.

15.9 Use of Third Parties. The Agency acknowledges that the Contractor may contract with third parties for the performance of any of the Contractor's obligations under this Contract. All subcontracts shall be subject to prior approval by the Agency. The Contractor may enter into these contracts to complete the project provided that the Contractor remains responsible for all services performed under this Contract. All restrictions, obligations and responsibilities of the Contractor under this Contract shall also apply to the subcontractors. The Agency shall have the right to request the removal of a subcontractor from the Contract for good cause.

15.10 Integration. This Contract represents the entire Contract between the parties. The parties shall not rely on any representation that may have been made which is not included in this Contract.

15.11 Attorney Client Relations. It is acknowledged that Contractor is acting as an attorney for the Agency. All communication regarding the performance of the duties of this Contract, including contact with other attorneys on these subjects are protected by the attorney client privilege.

15.12 Not a Joint Venture. Nothing in this Contract shall be construed as creating or constituting the relationship of a partnership, joint venture, (or other association of any kind or agent and principal relationship) between the parties hereto. Each party shall be

deemed to be an independent contractor contracting for services and acting toward the mutual benefits expected to be derived. No party, unless otherwise specifically provided for herein, has the authority to enter into any contract or create an obligation or liability on behalf of, in the name of, or binding upon another party to this Contract.

15.13 Joint and Several Liability. If the Contractor is a joint entity, consisting of more than one individual, partnership, corporation or other business organization, all such entities shall be jointly and severally liable for carrying out the activities and obligations of this Contract, and for any default of activities and obligations.

15.14 Supersedes Former Contracts or Agreements. This Contract supersedes all prior Contracts or Agreements between the Agency and the Contractor for the services provided in connection with this Contract.

15.15 Waiver. Except as specifically provided for in a waiver signed by duly authorized representatives of the Agency and the Contractor, failure by either party at any time to require performance by the other party or to claim a breach of any provision of the Contract shall not be construed as affecting any subsequent right to require performance or to claim a breach.

15.16 Notice

15.16.1 Any and all notices, designations, consents, offers, acceptances or any other communication provided for herein shall be given in writing by registered or certified mail, return receipt requested, by receipted hand delivery, by Federal Express, courier or other similar and reliable carrier which shall be addressed to each party as set forth as follows:

If to the Agency: Mike Carroll, Director, Hoover State Office Building, 3rd Floor, 1305 East Walnut, Des Moines, Iowa, 50319

If to the Contractor: Leon E. Shearer, 31634 Silverado Lane, Waukee, Iowa, 50263.

15.16.2 Each such notice shall be deemed to have been provided:

15.16.2.1 At the time it is actually received; or,

15.16.2.2 Within one day in the case of overnight hand delivery, courier or services such as Federal Express with guaranteed next day delivery; or,

15.16.2.3 Within five (5) days after it is deposited the U.S. Mail in the case of registered U.S. Mail.

15.16.3 From time to time, the parties may change the name and address of a party designated to receive notice. Such change of the designated person shall be in writing to the other party and as provided herein.

15.17 Cumulative Rights. The various rights, powers, options, elections and remedies of any party provided in this Contract, shall be construed as cumulative and not one of them is exclusive of the others or exclusive of any rights, remedies or priorities allowed either party by law, and shall in no way affect or impair the right of any party to pursue any other equitable or legal remedy to which any party may be entitled as long as any default remains in any way unremedied, unsatisfied or undischarged.

15.18 Severability. If any provision of this Contract is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other part or provision of this Contract.

15.19 Time is of the Essence. Time is of the essence with respect to the performance of the terms of this Contract.

15.20 Authorization. Each party to this Contract represents and warrants to the other parties that:

15.20.1 It has the right, power and authority to enter into and perform its obligations under this Contract.

15.20.2 It has taken all requisite action (corporate, statutory or otherwise) to approve execution, delivery and performance of this Contract, and this Contract constitutes a legal, valid and binding obligation upon itself in accordance with its terms.

15.21 Successors in Interest. All the terms, provisions, and conditions of the Contract shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns and legal representatives.

15.22 Record Retention and Access. The Contractor shall maintain books, records and documents which sufficiently and properly document and calculate all charges billed to the Agency throughout the term of this Contract for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. Records to be maintained include both financial records and service records. The Contractor shall permit the Auditor of the State of Iowa or any authorized representative of the State and where federal funds are involved, the Comptroller General of the United States or any other authorized representative of the United States government, to access and examine, audit, excerpt and transcribe any directly pertinent books, documents, papers, electronic or optically stored and created records or other records of the Contractor relating to orders, invoices or payments or any other documentation or materials pertaining to this Contract, wherever such records may be located. The Contractor shall not impose a charge for audit or examination of the Contractor's books and records.

15.23 Delay or Impossibility of Performance. The Contractor shall not be in default under this Contract if performance is delayed or made impossible by an act of God, flood, fire or similar events. In each such case, the delay or impossibility must be beyond the control and without the fault or negligence of the Contractor. If delay results

from a subcontractor's conduct, negligence or failure to perform, the Contractor shall not be excused from compliance with the terms and obligations of this Contract.

15.24 Obligations Beyond Contract Term. This Contract shall remain in full force and effect to the end of the specified term or until terminated or canceled pursuant to this Contract. All obligations of the Agency and the Contractor incurred or existing under this Contract as of the date of expiration, termination or cancellation will survive the termination, expiration or conclusion of this Contract.

SECTION 16. EXECUTION

IN WITNESS WHEREOF, in consideration of the mutual covenants set forth above and for other goods and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the parties have entered into the above Contract and have caused their duly authorized representatives to execute this Contract.

Iowa Department of Administrative Services

BY:

Mike Carroll, Director
Hoover State Office Building
1305 East Walnut
Des Moines, Iowa 50319

Date

Contractor

BY:

Leon E. Shearer
31634 Silverado Lane
Waukee, Iowa 50263

Date

From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, January 25, 2011 8:08 AM
To: Roederer, David [IDOM]
Subject: FW: Contract for Consulting Services - Leon Shearer (01-18-11 - 12-31-11).docx
Attachments: Contract for Consulting Services - Leon Shearer (01-18-11 - 12-31-11).docx

FYI

From: Carroll, Mike [DAS]
Sent: Monday, January 24, 2011 3:46 PM
To: Dugdale, Grant [AG]
Cc: Boeyink, Jeffrey [IGOV]; Marasco, Julie [DAS]; Le5743@aol.com
Subject: Contract for Consulting Services - Leon Shearer (01-18-11 - 12-31-11).docx

Grant:

This is the sole source contract I spoke to you about this morning. Please review and let me know if you have any comments, revisions, or questions.

I would like to get this to Leon as soon as possible.

Thanks,

Mike Carroll



From: Carroll, Mike [DAS]
Sent: Thursday, January 27, 2011 8:26 AM
To: Roederer, David [IDOM]
Cc: Boeyink, Jeffrey [IGOV]; Le5743@aol.com
Subject: FW: layoff

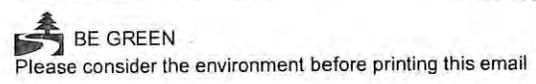
Importance: High

Dave:

Please see below. My opinion is to not meet for input. The contract requires a 60 day notice for layoffs, but does not require the meeting. The input meeting was simply a "courtesy" extended by the previous two administrations.

I say there is no reason to give the unions any more input into the management of state government than they have already been given. Please let me know your thoughts as soon as you can.

Thanks,
Mike Carroll, Director
Dept. of Administrative Services
515.281.3273
Mike.Carroll@iowa.gov



From: Johnson, Mark [DAS]
Sent: Thursday, January 27, 2011 8:10 AM
To: Carroll, Mike [DAS]
Subject: FW: layoff
Importance: High

This probably needs to come from DOM/IGOV as far as the policy is concerned. Really an issue of whether we want any union input prior to acting. Thoughts?

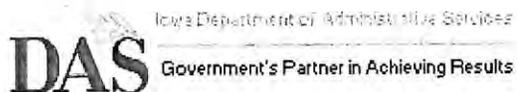
Mark Johnson

From: Peden, Chris [DAS]
Sent: Thursday, January 27, 2011 7:48 AM
To: Johnson, Mark [DAS]; Panknen, Jeff [DAS]
Subject: layoff
Importance: High

I am working on updating Chapter 16 in the managers and Supervisors manual. One of the requirements from Vilsack and Culver administrations has been the following:

If the layoff will include contract covered employees, department management needs to meet with union representatives to discuss the need for a reduction in force and to allow union input on alternatives and cost savings recommendations.

Do you want me to leave that in, or delete it from the Chapter. (It appears in several places). I have been asked by DHS if they need to schedule pre-layoff submission meetings with the Unions as well.



Chris Peden, Personnel Officer

DAS-HRE

Phone: 515.281.4165

Fax: 515.242.6450

chris.peden@iowa.gov

 BE GREEN - Please don't print this e-mail unless necessary, and please don't be a litter bug!

From: Roederer, David [IDOM]
Sent: Thursday, January 27, 2011 5:37 PM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: Amendment to House File 1

We are working through this.

From: Lunde, Joel [IDOM]
Sent: Wednesday, January 26, 2011 4:49 PM
To: Roederer, David [IDOM]
Subject: Amendment to House File 1

Here are my observations on the House Republican Amendment to House File 1:

REC

The amendment requires the REC to change the way it estimates Lottery transfers to the General Fund and Gaming Receipts available. Instead of the current estimates done by the REC, the amendment would require the REC to make an estimate on both Lottery and Gaming Receipts for the current and subsequent year. It would then be required to add those two numbers along with the actual amounts received for the past 5 previous years adjusted by an inflation factor. Then divide the number by 7 to come up with an amount the is to be used by the Governor and Legislature. Since there has been no disagreement on how the REC currently is estimating Lottery and Gaming revenues, I don't see this change as value added.

The amendment requires the REC to agree to an amount available in the cash reserve fund that may be appropriated under a new section 8.57.5. The REC has never been involved in determining balances in the Cash Reserve Fund and probably should not start now.

Appropriation Transfers

While the amendment clarifies that a transfer should only occur within the same funding source, which is good, it goes on to allow that transfer is limited to one-tenth on one percent of the total of all appropriations made from the funding source in the fiscal year. This will cause problems some day when an appropriation in the General Fund runs into trouble and the ability to transfer funds for the shortfall is hindered by this limitation. The only way to handle the issue would be for the Governor to call a special session to move the funds.

Expenditure Limitation

The amendment creates an expenditure limitation for the Gaming Revenues. It also changes the way the expenditure limitation is calculated overall. Instead of just 99% of the adjusted revenues, it requires an expenditure limitation of 99% of REC estimate for revenues of the current and subsequent fiscal years, plus the last five fiscal years adjusted for inflation, divided by 7. The Gambling revenue expenditure limitation is calculated the same way, the idea being to put a limitation on RIF spending. The only reason to do this is due to the progressiveness of our tax system. The more income people have, the more taxes we raise. But the opposite is also true, the less income people have, the greater the reduction in taxes. I would say the downturns in the economy is the reason we have reserve funds. They are to be used judiciously in a downturn and should be replenished quickly in an upturn. This smoothing out issue will cause the same problems in a downturn, in that it does not allow the expenditure limitation to be adjusted quickly enough to take into account big downturns. There has been no significant problems with RIF and when there is a shortfall, the Legislature has been able come back in the next session and handle the issue.

The amendment requires that if the expenditure limitation calculation for the succeeding fiscal year is less than 98% of the current fiscal year calculation, an appropriation may be made from the cash reserve fund to bring the expenditure limitation back to 98%. This section also states that if the Governor issues an ATB, school collective bargaining agreements shall be reopened and renegotiated. This would be helpful to the schools dealing with an ATB.

Moneys to the Cash Reserve Fund

The amendment specifies that moneys collected in a settlement or prosecution of the claim by the state shall be deposited into the Cash Reserve Fund. This takes away the Attorney General's flexibility of being able to designate settlements to specific funds without legislative oversight. I think this is OK. This section also states the funds from the state asset forfeiture program shall be deposited into the Cash Reserve Fund. I do not know if this is good or bad.

State Percent of Growth

The amendment changes the requirement of the state establishing the next two years of allowable growth to take into account biennial budgeting. The first year shall be established within 30 days of the legislature receiving the Governor's budget, the second year before the adjournment of the legislature in each odd-year session. I think this is OK.

From: Boeyink, Jeffrey [IGOV]
Sent: Monday, January 31, 2011 12:47 PM
To: Roederer, David [IDOM]
Subject: FW: Regent Miles perspective on the regents' role

Importance: High
Sensitivity: Confidential

For our 3 p.m. meeting.

From: Fandel, Linda [IGOV]
Sent: Monday, January 31, 2011 10:14 AM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: Regent Miles perspective on the regents' role
Importance: High
Sensitivity: Confidential

From: Dave Miles [mailto:dmiles@miles-capital.com]
Sent: Monday, January 31, 2011 10:04 AM
To: Fandel, Linda [IGOV]
Subject:
Importance: High
Sensitivity: Confidential

Linda,

This email describes my understanding of the role of the Iowa Board of Regents. In the paragraphs that follow I have spoken plainly with the hope of clarifying whether we indeed have conflicting views. I hope nothing will be interpreted as disrespectful of the Governor, as that is not the case.

Let me start with my layman's understanding of the legal construct under which the Board operates: Chapter 262 of the Iowa Code governs the Board of Regents. Its members are appointed by the Governor and confirmed by the Senate. Once appointed, the Board is charged with governing Iowa's three public universities and two special schools.

Chapter 262.9 sets out the powers of the Board. There is a long list of powers that I won't repeat fully here, but it includes appointing the presidents and superintendents, setting admission standards, managing all of the property of the institutions, setting tuition and fees, directing all expenditures of the institutions, and "[p]erforming all other acts necessary and proper for the execution of the powers and duties conferred by law upon it."

There are exceptions to the Board's authority, and some ambiguity as you might imagine. For example, another section of the Code states that the Board of Regents is a department of the executive branch. Another example is that the contract with all AFSCME employees is negotiated by the Governor, whether they work for the Regent institutions or elsewhere. But these are the exceptions, not the rule.

The broad theme then is one of independence. The Board of Regents reports neither to the Governor nor to the Legislature. There are checks to be sure. The nine members only join the Board through appointment by the Governor and confirmation by the Senate. And the Legislature retains the power of the purse – an authority of paramount importance. Most important, the Board of Regents is a creature of statute, and its powers can be altered or removed through legislative action. A Board that acts without sensitivity to the preferences of the Governor, the House or the Senate, does so at its peril.

In my early conversations with Jeff Boeyink I focused on the historic effective working relationship that has been developed between the Board, the Governor's office, and the Legislature. That the system has worked well is indisputable, and that was my point. But I may have unintentionally conveyed that the Board's role is defined entirely by informal understandings that shift from one administration to the next. In fact, the foundation for the Board's role is written into state law.

A simple example: tuition. At the risk of putting things indelicately, our dialogue with the Governor regarding tuition is to seek his guidance and build mutual understanding. We come out of respect, because his perspective is important to us, and because Iowans will be best served if we are all working together on their behalf. But the power to set tuition rests with the Board of Regents.

Our present concerns involve the ability of the Board to express its views to members of the legislature. I understand the desire to have the Executive Branch speak with one voice, but statute (wisely in my view), explicitly provides that the Board of Regents has independent governing authority. Said differently, the Code intends for the Board to speak with its own voice. And, I would be remiss in fulfilling the responsibilities of my office if I acceded to an informal rewriting of the Board's authority through my inaction.

The Board's authority to communicate directly and openly with our elected representatives is of paramount importance. And it is actually quite straightforward. Each fall the Board of Regents sets its legislative priorities. These are submitted to the Governor, who then gives them the weight he/she believes appropriate. The Board also directs its legislative liaisons to communicate the Board's priorities to the Legislature. Again, the Legislature deals with them as they deem appropriate. The Board's priorities may or may not win the day, but throughout the process the Board retains the independent authority to articulate what it believes to be in the best interest of the institutions. The Board itself communicates those views publicly through its publications, press releases, speaking engagements, and interviews with the press; the legislative liaisons communicate the Board's views to our elected representatives.

As I write this email, my understanding is that the Iowa House has in its (draft?) rules a requirement that the Board of Regent's legislative liaisons may not express the Board's view on proposed legislation without approval from the Governor. The tension is obvious. The Board is empowered to formulate its own independent views on legislative matters in the ordinary exercise of our governing authority. But, this House rule would purport to condition the exercise of the Board's authority upon the Governor's assent.

It now appears that the Governor's office may want this same approach applied in the Iowa Senate. To speak plainly, a directive from any source that the Board of Regents' legislative liaisons can only advocate the Board's priorities with advance approval from the Governor (any Governor), challenges the statutory independence of the Board of Regents. Repeat this in other areas and the role of the Board of Regents becomes compromised. This, I am certain, will be bad for Iowa.

There, in short, is the rub.

Two points in closing. First, this governance system has served Iowa and Iowans extremely well for the last 102 years. Precisely what contribution Iowa's governance system has played in the fact that our state boasts three of the finest public universities in the nation, no one can say with certainty. However, I do believe that the

elected state officials who have preserved the present system over many decades – despite the inevitable conflicts that occur from time to time between the Board and elected officials – have shown great wisdom. In addition to serving as a buffer between the politics of the moment and Iowa’s enduring institutions of higher learning, the Board brings a consistency and focus to the governance of Iowa’s Public Universities and Special Schools that would be difficult to achieve otherwise.

The dollar level of appropriations to the universities and special schools in a given year is important. But – in my view – those decisions pale in importance compared to protecting the independent governance role of the Board. It worked very well when Marvin Pomerantz was president, and, I believe, will well serve future generations of Iowans long into the future.

Finally, for absence of doubt, neither I nor to my knowledge anyone on this Board, wants to have anything less than a fully cooperative relationship with Governor Branstad. I welcome his commitment to education and his passion for what are after all Iowa’s public universities.

I hope this helps, and I look forward to visiting with Jeff when convenient to his schedule. Alternatively, Jack Evans and I would be pleased to add this to our discussion with Governor Branstad this afternoon.

Thanks Linda.

Regards,

Dave

DAVID W. MILES
Chief Executive Officer
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WEST DES MOINES, IA 50266
(515) 224-2718 *Direct*
(515) 333-1860 *Mobile]*

From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, February 01, 2011 9:12 AM
To: Roederer, David [IDOM]
Subject: FW: Administration and Regulation Subcommittee Presentation
Attachments: Questions for Department Heads.pdf

I will be seeking your advice regarding the subcommittee request to have a presenter for the Governor's office budget on Feb. 9. Is this something that I do?

Thanks.

From: Schulz, Todd [IGOV]
Sent: Tuesday, February 01, 2011 8:26 AM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: Administration and Regulation Subcommittee Presentation

FYI – Lets discuss

From: Brandstatter, Joseph [LEGIS] [<mailto:joseph.brandstatter@legis.state.ia.us>]
Sent: Tuesday, February 01, 2011 8:23 AM
To: Daniels, Victoria [IDR]; Schulz, Todd [IGOV]; Roederer, David [IDOM]
Subject: Administration and Regulation Subcommittee Presentation

Chairpersons Senator Jochum and Representative Watts have asked to have the Governor's Office, Department of Management, and the Department of Revenue present to the Administration and Regulation budget subcommittee on **Wednesday, February 9th at 10 AM** in Room 19 of the State Capitol.

The presentation should be 15-20 minutes in length and you should be prepared to answer questions from legislators. There are many new legislators on the committee who will probably have many questions about the operations of the Department. If you plan on distributing handouts, we ask that you provide 25-30 copies for legislators and staff. Please provide me with electronic copies as well so I can post them to the General Assembly webpage.

The order of presenters is scheduled for 1) Governor's Office 2)DOM 3)Revenue

In addition, subcommittee members have compiled a series of questions that I have attached. Written answers are not necessary, the chairs would simply like your department to be prepared to answer these questions if asked. Also be prepared to address the Governor's budget recommendations for your Department.

Please let me know if this date works for you and who will be presenting on behalf of the Department. I look forward to seeing you on 2/9.

Thank you,
Joe Brandstatter
Fiscal Analyst
Legislative Services Agency
Iowa Legislature

**Questions for Department Heads –
Administration and Regulation Subcommittee**

1. What is the core mission of your department?
2. What is the effect of Senate File 2088 (State Government Reorganization Act) on your Department?
3. How many employees do you have?
4. How many merit employees?
5. How many employees are covered under collective bargaining agreements?
6. How many department FTEs are federal funded?
7. Have there been any recent reclassifications of individuals in your department? How many and what were the changes?
8. Does your department receive federal funds? If so, what is the State match?
9. Can divisions within the department be merged to create greater efficiencies?
10. How much department revenue comes from other state agencies?
11. How much department revenue is fee-based?
12. For FY 2011, describe the department's current budget situation. Do you expect any savings?
13. For budget line items that have only used 10-20% of their allocations so far, do you expect any savings?
14. How does House File 45 (Taxpayers First Bill) impact your department?
15. Were any American Recovery and Reinvestment Act (ARRA) funds used in FY 2011?
16. Did the Department receive any Appropriations Transfers in FY 2011?

From: Findley, Brenna [IGOV]
Sent: Wednesday, February 02, 2011 1:50 PM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Judge Edward Mansfield

Right now they are emailing them to me and putting the hard copies of postal letters/faxes in a folder in my mailbox so we can go through them in an organized way.

From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, February 02, 2011 1:49 PM
To: Findley, Brenna [IGOV]
Subject: FW: Judge Edward Mansfield

FYI

We need to discuss the process for collecting and sorting through these communications regarding the judicial nominees.

From: Becky Benton [<mailto:becky@gdmnlaw.com>]
Sent: Wednesday, February 02, 2011 1:44 PM
To: Boeyink, Jeffrey [IGOV]
Cc: jeff@gdmnlaw.com
Subject: Judge Edward Mansfield

See attached from Jeff Goodman

Becky Benton
Assistant to Jeff Goodman

Becky Benton Goodman & Associates, P.C. One Corporate Place 1501 42nd Street Suite 300 West Des Moines, Iowa 50266 Telephone: 515/267-8600 Facsimile: 515/224-2075 becky@gdmnlaw.com

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From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, February 02, 2011 1:49 PM
To: Findley, Brenna [IGOV]
Subject: FW: Judge Edward Mansfield
Attachments: Governor Terry Branstad 020211.pdf; Alcor case.pdf

FYI

We need to discuss the process for collecting and sorting through these communications regarding the judicial nominees.

From: Becky Benton [<mailto:becky@gdmnlaw.com>]
Sent: Wednesday, February 02, 2011 1:44 PM
To: Boeyink, Jeffrey [IGOV]
Cc: jeff@gdmnlaw.com
Subject: Judge Edward Mansfield

See attached from Jeff Goodman

Becky Benton
Assistant to Jeff Goodman

Becky Benton Goodman & Associates, P.C. One Corporate Place 1501 42nd Street Suite 300 West Des Moines, Iowa 50266 Telephone: 515/267-8600 Facsimile: 515/224-2075 becky@gdmnlaw.com

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GOODMAN & ASSOCIATES, P.C.

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Jeffrey L. Goodman*
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*Licensed in Iowa, Nebraska, Minnesota,
Missouri, Wisconsin, and Kansas

February 2, 2011

VIA E-MAIL: Brenna.findley@iowa.gov

Governor Terry Branstad
Attn: Legal Counsel, Brenna Findley
State Capitol
Des Moines, IA 50319

Dear Governor Branstad:

I wholeheartedly support Judge Edward Mansfield for appointment to fill one of the three vacancies on the Iowa Supreme Court.

I have known Judge Mansfield since approximately 1997.

Judge Mansfield is admitted to the bars of three states (namely, Iowa, Kansas, and Arizona) and is also admitted to practice before the U.S. Supreme Court and numerous Courts of Appeals and U.S. District Courts throughout the United States.

He is an A.V. rated lawyer by Martindale-Hubbell which is the highest rating available. He has been rated as one of the best lawyers in America.

His educational background is impressive, having graduated from Harvard University with a Bachelor of Arts in 1978 and earning a Juris Doctorate from Yale University in 1982.

After graduating from law school, he clerked for the Honorable Patrick E. Higginbotham on the United States Court of Appeals for the Fifth Circuit. After that, he engaged in the private practice of law for approximately 26 years for the Lewis and Roca Law Firm in Phoenix, Arizona, and, more recently, the Belin McCormick Law Firm in Des Moines, Iowa.

Since approximately February 2009, Judge Mansfield has served on the Iowa Court of Appeals. In this very short time, he has authored over 180 opinions.

ONE CORPORATE PLACE
1501 42ND STREET, SUITE 300 • WEST DES MOINES, IOWA • 50266
PHONE: (515) 267-8600 • FAX: (515) 224-2075

Among his many opinions is Alcor Life Extension Foundation v. Richardson, 785 N.W.2d 717 (Iowa Ct. App. 2010). This case involved some interesting and complicated issues surrounding a man's desire to have his head cryopreserved after his death. A copy is enclosed for your review.

There are a number of factors that must be considered in evaluating a person for any judicial vacancy including our state's highest court -- the Iowa Supreme Court.

I will discuss each of these below as they relate to Judge Mansfield.

INTELLECT

Appellate Court Judges are routinely called upon to review a "cold record" consisting of transcripts and exhibits which is a momentous task.

A review of Judge Mansfield's educational background, coupled with the prestigious law firms with whom he has been affiliated, and a review of his work as an attorney and Judge on the Iowa Court of Appeals clearly demonstrate that he has the intellectual ability to effectively and efficiently master complicated subjects.

TEMPERAMENT

Judges need to be good listeners and they need to be blessed with the right temperament and patience to afford advocates and their clients a full and fair hearing.

Judge Mansfield is a very effective and patient listener.

DECISIVENESS

A judge must be decisive. A review of the 180 opinions authored by Judge Mansfield during his tenure on the Iowa Court of Appeals well demonstrates his ability to think and write clearly and rule decisively.

WORK ETHICS/SELF-SUFFICIENCY

Over the years, Judge Mansfield has proven himself to be a tireless worker and devoted to the law.

EXPERIENCE

The best Supreme Court Justices are those who have had experience in a variety of areas of the law including trying cases in the courtroom.

During Judge Mansfield's career in private practice, he was involved in numerous trials and argued many appeals.

COMMON SENSE

All judges must be grounded and guided by common sense.

In his approach to representing clients as a private practitioner as well as his service on the Iowa Court of Appeals, Judge Mansfield has ably demonstrated his ability to be guided by common sense.

LIFE BALANCE/WELL ROUNDEDNESS

A good judge needs to be well rounded in his/her life experience to sit in judgment of others.

Your interview of Judge Mansfield will reveal that he is a well rounded individual who has found an appropriate balance in his life between his professional pursuits and his personal interests.

CONCLUSION

Few people possess all the requisite talents to serve on an appellate court, and even fewer deserve to serve on Iowa's highest court -- the Supreme Court.

Judge Mansfield enjoys my unqualified recommendation for appointment to the Iowa Supreme Court, and I believe he deserves your nomination as well.

I remain available to answer any questions you may have regarding Judge Mansfield's qualifications, experience, and suitability to be appointed to serve as a justice on the Iowa Supreme Court.

Very truly yours,

GOODMAN & ASSOCIATES, P.C.



Jeffrey L. Goodman

JLG/bb

Enclosure

c: Edward M. Mansfield

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 (Cite as: 785 N.W.2d 717)

Page 1

C

Court of Appeals of Iowa.
 ALCOR LIFE EXTENSION FOUNDATION,
 Plaintiff-Appellant,

v.

David RICHARDSON and Darlene Broeker, Individually and Co-Administrators of the Estate of Orville Martin Richardson, Defendants-Appellees.

No. 09-1255.

May 12, 2010.

Background: Cryonic suspension company requested an order compelling relatives of decedent, who entered into transaction to cryogenically preserve his head, to sign an approval for the disinterment of decedent's body at company's expense. The District Court, Des Moines County, John G. Linn, J., denied request. Company appealed.

Holdings: The Court of Appeals, Mansfield, J., held that:

- (1) transaction between decedent and cryonic suspension company fell within the scope of Revised Uniform Anatomical Gift Act (RUAGA);
- (2) rights of company as donee of anatomical gift under the RUAGA were superior to relatives' dispositional rights conferred by Final Disposition Act; and
- (3) issuance of mandatory injunction ordering relatives to execute an application for disinterment permit was warranted.

Reversed and remanded.

West Headnotes

[1] Statutes 361 ↻226

361 Statutes
 361VI Construction and Operation
 361VI(A) General Rules of Construction
 361k226 k. Construction of statutes adopted from other states or countries. Most Cited Cases

In the absence of instructive Iowa legislative history with respect to the meaning of an undefined word in a statute, courts look to the comments and statements of purpose contained in Uniform Acts to guide the courts' interpretation of a comparable provision in an Iowa Act.

[2] Statutes 361 ↻223.2(.5)

361 Statutes
 361VI Construction and Operation
 361VI(A) General Rules of Construction
 361k223 Construction with Reference to Other Statutes
 361k223.2 Statutes Relating to the Same Subject Matter in General
 361k223.2(.5) k. In general. Most Cited Cases
 Statutes relating to the same subject matter are to be considered in light of their common purposes and should be harmonized.

[3] Statutes 361 ↻223.4

361 Statutes
 361VI Construction and Operation
 361VI(A) General Rules of Construction
 361k223 Construction with Reference to Other Statutes
 361k223.4 k. General and special statutes. Most Cited Cases
 When two pertinent statutes cannot be harmonized, the court will apply the statute that deals with the subject in a more definite and minute way, as opposed to a statute that deals with the subject in a general and comprehensive manner.

[4] Dead Bodies 116 ↻1

116 Dead Bodies
 116k1 k. Right of possession and disposition in general. Most Cited Cases
 Cryonic suspension company which entered into transaction with donor, in which donor paid company a membership fee to cryogenically freeze his

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(Cite as: 785 N.W.2d 717)

head upon his death, was an "appropriate person for research," within meaning of provision of Revised Uniform Anatomical Gift Act (RUAGA) allowing an anatomical gift to be made to various listed entities or "other appropriate person" for research or education; company qualified for federal tax-exempt status, and documents indicated the company's bona fide status as an organization engaged in research in cryopreservation. I.C.A. § 142C.5 (1)(a).

[5] Dead Bodies 116 ↪1

116 Dead Bodies

116k1 k. Right of possession and disposition in general. Most Cited Cases

Transaction between donor and cryonic suspension company, in which donor paid company a membership fee to cryogenically freeze his head upon his death, fell within the scope of Revised Uniform Anatomical Gift Act (RUAGA), even though it might not qualify as a gift under the strict common-law sense; donor characterized transaction in executed documents as an anatomical donation and stated he made the donation for the purpose of furthering cryobiological and cryonic research, and the Act allowed for reasonable payment for the preservation of a body part. I.C.A. §§ 142C.2(3), 142C.10.

[6] Gifts 191 ↪4

191 Gifts

191k Inter Vivos

191k4 k. Requisites in general. Most Cited Cases

Normally, to meet the requirements of a gift, there must be (1) donative intent, (2) delivery, and (3) acceptance; the intent of the grantor is the controlling element.

[7] Dead Bodies 116 ↪1

116 Dead Bodies

116k1 k. Right of possession and disposition in general. Most Cited Cases

A transaction where the putative donor compensates a qualified donee for preserving all or part of the donated body does not take the transaction outside the scope of the Revised Uniform Anatomical Gift Act (RUAGA), even if in a strict common-law sense it may not qualify as a "gift." I.C.A. § 142C.2(3).

[8] Dead Bodies 116 ↪1

116 Dead Bodies

116k1 k. Right of possession and disposition in general. Most Cited Cases

The rights of cryonic suspension company as a donee of decedent's anatomical gift under the Revised Uniform Anatomical Gift Act (RUAGA) were superior to decedent's relatives' dispositional rights conferred by the Final Disposition Act. I.C.A. §§ 142C.5(1), 144C.10(4).

[9] Statutes 361 ↪200

361 Statutes

361VI Construction and Operation

361VI(A) General Rules of Construction

361k187 Meaning of Language

361k200 k. Mistakes in writing; grammar, spelling, or punctuation. Most Cited Cases
The Court of Appeals has the power to judicially construe legislative enactments to correct inadvertent clerical errors that frustrate obvious legislative intent.

[10] Dead Bodies 116 ↪5

116 Dead Bodies

116k2 Burial

116k5 k. Removal from place of former burial. Most Cited Cases

Cryonic suspension of decedent's head and the cremation of the rest of his body, pursuant to his agreement with cryonic suspension company, would constitute a "reburial" within meaning of statute allowing State to issue a permit for disinterment of a body for purpose of autopsy or reburial only. I.C.A. § 144.34.

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[11] Dead Bodies 116 ↪5

116 Dead Bodies

116k2 Burial

116k5 k. Removal from place of former burial. Most Cited Cases

The term "reburial," as used in statute allowing State to issue a permit for disinterment of a body for purpose of autopsy or reburial only, refers to any lawful, permanent disposition of the decedent's remains. I.C.A. § 144.34.

[12] Dead Bodies 116 ↪5

116 Dead Bodies

116k2 Burial

116k5 k. Removal from place of former burial. Most Cited Cases

Court of equity had jurisdiction to order decedent's relatives to execute a consent or approval for disinterment of decedent's body so that cryonic suspension company could comply with decedent's wishes regarding the cryonic preservation of decedent's head. I.C.A. § 144.34; Iowa Admin. Code r.641-101.7(1).

[13] Dead Bodies 116 ↪5

116 Dead Bodies

116k2 Burial

116k5 k. Removal from place of former burial. Most Cited Cases

Issuance of mandatory injunction ordering decedent's relatives to execute an application for disinterment permit, which would allow disinterment of decedent's body so that cryonic suspension company could comply with decedent's wishes that his head be cryogenically preserved, was warranted; company had no adequate remedy at law since there was no substitute for decedent's remains, and relatives knew of decedent's wishes at the time they arranged for burial.

[14] Injunction 212 ↪5

212 Injunction

212I Nature and Grounds in General

212I(A) Nature and Form of Remedy

212k5 k. Mandatory injunction. Most Cited Cases

The decision to issue a mandatory injunction compelling an affirmative act is based upon the traditional principles of equity and the specific circumstances of the case, although the remedy is an extraordinary one that is granted with caution.

[15] Injunction 212 ↪5

212 Injunction

212I Nature and Grounds in General

212I(A) Nature and Form of Remedy

212k5 k. Mandatory injunction. Most Cited Cases

In determining whether to issue a mandatory injunction compelling an affirmative act, courts consider the relative equities of the parties, and whether the only effective remedy is injunctive relief.

*719 William S. Vernon and Webb L. Wassmer of Simmons, Perrine, Moyer, Bergman, P.L.C., Cedar Rapids, for appellant.

Gerald D. Goddard and John D. Cray of Cray, Goddard, Miller, Taylor & Chelf, L.L.P., Burlington, for appellee.

Thomas D. Waterman and Wendy S. Meyer of Lane & Waterman, L.L.P., Davenport, for amicus curiae Iowa Donor Network.

Heard by VAITHESWARAN, P.J., and POTTERFIELD and MANSFIELD, JJ.

MANSFIELD, J.

This dispute over a decedent's remains raises significant issues under the Revised Uniform Anatomical Gift Act, the Final Disposition Act, and Iowa law pertaining to disinterments. See Iowa Code ch. 142C, ch. 144C, § 144.34 (2009). In 2004 Orville Richardson made arrangements with Alcor Life Extension Foundation to take possession of his remains and cryopreserve his head after he passed

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away. When Orville died in 2009, however, Orville's relatives did not notify Alcor and instead had him buried. Alcor now appeals the district court's denial of its request for an order compelling the relatives to sign an approval for the disinterment of Orville's body at Alcor's expense. For the reasons set forth herein, we reverse and remand.

I. Background Facts and Proceedings.

Orville Richardson, born 1927, had a long career as a pharmacist in Burlington. Orville was married, but had no children, and his wife predeceased him. David Richardson and Darlene Broeker are Orville's brother and sister.

On June 1, 2004, Orville submitted a membership application to Alcor Life Extension Foundation. Alcor is a California nonprofit corporation registered as a tax exempt 501(c)(3) scientific organization engaged in the study and practice of cryonic suspension. Alcor defines cryonic suspension as "[t]he procedure of placing the bodies/brains of people who have been declared legally dead into storage at temperatures of -100°C or lower, with the hope that future medical development will allow the restoration of life and health." In the membership application, Orville chose a *720 method of suspension called "neurosuspension," wherein the member's brain or entire head is removed and cryopreserved.

^{FN1}

FN1. According to the documentation, Orville's other remains would be cremated. Alcor would "retain or dispose of the cremated portion of the Member's remains ... consistent with legal requirements...."

On December 15, 2004, Orville executed a series of documents authorizing Alcor to take possession of his remains upon his death so that his head and brain could undergo cryonic suspension. Among the documents was a "Last Will and Testament for Human Remains and Authorization of Anatomical Donation" made for "the purpose of furthering

cryobiological and cryonic research." This document was signed in conjunction with a "Consent for Cryonic Suspension" and a "Cryonic Suspension Agreement," both of which stated the goal of cryonic suspension was "the hope of possible restoration to life and health at some time in the future." At the time he signed these documents, Orville paid Alcor a lump sum lifetime membership fee of \$53,500.

Orville's 2004 "Last Will and Testament for Human Remains and Authorization of Anatomical Donation" specifically stated:

[I]n accordance with the laws governing anatomical donations, I hereby:

a) donate my human remains to the Alcor Life Extension Foundation, Inc. ("Alcor"), a California non-profit corporation, ... such donation to take place immediately after my legal death, and

b) direct that upon my legal death my human remains be delivered to Alcor or its agents or representatives, at such place as they may direct.

In the fall of 2007, Orville was no longer capable of living independently due to the onset of dementia. Accordingly, in April 2008, David and Darlene filed a petition with the district court seeking appointment as Orville's co-conservators. Darlene also filed a separate petition requesting she be appointed as Orville's guardian. These petitions were granted by separate orders on May 5, 2008.

On May 27, 2008, David and Darlene wrote to Alcor informing it of their recent appointment as co-conservators of Orville, and requesting that Alcor reissue an uncashed check discovered in Orville's files.^{FN2} As a result of the request, Alcor issued a replacement check to David and Darlene, the amount of which covered both that check and another uncashed check. The letter to David and Darlene enclosing the replacement check was written on Alcor letterhead, disclosing Alcor's full name, mission, address, website, officers, directors, and

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medical and scientific advisory boards.

FN2. Alcor issued periodic payments to Orville based on interest generated from his lump sum lifetime membership payment.

Although it is unclear as to when, David and Darlene admitted that during Orville's lifetime, Orville discussed the subject of donating his brain or entire head for cryonic suspension. In their answer, David and Darlene state that they "tried to talk [Orville] out of such a plan and they emphatically told him they would have nothing to do with his plan." According to David and Darlene, Orville responded that he understood their position and the subject was never discussed thereafter. David and Darlene further assert in their answer that they never saw any contracts or agreements between Orville and Alcor, and that Orville never told them he had entered into such agreements.

Orville died intestate on February 19, 2009. The following day, David and Darlene were named co-administrators of Orville's*721 estate. David and Darlene had Orville embalmed and then buried in Burlington on February 21, 2009.

On April 21, 2009, two months after Orville's burial, David wrote to Alcor requesting a refund of Orville's lifetime membership payment. The letter stated,

Orville was my brother, and I'm aware he contracted with you several years back in the amount of approximately \$50,000 to provide a potential service following his death.

Orville obviously did not utilize this service, and accordingly we request a refund of all funds to the Estate of Orville Martin Richardson.

A week later Alcor responded, questioning why it was not notified of Orville's death so that it could follow Orville's wishes.

Alcor soon demanded Orville's remains. When

David and Darlene refused, Alcor filed a motion in the probate court for an expedited hearing. Alcor argued that Orville had made an anatomical donation to Alcor and that David and Darlene had no right to revoke it. Specifically, Alcor maintained that the Revised Uniform Anatomical Gift Act applied to Orville's transaction with Alcor, that section 142C.3(5) of that Act prohibits revocation of such a gift by anyone other than the donor, and that section 142C.8(8) makes the rights of a procurement organization superior to the rights of all other persons. As a remedy, Alcor asked the district court to order David and Darlene to obtain a permit for the disinterment of Orville's body. Alcor offered to pay all expenses associated with the disinterment. Alcor conceded that Iowa Code section 144.34 did not authorize the court to directly order disinterment, but argued the court could order Orville's brother and sister to execute an application for a disinterment permit with the Iowa Department of Public Health.

In their resistance, David and Darlene responded that they had no knowledge of the arrangement between Orville and Alcor and that Alcor had failed to contact them during Orville's lifetime despite its knowledge of their appointment as his co-conservators. They argued the transaction with Alcor was not covered by the Revised Uniform Anatomical Gift Act. In any event, they maintained that under the Final Disposition Act, Iowa Code § 144C.5(1)(f), they had the ultimate authority to dispose of Orville's remains.^{FN3} David and Darlene further claimed that disinterment would be improper since it would not be for the purpose of autopsy or reburial.

FN3. Iowa Code section 144C.5(1) confers the "right to control final disposition of a decedent's remains" upon a list of persons in order. The person with the first priority is a "designee ... acting pursuant to the decedent's designation." *Id.* § 144C.5(1)(a). Thereafter, the rights pass to the decedent's next of kin. *Id.* § 144C.5(1)(b)-(h).

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However, the "designation" provision applies only where the declaration was executed on or after July 1, 2008. *See* 2008 Iowa Acts ch. 1051, § 22. Accordingly, David and Darlene argued that they had the right to control final disposition of the body as Orville's next of kin.

The district court held a hearing on June 8, 2009. Arguments were presented, but no testimony was taken. In a June 15, 2009 ruling, the district court denied Alcor's requests for relief. The district court found the Final Disposition Act under Iowa Code chapter 144C to be controlling, and that Alcor could not qualify as a designee under the Act because Orville's declaration to Alcor was executed prior to the Act's effective date. Thus, the district court concluded that "David and Darlene were vested with the absolute right to control final disposition of Orville's remains after his death." The district court also agreed with David and Darlene that the disinterment statute did not apply in *722 any event because Alcor was not seeking autopsy or reburial. Additionally, the district court found that it did not have authority to order David and Darlene to execute an application for a disinterment permit. Alcor appeals.

II. Issues on Appeal.

Four issues are raised on appeal: (1) whether Orville's arrangement with Alcor concerning the delivery of his body for cryonic suspension of his brain falls within Iowa's Revised Uniform Anatomical Gift Act; (2) whether Alcor, on the one hand, or David and Darlene, on the other, had the right to control the final disposition of Orville's remains; (3) whether a court has the authority to order David and Darlene to execute a consent to disinterment, assuming that Alcor prevailed on the first two issues; and (4) if so, whether the district court should have exercised that authority under the facts and circumstances of this case.

III. Legal Principles Governing Our Review.

A. Standard of Review.

This case was filed and tried in equity; therefore, our review is de novo. Iowa R.App. P. 6.907; *see also Life Investors Ins. Co. of Am. v. Heline*, 285 N.W.2d 31, 35-36 (Iowa 1979) (discussing the scope of review at some length and holding that disinterment actions are tried in equity and "reviewable de novo"). We examine the entire record and adjudicate rights anew on the issues properly presented. *Commercial Sav. Bank v. Hawkeye Fed. Sav. Bank*, 592 N.W.2d 321, 326 (Iowa 1999). While we give weight to the district court's factual findings, we are not bound by them. Iowa R.App. P. 6.904(3)(g). We note further that in this case, the parties did not present testimony or even affidavits. The motion was decided on the pleadings, the briefs, and the exhibits.

B. Principles of Statutory Interpretation.

Our primary goal in interpreting a statute is to ascertain and give effect to the legislature's intent. *State v. Public Employment Relations Bd.*, 744 N.W.2d 357, 360 (Iowa 2008). In determining legislative intent, we consider not only the words used by the legislature, but also the statute's subject matter, the object sought to be accomplished, the purpose to be served, underlying policies, and the consequences of various interpretations. *Thompson v. Kaczinski*, 774 N.W.2d 829, 833 (Iowa 2009). We assess a statute in its entirety, and look for a reasonable interpretation that best achieves the statute's purpose and avoids absurd results. *Schadendorf v. Snap-On Tools Corp.*, 757 N.W.2d 330, 338 (Iowa 2008).

[1] Absent a statutory definition or an established meaning in the law, we give words their ordinary and common meaning by considering the context within which they are used. *Iowa Beta Chapter of Phi Delta Theta Fraternity v. State, Univ. of Iowa*, 763 N.W.2d 250, 260 (Iowa 2009). Where the le-

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gislatore has not defined words of the statute, we may refer to prior decisions of this court and others, similar statutes, dictionary definitions, and common usage. *Bernau v. Iowa Dep't of Transp.*, 580 N.W.2d 757, 761 (Iowa 1998). In the absence of instructive Iowa legislative history, we also look to the comments and statements of purpose contained in Uniform Acts to guide our interpretation of a comparable provision in an Iowa Act. *In re Marriage of Shanks*, 758 N.W.2d 506, 512 (Iowa 2008).

[2][3] Statutes relating to the same subject matter are to be considered in light of their common purposes and should *723 be harmonized. *State v. McKinney*, 756 N.W.2d 678 (Iowa 2008). “[W]hen two pertinent statutes cannot be harmonized, the court will apply the statute that deals with the subject ‘in a more definite and minute way,’ as opposed to a statute that ‘deals with [the] subject in a general and comprehensive manner.’ ” *Maghee v. State*, 773 N.W.2d 228, 239-40 (Iowa 2009) (quoting *City of Des Moines v. City Dev. Bd.*, 633 N.W.2d 305, 311 (Iowa 2001)); see also Iowa Code § 4.7.

IV. Analysis of the Issues Presented.

A. Statutory History of the Uniform Anatomical Gift Acts.

The original Uniform Anatomical Gift Act was approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1968. The 1968 Act was intended to “encourage the making of anatomical gifts” by eliminating uncertainty as to the legal liability of those authorizing and receiving anatomical gifts, while respecting dignified disposition of human remains. Prefatory Note to Unif. Anatomical Gift Act of 1968.

The most significant contribution of the 1968 Act was to create a right to donate organs, eyes, and tissue. This right was not clearly recognized at common law. By creating this right, individuals became empowered to donate their parts or their

loved one's parts to save or improve the lives of others.

Prefatory Note to Revised Unif. Anatomical Gift Act of 2006. The 1968 Act was adopted in all fifty states and the District of Columbia. Prefatory Note to Unif. Anatomical Gift Act of 1987.

By 1987, the introduction of new immunosuppressive drugs and improvements in surgical techniques for transplanting organs and tissues enhanced the capacity to perform transplants, thereby increasing the demand for organs. *Id.* Accordingly, it had become “apparent that the public policy instituted in 1969 (by promulgation of the Uniform Anatomical Gift Act in 1968) [was] not producing a sufficient supply of organs to meet the current or projected demand for them.” *Id.* In addition, it was noted that although many Americans supported organ donation, very few actually participated in organ donation programs. *Id.* Therefore, NCCUSL decided to revise the 1968 Act. The proposed amendments were meant to “simplify the manner of making an anatomical gift and require that the intentions of a donor be followed.” *Id.*

The 1987 revisions were adopted in only twenty-six states. Prefatory Note to Revised Unif. Anatomical Gift Act of 2006. As a result, the non-uniformity actually became a hindrance to the policy of encouraging donations. *Id.* Therefore, in 2006, NCCUSL again revised the Act. One of the major changes in the 2006 revision was the strengthening of the respect due to a donor's decision to make an anatomical gift. *Id.* While the 1987 revision provided that a donor's anatomical gift was “irrevocable,” it was common practice for procurement organizations to seek affirmation from the donor's family. *Id.* The 2006 revision ended this practice. Specifically, the 2006 revision

intentionally disempower[ed] families from making or revoking anatomical gifts in contravention of a donor's wishes. Thus, under the strengthened language of this [act], if a donor had made an anatomical gift, there is no reason to seek consent

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from the donor's family as they have no right to give it legally.

Id. The drafters noted the "possible tension between a donor's autonomous decision to be a donor with the interest of surviving family members," but decided it *724 was necessary to "favor[] the decision of the donor over the desires of the family." Revised Unif. Anatomical Gift Act of 2006 § 8 cmt. The drafters went on to specifically note:

This section does not affect property rights families might otherwise have in a decedent's body under other law, such as the right to dispose of a decedent's body after the part that was the subject of the anatomical gift has been recovered. In fact, language in Section 11(h) confirms the family's right to dispose of the donor's body after the donor's parts have been recovered for transplantation, therapy, research, or education.

Id.

B. Iowa's Revised Uniform Anatomical Gift Act (RUAGA).

Iowa has adopted each of the promulgations of the Uniform Anatomical Gift Act. *See* 2007 Iowa Acts ch. 44 (enacting the 2006 revision); 1995 Iowa Acts ch. 39 (enacting the 1987 revision); 1969 Iowa Acts ch. 137 (enacting the original 1968 Act); *see also* Kristi L. Kielhorn, *Giving Life After Death: The 2006 Revision of the Uniform Anatomical Gift Act*, 56 Drake L.Rev. 809, 817-26 (Spring 2008) (discussing the Uniform Anatomical Gift Act in Iowa). The current RUAGA is codified in Iowa Code chapter 142C.

According to the RUAGA, "an anatomical gift of a donor's body or part may be made during the life of the donor for the purposes of transplantation, therapy, research, or education." Iowa Code § 142C.3 (1). The donor may make an anatomical gift by will, *id.* § 142C.3(2)(a)(2), and the will "takes effect upon the donor's death whether or not the will is probated." *Id.* § 142C.3(2)(d). Once an anatomic-

al gift is made by a donor, it is given preclusive effect. *Id.* § 142C.3(5). Accordingly, when a donor makes an anatomical gift or amendment and no contrary indication by the donor is shown, "a person other than the donor is prohibited from making, amending, or revoking an anatomical gift of a donor's body or part." *Id.* § 142C.3(5)(a).

Anatomical gifts may be made to and received by several different persons, including "appropriate person[s] for research and education." *Id.* § 142C.5(1). If the anatomical gift appropriately passes to a person entitled to receive an anatomical gift, "the rights of a person to whom the part passes ... are superior to the rights of all other persons with respect to the part." *Id.* § 142C.8(8).

C. Does the RUAGA Apply Here?

The RUAGA did not become effective in Iowa until July 1, 2007, three years after Orville had entered into his arrangements with Alcor. Nonetheless, both parties appear to concede that the 2006 Revised Act is the relevant law for us to consider. *See* Iowa Code § 142C.13 (indicating that chapter 142C is intended to be retroactive and stating, "This chapter applies to an anatomical gift, or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.").

[4] The parties initially focus on whether Alcor is an "appropriate person for research" such as to be able to receive anatomical gifts. *See* Iowa Code § 142C.5(1)(a) (stating that an anatomical gift may be made to a "hospital, accredited medical or osteopathic medical school, dental school, college, or university, organ procurement organization, or other appropriate person for research or education"). In *Alcor Life Extension Found., Inc. v. Mitchell*, 7 Cal.App.4th 1287, 1292, 9 Cal.Rptr.2d 572 (1992), the California Court of Appeal held that Alcor could receive bodies under the Uniform Anatomical Gift Act as it then existed. This is the only reported *725 decision of which we are aware involving Alcor or cryonic suspension. There, Alcor did not

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have a license from California to function as a "procurement organization," the donee category into which Alcor sought classification. The California Uniform Anatomical Gift Act at that time required any recipient that was a "procurement organization" to be "licensed, accredited, or approved" under state law. However, the court affirmed the trial court's injunction in favor of Alcor and against the State of California based on the particular facts of that case. California had previously allowed post-mortem transfers of bodies to Alcor, but then made a "sudden and unexplained about-face with respect to Alcor's status," and failed to establish procedures for Alcor to become such a "procurement organization," thus placing Alcor in an untenable "catch-22." *Id.*

In the present case, though, Alcor does not argue that it qualifies as an "organ procurement organization," we presume because this now requires a designation by the *federal* government, which we assume Alcor does not have. *See* Iowa Code § 142C.2 (20). Instead, as noted, Alcor maintains that it is an "other appropriate person for research." *Id.* § 142C.5(1)(a).

From the record before us, which includes the Internal Revenue Service's determination that Alcor qualifies for tax-exempt status under 26 U.S.C. § 501(c)(3), as well as documents indicating Alcor's bona fides as an organization engaged in research in cryopreservation, we believe that Alcor meets the definition of an "appropriate person for research." *See* Revised Unif. Anatomical Gift Act of 2006 § 11 cmt. ("[A]n anatomical gift of a body for research or education can be made to a named organization. These gifts typically occur as the result of a whole body donation to a particular institution in the donor's will or as the result of a prior arrangement between a donor and a particular research or educational institution.").

[5] However, as we see it, another key inquiry presented by this case is whether a transaction whereby an individual *pays* an organization for the future cryonic suspension of his body or body part

constitutes an "anatomical gift" so as to implicate the RUAGA. This particular question was not raised by the parties or addressed by the district court. Therefore, we question whether it was preserved for our review. Nonetheless, because it is subsumed within the larger issue of whether RUAGA applies, we will address it.

In the classic situation covered by the RUAGA, of course, the organ donor is engaged in pure altruism. He or she receives no satisfaction other than the knowledge that he or she is providing either the "gift of life" to an unknown third party or a specimen for medical research. Here, the transaction involved a payment from Orville and services to be rendered in return by Alcor. To the outside observer, it looks like a bargained-for contract.

[6] An "anatomical gift" is defined as "a donation of all or part of the human body effective after the donor's death, for the purposes of transplantation, therapy, research, or education." Iowa Code § 142C.2(3). As the plain language states, a person must be making a donation or gift. Normally, to meet the requirements of a gift in Iowa, there must be (1) donative intent, (2) delivery, and (3) acceptance. *Gray v. Roth*, 438 N.W.2d 25, 29 (Iowa Ct.App.1989). The intent of the grantor is the controlling element. *Id.* Section 142C.6 of the RUAGA supersedes the common law principle that a gift requires delivery to be effective. *See* Iowa Code § 142C.6 ("A document of gift does not require delivery during the donor's lifetime*726 to be effective."). However, the RUAGA does not by its terms displace the common law principles regarding donative intent. *See* Restatement (Third) of Prop.: Wills & Other Donative Transfers § 6.1 cmt.b. (2003) (discussing donative intent and noting that "[t]he relevant criterion is intent to transfer an ownership interest gratuitously, as opposed to engaging in an exchange transaction or making an involuntary transfer"); Melvin Aron Eisenberg, *The World of Contract and the World of Gift*, 85 Cal. L.Rev. 821, 842 (1997) ("[W]hat is the difference between gifts and bargains? The answer is that a bargain in-

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volves a transfer that is expressly conditioned on a reciprocal exchange, so that each party is entitled by the terms of the bargain to a compensatory reciprocal performance....”).

Orville's intent is reflected in the documents he executed with Alcor. Based upon these documents, one might argue that Orville lacked the necessary donative intent to make a gift. The documents are referred to collectively as an “Agreement” and there are obligations on both sides. The documents reveal that Orville's motivation was the possibility of being restored in the future to life and health. Alcor agreed to undertake certain tasks toward that end. Alcor was paid to undertake those tasks. We note also that the 2006 version of the Uniform Act was proposed so that individuals would be “empowered to donate their parts or their loved one's parts to save or improve the lives of others.” Prefatory Note to Unif. Anatomical Gift Act of 2006 (emphasis added).

[7] Thus, we have some concerns whether the transaction between Orville and Alcor falls within the statutory definition of an “anatomical gift.” However, we conclude here that a transaction where the putative donor compensates a qualified donee for preserving all or part of the donated body does not take the transaction outside the scope of the RUAGA, even if in a strict common-law sense it may not qualify as a “gift.” We reach this conclusion for several reasons. First, we note that the documents executed by Orville characterize the arrangement as an “anatomical donation” and state that he has “made this donation for the purpose of furthering cryobiological and cryonic research.” These statements are entitled to some deference. See *Kern v. Palmer Coll. of Chiropractic*, 757 N.W.2d 651, 667 (Iowa 2008) (Appel, J., concurring specially) (observing in a different context that the “parties themselves are allowed to structure their legal relationships as they see fit, not as the court may wish”). Second, we note that section 142C.10 of the RUAGA, which generally prohibits the sale or purchase of body parts, allows

“reasonable payment” for the “preservation” or “disposal” of a part. While this language is not directly on point, it suggests that paying for preservation of part or all of a body is not enough to place a transaction outside the RUAGA that otherwise would fall within its terms. Third, whenever an exchange transaction is not regarded as a gift, it is almost invariably because the putative donor received compensation in return, not because the donor provided the donee with something in addition to the gift. See *Kirchner v. Lenz*, 114 Iowa 527, 530, 87 N.W. 497, 498 (1901) (defining a gift as “any piece of property which is voluntary transferred by one person to another without compensation”). Nonetheless, for the future, we agree with certain commentators that legislative clarification would be beneficial in this area. See generally Adam A. Perlin, “To Die in Order to Live”: *The Need for Legislation Governing Post-Mortem Cryonic Suspension*, 36 Sw. U. L. Rev. 33, 52 (2007) (noting uncertainty surrounding the status of cryonic suspension under the 1968 and 1987 versions*727 of the Uniform Anatomical Gift Act: “Although by its terms the UAGA ... seems to plausibly encompass cryonics institutes, it is highly debatable whether this interpretation is the one that will prevail.”).

D. Interaction Between the RUAGA and the Final Disposition Act.

[8] In addition to the RUAGA, Iowa also recently adopted the Final Disposition Act. See 2008 Iowa Acts ch. 1051. This Act responds to a perceived need for clarity as to who will determine the disposition of a decedent's remains. See Ann M. Murphy, *Please Don't Bury Me Down in That Cold Cold Ground: The Need for Uniform Laws on the Disposition of Human Remains*, 15 Elder L.J. 381, 400-01 (2007). Iowa's Act establishes a series of priorities. A designee acting pursuant to the “decedent's declaration” has the highest priority. Iowa Code § 144C.5(1)(a). However, if there is no designee, the decision falls to the decedent's next of kin. *Id.* § 144C.5(1)(b)-(h).

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[9] David and Darlene argue, and the district court found, that Orville did not execute a declaration covered by the Final Disposition Act, because a valid declaration must be executed on or after the law's effective date of July 1, 2008. *See* 2008 Iowa Acts ch. 1051, § 22. Therefore, they contend that, as his next of kin, they had the right to dispose of his remains as they saw fit. However, this argument only goes so far, because it does not address whether the RUAGA or the Final Disposition Act prevails in the event of a conflict between the two. We agree with Alcor that the legislature resolved such conflicts in favor of the RUAGA. First, the RUAGA expressly provides that “the rights of a person to whom a part passes under section 142C.5 are superior to the rights of all other persons with respect to the part.” *Id.* § 142C.8(8). Furthermore, the Final Disposition Act directly gives precedence to the RUAGA. Iowa Code section 144C.10(4) states, “The rights of a donee created by an anatomical gift pursuant to section 142C.11 ^{FN4} are superior to the authority of a designee under a declaration executed pursuant to this chapter.” Since a valid designee would have the highest priority conferred by the Final Disposition Act, this provision effectively reinforces that rights under the RUAGA take precedence over rights under the Final Disposition Act. Thus, we conclude that the rights of Alcor as a donee of an anatomical gift under the RUAGA are superior to David and Darlene's dispositional rights conferred by the Final Disposition Act.

FN4. Iowa Code section 142C.11 is the right chapter but the wrong section. The rights of an anatomical gift donee are established by Iowa Code sections 142C.3 and 142C.5, not 142C.11 which concerns immunity. However, we have the power to judicially construe legislative enactments to correct inadvertent clerical errors that frustrate obvious legislative intent. *State v. Dann*, 591 N.W.2d 635, 639 (Iowa 1999) (also citing cases). We exercise that authority here. We note also that the legislature rectified the error this past session,

and section 144C.10(4) now states, “The rights of a donee created by an anatomical gift pursuant to chapter 142C are superior to the authority of a designee under a declaration executed pursuant to this chapter.” *See* Iowa Legis. Serv. S.F. 2138 (West 2010).

E. The Disinterment Statute.

This leads us to the third issue presented in this case. Assuming that Orville's transaction with Alcor qualifies as an anatomical gift, and that the burial of Orville's body was therefore in derogation of Alcor's rights, what should be done now? The district court found that even if David and Darlene did not have absolute authority to control the disposition of Orville's remains, *728 Alcor could not compel them to seek a disinterment permit.

Iowa Code section 144.34 provides two methods by which a person may disinter remains: (1) state-issued permit; and (2) court order. *Stark v. Stark*, 738 N.W.2d 625, 627 (Iowa 2007). Alcor concedes that the present circumstances do not meet the statutory criteria for court-ordered disinterment. Instead, Alcor argues that David and Darlene should have been compelled to apply for a disinterment permit. However, a state-issued permit still requires that the purpose of the disinterment be for “autopsy or reburial only.” Iowa Code § 144.34.^{FN5} The district court concluded that Alcor intended neither to perform an autopsy nor to rebury Orville.

FN5. Consistent with section 144.34, the Iowa Department of Public Health application form for disinterment requires the applicant to indicate whether the disinterment is for autopsy or reburial.

[10] Alcor contends that cryonic suspension of Orville's head and the cremation of the rest of his body would constitute a “reburial.” This term is not defined in the statute or the implementing regulations. However, Iowa Administrative Code rule

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641-101.7(1) provides, "Disinterment permits shall be required for any relocation (above or below ground) of a body from its original site of interment." According to Alcor, this language means that an above-ground relocation can constitute a reburial.

[11] However, saying that an above-ground relocation *can* constitute a reburial does not mean that in all cases it *does* constitute a reburial. Nonetheless, we believe that rule 641-101.7(1) ^{FN6} compels us to adopt a broad construction of the term "reburial," as not limited to the situation where the decedent's remains would be placed into the earth. Otherwise, for example, Iowa law would forbid the disinterment of a body to place it in a mausoleum or to allow the scattering of the decedent's ashes in accordance with the decedent's wishes, an outcome that we think the legislature clearly did not envision. Even here, David and Darlene do not appear to dispute that Alcor's intended cremation of Orville's *body* in accordance with Orville's instructions would constitute a "reburial" of that portion of his remains. Simply stated, we believe the legislature used the term "reburial" in section 144.34 as convenient way to refer to any lawful, permanent disposition of the decedent's remains. The legislature was using the word "reburial" not to mandate that the final destination of the decedent's remains would be somewhere in the ground, but to insure that the decedent's remains would not be exhumed for a less important purpose, such as to remove jewelry with which the decedent had been buried. For these reasons, we conclude that the long-term cryonic suspension of Orville's head and the cremation of the rest of his body in accordance with his wishes would constitute a "reburial" within the meaning of section 144.34.

FN6. Iowa Code section 144.34 authorizes the State Registrar of Vital Statistics to adopt rules governing disinterment, so this is a situation where authority to interpret the law has "clearly been vested by a provision of law in the discretion of the agency."

Iowa Code § 17A.19(10)(l). We should defer to that interpretation unless it is "irrational, illogical, or wholly unjustifiable." *Id.*

[12] Other than disputing that the result would be a "reburial," David and Darlene do not specifically argue that an injunction requiring them to sign an application for disinterment would violate Iowa Code section 144.34. However, the district court found that Alcor's requested injunction would violate section 144.34 for an additional reason. In the court's view, *729 "Consent that is forced or compelled by Court Order is not consent. Compelled consent is a non sequitur." Thus, the court concluded that it lacked authority to order David and Darlene to execute a consent to disinterment. *See Stark*, 738 N.W.2d at 628 ("Section 144.34 allows anyone to apply to DPH for a permit to disinter. However, the state registrar will only grant such applications with the consent of the surviving spouse or, in the absence of a surviving spouse, the next of kin.").

We respectfully disagree with the proposition that a court of equity lacks jurisdiction to order a party, in the appropriate circumstances, to execute a "consent" or "approval." Equity courts require parties to sign instruments all the time. *See, e.g., Calbreath v. Borchert*, 248 Iowa 491, 81 N.W.2d 433, 437 (Iowa 1957) (ordering parties to sign a deed). Equity courts also have the ability to tailor their remedies as needed. *See, e.g., Presto-X-Co. v. Ewing*, 442 N.W.2d 85, 89-90 (Iowa 1989) (holding that an injunction could be entered beyond the original expiration date of a restrictive covenant). This is not to say that a court of equity may rewrite section 144.34. As previously noted, that section provides two methods by which a person may obtain disinterment-(1) court order, or (2) consent of the person authorized to control the decedent's remains under section 144C.5. Iowa Code § 144.34; *see also Stark*, 738 N.W.2d at 627.^{FN7} The second method should not ordinarily be viewed as a way to expand the scope of the first method. However,

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where the next of kin of a decedent engage in conduct for which disinterment is an otherwise appropriate remedy, we do not believe section 144.34 forecloses a court order compelling the same next of kin to execute a consent.

FN7. When the Final Disposition Act was adopted in 2008, the disinterment statute was amended to substitute the “person authorized to control the decedent’s remains under section 144C.5 ” for the “surviving spouse or in case of such spouse’s absence, death, or incapacity, the next of kin.” 2008 Iowa Acts ch. 1051, § 2.

Section 144.34 also requires that “[d]ue consideration shall be given to the public health, the dead, and the feelings of relatives.” These have been described as “caveats, in effect, admonishing courts that, when ruling in disinterment cases, they must not disregard certain special considerations attending such unique and sensitive subject matters.” *Life Investors Ins. Co. of Am. v. Heline*, 285 N.W.2d 31, 35 (Iowa 1979). We are unaware of any public health issues presented here. The wishes of the “dead,” i.e., Orville, would favor disinterment while those of the “relatives” do not. These caveats, in and of themselves, neither compel nor foreclose disinterment.

F. Mandatory Injunction?

[13][14][15] Finally, we must confront the question whether a mandatory injunction should issue against David and Darlene under the specific circumstances of this case, where we have already concluded that their actions were in derogation of Alcor’s rights. Alcor concedes that mandatory injunctions, which compel an affirmative act, are looked upon with disfavor. *Iowa Natural Res. Council v. Van Zee*, 261 Iowa 1287, 158 N.W.2d 111, 115 (Iowa 1968). The decision to issue such an injunction is based upon the traditional principles of equity and the specific circumstances of the case, although the remedy is an extraordinary one that is

granted with caution. *Nichols v. City of Evansdale*, 687 N.W.2d 562, 572 (Iowa 2004). We consider the relative equities of the parties, and whether the only effective remedy is injunctive relief. *730 *United Properties, Inc. v. Walsmith*, 312 N.W.2d 66, 74-75 (Iowa Ct.App.1981). Because the district court believed (incorrectly, in our view) that Iowa Code sections 144C.5(1) and 144.34 barred Alcor’s claim, it did not weigh the factors relevant to mandatory injunctive relief. Each side, however, now urges various reasons why mandatory injunctive relief would or would not be appropriate. “[E]xhumation and removal of remains is in the United States a well-recognized province of equity.” *Life Investors*, 285 N.W.2d at 35.

Ultimately, after weighing the “delicate considerations” in this case, see *id.*, we conclude that an injunction should have been granted based on the record made before the district court.^{FN8} We believe the equities strongly favor Alcor, and the only effective remedy is injunctive relief. In that regard, we note the following.

FN8. As we previously noted, no testimony was taken in the district court, and therefore we are reviewing the same written record as it did.

First and foremost, Orville clearly wanted to undergo cryonic suspension, and our state historically has ranked the decedent’s preferences highly. *Thompson v. Deeds*, 93 Iowa 228, 231, 61 N.W. 842, 843 (1895) (“[I]t always has been, and will ever continue to be, the duty of courts to see to it that the expressed wish of one, as to his final resting place, shall, so far as it is possible, be carried out.”). Even under the Final Disposition Act, had there been no RUAGA, Orville’s written and signed instructions would have prevailed but for the fairly technical point that they were executed before the Final Disposition Act came into effect.^{FN9} In fact, this lawsuit would not have even been necessary but for the same technical point that Orville’s written and signed instructions were executed before the effective date of the Act rather than afterward.

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(Cite as: 785 N.W.2d 717)

^{FN10} We believe equity lies with the party that intends to carry out Orville's wishes.

FN9. Also, before either the RUAGA and the Final Disposition Act were enacted, it appears that the common law would have allowed Orville to direct the disposition of his body. See *King v. Frame*, 204 Iowa 1074, 1079, 216 N.W. 630, 632 (1927) (“[T]he right of a person to provide by will for the disposition of his body has been generally recognized.”). Thus, David and Darlene's legal position ultimately rests on the following unlikely confluence of factors: (1) the RUAGA does not apply; (2) most of the Final Disposition Act applies because Orville died after the effective date of the Act; but (3) section 144C.5(1)(a) of the Final Disposition Act does not apply because Orville's declaration was executed before the effective date of the Act. See *Bump v. Stewart, Wimer & Bump, P.C.*, 336 N.W.2d 731, 736 (Iowa 1983) (“Equity regards substance over form and disregards technicalities to prevent injustice.”).

FN10. If Orville's documentation with Alcor had been executed after July 1, 2008, Alcor would have been “the person authorized to control the decedent's remains under section 144C.5 ” and thus could have consented on its own to exhumation of Orville's remains. See Iowa Code § 144.34. No court intervention would have been necessary. *Stark*, 738 N.W.2d at 628 (holding that a district court may not block disinterment when the appropriate party consents to it and the disinterment is for purposes of autopsy or reburial, regardless of the “motives for reburial or the objections of other family members or friends”).

Second, Alcor has no adequate remedy at law. There is no substitute for Orville's remains. David and Darlene argue that Alcor's “remedy” may be to

keep the approximately \$50,000 it received (although they previously asked Alcor to return those funds). Alternatively, David and Darlene argue that transfer of Orville's remains to Alcor at this point would be a “meaningless act,” given the amount of time they have already been in the ground, and the unlikelihood that cryonic preservation could ever be successful. However, *731 the problem with both arguments is that our legal tradition considers human remains very special and unique, regardless of their worldly value. As the supreme court said many years ago:

It is true that it was the pride of Diogenes and his disciples of the ancient school of Cynics to regard burial with contempt, and to hold it utterly unimportant whether their bodies should be burned by fire, or devoured by beasts, birds, or worms, and some of the French philosophers of modern days have, in a kindred spirit, descanted upon the “glorious nothingness” of the grave, and that “nameless thing,” a dead body, but the public sentiment and secular jurisprudence of civilized nations hold the grave and the dead body in higher and better regard.

King v. Frame, 204 Iowa 1074, 1078, 216 N.W. 630, 632 (1927). We quote this passage not to suggest that David and Darlene attach less importance to the remains of their sibling than Alcor does. Rather, our point is simply that if the equities strongly favor one side in a dispute over human remains, as we believe they do, it is not a sufficient response to argue that an adequate remedy at law exists.

Third, the record indicates David and Darlene knew of Orville's decision to entrust his remains to Alcor at the time they arranged for burial, notwithstanding their assertion that they had not seen a contract between Alcor and Orville. David and Darlene admit in their unverified answer that “during his lifetime” they were “advised by Orville he wanted his head severed and frozen.” It is further undisputed that during the conservatorship, David and Darlene corresponded with Alcor and received a substantial

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(Cite as: 785 N.W.2d 717)

replacement check from it. The check was accompanied by a letter that would have put David and Darlene on notice as to the nature of this entity, i.e., that Alcor had entered into a financial arrangement with Orville. Given the size of the check (nearly \$5000), we find it implausible that David and Darlene would have paid no attention to the identity of the party that issued it and its reasons for doing so. It would have been part of their job as co-conservators to inform themselves as to Orville's affairs. See Iowa Code § 633.641 ("It is the duty of the conservator of the estate to protect and preserve it, to invest it prudently, [and] to account for it as herein provided ..."); *In re Brubaker's Guardianship*, 214 Iowa 413, 239 N.W. 536, 537-38 (1931) ("It is the guardian's duty to give his personal care and attention to the management of his ward's estate, and [he] is bound to exercise therein such diligence and prudence as a reasonably prudent person ordinarily employs in the conduct of his own affairs.").

Also, by April 21, 2009, two months after Orville's burial, David and Darlene indisputably knew of the entire arrangement between Orville and Alcor, since they wrote seeking a refund of the "approximately \$50,000" Orville had paid for a "potential service." David and Darlene are noticeably silent as to when and how they acquired this information.

In short, from the record before us, we conclude that David and Darlene decided to bury Orville despite knowledge he had made different arrangements for his remains. This in our view tips the equities further in Alcor's favor. Had David and Darlene notified Alcor at the time of Orville's death, and allowed this dispute to be resolved at that time, the practical difficulties in this case would not exist. Alcor would not be seeking a mandatory injunction forcing David and Darlene "to sign an Application they find abhorrent"; indeed, disinterment would be unnecessary. It seems unfair and inequitable, in our view, for David and Darlene to rely on obstacles to injunctive relief that exist only because of their own

efforts to create a *fait accompli*.

*732 David and Darlene implicitly concede that "who knew what and when?" is relevant, because they fault Alcor for not advising them of Orville's instructions for his remains. The implication is that if they had known of those arrangements, this might be a different case. We agree that "who knew what and when?" is relevant, but draw a different conclusion from this record. Alcor had no way of knowing that Orville had died or that his relatives were having him buried. By contrast, on this record, we find that David and Darlene were aware of Orville's having made a plan for disposition of his remains with Alcor.

A fourth factor we have already noted is the technical nature of David and Darlene's defense. Ordinarily, if an individual had executed Alcor's documents, but relatives had then buried the individual's body following his/her death, Alcor could sign the application for permit for disinterment on its own, and would not need assistance from the court. However, in this case, even though Orville died after July 1, 2008, he signed the declaration before then, rendering section 144C.5(1)(a) inapplicable. See *Bump*, 336 N.W.2d at 736 ("Equity regards substance over form and disregards technicalities to prevent injustice."). In short, David and Darlene's defense is predicated on what might be regarded as an accident of timing.

David and Darlene argue that Alcor's request for relief is moot, but we are not persuaded. Their claim of mootness is based on the amount of time that Orville's remains already have been in the ground. David and Darlene contend that the additional deterioration makes it even more speculative that Orville could ever be brought back to life. We cannot say, however, that this case is moot, without making scientific and philosophical judgments we are not prepared to make. If this were an ordinary proceeding for reburial in accordance with the testator's wishes, it would not be moot because of the time elapsed since the initial burial. As the supreme court has said in a somewhat different context,

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(Cite as: 785 N.W.2d 717)

"[T]ime limitation for requesting disinterment is a policy question for the legislature, not the courts."
Life Investors, 285 N.W.2d at 33.

Based on the foregoing considerations, and the specific facts of this case, we conclude that Alcor was entitled to its requested mandatory injunction directing David and Darlene to execute the application for a disinterment permit, with Alcor bearing all the burden and expense of disinterment. Despite the novelty of cryogenics, and the statutory complexity involved in this case, we believe this outcome is largely dictated by two longstanding and relatively straightforward traditions: first, our historic deference to the testator's wishes regarding the method and location of burial; and, second, the ability of courts of equity to fashion a suitable remedy when one party has violated another's rights. *See Pittman v. Magic City Mem. Co.*, 985 So.2d 156, 159-60 (La.Ct.App.2008) (upholding trial court's decision to grant live-in girlfriend's request to exhume and relocate the decedent's remains based on the decedent's testamentary instructions that had been ignored by decedent's family members; the court emphasized that the girlfriend did not consent to the initial interment and objected to it as soon as she became aware of it).

We reverse and remand for entry of an order directing David Richardson and Darlene Broeker to execute an approval of the application for disinterment, and for further proceedings consistent with this opinion.

REVERSED AND REMANDED.

Iowa App.,2010.
Alcor Life Extension Foundation v. Richardson
785 N.W.2d 717

END OF DOCUMENT

From: Boeyink, Jeffrey [IGOV]
Sent: Thursday, February 03, 2011 9:33 AM
To: Findley, Brenna [IGOV]
Subject: FW: Judicial Appointment - Judge Michael Mullins

From: Diane Crookham-Johnson [mailto:dcj@oskaloosalaw.com]
Sent: Wednesday, February 02, 2011 5:30 PM
To: Hough, Margaret [IGOV]
Cc: Boeyink, Jeffrey [IGOV]
Subject: Judicial Appointment - Judge Michael Mullins

Dear Governor Branstad,

Thank you for your time. I'm writing in support of District Judge Michael Mullins for appointment to the Iowa Supreme Court.

I have had an opportunity to know Judge Mullins as both a student law intern with the 8th Judicial District and now as an attorney in the 8th District. Judge Mullins is the type of Iowan the Court needs.

Judge Mullins has the intellect necessary to hold a seat on the bench. As important, I believe, he has the personality, interest in people and love of Iowa needed to bring the judicial branch back to the people of Iowa.

As a judge first on the bench, Judge Mullins was concerned with the lack of consistent information available on criminal sentencing guidelines. He worried this lack of consistency lessened the information provided to criminal defendants. He solved the problem by creating comprehensive sentencing guidelines for his use. He shared his ideas with others and soon found the Iowa Supreme Court using his guidelines as "the" guidelines. The guidelines are an example of his interest in finding solutions, his understanding that the court must communicate with the public, and his ability to analyze legal situations.

As a more experienced judge, Judge Mullins was asked to serve on a judicial committee tasked with moving the judicial branch towards electronic filing and information exchange. As a leader on the commission he helped develop the initial concepts and continues to serve as implementation occurs in the first test counties, soon to go statewide. He is a strong believer that technology has great potential to improve services and streamline productivity.

Of great importance to me is the fact Judge Mullins lives and works in rural Iowa -- Washington, Iowa -- far from a metropolitan center. Judge Mullins has a perspective unique to the rural judge, rural attorney and rural citizen accessing the court system. He understands the rural perspective is an important part of the discussion as the judicial branch moves forward in Iowa.

Simply stated, Judge Mullins is the kind of Iowan we need on the Iowa Supreme Court.

Thanks, again, for your time.

Best,
Diane Crookham-Johnson

--
Diane Crookham-Johnson
Attorney at Law
Crookham-Johnson Law Office, PLLC
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Oskaloosa, IA 52577
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From: Boeyink, Jeffrey [IGOV]
Sent: Thursday, February 03, 2011 4:18 PM
To: Carroll, Mike [DAS]
Subject: FW: Sick Leave Pilot
Attachments: Hanks-HomanSickLeavePilot.pdf

Please give me a call to discuss this, Mike.

From: Baldwin, John [DOC]
Sent: Thursday, February 03, 2011 3:28 PM
To: Boeyink, Jeffrey [IGOV]; Ketzner, Jake [IGOV]; Roederer, David [IDOM]; Hart, Dennis [IDOM]
Subject: FW: Sick Leave Pilot

Just an FYI about the current situation of the ... in lieu of .. language. Thanks

From: Pritchard, Susie [DOC]
Sent: Thursday, February 03, 2011 3:10 PM
To: Carroll, Mike [DAS]; Johnson, Mark [DAS]; Kienast, Karen [DAS]; Panknen, Jeff [DAS]
Cc: Baldwin, John [DOC]; Burt, Jerry [DOC]; Wilder, Diann [DOC]; Hier, Brad [DOC]
Subject: Sick Leave Pilot

Thank you for meeting with us last week on the Sick Leave Pilot Agreement, which is attached.

The increase in the number of Correctional Officers calling in sick without sick leave hours to cover the absence indicates that AFSCME is moving the agreement forward. Call-ins require overtime and as such a call-in can increase costs 1 ½ times to cover one critical Correctional Officer post. In respect to #2 of the agreement, there are already 5 disciplinary suspensions for unauthorized leave without pay that will not be given; a significant number given the agreement was not signed, according to AFSCME, until January, 12, 2010.

#3 of the agreement is still pending.

AFSCME has #5 of the agreement thoroughly covered – the following are a few worth noting.

"Cullen had sent the settlement to Brenda wanting to use vacation/comp for this last weekend when he didn't have the sick leave "in lieu of"."

Anamosa State Penitentiary Cullen is the grievant in the Frankman Arbitration Award, an 11 year employee with 6.67 hours of vacation and 11.22 hours of sick leave and the first one knocking at the door.

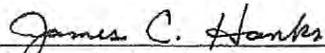
"Rumor has it that our abusers of this are going around saying this is their ticket to call in whenever and are now calling in more. One of the "abusers" has recently called in for a week." - Iowa State Penitentiary Employee did not have 40 hours of sick leave to cover the week long absence.

Your time and assistance is much appreciated. The new direction and focus of DAS-HRE is an exciting change and we look forward to working with you. If there are any questions or if additional information is needed, please give me a call.

Susie Pritchard
Human Resources Director
Iowa Department of Corrections
510 E. 12th Street
Des Moines, IA 50319

SICK LEAVE PILOT AGREEMENT

1. The parties will agree to a Sick Leave Pilot for the period beginning January 1, 2011 and ending June 30, 2011.
2. During this Pilot period, the DOC will suspend implementation of the Frankman arbitration award at all DOC facilities and will allow employees to use accumulated compensatory time off or annual leave where employees do not have sufficient accumulated sick leave available, provided that they qualify for the use of sick leave as provided in Article IX, Section 10(B). All use of sick leave will be subject to the employer's right under Article IX, Section 10(B) to "require a medical certificate or other appropriate verification for absences".
3. AFSCME will identify and provide to the State a list of the names of all employees who have been disciplined by the DOC from and after July 1, 2009, as a result of the Doc's implementation of the Frankman award at all DOC facilities other than Anamosa. The State and AFSCME will then meet to attempt to determine a mutually acceptable make-whole remedy for each affected employee.
4. During this Pilot period, employees who have been subject to progressive discipline in accordance with an applicable leave/time/attendance policy since the implementation of the Frankman award on July 1, 2009, will be allowed to use accumulated compensatory time off and/or annual leave if they do not have sufficient accumulated sick leave available as described in paragraph #2 above.
5. Notification to DOC employees of the terms of this Sick Leave Pilot is the responsibility of both parties to this agreement.
6. The parties agree that: (a) the execution of this Agreement shall not establish any precedent with regard to the matters that are the subject of the Agreement, (b) the Agreement will not be considered to be a part of the bargaining histories of the parties, (c) this Agreement will automatically expire on June 30, 2011, unless it is extended in writing by mutual agreement of the parties, and (d) the Agreement may not be used as evidence by either party in any legal or contractual proceeding
7. The Union reserves the right to arbitrate any of the grievances it currently has filed, if this Pilot is not extended. The State agrees to mutually agree to extend all pending grievance timelines for Arbitration during the period of this Pilot, and the Union will have sixty (60) days, after the end of this Pilot, to notify the State of its intent to arbitrate any pending grievances.



James C. Hanks, Representative
Department of Administrative Services



Danny J. Hornan, President
AFSCME Iowa Council 61

From: Larson, Steve [ABD]
Sent: Thursday, February 03, 2011 5:21 PM
To: Boeyink, Jeffrey [IGOV]
Cc: Swizdor, Richard [ABD]; Strauss, Stephanie [ABD]
Subject: Requesting Governor's Approval
Attachments: Policy Bill Branstad MEMORANDUM.docx; Technical Bill MEMORANDUM 020111 (2).docx



**ALCOHOLIC
BEVERAGES
DIVISION**
State of Iowa

1918 SE HULSIZER ROAD, ANKENY, IA 50021

FROM THE DESK of Steve Larson

Jeff,

I am writing today to follow up on the previous discussion a few days ago on pending legislation coming before the Iowa legislature.

I have attached two memos for your review. I will also be sending these to you through local mail, along with copies of the Division's pre-filed bills that were submitted earlier this year.

I will not be taking any action on these until I receive your response. Thank you for your consideration.

Sincerely,

Steve

PHONE: 515.281.7402
TOLL FREE: 866.469.2223
FAX: 515.281.7385

EMAIL: Larson@IowaABD.com
WEBSITE: iowaabd.com



MEMORANDUM

TO: Jeffrey Boeyink, Chief of Staff
FR: Stephen Larson, Administrator
RE: Alcoholic Beverages Division Policy Bill
DATE: February 3, 2011

BACKGROUND

The Alcoholic Beverages Division Policy Bill relates to matters under the purview of the Alcoholic Beverages Division of the Department of Commerce and is of vital importance to Iowa's budding native wine and micro-distilled spirits industries, amending key provisions which will allow them to grow. Without its passage, both industries will be harmed.

The bill also improves governmental transparency by expanding access to division records and provides access to information about purchases from the division by deleting an exception to the open records law.

WHY THIS BILL IS IMPORTANT

- Promotes business development in the alcoholic beverages industry by providing access to information necessary for market research purposes.
- Removes from the manufacturer's license application an unnecessary monetary requirement and replaces it with penalty provisions for violations.
- Eliminates an unnecessary requirement which has the potential to negatively impact property not owned or under the control of a micro-distillery.
- Fosters the growth of Iowa's native wine industry by allowing manufacturers to purchase and possess distilled spirits needed to produce fortified wine products.
- Improves government transparency by expanding access of the division's financial records.

SECTION BY SECTION OVERVIEW OF THE BILL

Section 1 deletes an exception to the open records law in Code chapter 22 which currently provides that records of purchases of alcoholic liquor from the division by an individual class "E" liquor control licensee shall be kept confidential, unless required to be revealed for law enforcement purposes or for the collection of payments due the division pursuant to Code section 123.24. *This change is reflective of current practices by other states regarding this type of information.*

Section 2 adds the definition for "grape brandy" to Code section 123.3. Grape brandy is used as an ingredient during the fermentation process for certain types of wine.

Section 3 adds new subsections to Code section 123.41. Code section 123.41, subsection 2 provides that an applicant must file a statement under oath with the division that the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor. Code section 123.41, subsection 4 subjects a manufacturer's license to the penalty provisions in Code section 123.39 in lieu of forfeiting the rescinded bond. *Penalty provisions for violation are less detrimental to businesses and allow for corrective action. Forfeit of a bond could have a lasting negative impact on a licensee's business.*

Section 4 repeals Code section 123.43A, subsection 8 which prohibits micro-distilled spirits purchased at a micro-distillery from being consumed within 300 feet of a micro-distillery. *The consumption of alcoholic liquor in public places is already prohibited by Iowa law. This provision infringes on the rights of property owner adjacent to a licensed micro-distillery.*

Section 5 amends Code section 123.56, subsection 1 to allow manufacturers of native wine to purchase and possess grape brandy for the sole purpose of manufacturing wine, provided that the grape brandy is purchased from the alcoholic beverages division. Section 5 also amends Code section 123.56, subsection 3 by clarifying that a manufacturer of native wines shall obtain a wine shipper's license pursuant to Code section 123.187 before shipping wine to individuals inside and outside this state. *This change will allow native wineries to produce fortified wines, such as port.*

Section 6 amends Code section 123.57 by granting access to the financial records of the division to the commission and the general assembly's standing committees on government oversight access, rather than the executive council. *This amendment allows for greater transparency by providing the legislative branch statutory access to divisional records.*

Section 7 repeals Code section 123.43, which requires the posting of \$5,000 bond by applicants for a manufacturer's license prior to the approval and granting of the license. *The repeal of this provision removes an unnecessary burden from licensees.*



ALCOHOLIC
BEVERAGES
DIVISION
State of Iowa

Terry E. Branstad *Governor of Iowa*
Kim Reynolds *Lieutenant Governor*
Stephen Larson *Administrator*

MEMORANDUM

TO: Jeffrey Boeyink, Chief of Staff
FR: Stephen Larson, Administrator
RE: Alcoholic Beverages Division Technical Bill
DATE: February 3, 2011

BACKGROUND

The Alcoholic Beverages Division Technical Bill relates to matters under the purview of the Alcoholic Beverages Division of the Department of Commerce and is the result of the first section-by-section review of Chapter 123 in many years. The bill moves definitions currently located throughout the chapter to the general definitions section, adds further clarification to the definition of native wine, and strikes provisions that are obsolete or unnecessary, making the chapter easier to understand and apply.

The bill also makes a necessary technical change to the provision that calls for the annual commission meeting in which the chairperson is elected to occur on or before July 1, rather than on July 1, and allows for quarterly meetings. In addition, it strikes the language that requires meetings to be held within the state which may allow commissioners to take part in educational and legal symposiums and other events.

WHY THIS BILL IS IMPORTANT

- Makes the format of the chapter consistent with Iowa Code by consolidating the definitions into one section.
- Strikes obsolete language and makes conforming changes.
- Provides necessary flexibility to the commission when scheduling regular and special meetings.
- Makes Chapter 123 easier to understand and apply.

SECTION BY SECTION OVERVIEW OF THE BILL

Section 1 amends the general definitions section for the chapter by moving the existing definitions of grocery store, micro-distillery, micro-distilled spirits, pharmacy, and school to new subsections in Code section 123.3.

Section 2 amends Code section 123.3(22)(a) to clarify the definition of native wine to mean a wine manufactured pursuant to Code section 123.56.

Section 3 amends Code section 123.29 by providing that the commission shall meet on or before July 1 for the purpose of selecting a chairperson. The bill also provides that meetings shall be held quarterly, or at the call of the administrator, and removes the provision that requires where meetings shall be held.

Section 4 amends Code section 123.31 by striking reference to Code section 123.35, which is repealed in Section 11 of the bill.

Sections 5, 6 and 7 strikes the definitions of grocery store, micro-distillery, micro-distilled spirits, pharmacy, and school in the respective provisions within the chapter. The definitions are inserted into the general definitions section.

Section 8 amends Code section 123.134, subsection 5 by striking the provision relating to a special class “B” beer permit, which is repealed in Section 11 of the bill. *This type of permit has never been issued by the division.*

Section 9 amends Code section 123.141 by striking the provision relating to a special class “B” beer permit, which is repealed in Section 11 of the bill. *This type of permit has never been issued by the division.*

Section 10 amends Code section 123.142, subsection by striking the provision relating to a special class “B” beer permit, which is repealed in Section 11 of the bill. *This type of permit has never been issued by the division.*

Section 11 strikes obsolete Code sections from Chapter 123.

- Code section 123.35 which prescribes simplified application forms for renewal of liquor control licenses, rendered obsolete by the implementation of an online application and renewal process.
- Code section 123.133 which provides for the issuance of a special class “B” beer permit for the sale of beer on trains. This type of permit has never been issued by the division. Rather, the sale of liquor, wine, and beer on trains is licensed by a class “D” liquor license.
- Code sections 123.153 through 123.162 which pertain to the issuance of bonds by the Alcoholic Beverages Commission for the purpose of funding a one-time warehouse expansion project.

From: Boeyink, Jeffrey [IGOV]
Sent: Friday, February 04, 2011 9:41 AM
To: Roederer, David [IDOM]
Cc: Voss, Susan [IID]; Palmer, Charles [DHS]; Miller-Meeks, Mariannette [IDPH]; Boussetot, Michael [IGOV]
Subject: FW: Fiscal Note Data Request - LSB 2121SC
Attachments: SSB1063.pdf; FN_Doc.xls

FYI to all those with an interest in the insurance exchange issue.

-----Original Message-----

From: Schulz, Todd [IGOV]
Sent: Friday, February 04, 2011 9:29 AM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: Fiscal Note Data Request - LSB 2121SC

Jeff, should this go to DOM?

-----Original Message-----

From: Joseph Brandstatter [<mailto:joseph.brandstatter@legis.state.ia.us>]
Sent: Friday, February 04, 2011 8:49 AM
To: Schulz, Todd [IGOV]
Subject: Fiscal Note Data Request - LSB 2121SC

Dear Mr. Schulz:

We have been asked to prepare a fiscal note on the attached legislation - LSB 2121SC.

Would you please complete the attached worksheet for this bill and return it to us within the next five days. If you have questions or comments, please call me.

You are able to submit your response and monitor the status of your Fiscal Note requests at

<https://www3.legis.state.ia.us/fn/login.jsp>

Contact Joseph Brandstatter at 515-281-8223 for more information.

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to establishment of an Iowa health benefit
2 exchange, abolishment of the Iowa insurance information
3 exchange, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

IOWA HEALTH BENEFIT EXCHANGE

1 Section 1. NEW SECTION. 514M.1 Short title.

2
3
4 This Act shall be known and may be cited as the "*Iowa Health*
5 *Benefit Exchange Act*".

6 Sec. 2. NEW SECTION. 514M.2 Findings.

7 The general assembly finds the following:

8 1. The cost of health insurance for individuals and
9 employers in Iowa is increasing.

10 2. The cost of health insurance for state and local
11 governments in Iowa is increasing.

12 3. The number of uninsured and underinsured persons in Iowa
13 is increasing.

14 4. The federal Patient Protection and Affordable Care
15 Act, Pub. L. No. 111-148, as amended by the federal Health
16 Care and Education Reconciliation Act of 2010, Pub. L. No.
17 111-152, requires each state, by January 1, 2014, to establish
18 an American health benefit exchange that facilitates the
19 purchase of qualified health plans by qualified individuals
20 and qualified small employers, as specified, and meets certain
21 other requirements. The federal Act also requires each state
22 to inform the secretary by January 1, 2013, that the state has
23 the ability to implement the exchange by January 1, 2014.

24 5. The establishment of the Iowa health benefit exchange
25 provides an opportunity to increase access to health care,
26 expand health care coverage, lower the costs of health care,
27 and provide the foundation for a sustainable health care system
28 for Iowa citizens and employers.

29 Sec. 3. NEW SECTION. 514M.3 Purpose and intent.

30 It is the purpose of this chapter to do all of the following:

31 1. Enact the necessary state laws to be consistent with the
32 federal Act.

33 2. Provide for the establishment of an American health
34 benefit exchange as required by the federal Act to facilitate
35 the purchase and sale of qualified health benefit plans in

1 the individual market in this state and to provide for the
2 establishment of a small business health options program, known
3 as a small business health options program exchange, to assist
4 qualified small employers in this state in facilitating the
5 enrollment of their employees in qualified health benefit plans
6 offered in the small group market.

7 3. Reduce the number of uninsured Iowans by creating an
8 organized, transparent, and easy-to-navigate health insurance
9 marketplace with low administrative costs that offers a
10 choice of high-value health benefit plans for individuals and
11 employers.

12 4. Provide qualified individuals and employers with the
13 ability to claim available federal tax credits and cost-sharing
14 subsidies, and to meet the personal responsibility requirements
15 imposed under the federal Act.

16 Sec. 4. NEW SECTION. 514M.4 Definitions.

17 As used in this chapter, unless the context otherwise
18 requires:

19 1. "Board" means the board of directors of the Iowa health
20 benefit exchange.

21 2. "Commissioner" means the commissioner of insurance.

22 3. "Defined contribution arrangement health benefit plan"
23 means an employer group health benefit plan individually
24 selected by an employee of a small employer, within the
25 actuarial tier of platinum, gold, silver, or bronze, as defined
26 in the federal Act, selected by the small employer.

27 4. "Exchange" means the Iowa health benefit exchange
28 established pursuant to section 514M.5.

29 5. "Federal Act" means the federal Patient Protection and
30 Affordable Care Act, Pub. L. No. 111-148, as amended by the
31 federal Health Care and Education Reconciliation Act of 2010,
32 Pub. L. No. 111-152, and any amendments thereto, or regulations
33 or guidance issued under, those acts.

34 6. a. "Health benefit plan" means a policy, contract,
35 certificate, or agreement offered or issued by a health carrier

1 to provide, deliver, arrange for, pay for, or reimburse any of
2 the costs of health care services.

3 *b. "Health benefit plan" does not include any of the*
4 *following:*

5 (1) Coverage only for accident, or disability income
6 insurance, or any combination thereof.

7 (2) Coverage issued as a supplement to liability insurance.

8 (3) Liability insurance, including general liability
9 insurance and automobile liability insurance.

10 (4) Workers' compensation or similar insurance.

11 (5) Automobile medical payment insurance.

12 (6) Credit-only insurance.

13 (7) Coverage for on-site medical clinics.

14 (8) Other similar insurance coverage, specified in federal
15 regulations issued pursuant to Tit. XXVII of the federal Public
16 Health Service Act, as enacted by the federal Health Insurance
17 Portability and Accountability Act of 1996, Pub. L. No.
18 104-191, and amended by the federal Act, under which benefits
19 for health care services are secondary or incidental to other
20 insurance benefits.

21 *c. "Health benefit plan" does not include any of the*
22 *following benefits if they are provided under a separate*
23 *policy, certificate, or contract of insurance or are otherwise*
24 *not an integral part of the plan:*

25 (1) Limited scope dental or vision benefits.

26 (2) Benefits for long-term care, nursing home care, home
27 health care, community-based care, or any combination thereof.

28 (3) Other similar, limited benefits specified in federal
29 regulations issued pursuant to the federal Health Insurance
30 Portability and Accountability Act of 1996, Pub. L. No.
31 104-191.

32 *d. "Health benefit plan" does not include any of the*
33 *following benefits if the benefits are provided under a*
34 *separate policy, certificate, or contract of insurance, there*
35 *is no coordination between the provision of the benefits*

1 and any exclusion of benefits under any group health plan
2 maintained by the same plan sponsor, and the benefits are paid
3 with respect to an event without regard to whether benefits are
4 provided with respect to such an event under any group health
5 plan maintained by the same plan sponsor:

6 (1) Coverage only for a specified disease or illness.

7 (2) Hospital indemnity or other fixed indemnity insurance.

8 e. *"Health benefit plan"* does not include any of the
9 following if offered as a separate policy, certificate, or
10 contract of insurance:

11 (1) Medicare supplemental health insurance as defined under
12 section 1882(g)(1) of the federal Social Security Act.

13 (2) Coverage supplemental to the coverage provided under 10
14 U.S.C. ch. 55, by the civilian health and medical program of
15 the uniformed services.

16 (3) Supplemental coverage similar to that provided under a
17 group health plan.

18 7. *"Health carrier"* means an entity subject to the insurance
19 laws and rules of this state, or subject to the jurisdiction
20 of the commissioner, that contracts or offers to contract to
21 provide, deliver, arrange for, pay for, or reimburse any of
22 the costs of health care services, including an insurance
23 company offering sickness and accident plans, a health
24 maintenance organization, a nonprofit hospital or health
25 service corporation, or any other entity providing a plan of
26 health insurance, health benefits, or health services.

27 8. *"Insurance producer"* means a person required to be
28 licensed under chapter 522B to sell, solicit, or negotiate
29 insurance.

30 9. *"Qualified dental plan"* means a limited scope dental plan
31 that has been certified in accordance with section 514M.10.

32 10. *"Qualified employer"* means a small employer that
33 elects to make its full-time employees eligible for one or
34 more qualified health benefit plans offered through the small
35 business health options program exchange, and at the option of

1 the employer, some or all of its part-time employees, provided
2 that the employer does either of the following:

3 *a.* Has its principal place of business in this state and
4 elects to provide coverage through the small business health
5 options program exchange to all of its eligible employees
6 wherever employed.

7 *b.* Elects to provide coverage through the small business
8 health options program exchange to all of its eligible
9 employees who are principally employed in this state.

10 11. "*Qualified health benefit plan*" means a health benefit
11 plan that has in effect a certification that the plan meets the
12 criteria for certification described in section 1311(c) of the
13 federal Act and section 514M.10.

14 12. "*Qualified individual*" means an individual, including a
15 minor, who is all of the following:

16 *a.* Is seeking to enroll in a qualified health plan offered
17 to individuals through the exchange.

18 *b.* Is a resident of this state.

19 *c.* At the time of enrollment, is not incarcerated, other
20 than incarceration pending the disposition of charges.

21 *d.* Is, and is reasonably expected to be, for the entire
22 period for which enrollment is sought, a citizen or national of
23 the United States or an alien lawfully present in the United
24 States.

25 13. "*Resident*" means a person who is a resident of this
26 state for state income tax purposes.

27 14. "*Secretary*" means the secretary of the United States
28 department of health and human services.

29 15. "*Small business health options program exchange*" means
30 the small business health options program exchange established
31 under section 514M.9.

32 16. *a.* "*Small employer*" means an employer that employed an
33 average of one to fifty employees during the preceding calendar
34 year.

35 *b.* For the purposes of this subsection:

1 (1) All persons treated as a single employer under
2 subsection (b), (c), (m), or (o) of section 414 of the Internal
3 Revenue Code of 1986 shall be treated as a single employer.

4 (2) An employer and any predecessor employer shall be
5 treated as a single employer.

6 (3) All employees shall be counted, including part-time
7 employees and employees who are not eligible for coverage
8 through the employer.

9 (4) If an employer was not in existence throughout the
10 preceding calendar year, the determination of whether that
11 employer is a small employer shall be based on the average
12 number of employees that is reasonably expected that employer
13 will employ on business days in the current calendar year.

14 (5) An employer that makes enrollment in qualified health
15 plans available to its employees through the small business
16 health options program exchange, and would cease to be a
17 small employer by reason of an increase in the number of its
18 employees, shall continue to be treated as a small employer
19 for purposes of this chapter as long as it continuously makes
20 enrollment through the small business health options program
21 exchange available to its employees.

22 Sec. 5. NEW SECTION. 514M.5 Iowa health benefit exchange
23 established.

24 1. The Iowa health benefit exchange is established as a
25 nonprofit corporation under the purview of the office of the
26 governor.

27 2. The exchange shall operate under a plan of operation
28 established and approved under section 514M.8 and shall
29 exercise its powers through a board of directors established
30 under section 514M.6. The board shall implement and direct
31 the activities of the exchange, whose purpose is to create and
32 administer a state-based exchange, as described in section 1311
33 of the federal Act and this chapter.

34 3. The exchange shall facilitate the availability, choice,
35 and adoption of private health benefit plans to eligible

1 individuals and groups as described in this chapter and in the
2 federal Act.

3 4. The exchange shall make individual and small employer
4 group coverage available to Iowa residents no later than
5 January 1, 2014.

6 5. The exchange shall be considered a governmental body
7 for the purposes of chapter 21 and a government body for the
8 purposes of chapter 22.

9 Sec. 6. NEW SECTION. 514M.6 Board of directors.

10 1. There is a board of directors of the exchange which shall
11 carry out the powers and duties of the exchange as set forth in
12 this chapter.

13 2. The board of directors of the exchange shall consist
14 of seven voting members and two nonvoting members. The
15 voting members shall be appointed by the governor, subject to
16 confirmation by the senate. The governor shall designate one
17 voting member as chairperson and one as vice chairperson. The
18 nonvoting members shall be the commissioner of insurance and
19 the director of human services or their designees.

20 3. Each member of the board appointed by the governor shall
21 be a resident of this state and the composition of the voting
22 members of the board shall be in compliance with sections
23 69.16, 69.16A, and 69.16C.

24 4. The voting members of the board shall be appointed for
25 staggered terms of three years within sixty days after the
26 effective date of this Act and by December 15 of each year
27 thereafter. The initial terms of the voting members of the
28 board shall be staggered at the discretion of the governor. A
29 voting member of the board is eligible for reappointment. The
30 governor shall fill a vacancy on the board in the same manner
31 as the original appointment for the remainder of the term. A
32 voting member of the board may be removed by the governor for
33 misfeasance, malfeasance, willful neglect of duty, failure to
34 actively participate in the affairs of the board, or other
35 cause after notice and a public hearing unless the notice and

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1 hearing are waived by the member in writing.

2 5. The voting members of the board shall include
3 representatives of consumers and small employers as well as
4 individuals that are knowledgeable about health insurance,
5 health finance, and health systems.

6 6. A voting member of the board shall not be an employee
7 of, a consultant to, a member of the board of directors of,
8 affiliated with, have an ownership interest in, or otherwise
9 be a representative of any health carrier, insurance producer
10 agency, insurance consultant organization, trade association of
11 insurers, or association offering health insurance coverage to
12 its members, while serving on the board.

13 7. Voting members of the board may be reimbursed from
14 the moneys of the exchange for expenses incurred by them as
15 members, but shall not be otherwise compensated by the exchange
16 for their services.

17 8. A majority of the voting members of the board constitutes
18 a quorum. The affirmative vote of a majority of the voting
19 members is necessary for any action taken by the board. The
20 majority shall not include a member who has a conflict of
21 interest and a statement by a member of a conflict of interest
22 is conclusive for this purpose. A vacancy in the membership
23 of the board does not impair the right of a quorum to exercise
24 the rights and perform the duties of the board. An action
25 taken by the board under this chapter may be authorized by
26 resolution at a regular or special meeting and each resolution
27 shall take effect immediately and need not be published or
28 posted. Meetings of the board shall be held at the call of
29 the chairperson or at the request of a majority of the voting
30 members.

31 9. The voting members of the board shall give bond as
32 required for public officers in chapter 64.

33 10. The voting members of the board are subject to and are
34 officials within the meaning of chapter 68B.

35 Sec. 7. NEW SECTION. 514M.7 Executive director — staff.

1 1. The voting members of the board shall meet, and within
2 forty-five days of their appointment to the board, appoint an
3 executive director to supervise the administrative affairs
4 and general management and operations of the exchange. The
5 executive director shall not be a member of the board,
6 shall serve at the pleasure of the board, and shall receive
7 compensation as fixed by the board.

8 2. The executive director of the exchange shall keep
9 a record of the proceedings of the board and shall be the
10 custodian of all books, documents, and papers filed with
11 the board, the minute book or journal of the board, and the
12 official seal of the board. The executive director may cause
13 copies to be made of minutes and other records and documents of
14 the board and may give certificates under the official seal of
15 the board that the copies are true copies, and persons dealing
16 with the board may rely upon the certificates.

17 3. The executive director shall, with the approval of the
18 board, do all of the following:

19 a. Plan, direct, coordinate, and execute administrative
20 functions of the exchange in conformity with the policies and
21 directives of the board.

22 b. Employ professional and clerical staff as necessary.

23 c. Report to the board on all operations under the executive
24 director's control and supervision.

25 d. Prepare an annual budget and manage the administrative
26 expenses of the exchange.

27 e. Undertake any other activities necessary to implement the
28 powers and duties of the board.

29 Sec. 8. NEW SECTION. 514M.8 General requirements for the
30 exchange — plan of operation.

31 1. The exchange shall be organized as a nonprofit
32 corporation and shall submit to the commissioner a plan
33 of operation for the exchange within ninety days after the
34 appointment of the board of directors. After notice and
35 hearing, the commissioner shall approve the plan of operation

1 if the plan is determined to be suitable to assure the fair,
2 reasonable, and equitable administration of the exchange and
3 to meet the requirements of federal and state law for a state
4 health benefit exchange. In addition to other requirements,
5 the plan of operation shall provide for all of the following:

6 *a.* The handling and accounting of assets and moneys of the
7 exchange, including the power to borrow money, and to establish
8 lines of credit and cash and investment accounts.

9 *b.* The amount and method of reimbursing members of the board
10 for expenses incurred by them as members.

11 *c.* Regular times and places for meetings of the board.

12 *d.* Records to be kept of all financial transactions, and
13 the annual audit and fiscal reporting to the secretary, the
14 governor, the commissioner, the general assembly, and the
15 public.

16 *e.* Hiring independent consultants as necessary.

17 *f.* Procedures and criteria detailing the implementation of
18 the activities and duties assigned to the exchange pursuant to
19 this chapter and applicable federal law.

20 *g.* Adoption of bylaws to regulate the affairs and the
21 conduct of the exchange's business.

22 *h.* Maintenance of an office within the state at such place
23 or places as the exchange may designate.

24 *i.* The power to approve the use of trademarks, brand names,
25 seals, logos, and other similar instruments by participating
26 health carriers, employers, or organizations.

27 *j.* Additional provisions necessary or proper for the
28 execution of the powers and duties of the exchange.

29 *k.* The assessment of health carriers in the state to fund
30 the operation of the exchange as provided in section 514M.12.

31 2. The exchange has the power to enter into agreements with
32 other state and federal agencies.

33 3. The exchange shall do the following:

34 *a.* Beginning no later than January 1, 2014, make qualified
35 health benefit plans available to qualified individuals and

1 qualified employers and facilitate the purchase and sale of
2 such plans.

3 *b.* Beginning no later than January 1, 2014, provide for
4 the establishment of a small business health options program
5 exchange that is designed to assist qualified small employers
6 in this state in facilitating the enrollment of their employees
7 in qualified health benefit plans offered in the small group
8 market in this state.

9 *c.* Beginning no later than January 1, 2014, provide an
10 option for an eligible small employer to choose to participate
11 in a defined contribution arrangement health benefit plan made
12 available by the exchange.

13 *d.* Within sixty days of appointment of the board of
14 directors, begin to collaborate with the commissioner to
15 integrate the functions of the Iowa insurance information
16 exchange established in section 505.32 into the Iowa health
17 benefit exchange in order to ensure the most seamless
18 transition possible from an insurance information exchange
19 to the Iowa health benefit exchange within the time period
20 prescribed by the federal Act.

21 4. The exchange may contract with an eligible entity for
22 any of its functions described in this chapter, not otherwise
23 delegated to the commissioner or the board. An eligible
24 entity includes but is not limited to the department of public
25 health, the department of human services, or an entity that
26 has experience in individual and small group health insurance,
27 benefit administration, or other experience relevant to the
28 responsibilities of the exchange. However, a health carrier or
29 an affiliate of a health carrier is not an eligible entity for
30 the purposes of this subsection.

31 5. The exchange shall not make available any health benefit
32 plan that is not a qualified health benefit plan.

33 6. The exchange shall allow a health carrier to offer a
34 plan that provides limited scope dental benefits meeting the
35 requirements of section 9832(c)(2)(A) of the Internal Revenue

1 Code of 1986 through the exchange, either separately or in
2 conjunction with a qualified health benefit plan, if the plan
3 provides pediatric dental benefits meeting the requirements of
4 section 1302(b)(1)(J) of the federal Act.

5 7. The exchange or a health carrier offering health benefit
6 plans through the exchange shall not charge an individual a
7 fee or penalty for termination of coverage if the individual
8 enrolls in another type of minimum essential coverage because
9 the individual has become newly eligible for that coverage
10 or because the individual's employer-sponsored coverage has
11 become affordable under the standards of the federal Act, to be
12 codified at section 36B(c)(2)(C) of the Internal Revenue Code
13 of 1986.

14 Sec. 9. NEW SECTION. 514M.9 Powers and duties of the
15 exchange.

16 1. The exchange shall, according to the provisions of this
17 chapter, applicable rules, and applicable federal laws and
18 regulations do all of the following:

19 a. Implement procedures for the certification,
20 recertification, and decertification of health benefit plans
21 as qualified health benefit plans, consistent with guidelines
22 developed by the secretary under section 1311(c) of the federal
23 Act and applicable state law.

24 b. Provide for the operation of a toll-free telephone
25 hotline to respond to requests for assistance.

26 c. Provide for enrollment periods, as determined by the
27 secretary under section 1311(c)(6) of the federal Act and
28 applicable state law.

29 d. Maintain an internet site through which enrollees,
30 employers, and prospective enrollees of qualified health
31 benefit plans, at a minimum, may obtain standardized
32 comparative information on such plans. In developing the
33 electronic clearinghouse, the board may require health carriers
34 participating in the exchange to make available and regularly
35 update an electronic directory of contracting health care

1 providers so individuals seeking coverage through the exchange
2 can search by health care provider name to determine which
3 health benefit plans in the exchange include that health
4 care provider in their network, and whether that health care
5 provider is accepting new patients for that particular health
6 benefit plan.

7 *e.* Assign a rating to each qualified health benefit plan
8 offered through the exchange in accordance with criteria
9 developed by the secretary under section 1311(c)(3) of the
10 federal Act, and determine the level of coverage of each
11 qualified health benefit plan in accordance with regulations
12 issued by the secretary under section 1302(d)(2)(A) of the
13 federal Act and applicable state law.

14 *f.* Utilize a standardized format for presenting health
15 benefit plan options in the exchange, including the use of the
16 uniform outline of coverage established under section 2715 of
17 the Public Health Service Act and applicable state law.

18 *g.* In accordance with section 1413 of the federal Act
19 and applicable state law, inform individuals of eligibility
20 requirements for the Medicaid program under Tit. XIX of the
21 federal Social Security Act, the children's health insurance
22 program under Tit. XXI of the federal Social Security Act, or
23 any applicable state or local public program and if through
24 screening of an application by the exchange, the exchange
25 determines that any individual is eligible for any such
26 program, enroll that individual in that program.

27 *h.* Establish and make available by electronic means a
28 calculator to determine the actual cost of coverage after
29 application of any premium tax credit under the standards of
30 the federal Act to be codified at section 36B(c)(2)(C) of the
31 Internal Revenue Code of 1986 and any cost-sharing reduction
32 under section 1402 of the federal Act.

33 *i.* Establish a small business health options program
34 exchange through which individuals employed by qualified
35 employers may enroll in any qualified health benefit plan

1 offered through the small business health options program
2 exchange at the level of coverage specified by the employer.
3 In establishing a small business health options program
4 exchange, the exchange shall do all of the following:

5 (1) Provide consolidated billing and premium payment by
6 employers including detailed information to employers on health
7 benefit plans and costs chosen by their employees.

8 (2) Establish an electronic interface and facilitate
9 the flow of funds between health carriers, employers, and
10 employees, including subsidies and the use of free choice
11 vouchers as provided in the federal Act.

12 (3) Provide plan enrollment information to employers.

13 *j.* Establish guidelines consistent with procedures
14 established pursuant to the federal Act that allow insurance
15 producers to assist individuals and small employers in
16 purchasing qualified health benefit plans from the exchange
17 and receive a commission from the exchange for the services
18 provided by them. If an insurance producer receives a
19 commission from the carrier that issues a qualified health
20 benefit plan, the producer shall not collect a commission from
21 the exchange.

22 *k.* Subject to section 1411 of the federal Act and applicable
23 state law, grant a certification attesting that, for purposes
24 of the individual responsibility penalty under the standards
25 of the federal Act to be codified at section 5000A of the
26 Internal Revenue Code of 1986, an individual is exempt from
27 the individual responsibility requirement or from the penalty
28 imposed by that section because of any of the following:

29 (1) There is no affordable qualified health benefit plan
30 available through the exchange, or the individual's employer,
31 covering the individual.

32 (2) The individual meets the requirements for any other
33 such exemption from the individual responsibility requirement
34 or penalty.

35 *l.* Transfer to the United States secretary of the treasury

1 all of the following:

2 (1) A list of the individuals who are issued a certification
3 under paragraph "k", subparagraph (1), including the name and
4 taxpayer identification number of each individual.

5 (2) The name and taxpayer identification number of each
6 individual who was an employee of an employer but who was
7 determined to be eligible for the premium tax credit under
8 the standards of the federal Act to be codified at section
9 36B(c)(2)(C) of the Internal Revenue Code of 1986 because of
10 either of the following:

11 (a) The employer did not provide minimum essential health
12 benefits coverage.

13 (b) The employer provided the minimum essential health
14 benefits coverage, but it was determined under the standards of
15 the federal Act to be codified at section 36B(c)(2)(C) of the
16 Internal Revenue Code of 1986 to either be unaffordable to the
17 employee or not provide the required minimum actuarial value.

18 (3) The name and taxpayer identification number of all of
19 the following:

20 (a) Each individual who notifies the exchange under section
21 1411(b)(4) of the federal Act that the individual has changed
22 employers.

23 (b) Each individual who ceases coverage under a qualified
24 health benefit plan during a plan year and the effective date
25 of that cessation.

26 *m.* Provide to each employer the name of each employee of
27 the employer described in paragraph "l", subparagraph (2), who
28 ceases coverage under a qualified health benefit plan during a
29 plan year and the effective date of the cessation.

30 *n.* Perform duties required of, or delegated to, the exchange
31 by the secretary, the United States secretary of the treasury,
32 or the commissioner related to determining eligibility for
33 premium tax credits, reduced cost-sharing, or individual
34 responsibility requirement exemptions.

35 *o.* Select entities qualified to serve as navigators

1 in accordance with section 1311(i) of the federal Act and
2 applicable state law and award grants to enable navigators to
3 do the following:

4 (1) Conduct public education activities for individuals
5 and small employers to raise awareness of the availability of
6 qualified health benefit plans.

7 (2) Distribute fair and impartial information concerning
8 enrollment in qualified health benefit plans, and the
9 availability of premium tax credits under the standards of
10 the federal Act to be codified at section 36B(c)(2)(C) of the
11 Internal Revenue Code of 1986, cost-sharing reductions under
12 section 1402 of the federal Act, federal employer health tax
13 credits, and state employer health tax credits and subsidies.

14 (3) Facilitate enrollment in qualified health benefit
15 plans.

16 (4) Provide referrals to the office of health insurance
17 consumer assistance established under the federal Act pursuant
18 to section 2793 of the federal Public Health Service Act
19 and the office of the commissioner or any other appropriate
20 state agency, for any enrollee with a grievance, complaint,
21 or question regarding the enrollee's health benefit plan,
22 coverage, or a determination under that plan or coverage.

23 (5) Provide information in a manner that is culturally and
24 linguistically appropriate to the needs of the population being
25 served by the exchange.

26 *p.* In consultation with the commissioner, review the rate of
27 premium growth within the exchange and outside the exchange,
28 and consider the information in developing recommendations on
29 whether to continue limiting qualified employer status to small
30 employers.

31 *q.* Credit the amount of any free choice voucher to the
32 monthly premium of the plan in which a qualified employee is
33 enrolled, in accordance with section 10108 of the federal Act,
34 and collect the amount credited from the offering employer.

35 *r.* Consult with stakeholders who are relevant to carrying

1 out the activities required under this chapter including but
2 not limited to the following:

3 (1) Educated health care consumers who are individuals
4 that are knowledgeable about the health care system, have a
5 background or experience in making informed decisions regarding
6 health, medical, and scientific matters, and who are enrollees
7 in qualified health benefit plans.

8 (2) Individuals and entities with experience in
9 facilitating enrollment in qualified health benefit plans.

10 (3) Representatives of small businesses and self-employed
11 individuals.

12 (4) The department of human services.

13 (5) The commissioner.

14 (6) The department of public health.

15 (7) Advocates for enrolling hard-to-reach populations.

16 *s.* Seek and receive federal grants available pursuant
17 to section 1311 of the federal Act and other grant funding
18 available from private or government sources.

19 *t.* Require qualified health benefit plans to provide
20 information and make disclosures to enrollees required by state
21 and federal law.

22 *u.* Require qualified health benefit plans to implement
23 activities to reduce health care access disparities, including
24 the use of language services, community outreach, and cultural
25 competency training for employees of such plans.

26 *v.* Assist in the implementation of reinsurance and risk
27 adjustment mechanisms, as required by state and federal law.

28 *w.* Publicize the existence of the exchange, the eligibility
29 and enrollment requirements of the exchange, and the benefits
30 and advantages of purchasing coverage through the exchange.

31 *x.* Develop services that aid small employers in the
32 administration of their group health benefit plans.

33 *y.* Facilitate the development of cafeteria plans pursuant
34 to section 125 of the Internal Revenue Code of 1986, for use by
35 employers participating in the exchange.

1 *z.* Establish guidelines for determining what state licensure
2 requirements for insurance producers are applicable, if any, to
3 the exchange and to exchange employees and entities or persons
4 who are qualified as navigators.

5 *aa.* Examine methods to limit health benefit plan design
6 options to create adequate consumer choice and value, while
7 avoiding unnecessary, duplicative, and confusing plan designs.

8 *ab.* Encourage the development of health benefit plans that
9 promote wellness, preventative health care, and new innovations
10 in health care delivery systems that promote efficiency, curb
11 health care costs, and provide value to health care consumers.

12 *ac.* Develop strategies that encourage the participation of
13 health carriers in the exchange, including cooperatives and
14 multistate plans, that offer good value to consumers and have
15 high-quality ratings.

16 *ad.* Develop strategies to ensure the viability of the
17 exchange by minimizing adverse risk selection.

18 *ae.* Meet all of the following financial integrity
19 requirements:

20 (1) Keep an accurate accounting of all activities,
21 receipts, and expenditures of the exchange and annually submit
22 to the secretary, the governor, the commissioner, the general
23 assembly, and the public, a report concerning such accountings
24 as provided in section 514M.12.

25 (2) Fully cooperate with any investigation conducted by
26 the secretary pursuant to the secretary's authority under the
27 federal Act and allow the secretary, in coordination with the
28 inspector general of the United States department of health and
29 human services to do all of the following:

30 (a) Investigate the affairs of the exchange.

31 (b) Examine the properties and records of the exchange.

32 (c) Require periodic reports in relation to the activities
33 undertaken by the exchange.

34 (3) In carrying out its activities under this chapter, not
35 use any funds intended for the administrative and operational

1 expenses of the exchange for staff retreats, promotional
2 giveaways, excessive executive compensation, or promotion of
3 federal or state legislative and regulatory modifications.

4 2. The exchange has the power to enter into agreements with
5 other state and federal agencies.

6 3. The exchange shall encourage cross-agency consultation
7 and coordination and shall consult regularly with the
8 commissioner, department of human services, department of
9 public health, and where appropriate, the attorney general, all
10 of which shall be required to lend expertise and resources to
11 the exchange as needed.

12 4. The exchange shall coordinate its activities with the
13 Iowa Medicaid enterprise of the department of human services,
14 the department of revenue, and the insurance division of the
15 department of commerce to ensure that the state fulfills the
16 requirements of the federal Act and to ensure that there is
17 a seamless integration of the functions of the exchange, the
18 Medicaid program, and the hawk-i program including eligibility
19 determinations and distribution of premium subsidies and other
20 cost-sharing assistance.

21 5. The exchange may enter into information-sharing
22 agreements with federal and state agencies and other state
23 exchanges to carry out its responsibilities under this chapter
24 provided such agreements include adequate protections with
25 respect to the confidentiality of the information to be shared
26 and comply with all state and federal laws and regulations.

27 6. The exchange may establish and manage a system of
28 aggregating all moneys paid as tax credits, premium subsidies,
29 and premium payments made by, or on behalf of, individuals
30 obtaining coverage through the exchange, including any premium
31 payments made by employers, enrollees, employees, unions, or
32 other organizations and paying those moneys to the health
33 carrier.

34 Sec. 10. NEW SECTION. 514M.10 Health benefit plan
35 certification.

1 1. The exchange may certify a health benefit plan as a
2 qualified health benefit plan if the plan meets all of the
3 following criteria:

4 a. The plan provides the essential health benefit package
5 described in section 1302(a) of the federal Act, except that
6 the plan is not required to provide essential benefits that
7 duplicate the minimum benefits of qualified dental plans, as
8 provided in subsection 7, if all of the following occur:

9 (1) The exchange determines that at least one qualified
10 dental plan is available to supplement the plan's coverage.

11 (2) The health carrier makes a prominent disclosure at the
12 time it offers the plan, in a form approved by the exchange,
13 that the plan does not provide the full range of essential
14 pediatric benefits and that qualified dental plans providing
15 those benefits and other dental benefits not covered by the
16 plan are offered through the exchange.

17 b. The premium rates and contract language have been
18 approved by the commissioner.

19 c. The plan provides at least a bronze level of coverage,
20 as that level is defined by the federal Act, unless the plan
21 is certified as a qualified catastrophic plan, meets the
22 requirements of the federal Act for catastrophic plans, and
23 will only be offered to individuals eligible for catastrophic
24 coverage.

25 d. The plan's cost-sharing requirements do not exceed the
26 limits established under section 1302(c)(1) of the federal Act,
27 and if the plan is offered through the small business health
28 options program exchange, the plan's deductible does not exceed
29 the limits established under section 1302(c)(2) of the federal
30 Act.

31 e. The health carrier offering the plan meets all of the
32 following criteria:

33 (1) Is licensed and in good standing to offer health
34 insurance coverage in this state.

35 (2) Has received form and rate prior approval from the

1 commissioner for that health benefit plan as required by
2 statute.

3 (3) Offers at least one qualified health benefit plan in
4 the silver level and at least one qualified health plan in the
5 gold level, as those levels are defined in the federal Act,
6 through each component of the exchange in which the health
7 carrier participates, where component refers to the small
8 business health options program exchange and to the exchange
9 for individual coverage.

10 (4) Charges the same premium rate for each qualified health
11 benefit plan without regard to whether the plan is offered
12 through the exchange and without regard to whether the plan
13 is offered directly from the health carrier or through an
14 insurance producer.

15 (5) Does not charge any termination of coverage fees or
16 penalties in violation of section 514M.8.

17 (6) Offers at least one qualified health benefit plan in the
18 silver level and at least one qualified health benefit plan in
19 the gold level, as those levels are defined in the federal Act,
20 outside the exchange, unless the health carrier does not offer
21 any health benefit plans outside the exchange.

22 (7) Complies with the regulations developed by the
23 secretary under section 1311(d) of the federal Act, applicable
24 state laws, and such other requirements as the exchange may
25 establish.

26 *f.* The plan meets the requirements of certification as
27 adopted by rule pursuant to this section and by the secretary
28 under section 1311(c) of the federal Act, which include but
29 are not limited to minimum standards in the areas of marketing
30 practices, network adequacy, essential community providers in
31 underserved areas, accreditation, quality improvement, uniform
32 enrollment forms and descriptions of coverage, and information
33 on quality measures for health benefit plan performance.

34 *g.* The exchange determines that making the health benefit
35 plan available through the exchange is in the interest of

1 qualified individuals and qualified employers in the state.

2 2. The exchange shall not exclude a health benefit plan from
3 certification for any of the following reasons:

4 a. On the basis that the plan is a fee-for-service plan.

5 b. Through the imposition of premium price controls.

6 c. On the basis that the health benefit plan provides
7 treatments necessary to prevent patients' deaths in
8 circumstances the exchange determines are inappropriate or too
9 costly.

10 3. The exchange has the authority to limit participation in
11 the exchange, to the extent permitted by the federal Act and
12 by the United States department of health and human services,
13 to the health benefit plans that the exchange determines offer
14 the best value, meaning the best combination of price and
15 quality. In making a determination of which health benefit
16 plans offer the best value, the exchange should consider all
17 of the following:

18 a. Rates and rate increases of the health benefit plan.

19 b. Health care effectiveness data, and information set
20 and consumer assessment of health care providers and systems
21 scores.

22 c. Implementation of payment mechanisms by the plan to
23 reduce medical errors and preventable hospitalizations, reduce
24 disparities in access to and quality of health care, and
25 improve language access.

26 d. The extent to which cost-sharing creates barriers to
27 treatment for lower-income enrollees.

28 4. The exchange shall require each health carrier seeking
29 certification of a health benefit plan as a qualified health
30 benefit plan to do the following:

31 a. Provide notice of any proposed premium increase and a
32 justification for the increase to the exchange and to affected
33 policyholders before implementation of that increase. The
34 health carrier shall prominently post the information on its
35 internet site. The exchange shall take this information, along

1 with the information and the recommendations provided to the
2 exchange by the commissioner under the federal Act pursuant
3 to section 2794(b) of the federal Public Health Service Act
4 and applicable state law, into consideration when determining
5 whether to allow the health carrier to make health benefit
6 plans available through the exchange.

7 *b.* Make available to the public, in the format described in
8 paragraph "*c*", and submit to the exchange, the secretary, and
9 the commissioner, accurate and timely disclosure of all of the
10 following:

- 11 (1) Claims payment policies and practices.
- 12 (2) Periodic financial disclosures.
- 13 (3) Data on enrollment.
- 14 (4) Data on disenrollment.
- 15 (5) Data on the number of claims that are denied.
- 16 (6) Data on rating practices.
- 17 (7) Information on cost-sharing and payments with respect
18 to any out-of-network coverage.
- 19 (8) Information on enrollee and participant rights under
20 Tit. I of the federal Act and applicable state law.
- 21 (9) Other information as determined appropriate by the
22 secretary, the exchange, or the commissioner.

23 *c.* The information required in paragraph "*b*" shall be
24 provided in plain language, as that term is defined in section
25 1311(e) of the federal Act, as amended by section 10104 of the
26 federal Act, and applicable state law.

27 5. The exchange shall permit individuals to learn, in a
28 timely manner upon the request of an individual, the amount
29 of cost-sharing, including deductibles, copayments, and
30 coinsurance, under the individual's plan or coverage that the
31 individual would be responsible for paying with respect to the
32 furnishing of a specific item or service by a participating
33 provider. At a minimum, this information shall be made
34 available to the individual through an internet site and
35 through other means for individuals without access to the

1 internet.

2 6. The exchange shall not exempt any health carrier seeking
3 certification of a health benefit plan, regardless of the type
4 or size of the health carrier, from applicable state licensure
5 or solvency requirements and shall apply the criteria of this
6 section in a manner that assures a level playing field between
7 or among health carriers participating in the exchange.

8 7. a. The provisions of this chapter that are applicable
9 to qualified health benefit plans shall also apply to the
10 extent relevant to qualified dental plans except as modified in
11 accordance with the provisions of paragraphs "b", "c", and "d"
12 or by rules adopted by the exchange.

13 b. A health carrier shall be licensed to offer dental
14 coverage, but is not required to be licensed to offer other
15 health benefits.

16 c. A qualified dental plan shall be limited to dental and
17 oral health benefits, without substantially duplicating the
18 benefits typically offered by health benefit plans without
19 dental coverage and shall include, at a minimum, the essential
20 pediatric dental benefits prescribed by the secretary pursuant
21 to section 1302(b)(1)(J) of the federal Act, and such other
22 dental benefits as the exchange or the secretary may specify
23 by regulation or rule.

24 d. Health carriers may jointly offer a comprehensive plan
25 through the exchange in which the dental benefits are provided
26 by a health carrier through a qualified dental plan and the
27 other benefits are provided by a health carrier through a
28 qualified health benefit plan, provided that the plans are
29 priced separately and are also made available for purchase
30 separately at the same price.

31 Sec. 11. NEW SECTION. 514M.11 **Advisory committees.**

32 1. The board shall establish one or more advisory committees
33 consisting of representatives from the insurance industry,
34 producer organizations, consumer advocacy groups, labor unions,
35 employers, health care providers, and other interested parties.

1 The advisory committees shall meet when requested by the board.

2 2. An advisory committee may offer input to the board
3 regarding proposed rules, the plan of operation for the
4 exchange, and any other topics relevant to the exchange.

5 3. Public participation and comment, including written
6 comments, shall be encouraged by an advisory committee.

7 Sec. 12. NEW SECTION. 514M.12 Funding for the exchange —
8 assessments — annual financial report.

9 1. Funding to operate the exchange shall come from federal
10 and private grants and from assessment fees charged to health
11 carriers. The exchange shall charge an assessment fee to all
12 health carriers in this state, as necessary to support the
13 operations of the exchange as provided under this chapter.
14 No state funding shall be appropriated or allocated for the
15 operation or administration of the exchange. The assessment
16 shall provide for the sharing of exchange losses and expenses
17 on an equitable and proportionate basis among health carriers
18 in the state as provided in this section.

19 2. Following the close of each calendar year, the exchange
20 shall determine the net premiums and payments, the expenses
21 of administration, and the incurred losses of the exchange
22 for the year. The exchange shall certify the amount of any
23 net loss for the preceding calendar year to the commissioner
24 and director of revenue. Any loss shall be assessed by the
25 exchange to all health carriers in proportion to the health
26 carriers' respective shares of total health insurance premiums
27 or payments for subscriber contracts received in Iowa during
28 the second preceding calendar year, or to their paid losses in
29 the year, coinciding with or ending during the calendar year
30 or on any other equitable basis as provided in the plan of
31 operation. In sharing losses, the exchange may abate or defer
32 in any part the assessment of a health carrier, if, in the
33 opinion of the board, payment of the assessment would endanger
34 the ability of the health carrier to fulfill its contractual
35 obligations. The exchange may also provide for an initial or

E 0001-01-01

1 interim assessment against health carriers if necessary to
2 assure the financial capability of the exchange to meet the
3 incurred or estimated claims expenses or operating expenses
4 of the exchange until the next calendar year is completed.

5 Net gains, if any, shall be held at interest to offset future
6 losses or allocated to reduce future expenses of the exchange.

7 *a.* For purposes of this subsection, "*total health insurance*
8 *premiums*" and "*payments for subscriber contracts*" include,
9 without limitation, premiums or other amounts paid to or
10 received by a health carrier for individual and group health
11 benefit plan coverage provided under any chapter of the Code
12 or of any Iowa Acts, and "*paid losses*" includes, without
13 limitation, claims paid by a health carrier operating on a
14 self-funded basis for individual and group health benefit plan
15 coverage provided under any chapter of the Code or of any Iowa
16 Acts.

17 *b.* For purposes of calculating and conducting the
18 assessment, the exchange shall have the express authority to
19 require health carriers to report on an annual basis each
20 health carrier's total health insurance premiums and payments
21 for subscriber contracts and paid losses. A health carrier is
22 liable for its share of the assessment calculated in accordance
23 with this section regardless of whether it participates in the
24 individual insurance market.

25 3. The exchange is subject to examination by the
26 commissioner. The exchange shall conduct periodic audits to
27 assure the general accuracy of the financial data submitted
28 to the exchange, and the exchange shall have an annual audit
29 of its operations made by an independent certified public
30 accountant. The results of that audit shall be provided to
31 the governor, the commissioner, the general assembly, and the
32 public. Not later than April 30 of each year, the board of
33 directors shall submit to the secretary, the governor, the
34 commissioner, the general assembly, and the public a financial
35 report for the preceding calendar year in a form approved by

1 the commissioner and in compliance with federal law.

2 4. The exchange is subject to oversight by the legislative
3 fiscal committee of the legislative council. Not later than
4 April 30 of each year, the board of directors shall submit to
5 the legislative fiscal committee a financial report for the
6 preceding year in a form approved by the committee.

7 5. The exchange is exempt from payment of all fees and
8 all taxes levied by this state or any of its political
9 subdivisions.

10 6. The exchange shall publish the average costs of
11 licensing, regulatory fees, and any other payments required by
12 the exchange, and the administrative costs of the exchange, on
13 the exchange internet site to educate consumers and employers
14 about the costs of operating the exchange. This information
15 shall include moneys lost to waste, fraud, and abuse.

16 Sec. 13. NEW SECTION. 514M.13 Annual exchange status
17 report.

18 1. Every year the board shall examine the operations of
19 the exchange and the demographics of the persons enrolled in
20 the exchange and submit a written exchange status report to
21 the secretary, the governor, the commissioner, the general
22 assembly, and the public. The exchange status report shall
23 include a review of the following:

24 a. The operation and administration of the exchange,
25 including but not limited to:

26 (1) Surveys and reports of health benefit plans available to
27 eligible individuals and employers and the experience of the
28 plans.

29 (2) Administrative costs, claims statistics, complaint
30 data, and goals defined and achieved by the board during the
31 preceding year.

32 b. Information about the experience of health benefit plans
33 available through the exchange including data on enrollees
34 inside the exchange and on enrollees purchasing health benefit
35 plans outside the exchange.

1 *c.* Any other significant observations regarding the
2 utilization of the individual exchange and the small business
3 health options program exchange.

4 2. The first exchange report shall be due on April 15, 2015,
5 and annually on that date thereafter.

6 3. On or before August 1, 2012, the board shall research,
7 investigate, produce, and submit one or more reports as
8 described in subsection 1 on the following topics:

9 *a.* Feasibility of merging the nongroup and small group
10 health insurance markets and risk pools, and the resulting
11 impact on premiums charged to individuals and small employer
12 groups.

13 *b.* Feasibility of establishing a multistate exchange and the
14 effects of a multistate exchange on health carriers and health
15 care consumers in the state.

16 *c.* Development of strategies to reduce health care costs,
17 such as encouraging the use of accountable care organizations
18 and the medical home model, and the effect of such changes on
19 health care costs and health insurance premiums for exchange
20 enrollees.

21 *d.* Development of strategies to avoid adverse risk selection
22 inside the exchange.

23 *e.* Feasibility of establishing a basic plan as described
24 in the federal Act for individuals whose income levels fall
25 between one hundred thirty-three percent and two hundred
26 percent of the federal poverty level based on the number of
27 people in the individual's household as defined by the most
28 recently revised poverty income guidelines published by the
29 United States department of health and human services and the
30 possible impact of such a plan on the exchange, the health
31 insurance market, and health care consumers in the state.

32 *f.* Feasibility of incorporating certain
33 government-sponsored health benefit plans, such as state
34 employee plans and school district plans, in the exchange and
35 the possible impact on those plans, the exchange, and the

1 health insurance market in the state.

2 Sec. 14. NEW SECTION. 514M.14 Relation to other laws.

3 Nothing in this chapter, and no action taken by the exchange
4 pursuant to this chapter, shall be construed to preempt or
5 supersede the authority of the commissioner to regulate the
6 business of insurance in this state. Except as expressly
7 provided to the contrary in this chapter, all health carriers
8 offering qualified health benefit plans in this state shall
9 comply fully with all applicable health insurance laws of this
10 state and rules adopted and orders issued by the commissioner.

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

14 DIVISION II

15 COORDINATING PROVISIONS

16 IOWA INSURANCE INFORMATION EXCHANGE

17 Sec. 16. REPEAL. Section 505.32, Code 2011, is repealed.

18 Sec. 17. EFFECTIVE DATE. This division of this Act takes
19 effect December 31, 2013.

20 EXPLANATION

21 This bill relates to establishment of an Iowa health benefit
22 exchange, and repeal of a provision establishing the Iowa
23 health insurance information exchange.

24 DIVISION I — IOWA HEALTH BENEFIT EXCHANGE. Division I of
25 the bill contains new Code chapter 514M, which establishes the
26 Iowa health benefit exchange (exchange) to comply with the
27 requirement of the federal Patient Protection and Affordable
28 Care Act (PPACA) that each state establish a health benefit
29 exchange by January 1, 2014, to facilitate the purchase of
30 qualified health benefit plans by qualified individuals and
31 qualified small employers and meet other requirements specified
32 in state and federal law.

33 The exchange is established as a nonprofit corporation under
34 the purview of the governor. The exchange operates under
35 bylaws and a plan of operation approved by the commissioner of

1 insurance. The exchange is subject to the Iowa open meetings
2 and open records laws.

3 The exchange exercises its powers through a nine-member
4 board of directors, seven of whom are voting members and
5 are appointed by the governor and confirmed by the senate,
6 and the commissioner of insurance and director of human
7 services, or their designees, who are nonvoting members. The
8 composition of the board is subject to state requirements
9 of equality in political affiliation, gender balance, and
10 minority representation. The voting members of the board may
11 be reimbursed from the moneys of the exchange only for expenses
12 and do not receive any other compensation for their services.

13 The members of the board must be appointed by the governor
14 within 60 days after enactment of division I of the bill. The
15 plan of operation of the exchange must be submitted to the
16 commissioner within 90 days after the appointment of the board.
17 The board must meet, and within 45 days of their appointment,
18 appoint an executive director to supervise the administrative
19 affairs and general management and operations of the exchange.
20 The executive director may also employ professional and
21 clerical staff for the exchange as necessary.

22 Beginning no later than January 1, 2014, the exchange is
23 required to make qualified health benefit plans available
24 to qualified individuals and qualified employers, and
25 facilitate the purchase and sale of such plans; provide for
26 the establishment of a small business health options program
27 (SHOP) exchange to assist qualified small employers in Iowa in
28 facilitating the enrollment of their employees in qualified
29 health benefit plans offered in the small group market in this
30 state; and provide an option for an eligible small employer to
31 choose to participate in a defined contribution arrangement
32 health benefit plan made available by the exchange. Within 60
33 days of appointment of the board of directors, the exchange
34 is required to begin to collaborate with the commissioner of
35 insurance to integrate the functions of the Iowa insurance

1 information exchange into the new Iowa health benefit exchange
2 consistent with state and federal law. The bill specifies the
3 powers and duties of the exchange to carry out the intent of
4 the chapter consistent with the PPACA and state law.

5 The exchange is given parameters for certifying health
6 benefit plans as qualified health benefit plans. Under the
7 PPACA, only qualified health benefit plans can be sold through
8 the exchange and a health benefit plan must be certified as
9 meeting certain minimum standards specified in the PPACA and
10 in this bill to be certified as a qualified health benefit
11 plan. Also, a health carrier must meet certain standards in
12 order to have its plans certified so that the plans can be
13 offered through the exchange. Licensed insurance producers
14 are allowed to assist individuals and small employers with
15 purchasing qualified health benefit plans through the exchange
16 and to receive a commission for doing so.

17 The board of the exchange is authorized to establish one or
18 more advisory committees consisting of various stakeholders to
19 offer input to the board concerning the exchange and topics
20 relevant to the exchange.

21 Funding to operate the exchange comes from federal and
22 private grants and from assessment fees charged to health
23 carriers in the state. Pursuant to federal law, no state
24 funding can be appropriated or allocated for the operation or
25 administration of the exchange. The amount of the assessment
26 for each health carrier to pay the exchange losses and expenses
27 is to be shared on an equitable and proportionate basis based
28 on the health carrier's respective share of total health
29 insurance premiums or payments for subscriber contracts
30 received in Iowa. The assessment formula to be utilized is
31 similar to that used by HIPIowa.

32 The exchange is required to file an annual financial report
33 including the results of an audit of the exchange by an
34 independent certified public accountant to the secretary of
35 the United States department of health and human services, the

1 governor, the commissioner of insurance, the general assembly,
2 the legislative fiscal committee of the legislative council,
3 and the public. The exchange is also required to file an
4 annual exchange status report that examines the operations of
5 the exchange and the demographics of the persons enrolled in
6 the exchange with the secretary of the United States department
7 of health and human services, the governor, the commissioner of
8 insurance, the general assembly, and the public. On or before
9 August 1, 2012, the board of the exchange is required to submit
10 one or more reports to these same persons on topics involving
11 the feasibility of various strategies to reduce health care
12 costs in the state.

13 Division I of the bill, establishing the Iowa health benefit
14 exchange, takes effect upon enactment.

15 DIVISION II — IOWA INSURANCE INFORMATION EXCHANGE. In
16 division II of the bill, Code section 505.32, which established
17 the Iowa insurance information exchange, is repealed effective
18 December 31, 2013.

**Legislative Services Agency -- Fiscal Services Division
FISCAL NOTE WORKSHEET**

FILE: _____ LSB: _____

**PLEASE COMPLETE THE WORKSHEET AND RETURN TO THE LEGISLATIVE SERVICES AGENCY
PROJECTIONS SHOULD BE COMPLETED FOR THE NEXT TWO FISCAL YEARS AND BEYOND IF POSSIBLE.**

PART I. ESTIMATED EFFECT ON REVENUE AND/OR EXPENDITURES:

_____ Check here if no fiscal impact

	<u>FIRST YEAR (FY):</u>			<u>SECOND YEAR (FY):</u>		
	<u>Estimated Amounts</u>		<u>Est. Inc. (Decrease)</u>	<u>Estimated Amounts</u>		<u>Est. Inc. (Decrease)</u>
	<u>Current Law</u>	<u>Proposed Law</u>		<u>Current Law</u>	<u>Proposed Law</u>	
A. Revenue by Each Source:						
GENERAL FUND	_____	_____	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____	_____	_____
OTHER (specify) _____	_____	_____	_____	_____	_____	_____
TOTAL REVENUE	_____	_____	_____	_____	_____	_____
B. Expenditures:						
SALARIES	_____	_____	_____	_____	_____	_____
SUPPORT	_____	_____	_____	_____	_____	_____
CAPITAL OUTLAY	_____	_____	_____	_____	_____	_____
OTHER (specify) _____	_____	_____	_____	_____	_____	_____
TOTAL EXPENDITURES	_____	_____	_____	_____	_____	_____
NET EFFECT (A less B)	_____	_____	_____	_____	_____	_____
FTE Positions	_____	_____	_____	_____	_____	_____

Legislative Services Agency -- Fiscal Services Division
FISCAL NOTE WORKSHEET

PART II.

LIST ALL ASSUMPTIONS USED IN OBTAINING ESTIMATES: (List clearly and in detail).

Type Here

PART III.

CALCULATION OF ESTIMATES:

Type Here

PART IV.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE EXPENDITURES.

Type Here

PART IV.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Type Here

PART VI.

CONFLICTS WITH EXISTING LAW:

Type Here

If additional explanation is needed, please attach extra pages.

Agency Representative preparing estimate:

Name: _____

Phone Number: _____

Date: _____

From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, February 08, 2011 6:57 AM
To: Carroll, Mike [DAS]
Subject: FW: Letter from John Butler
Attachments: Branstad ltr e health benefits eligibility audits 2.7.11.doc

Mike: you and your team might have an interest in this subject matter.

From: JANET BURROW [<mailto:jburrow@cottinghambutler.com>]
Sent: Monday, February 07, 2011 4:12 PM
To: Boeyink, Jeffrey [IGOV]
Subject: Letter from John Butler

Hi Mr. Boeyink,

John sent Governor Branstad a letter today and just as an FYI I have attached a copy for you. Thanks.

Janet Burrow

Assistant to John Butler

<<Branstad ltr e health benefits eligibility audits 2.7.11.doc>>

Janet Burrow

Assistant to the Chairman

ph: 563.587.5227

fax: 563.583-5404

jburrow@cottinghambutler.com

Please Note New Email Address

Cottingham & Butler

800 Main Street | PO Box 28

Dubuque, IA 52004-0028

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February 7, 2011

Governor Terry Branstad
Office of Governor
Iowa State Capitol
1007 E. Grand Ave.
Des Moines, IA 50319

RE: Health Benefit Eligibility Audit

Dear Terry,

I trust you are now well settled in and it sounds and looks like you are having fun. We think it's great that you are back on the job!

David Becker, our President, and I would enjoy coming to Des Moines to visit with you a bit about Eligibility Audits for the state health plan.

Our claims administration company has been having spectacular success in serving large employers for audits to reaffirm eligibility (particularly for dependents) of health benefit plan participants.

This seems to be a largely neglected area in many organizations and it occurs to us that the state may well have a similar problem. Dependents slip into plans who are technically not eligible as dependents and the cost of providing health benefits to them is often very, very significant. The savings far over shadow the cost of the audit and in fact we sometimes perform these audits on a fee contingent with the results of the audit.

It could be quite worthwhile to visit about the state's plan.

When we do get together we would also enjoy any suggestions as to who might be appropriate contacts for a similar program with the Regents.

Sincerely,

John E. Butler
Chairman & CEO
Cottingham & Butler
PH: 563-587-5213

JEB:jkb

From: Carroll, Mike [DAS]
Sent: Tuesday, February 08, 2011 8:25 AM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Letter from John Butler

Jeff:

Thanks for the information. We are in the middle of exactly this type of audit with a firm called HMS Employer Solutions.

If you or the Governor need any additional information on the current audit process, please let me know.

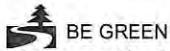
Thanks,

Mike Carroll, Director

Dept. of Administrative Services

515.281.3273

Mike.Carroll@iowa.gov



Please consider the environment before printing this email

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Please Note New Email Address

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From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, February 16, 2011 10:51 AM
To: Miller-Meeks, Mariannette [IDPH]
Subject: FW: Governor's Signature

See below. This needs to be corrected ASAP. Thanks.

From: Diane Crookham-Johnson [<mailto:dcj@oskaloosalaw.com>]
Sent: Wednesday, February 16, 2011 10:27 AM
To: Boeyink, Jeffrey [IGOV]
Subject: Governor's Signature

Jeff,
FYI, I completed an adoption two weeks ago. The new birth certificate was issued by the state on Feb. 11, 2011. The certificate was signed by Gov. Chet Culver. Birth Certificates come out of the Bureau of Vital Statistics, Dept. of Public Health.

I'm going to follow up with the Bureau. I thought you might want to know, too.

thanks,
Diane

--
Diane Crookham-Johnson
Attorney at Law
Crookham-Johnson Law Office, PLLC
108 1st Ave. E.
Oskaloosa, IA 52577
641 676-4225 office
641 676-4226 fax
dcj@oskaloosalaw.com

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, February 16, 2011 11:21 AM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Governor's Signature

We will correct this immediately. Thank you. I will send you a follow-up as well.

Mariannette

From: Boeyink, Jeffrey [IGOV] [<mailto:Jeffrey.Boeyink@iowa.gov>]
Sent: Wednesday, February 16, 2011 10:51 AM
To: Miller-Meeks, Mariannette
Subject: FW: Governor's Signature

See below. This needs to be corrected ASAP. Thanks.

From: Diane Crookham-Johnson [<mailto:dcj@oskaloosalaw.com>]
Sent: Wednesday, February 16, 2011 10:27 AM
To: Boeyink, Jeffrey [IGOV]
Subject: Governor's Signature

Jeff,
FYI, I completed an adoption two weeks ago. The new birth certificate was issued by the state on Feb. 11, 2011. The certificate was signed by Gov. Chet Culver. Birth Certificates come out of the Bureau of Vital Statistics, Dept. of Public Health.

I'm going to follow up with the Bureau. I thought you might want to know, too.

thanks,
Diane

--
Diane Crookham-Johnson
Attorney at Law
Crookham-Johnson Law Office, PLLC
108 1st Ave. E.
Oskaloosa, IA 52577
641 676-4225 office
641 676-4226 fax
dcj@oskaloosalaw.com

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, February 16, 2011 1:03 PM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Governor's Signature

Jeff,

Here is the answer to this issue regarding the birth certificates.

IDPH did not receive approval from the transition team regarding how the Governor and Lt. Governor's names were to appear on the form until after the inaugural. We immediately notified our bank note supplier on January 19th with the revisions and are waiting on new supplies to be delivered. We will destroy the old forms, which are 13.5 cents each, as soon as we have new ones. Until then our only other option is to stop issuing certificates. Once we get behind we will have a difficult time catching up as our requests for certified copies are on the rise. Delaying issuance will create more complaints about the time it takes to get a certified copy. We have experienced the same transition in the past when governor's have changed.

This is one of those details that seems minor, but has far reaching implications. I realize it is not wholly satisfactory, but this also came up in cost savings measures for state government because we had a lot of stationery pre-printed with the former directors and governor names that had to be disposed and was thought to be wasteful. We are using it for scratch paper, instead of post-it notes.

Do you want me to also respond to Mrs. Crookham-Johnson?

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From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, February 16, 2011 2:06 PM
To: Miller-Meeks, Mariannette [IDPH]
Subject: RE: Governor's Signature

Please do speak with Diane. Thank you.

From: Miller-Meeks, Mariannette [<mailto:MMillerM@idph.state.ia.us>]
Sent: Wednesday, February 16, 2011 1:03 PM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Governor's Signature

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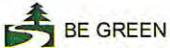
From: Carroll, Mike [DAS]
Sent: Thursday, February 17, 2011 3:22 PM
To: Roederer, David [IDOM]; Boeyink, Jeffrey [IGOV]
Subject: Some Good Stuff
Attachments: us_state_A ChecklistforTransformingStateGovernment.pdf;
us_state_LettingGooftheStatusQuo_121410.pdf

Dave and Jeff:

I attached two pdfs with some interesting information. The first is a checklist and the second is actually a book that the checklist was developed from. I thought it was applicable to most of the administrations initiatives.

Thanks,

Mike Carroll, Director
Dept. of Administrative Services
515.281.3273
Mike.Carroll@iowa.gov



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Email

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Long Manual

only printed
part

A checklist for transforming state government

The November elections signaled a widespread frustration with the status quo. With high unemployment and deep economic uncertainty for a backdrop, voters sent a crystal-clear message. Focus on the basics, especially jobs and economic prosperity. Keep your promises. Citizens want government to be smaller, more modest in its ambitions and more competent in its implementation.

Most new governors and legislators, regardless of party, campaigned on pledges to reduce costs, make government more efficient and effective, boost economic vitality and uproot the status quo.

To make good on these promises, new governors — and those who kept their seat in the corner office — will have to pursue five broad avenues of change:

1 - Cut costs, reshape expectations for state services and rebuild public faith in their abilities

2 - Generate jobs now, and lay the groundwork for deep improvements in state competitiveness

3 - Transform two policy areas that weigh heavily on state budgets: health care and human services

4 - Plunge deep into state government operations and make them more innovative, more technologically proficient and more attuned to emerging needs

5 - Effectively execute a bold state government reform program

The Checklist for Transforming State Government is designed to assist state policymakers and implementers as they pursue these avenues of change.

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LETTING GO OF THE STATUS QUO

A CHECKLIST FOR TRANSFORMING STATE GOVERNMENT

COST REDUCTION

1

the journey to fiscally sustainable government

States today face a massive fiscal imbalance. This underlying threat can be termed "the Gap." The Gap is a twofold problem, consisting of a fiscal gap between revenue and expenditures, and a performance shortfall between the realities state government faces and the way it operates. Systematic structural changes are needed to bend the cost curve of state government down.

KEY CHECKLIST ITEMS

- Is there basic agreement among citizens and politicians about the magnitude of the budget problem?
- Does the current political environment allow hard choices to be made jointly?
- Does your state have a sunset process? Is it functioning effectively?
- Do you capture adequate results data on programs to make informed decisions about what's working and what isn't?
- What cost reduction opportunities have already been identified? Do you have a formal process for identifying more?
- What is the business case for any planned transformations?
- What quick wins can be achieved?
- How will you communicate tough choices, progress and successes?
- Do current pension contributions support current pension liabilities?
- How are you limiting loopholes and practices that cause pensions to spike?
- What is being done to reduce costly pension liabilities?
- Have you tried phased retirement and changing retirement age requirements?

IMPROVING STATE COMPETITIVENESS

2

generating jobs

The fiscal future of states depends on getting their economies back on track. Doing so requires reshaping economic development to adjust to the profound shifts in the foundations of U.S. economic life, shifts that are displacing and reshuffling the traditional building blocks of economic competitiveness.

KEY CHECKLIST ITEMS

- Is your economic development strategy designed to capitalize on foundational shifts in the economy?
- Have you mapped out your state's unique economic strengths and existing assets?
- Have you developed a roadmap that builds on your state's economic strengths?
- Have you engaged with academia and industry to foster innovation clusters?
- Are public policies, your economic development agency, higher education and industry well aligned in the state?
- Are you doing enough to support urban areas and help them grow and attract talent?
- Have you assessed the current tax and regulatory burden on industry compared to key competitors?
- Are universities and research facilities collaborating with manufacturers?
- Are manufacturers linked with available shared service providers — workforce development organizations, economic development councils, etc?
- Can you collaborate with neighboring states around an approach for regional economic development?

3

21st century education

Quality education is critical to U.S. global competitiveness. The current education system is poorly designed to produce workers for high skill jobs. Education reforms and initiatives in the areas of innovation in the classroom, school district financing and increased emphasis on math and science are essential.

KEY CHECKLIST ITEMS

- Are you doing enough to attract and retain high performing teachers?
- How do schools in the state currently evaluate teachers? Can it be improved?
- Is student academic performance tracked after high school?
- Have you investigated the latest innovative teaching tools and identified a pilot program to test their impact? What is the capacity for schools to invest in and deploy new technologies?
- What has been done to drive more engagement in science, technology, engineering and math (STEM)?
- Has industry been sufficiently engaged in the effort to improve STEM?
- Where are the effective partnerships between schools and local businesses? Can those types of programs be replicated?
- What percentage of the education budget goes into the classroom compared to non-instructional services? How can that percentage be increased?
- Which instructional and non-instructional services being delivered in schools could be shared? Are there incentives for schools to share services?
- Which physical education assets are not 100 percent utilized? Is there a market to rent or lease those assets?
- Where can schools reduce costs through joint purchasing agreements? Can current joint purchasing agreements be scaled to include more schools?

4

closing state infrastructure gaps

The U.S. only invests about half of what is needed to bring the nation's infrastructure up to a good condition. To help close this gap, states will need to engage the private sector in transforming existing assets and/or service provision and developing new capacity across the infrastructure landscape.

KEY CHECKLIST ITEMS

- Have you done a comprehensive assessment of your state's infrastructure needs?
- Has a case been made to the public of the importance of infrastructure to state competitiveness?
- Do you have a short-term, medium-term and long-term strategy for funding/financing your infrastructure needs?
- Is there support for financing a portion of your state's highest priority infrastructure needs through bonds, or are there any unused infrastructure-related bond authorizations?
- Have you recently reviewed whether you have unused federal obligation authority, federal toll credits and cash buildups in your construction programs?
- Are you making full use of the best approaches for procuring and financing infrastructure — from traditional procurement to public-private partnerships (PPPs)?
- Do you have PPP-enabling legislation on your books?
- Do you have the capacity to manage an ambitious PPP program? If not, how can you build it or buy it?
- Which of the physical assets that you own could potentially be turned into financial assets via privatization and PPPs?

LETTING GO OF THE STATUS QUO

A CHECKLIST FOR TRANSFORMING STATE GOVERNMENT

TRANSFORMING HEALTH AND HUMAN SERVICES

5

responding to health care reform

Much of the action and implementation responsibilities of health reform will reside with the states. They will be responsible for many newly eligible citizens, as well as the technology and business process that support the reform programs — all during a period of unprecedented Medicaid growth.

KEY CHECKLIST ITEMS

- Have you identified all the requirements for which you are responsible under the Patient Protection and Affordable Care Act (PPACA) and determined a holistic approach to meet them?
- What unique requirements do you have in implementing a health benefit exchange? Are there regional, private or nonprofit partners whom you can partner with in implementation?
- How can you use PPACA to drive innovation in health care?
- Have you properly invested in the IT infrastructure required to support health reform?
- How well do you tie expenditures to outcomes? Are you incentivizing evidence-based, cost-effective health care?
- What options are available for treating long-term care patients in non-institutional settings? Are there options you've cut or underfunded for budgetary reasons?
- Does your delivery model allow you to address the unique needs of each citizen, including those with chronic care conditions?
- Do you encourage and enable care in community settings?
- Do you do enough to encourage preventative health care and healthy living for Medicaid enrollees?
- Are you utilizing a single point of entry system to coordinate health care? If not, how do you coordinate care teams, patients and caregivers?

6

improving human services

The long economic downturn has increased demand for anti-poverty programs, putting strong pressures on human services' budgets. With ARRA stimulus funding set to expire, cash-strapped states will need to find creative ways to reduce the costs associated with delivering human services programs while accommodating increased demand.

KEY CHECKLIST ITEMS

- Have you developed a comprehensive set of metrics for human services that focus on client outcomes?
- How can you make clients smarter consumers of your services?
- What tools can be used to reduce the administrative costs of human services programs?
- How can you reengineer business processes (e.g. removing duplicative or stovepipe areas) to create more efficient delivery of human services?
- Can you demonstrate that you are funding the programs that deliver results?
- Does your incentive structure encourage recipients to stay on programs, or move off them?
- Do your current models of financing human services sacrifice long-term effectiveness for short-term efficiencies?
- How can access to health and human services programs be made more client-centric?
- What is your vision for service integration? What will it take to realize that vision?

OVERHAULING STATE OPERATIONS

7

technology reboot

States have an opportunity to leverage technology to help address their most pressing policy and operational challenges. These technologies have the potential to positively disrupt cost, capabilities, service provision and even the core operating model of government.

KEY CHECKLIST ITEMS

- Is there a thorough inventory of the state's IT assets?
- Has your IT infrastructure been consolidated? If not, why not?
- Have you examined consolidating systems such as application development and payment processing?
- Is the impact of consolidation on the IT workforce well understood?
- Do you have a thorough understanding of the transition and replacement costs if IT assets are consolidated?
- Have you identified a comprehensive and repeatable framework of cybersecurity standards to deploy across the state enterprise?
- Does your state chief information security officer have enterprise-level authority?
- What are your biggest cyber threats — internal, external and those of your third party providers? Which are the most pressing to address? How can you mitigate these threats?
- What opportunities are there to leverage cloud computing?
- What type of cloud model best fits your needs?
- Do you have advanced data analytics capabilities to support your core mission? If not, how can you build them or buy them?
- How can you enlist partners to mashup and analyze your data?

8

innovation state

If ever state government needed to be daring and innovative, it's now. Without a mindset that prizes innovation, it will be next to impossible to address the daunting issues facing states today. State policymakers need to embrace innovation as a necessary discipline, much like strategic planning and budgeting.

KEY CHECKLIST ITEMS

- Do you have a system or process for fostering innovation? At what stage of the innovation process are you strongest? Weakest?
- Do you utilize a full array of innovative strategies, from cultivating innovation to using more of an open source model?
- What incentives are there to innovate? Are they powerful enough?
- Do you have an incentive structure that rewards intelligent risk taking and does not overly penalize failure?
- Are you using Gov 2.0 tools and technologies to engage citizens, academia and businesses to help develop solutions to problems?
- Can you use contests or prize systems to solicit and enact innovative ideas from outside government?
- Is data held as an enterprise asset at the state level or held narrowly by individual agencies?
- Do you make raw government data available to the public online? Can you go further?
- Do your "Open Gov" initiatives tie directly to your department missions?

GETTING IT DONE

9

from big ideas to big results

Translating big policy ideas and campaign promises is filled with perils and potholes. To succeed a public undertaking must have the following basic elements: a good idea, an implementable design, political support, strong implementation and then generate results. Success requires taking the process of getting big things done seriously.

KEY CHECKLIST ITEMS

- Do you fully understand the key factors that influence the achievement of your goal?
- Has your idea benefited from a wide range of views? How do people with different viewpoints think you could achieve your goal?
- How did your idea evolve as you examined different ways to achieve your goal?
- Have you consulted stakeholders? Do you have their agreement on your direction?
- What is the evidence that this is the best approach for addressing the issue?
- Why will the initiative work? Do you understand the ways in which it could fail?
- What were the results of scenario planning to identify the various ways in which the program could unfold?
- What aspects of the program are considered "deal breakers," and can you articulate them to opponents of the program?
- Are the people implementing the program ready to take on the task?
- Do you have the necessary resources and authority to achieve the task?
- What level of commitment is there among employees and stakeholders to achieving your vision?
- Who will hold you and the lead in each key partner organization to account for delivering the program?
- What will happen if key performance indicators are not met?
- How much failure — and what kind of failure — will you tolerate?
- How has actual overall performance differed from the original trajectory?
- How did your program's various components perform compared to their original planned trajectory?
- Based on the trajectory results, where is your program headed in the next five years?

LETTING GO OF THE STATUS QUO

A PLAYBOOK FOR
TRANSFORMING
STATE
GOVERNMENT

WILLIAM D. EGGERS
ROBERT N. CAMPBELL III
TIFFANY DOVEY FISHMAN

Deloitte.

FOREWORD BY
GOVERNORS TOM RIDGE AND THOMAS R. CARPER

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Deloitte

About the Deloitte Public Leadership Institute

The Deloitte Public Leadership Institute, a part of Deloitte Touche Tohmatsu's (DTT) public sector industry group, identifies, analyzes and explains the major issues facing governments today. The focus of the Institute is to help public leaders tackle their most complex policy and management challenges. Through the Institute, Deloitte member firms deliver cutting edge thought leadership, innovative solutions to issues facing governments and strategic policy development. With offices in Washington, DC, London, Ottawa and Sydney, the Institute delivers practical insights governments can use to improve their operations and deliver better value to their citizens. The Institute realizes these objectives through four major programs:

Thought leadership. In conjunction with Deloitte Research, a part of Deloitte Services LP in the United States, Institute staff and Fellows produce provocative books, studies and commentaries on the most pressing issues facing public leaders.

Public leaders dialogues. The Institute regularly brings together distinguished current and former senior public officials, management experts and academics to discuss topical issues and share best practices.

Benchmarking. The Institute regularly surveys government executives to better understand the magnitude of 21st century challenges across government agencies. Survey data are then used to develop a clearer picture of the areas of greatest weakness and to help discern best practices that can be more widely disseminated.

Academic partnerships. The Institute works closely with the world's leading graduate schools of public policy and administration to co-sponsor forums and co-produce books and studies.

Letting Go of the Status Quo: A Playbook for Transforming State Government

William D. Eggers
Robert N. Campbell III
Tiffany Dovey Fishman

Foreword by Governors Tom Ridge and Thomas R. Carper

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Deloitte Research, a part of Deloitte Services LP, identifies, analyzes, and explains the major issues driving today's business dynamics and shaping tomorrow's global marketplace. From provocative points of view about strategy and organizational change to straight talk about economics, regulation and technology, Deloitte Research delivers innovative, practical insights companies can use to improve their bottom-line performance. Operating through a network of dedicated research professionals, senior consulting practitioners of the various member firms of Deloitte Touche Tohmatsu, academics and technology specialists, Deloitte Research exhibits deep industry knowledge, functional understanding, and commitment to thought leadership. In boardrooms and business journals, Deloitte Research is known for bringing new perspective to real-world concerns.

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Foreword

~ BY GOVERNORS TOM RIDGE AND THOMAS R. CARPER

Governors hold the best political jobs in the nation. State leaders today wield unrivaled potential for improving Americans' lives and implementing positive change. Perhaps uniquely to U.S. politics, your state programs directly impact huge segments of society — and in many cases, they shape national policies. You enjoy wide latitude to innovate and have enough influence over state operations to translate your ideas into reality.

The 2010 elections produced one of the largest classes of new governors ever. Voters have placed immense responsibility in your hands. Your constituents are looking for leaders who will make tough choices, but who also have an eye on the long-term decisions that will affect them, their children and their grandchildren. It's a great opportunity to demonstrate leadership in tough times. It's easy to cut ribbons; there's no challenge there. Much harder is dealing with a fiscal crisis and applying proven business principles — examining every program and making sure that from this time forward, people don't think just because a calendar flips you're entitled to another five, six, seven percent increase.

Letting Go of the Status Quo: A Playbook for Transforming State Government delivers insights into solving some of the most vexing challenges facing new governors and other state government leaders, including issues that already top your own to-do lists. Now's the time to look at

innovative public-private financing models. Now's the time to look at legacy pension costs and transform the way you provide them. Think anew, act anew, imbed technology, and try to figure out different ways to achieve desirable outcomes.

Letting Go of the Status Quo focuses on both the immediate and practical, while also delving more deeply into medium- and long-term issues that state leaders must grapple with. The book is filled with useful advice for how to tackle day one issues from the state fiscal crisis to health care reform. It then goes a step further to lay out some new approaches for renewing prosperity after the recent global economic meltdown. You'll find innovative approaches for jump-starting your economies and setting your state on a path of sustained economic growth. The Playbook's final chapter is packed with solid advice on how to convert your big policy ideas into great successes.

For newly elected state officials, the book offers advice that can help your administration get off to a quick and effective start. *Letting Go of the Status Quo* will help you to face head-on the challenges of state governance — which soon will be landing on your desk at an overwhelming and intimidating pace. For those returning to office, these pages contain fresh ideas for implementing reforms that deliver lasting improvement. There is no simple recipe for transformation. We recommend that you consider

the concepts presented here and apply them in ways that fit the unique requirements of your state.

Our nation is starved for problem solvers. Citizens are ready for leadership. They know the problems are complex. They know the solutions are not easy.

Today's state policymakers will take office during one of the worst state fiscal crises in decades. While there are some signs that state revenues are beginning to rebound, states are nevertheless on an unsustainable long-term fiscal path. Both in Washington, DC and state capitals, fundamental structural issues facing the states must be reckoned with. This also makes it a good time for change, a good time for state leaders to bring their governments into the 21st century.



A handwritten signature in black ink that reads "Tom Ridge".

The Honorable Tom Ridge
Independent Senior Advisor
Deloitte LLP
*First Secretary of the U.S. Department
of Homeland Security
Former Governor of Pennsylvania*

As you go about transforming state government, we urge you to make a real — not just a perceived — effort to find common ground with the other side of the aisle to get things done.

All of you — governors, cabinet secretaries, senior staff members and state legislators — face awesome responsibility, and yet you also have unlimited opportunity. It's all part of what makes your jobs among the most challenging and rewarding positions anywhere on Earth. Clearly, implementing meaningful changes carries significant risk, and it demands courage. Be confident. Think big. Much of this nation's history was written by state leaders. Now, this opportunity is yours.



A handwritten signature in blue ink that reads "Tom Carper".

The Honorable Thomas R. Carper
United States Senator
*Former Governor of Delaware
Former Chairman of The National Governors
Association*

Introduction

The November elections signaled a widespread frustration with the status quo. With high unemployment and deep economic uncertainty for a backdrop, voters sent a crystal clear message. Focus on the basics, especially jobs and economic prosperity. Keep your promises. Citizens want government to be smaller, more modest in its ambitions and more competent in its implementation.

To accomplish all this, the voters have placed a group of newcomers in charge of state government. A majority of the states are seeing new governors take office — the largest freshman class since 1936. Moreover, twenty legislative bodies will change hands. Most of the new governors and legislators, regardless of party, campaigned on pledges to reduce costs, make government more efficient and effective, boost economic vitality and uproot the status quo. These were stirring promises, and governors — and their legislative partners — can position their states to thrive in the years ahead, but only if they can deliver on these promises.

To achieve their goals, these new governors — and those who kept their seat in the corner office — will have to pursue five broad avenues of change. The first, starting from day one, is to cut costs, reshape expectations for state services, and rebuild public faith in their abilities. The second is to generate jobs now and lay the groundwork for deep improvements in state competitiveness. Third is to transform two policy areas that weigh heavily on state budgets: health care and human services. Fourth — the one that will make all the others possible — is to

plunge deep into state government operations and make them more innovative, more technologically proficient and more attuned to emerging needs. Lastly, part V outlines how to effectively execute a bold state government reform program.

I – WHERE TO START ON DAY ONE: CUT COSTS, RESTORE TRUST

Reduce the cost, size and scope of government

Governors face a cumulative state fiscal gap that the Center on Budget and Policy Priorities forecasts could reach \$125 billion by the end of FY 2011.¹ Making matters worse, the federal government is no longer in a position to help through bailouts; the economy remains uncertain; programs, staff and benefits have already been cut; rainy day funds are depleted; and polls find voters opposed to tax increases.

Governors and other policymakers have no choice but to rip up the old fiscal playbook. The tricks of the past — borrowing against anticipated revenues or underfunding pensions — have run into the brick wall of reality.

For most governors, no issue will be more important in the near future than cutting costs and streamlining state government to live within its means. Some have already begun. In Indiana,

You need to build a culture that challenges each and every need to do this or not. You have to try to convert thousands thing to do.

~ MITCH DANIELS, GOVERNOR OF INDIANA

Governor Mitch Daniels has been reining in spending since he took over in 2005, forcing agencies and local governments to look far more carefully at what they do and how they do it. State newsletters settled for black-and-white printing; unused state cars were decommissioned; costs associated with administration and buildings were controlled. Pushing cost control measures gave the state a healthy \$1.3 billion surplus before the recession hit. Daniels says more cost reductions are needed given the fiscal outlook ahead.²

In Michigan, Governor Jennifer Granholm has cut the number of state departments by a quarter, eliminated nearly 300 state boards and commissions, and consolidated the state's 10 public finance authorities into a single entity.

New Jersey's Chris Christie's first budget was \$3 billion smaller than the previous year's. In September 2010, this "take-no-prisoners" governor called for major reforms to the state pension system, including raising the retirement age, changing the formula for pensions, requiring state workers to contribute 30 percent of their health care premiums and increasing their co-pays.

Big moves like these will need to become the norm, not the exception. This will require honesty about the true condition of state finances, a rigorous process of setting the state's priorities and a politically realistic approach to winding down unsustainable state activities.

Controlling costs won't be easy. With rare exceptions, states have struggled to assess their roles, tie programs to outcomes and appraise those outcomes based on the funding they require. Yet, reining in costs will require governors and their staffs to define appropriate services, measure their value and keep only those programs that deliver real public value.

While controlling spending will bolster the financial outlook, this process can also help incoming administrations advance one of their most pressing tasks: regaining public confidence.

Rebuild public trust

In October 2010, The Pew Center on the States and the Public Policy Institute of California issued a joint report on polls in five states delving into residents' views on fiscal conditions and trust in government. In three of the states — California, Illinois and New York — less than 20 percent of respondents trusted their state governments. In Florida and Arizona, the figure was higher, though hardly reassuring, coming in at about one-third.³ "Across all five states," the report noted, "two-thirds or more of respondents report that they either never trust state government to do what is right, or trust it only some of the time. Residents overwhelmingly believe their state should pursue major reforms to their budget processes, and pursue them now."⁴

No issue captures this challenge more dramatically or with greater symbolic importance than reforming state retirement benefits. As the Pew

expenditure and thinks critically about whether we really of people into thinking this way and believing it's the right

Center on the States points out, over half the states had fully funded pension systems in 2000; by 2008, the number had fallen to only four. Countless stories over the past year bemoan public pension arrangements that seem outlandishly generous to many voters. Tackling the issue will be vital to new governors — not just because a tide of red ink threatens to drown them, but because there is no better way to demonstrate the state's intention to set its fiscal house in order.

For states trying to rebuild public trust, methods will matter as much as results. Leading governments are recognizing that they need to fundamentally change the way they relate to citizens. A series of early initiatives, such as the Texas Comptroller's financial transparency site, is making public data available to the masses in an effort to foster collaboration

with citizens, businesses, nonprofits and others. For state governments, a culture of collaboration and transparency between governments and citizens offers the chance to navigate tangled fiscal issues and make government smarter, more innovative, more responsive — and more trusted.

Transparency will be essential to building trust. But governments will have to go beyond simply opening their data vaults and actually make that information useful. That's what Washington, DC did with its "Apps for Democracy" program. The city spent \$50,000 to generate \$2.3 million worth of citizen-generated applications using government data, including a biking guide; a historic tours mashup; and a location-aware iPhone tool alerting users to crime reports, new building permits and other location-specific news.

Two-thirds or more of respondents report that they either never trust state government to do what is right, or trust it only some of the time. Residents overwhelmingly believe their state should pursue major reforms to their budget processes, and pursue them now.

~ THE PEW CENTER ON THE STATES AND THE PUBLIC POLICY INSTITUTE OF CALIFORNIA

You have to look at the state's overall cost structure and world for investment and business activity. Companies can turn people to places that are closer to their customers and where

~ DEBORAH WINCE-SMITH, CEO, COUNCIL ON COMPETITIVENESS

II – IMPROVE STATE COMPETITIVENESS

Competitiveness is critical to every state's long-term future. States today compete not only against each other for jobs and talent but also against China, India, Brazil and other countries. For states determined to move beyond their hard times and recharge their vitality, they'll need to focus on competitiveness boosters like revitalizing infrastructure, pursuing radical education reform and reinventing economic development.

Economic development and infrastructure

It seems obvious, but it can't be stressed enough: The fiscal future of the states depends on getting their economies back on track. Thriving companies and jobs form the underpinnings of prosperity and, therefore, of state government coffers and ambitions.

But just as the recession has stripped away the illusion that governments could indefinitely live beyond their means, it has also made clear that old economic development habits must go. When state governments are being forced to cut deeply into education, social welfare budgets and employee benefits, offering massive incentive packages to corporations seems hard to justify.

The traditional approach to economic development rests on the notion that states must woo specific businesses with tax breaks and other expensive incentives. But this flies squarely in the face of the underlying trends reshaping the economy. A general business-friendly environment — including low taxes, reasonable regulations and an educated workforce — will attract business even in the absence of large, targeted incentives. Access to knowledge, the skills of workers, the ability to innovate and the facility to collaborate with regional, national and international partners are the emerging building blocks of business competitiveness and, hence, of smart economic development.



business environment . . . States now compete against the whole on a dime and decide they're going to move operations and the overall business environment is more favorable.

One key strategy: increasing student interest in math and science to satisfy workforce demands. A promising example is the Manufacturing Institute's partnership with Discovery Communications to help nurture a new generation of engineers and technologists through more real-world learning and programs like "Inventors Workshop."

Invigorating the economy should start with a significant investment in the state's infrastructure: roads, bridges, rail lines, sewer lines, electric grid, ports and, crucially, broadband. A well designed infrastructure program would not only create badly needed jobs in the near term, but would lay the groundwork for future economic growth. Businesses relying on crumbling roads, aging tracks, erratic electricity and slow broadband speeds start with a disadvantage that no amount of subsidy can make up.

But states also need to go beyond the obvious. Strategic purchasing decisions can boost the information and technology services industry within their borders. Collaboration among public agencies, research institutions and businesses with an eye toward nurturing innovation can produce big payoffs, as South Carolina has discovered with its International Center for Automotive Research at Clemson University.

New economic development strategies may take various forms. Reshaping economic development efforts so that they move "at the speed of business,

not the speed of government," as Indiana Governor Mitch Daniels put it when he replaced his state's commerce department with a nonprofit corporation, will let states react to opportunities before they've slipped away. Boosting the attractiveness of cities and designing initiatives to keep university graduates in the state will give states an edge in building their talent pools. Aligning state economic strengths with future industry needs — the BioBusiness Alliance of Minnesota's 20-year strategic plan for life sciences is a good model — can be another differentiator. And a regional approach to economic development — such as linking the Great Lakes states' universities and corporate research facilities to explore clean energy development — would seed innovation in important regional industries and sectors.

All of this will require hard political work. It means breaking down funding and other silos, investing money wisely at a time of scarce resources, and inducing state agencies and higher education institutions to move more quickly, more openly and more collaboratively. Yet, the result will be a state government that understands both its potential and its limits as a catalyst for economic development.

Education

A strong economic development program is meaningless if a state doesn't have the workforce it needs to thrive in the 21st century. American high school students aren't competitive in math and science

Twelve percent of the high schools produce 50 percent of highest need — the worst performing schools and the schools impact. We've found that if you can reach 25 percent of the kids who are likely to drop out.

~ MICHAEL BROWN, CEO, CITY YEAR

scores. U.S. students constitute just 14 percent of the world's population of college students these days, down from 30 percent three decades ago.⁵

There is a direct link between the quality of our education system and our economic competitiveness. The supply of highly skilled workers coming out of our colleges and universities simply does not meet the private sector's needs. This is a national problem but not necessarily a federal problem. It is the states and local school districts that are going to have to create the solutions.

The window is currently open. The universe of for-profit and nonprofit organizations pushing innovative solutions — from Green Dot schools to the Bill and Melinda Gates Foundation — has grown exponentially in recent decades. Education reform is one of the rare issues on which many legislators from both sides of the aisle can find common ground. And perhaps most importantly, a

reform-minded president and secretary of education are overseeing a drive for education innovation.

The reform movement is everywhere, and it is both powerful and winning broad acceptance. You can see it in New Orleans' post-Katrina system of charter schools, and in New York City, where former schools chancellor Joel Klein raised \$75 million in private funds to create the largest training program for principals in the country. You can see it in innovative nonprofits like College Summit and City Year, which are helping to lower school dropout rates and develop college-going cultures in underrepresented areas.

The first task for governors, then, will be to find ways of amplifying the school reform movement within their own systems. Some states are already putting in place aggressive reforms aimed at improving the bottom 5 percent of schools in the country. They're channeling U.S. Department of

U.S. students constitute just 14 percent of the world's population of college students, down from 30 percent three decades ago.

the dropouts in the country. If you can serve in the places of that feed into them — you're going to have a disproportionate schools in most urban centers, you can reach 50 percent of the

Education dollars to refocus resources on them; letting school districts close them or turn them into charters; and bringing in Green Dot, City Year and other organizations whose mission is to help turn them around. Most states are considering plans to reform tenure, boost pay for the best teachers, implement pay-for-performance and pursue other means of ratcheting up teachers' effectiveness.

School districts are also ripe for technological innovation, as California is trying to prove with its effort to shift to online textbooks in hopes of slashing the \$350 million it spends annually on the paper kind. Georgia and Virginia, meanwhile, are providing every student access to online advanced placement courses.

Math and science education needs special attention. Some states are trying to address the supply side of this dilemma by using alternative teacher certification to boost the numbers of qualified math and science teachers; in Texas, for instance, over 55 percent of the teachers in the field are arriving in schools through alternative certification programs. The real challenge, though, will be finding ways to boost demand — that is, students' interest in math and science.

One of the greatest needs in school systems is to spend more money where it counts the most: the classroom. In part, this will depend on lowering costs elsewhere. So cooperative purchasing arrangements between school districts and other players hold out the hope of reducing costs associated with utilities, equipment and services. Pennsylvania's Common Cents Shared Services Initiative has 49 of 501 school districts throughout the state combining their resources, spending power and business operations to save money.



Implementing the federal health care law will try with its complexity. Medicaid administrators expanded role under the law, which will bring

III – TRANSFORM HEALTH AND HUMAN SERVICES

Each new governor will have his or her own agenda, but given the budgetary implications and the huge changes they face thanks to the federal health care legislation, two areas need particular attention: health care and human services.

Health care

States occupy the center of one of the most significant transformations in decades in our health care system. And despite the continuing machinations in Washington and the courts over the Patient Protection and Affordable Care Act of 2010, no state can afford to stand by waiting to see what happens to it. They must move forward now.



At a bare minimum, they will have to join with others at the table — providers, payers, regulators and consumers — to lower costs. But that's just the ante; their real challenge will be to replace old models, structures and barriers to change with innovative approaches to a host of issues, including medical management, Medicaid costs, public-private collaboration, health system redesign, insurance regulation and creation of health exchanges. No responsible governor will allow his or her state to get sidetracked by partisan wrangling on this front.

While health care reform offers states the chance to make meaningful reforms they've been waiting years to see, implementing the federal law will try the patience of even the state's best and brightest with its complexity. Medicaid administrators are already fretting over how to cope with their expanded role under the law, which will bring in many new enrollees beginning in 2014. States are already under pressure to design and implement health exchanges and integrate them seamlessly with the Medicaid eligibility system, not to mention overseeing new regulations on the insurance industry, upgrading workforce training in the field and overseeing integration of public health programs with local delivery systems.

That's not all. They will also have to find funding for the expanded Medicaid population at a time of ongoing budget shortfalls. They must implement the mandatory technology changes defined by the HIPAA 5010 standards for the electronic transmission of health care transactions and the international ICD-10

the patience of even the state's best and brightest are already fretting over how to cope with their in many new enrollees beginning in 2014.

codes for reporting diagnoses and procedures. Lastly, they must immediately develop an infrastructure and process for managing provider incentive payments for electronic health records adoption.

For incoming administrations, the first step will be to assess the legislation's impact on state government and set priorities for projects. In the course of this, states will also need to investigate federal funding opportunities that can support investment in technology and other infrastructure changes required to make the reforms work. And given their budget constraints, they will also need to explore existing technology — such as self-service portals developed by state health departments, and the Medicaid Management Information System.

Governors and their state Medicaid director will also have to come to grips with two other challenges. The first is that state-administered Medicaid has become the nation's primary funding source for long-term care for those in need — a burden that will grow to immense proportions as the population ages. States are already innovating in this field. The State of Washington uses an automated assessment tool to gauge the most appropriate setting for care and to monitor services; Vermont is allowing consumers to hire caregivers in order to promote community-based care; other states are looking at ways of improving the management of chronic diseases. Not every state has been actively experimenting with ways to cut costs, however — and all will need to before long.

Similarly, in many states, Medicaid is the single largest expense category in the budget. Unless states can learn how to deliver the right care to the right enrollee the first time they try, they will be swamped by rising costs. In particular, they will need to develop patient management systems that allow them to prevent, diagnose and treat illness effectively. Blue Cross and Blue Shield of Tennessee, for instance, uses “predictive modeling” to identify gaps in care and develop plans for treating patients whose health can be improved with the right early interventions. Meanwhile, several states have developed “single point of entry” systems to give Medicaid enrollees access to all administrative functions, with the goal of boosting their engagement in caring for themselves.

Human services

The next few years will be especially challenging for state human services departments. Facing increased demand for services while federal stimulus aid dries up and budgets are at great risk, human services organizations must find a way to redesign and modernize delivery — quickly.

This will mean changing the way they work. Streamlining bureaucracy, eliminating duplication and deploying resources to the front lines as efficiently as possible will be crucial to addressing new demands. To achieve this, states will need to focus on four major areas.

When I came here there were 29,000 adult households are now fewer than 3,000 ... I attribute it to the value we the work.

~ B.J. WALKER, COMMISSIONER, GEORGIA DEPARTMENT OF HUMAN SERVICES

First, states need to change their methods on the front line. A combination of mobile technology, social media and data analytics, for instance, can give front-line social workers access to information at the moment they need it — helping them make good decisions on the spot and solicit insights from colleagues with experience in similar circumstances. The State of Florida, for example, outfitted more than 2,300 caseworkers with smart phones and laptops, allowing them to collaborate with each other and upload critical data in real time. Alameda County, California's use of mobile devices, advanced analytics and real-time reporting allows social workers to find the immediate status of any child, as well as their colleagues and any support services and programs connected with that child.

Second, state human services agencies need to transform the ways they interact with the citizens they serve. Families and individuals should be able to connect to all the resources they need, both inside and outside government, through a single point of entry. This means redesigning systems to create simple portals, like Pennsylvania's COMPASS and Massachusetts' Virtual Gateway, which allow clients to be screened for eligibility, apply for benefits and track their accounts. In addition, involving clients in service delivery — clarifying needed services and using social networking to

become smarter, more self-sufficient consumers — can radically change existing service models.

Third, states should look for ways to implement services across agencies and departments — so that the state serves a family rather than a set of "needs." For example, states can designate categorical pools of funding that serve families and establish "human service banks," which can make loans that require specific outcomes rather than interest.

Lastly, there is the issue of how human services are financed. Their funding today is highly fragmented. This results in extra administrative expenses that rob money from workers and clients. Moreover, financial models have tended to give short shrift to long-term effectiveness, service quality and outcomes. They have focused on programs rather than the individuals and families served by the system.

Finding ways to redesign the flow of money through the system, then, is a basic step in revamping human services to make them both more targeted and more effective. In 2007, when the Commonwealth of Virginia reversed the perverse incentives in how it funded children and family services, it saved \$100 million over two years and improved outcomes for kids.

on TANF (Temporary Assistance for Needy Families). There explicitly drove into how we ask the workforce to approach

IV – OVERHAUL STATE OPERATIONS

States are poised for a period of significant innovation — fundamentally reforming governments’ structures and systems with daring policy experiments. The fiscal situation leaves them no choice. States today have a unique opportunity to regain public trust by tackling some of the tough policy issues that have stymied a generation of political leaders, while also addressing the new challenges of the 21st century.

To do this, however, state governments will need to change. Nearly a decade into the 21st century, states are still struggling with public structures and programs designed to meet the needs of the 20th century with funding programs that, in many cases, exist simply because they existed the year before.

Innovation

If ever state government needed to be daring and innovative, it’s now. The status quo is untenable. Without a mindset that prizes innovation, it will be next to impossible to make progress on the concrete policy initiatives that states so desperately need to realize.

In most governments, innovation has been piecemeal. It arises from a leader’s determination to

establish a legacy in one policy arena, a response to a crisis, or from a desperate call for “good ideas.” Once a crisis subsides, a term ends or a good idea inevitably stumbles, public organizations are left without the capacity for sustained innovation.

In a rapidly changing world — one in which only the fleet-footed can garner success — this is not enough. Sustained innovation needs to be part and parcel of how state governments work. “Sloughing off the past,” as management guru Peter Drucker phrases it, is as crucial to government as it is to

“I continually challenged my Cabinet to find innovative ways to do business. Governors can set the expectation for innovation, and they can encourage creativity and risk-taking, empowering employees to make decisions.

~ JENNIFER GRANHOLM, GOVERNOR OF MICHIGAN



business. In fact, just as the business world talks about “disruptive innovation” that can fundamentally change a market, radically new ways of delivering services — virtual charter schools, for instance — carry the potential for improving public service.

How exactly can states become serial innovators?

One of the most important steps is to open up the innovation process and seek ideas from all quarters: from within state organizations, from business and academia, and from citizens and “consumers” of their services. This implies using Web 2.0 technologies to elicit cutting-edge thinking from employees, partners in the business community, networks of academics and the public at large. Consider the way Apple cultivated an immense community of developers to build hundreds of thousands of apps for the iPhone and you get the idea. Just as important as the links to external ideas is the process of sustaining and deepening them over the long term so that collaboration becomes part of how state agencies do business.

In Massachusetts, Governor Deval Patrick launched a new Life Sciences Initiative in 2007

that joins state government, industry, research hospitals, and colleges and universities. Its goal is not just to spur new research, but to put money in the hands of researchers in the state with promising ideas who are not able to get funding from the National Institutes of Health.

Technology

Four technology trends, in particular, have the potential to undergird the ability to innovate and redesign states. Given past experiences with cost overruns, failed IT projects and flawed implementations that don’t deliver promised benefits, governors and legislators ought, in fact, to remain cautious. But this caution should spur them to thoughtful, attentive use of new technology — not cause them to disdain it altogether.

The first trend is “cloud computing,” which gives state governments a way of cutting IT costs and taking advantage of vastly greater computing resources than any agency could afford on its own. This is why New York City just struck a deal to give 100,000 city workers access to Microsoft’s Web-based cloud computing services, which may save some \$50 million over five years. Moreover, the “cloud” is evolving rapidly, offering states the possibility of reshaping their processes as they shed the costs associated with in-house applications. New cloud capabilities offer states the chance to do business in new ways, as well. Michigan, for example, is pursuing plans to build a data center that will offer cloud

We need to shorten project development cycles and make development more agile and responsive to new technologies, leveraging new services as they become available.

~ DAVE FLETCHER, CHIEF TECHNOLOGY OFFICER, STATE OF UTAH

computing services to state agencies, cities, counties, school districts and the private sector.

The second trend is social media, which can improve communication among state employees and citizens and improve the delivery of government services. The potential for recipients of social services to network with social service workers and with one another, for instance, gives state agencies new ways to boost their self-sufficiency and react to emerging economic or social trends.

However, states will have a hard time fully capitalizing on social media without the third trend: consolidating piecemeal and redundant IT systems that have been allowed to evolve within state government. These inefficient networks, with their inconsistencies and inability to allow ready communication, are an obstacle not just to efficiency, but to states' abilities to meet their challenges.

This brings up the final trend: data analytics. As government leaders recognize that unlocking public data can bring new insight into problems, new approaches to solving them and new levels of performance, they are trying to make data more broadly and meaningfully available. This alone, however, is not enough. The true benefits will come when state agencies understand how to use the tools available — mashups, crowdsourcing, data mining and the like — not only to enhance their own capabilities, but to capitalize on the resourcefulness of citizens and entrepreneurs. One bright spot: The State of California makes raw state

data widely available to citizens and organizations that want to incorporate it in their own applications. The state's Web site also provides a link to a variety of tools that allow users to query state agency databases and download raw data.

Used correctly, technology can help transform the way governments do business. It doesn't just enable government to work faster and cheaper, it allows policymakers to re-envision everything from what the bureaucracy looks like to what services it should provide.

Redesign state government

Many states find themselves shackled by the old ways of governing. A redesign is urgently needed because as state governments struggle to respond to the imperatives for change, many find themselves hampered by their dated practices: hierarchical, siloed organizations; obsolete pension systems; service models driven by bureaucracy instead of citizen needs; budgets that ignore results; and tax systems designed around yesterday's economy.

The exorbitantly high costs embedded in our education system, for example, are a product of old business models and archaic laws. In many states, at least 40 cents of every dollar spent on schools never makes it into the classroom, and teachers make up a little more than half of all school district staff. One culprit? Thousands of tiny school districts, each operating its own transportation, human resources,

Many states find themselves shackled by the old ways of governing. A redesign is urgently needed because as state governments struggle to respond to the imperatives for change, many find themselves hampered by their dated practices.

food services, information technology, building maintenance, administration and other support functions.

The same kind of huge administrative inefficiencies can be observed in the duplication and overlap between many county and city governments and special districts in states across the country. In some cases, the answer is intergovernmental service sharing. But a more fundamental question must be asked of many of these units: Are they simply relics of a different era?

Legacy thinking also permeates the ways many states still hire, fire, pay and promote their employees. Survey after survey demonstrates that many highly skilled job candidates who say they would like to work in public service end up not working in government. Why? One reason is state pensions. With their 10-year vesting, assumption of lifetime employment and lack of portability, they offer little appeal to today's "free agent" Generation X and Y workers. Outmoded hiring practices, which often require multiple levels of clearances and approvals, likewise hold no attraction. To become a choice employer among the emerging workforce, the public sector must appeal to these young workers' expectation of a social, flexible, purposeful and technologically modern work environment.

New technologies are already calling into question some long-established ways of delivering services and organizing workforces. If a state can make advanced placement courses available online, it may not need AP teachers in every high school. The shift to cloud computing hosted by a single company does away with the need for contract specialists to oversee the dozens of separate licensing agreements (New York had 40) and their associated service contracts.

Given the huge gap between past practices and current and future needs, incremental change won't be enough. Century-old systems need to be replaced with new models that better address the needs of the 21st century. This transformation will require new ways of doing business for every aspect of government, from organizational structures and operating practices to personnel systems and service delivery models. These changes won't be easy, but they are necessary. Moreover, they are now possible — states have new tools and, for the time being, an environment that's conducive to change.

V – GETTING IT DONE: FROM BIG IDEAS TO BIG RESULTS

There are lots of ways one of your initiatives can fail, but to succeed the following must occur: You need a good idea, a well-designed piece of legislation, political support and strong implementation. Ultimately, every big initiative will be judged on the results it produces.

The successful initiatives we examined managed to get the process right. Proponents took the time to listen to opposing viewpoints and often incorporated this into the program's design. Lawmakers saw themselves as crafting a design that needed to work in the real world, so sponsors allowed for thoughtful debate rather than ramming their bill through.

Once the bill was passed, a political champion recruited a strong manager to lead the implementation, one chosen for their managerial ability rather than their politics.

The successful implementers we studied took the possibility of failure seriously. They established a dedicated unit to manage the launch and often tested the program design in smaller pilots before rolling it out more broadly.

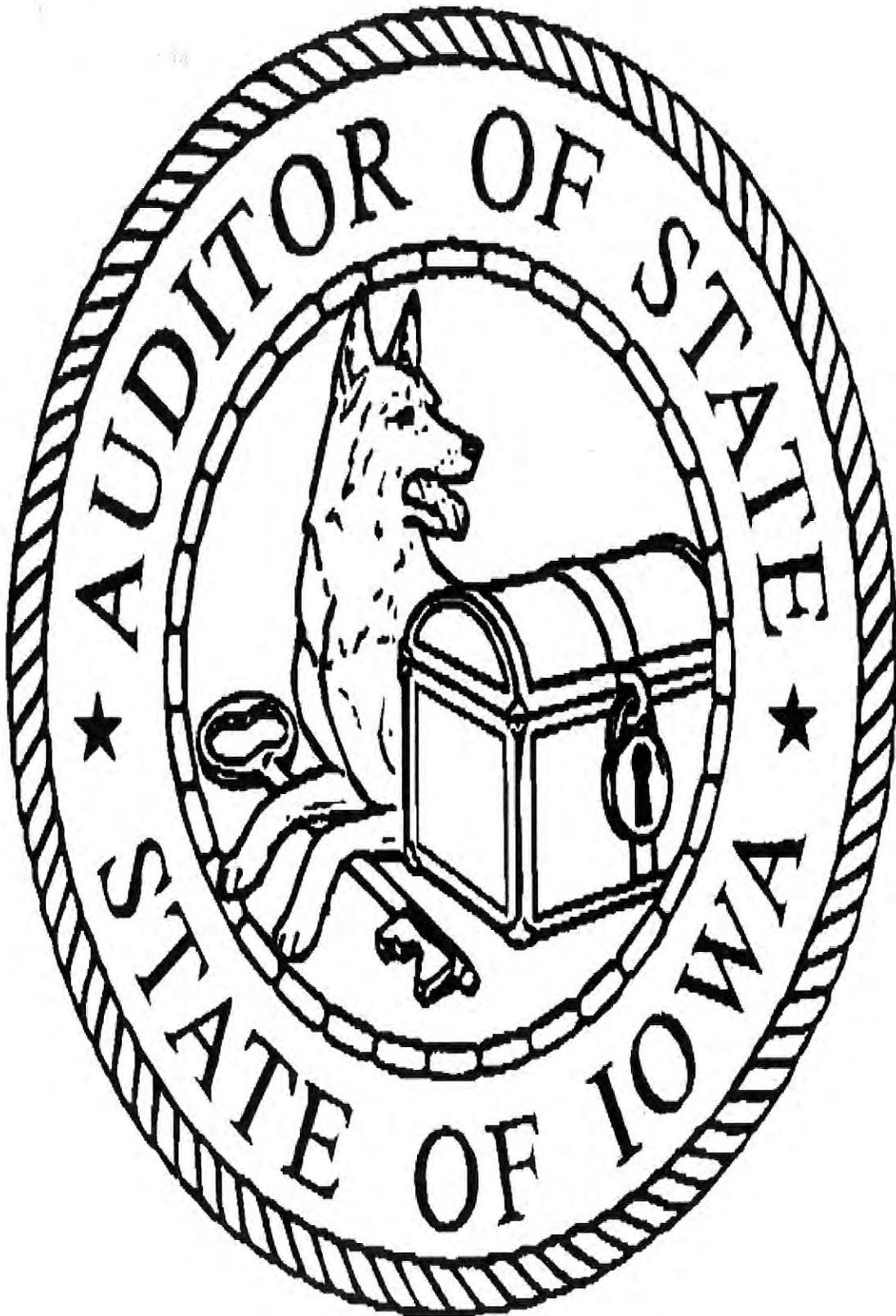
The stakes are high. If 2010's large crop of new governors and state legislators are to be successful, they first will have to take the process of getting big things done in state government very seriously.

It is not the strongest of the species that survives,
Nor the most intelligent that survives.
It is the one that is the *most adaptable to change*.

~ CHARLES DARWIN

From: Roederer, David [IDOM]
Sent: Monday, February 21, 2011 6:17 PM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: Media Advisory - State Auditor to Comment on Governor's Proposed Budget

From: PressRelease@auditor.state.ia.us [<mailto:PressRelease@auditor.state.ia.us>]
Sent: Monday, February 21, 2011 5:13 PM
To: Release, Press
Subject: Media Advisory - State Auditor to Comment on Governor's Proposed Budget



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Telephone: 515-281-5835
Facsimile: 515-242-6134

David A. Vaudt, CPA
Auditor of State

Media Advisory

For Immediate Release

Contact: Bernardo Granwehr 515-242-5949

State Auditor David A. Vaudt will hold an informal briefing for the news media commenting on Governor Branstad's proposed FY 2012 and FY 2013 budget at 3:00 p.m. tomorrow, Tuesday, February 22nd, in his office, Room 111, First Floor, Statehouse.

Please contact Bernardo Granwehr, 515-242-5949, if you have any questions concerning this briefing.

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From: Roederer, David [IDOM]
Sent: Monday, February 21, 2011 6:22 PM
To: Boeyink, Jeffrey [IGOV]; Schulz, Todd [IGOV]; Findley, Brenna [IGOV]
Subject: HF 45
Attachments: HF45 amendment H-1091 section by section.docx

<p>1 1 Amend House File 45, as amended, passed, and 1 2 reprinted by the House, as follows: 1 3 #1. By striking everything after the enacting clause 1 4 and inserting:</p>	
<p>1 5 <DIVISION I 1 6 UNIFORM PROVISIONS</p>	
<p>1 7 Section 1. LEGISLATIVE GROUP HEALTH PLANS. The 1 8 group health insurance coverage available to members 1 9 and employees of the general assembly on or after the 1 10 effective date of this section shall not provide for 1 11 additional coverage benefits, lower costs, or other 1 12 enhancements that are unavailable to officials and 1 13 employees of the executive branch of state government.</p>	<p>Ensures that the group health insurance coverage available to Legislative members and staff does not contain additional coverage benefits, lower costs, or other enhancements that are unavailable to officials and employees of the executive branch.</p>
<p>1 14 Sec. 2. STATE AGENCY OFFICE SUPPLIES PURCHASE, 1 15 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND 1 16 MARKETING. 1 17 1. For the purposes of this section, "department" 1 18 means the same as defined in section 8.2.</p>	
<p>1 19 2. a. For the period beginning on the effective 1 20 date of this section through the close of the fiscal 1 21 year ending on June 30, 2011, each state department 1 22 shall be subject to a limitation on expenditures 1 23 made on or after the effective date of this section 1 24 for office supplies, purchases of equipment, office 1 25 equipment, and equipment noninventory, printing and 1 26 binding, and marketing in accordance with this section. 1 27 b. The limitation shall be equal to 50 percent of 1 28 the unexpended or unencumbered amount that a department 1 29 has budgeted or otherwise designated for purposes 1 30 of office supplies, purchases of equipment, office 1 31 equipment, and equipment noninventory, printing and 1 32 binding, and marketing from the appropriations made 1 33 from all sources other than federal funds for the 1 34 fiscal year beginning July 1, 2010, and ending June 30, 1 35 2011, to the department from all sources, as of the 1 36 effective date of this section.</p>	<p>Requires that from the effective date of the bill until the end of FY2011, each state department shall be subject to a limitation on expenditures of 50% of the remaining unexpended or unencumbered amount that a department has budgeted for office supplies, purchases of equipment, printing and binding and marketing from all sources of funding.</p>

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Explanation

<p>1 37 3. For the period beginning on the effective date 1 38 of this section through the close of the fiscal year 1 39 ending on June 30, 2011, out-of-state travel by an 1 40 employee of a department, which travel is funded in 1 41 whole or in part by an appropriation from a source 1 42 other than federal funds, shall not be authorized 1 43 unless a waiver for the travel is approved by the 1 44 executive council. The executive council shall adopt 1 45 waiver criteria based on the relative importance of 1 46 the travel to fulfilling statutorily required duties, 1 47 the potential for the travel to bring cost savings or 1 48 enhanced revenues for the state, and other means to 1 49 determine whether the benefit or potential benefit of 1 50 the travel significantly outweighs the potential cost.</p>	<p>The section requires that from the effective date of the bill until the end of FY2011, out-of-state travel by an employee of a department which is funded by any source other than federal funds shall not be authorized unless a waiver is approved by the Executive Council.</p>
<p>2 1 4. The committees on appropriations of the 2 2 senate and house of representatives shall recommend 2 3 legislation applying a directive for the executive 2 4 branch to implement a master marketing contract for 2 5 state agencies that commences on or before July 1, 2 6 2011.</p>	<p>The section requires House and Senate appropriations committees to recommend legislation applying a directive for the executive branch to implement a master marketing contract for all state agencies starting FY2011.</p>
<p>2 7 5. The appropriations to which the expenditure 2 8 reductions required by this section are attributed 2 9 shall be reduced by the amount of the expenditure 2 10 reductions. Within 30 days of the enactment date of 2 11 this section, the department of management shall apply 2 12 such appropriation reductions and shall submit a report 2 13 to the general assembly and legislative services agency 2 14 itemizing the expenditure and appropriation reductions 2 15 applied.</p>	<p>The section requires the Department of Management to reduce all appropriations by the resulting reductions in expenditures within 30 days of enactment and reporting such reductions to the Legislature.</p>
<p>2 16 6. This section is not applicable to the state 2 17 board of regents and the institutions under the control 2 18 of the state board.</p>	<p>Exempts the Board of Regents from this section.</p>

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Explanation

<p>2 19 Sec. 3. Section 7E.3, Code 2011, is amended by 2 20 adding the following new subsection: 2 21 <u>NEW SUBSECTION.</u> 5. Adults not lawfully 2 22 present. Unless expressly authorized by federal or 2 23 state law, ensure that the public benefits administered 2 24 by the department or independent agency are not 2 25 provided to persons who are not lawfully present in the 2 26 United States.</p>	<p>Requires departments and agencies to ensure that public benefits are not provided to adults that are in the United States illegally unless specifically authorized by federal or state law.</p>
<p>2 27 Sec. 4. Section 68B.8, Code 2011, is amended by 2 28 adding the following new unnumbered paragraph: 2 29 <u>NEW UNNUMBERED PARAGRAPH</u> A state agency of the 2 30 executive branch of state government shall not employ 2 31 a person through the use of its public funds whose 2 32 position with the agency is primarily representing the 2 33 agency relative to the passage, defeat, approval, or 2 34 modification of legislation that is being considered by 2 35 the general assembly.</p>	<p>Prohibits an Iowa Executive Branch agency from using public funds to represent the agency relative to legislation being considered by the General Assembly.</p>
<p>2 36 Sec. 5. <u>EFFECTIVE UPON ENACTMENT.</u> This division of 2 37 this Act, being deemed of immediate importance, takes 2 38 effect upon enactment.</p>	<p>Division I is effective upon enactment.</p>
<p>2 39 DIVISION II 2 40 ADMINISTRATION AND REGULATION</p>	

<p>2 41 Sec. 6. JOINT APPROPRIATIONS SUBCOMMITTEE ON 2 42 ADMINISTRATION AND REGULATION REQUIREMENTS. If the 2 43 joint appropriations subcommittee on administration 2 44 and regulation determines one or both of the options 2 45 described in subsections 1 and 2 are significantly less 2 46 costly than maintaining the current system, the joint 2 47 subcommittee shall develop and shall submit recommended 2 48 implementation provisions to the general assembly's 2 49 committees on appropriations in proposed legislation 2 50 concerning one or both of the following: 3 1 1. Eliminating and selling the pool of state-owned 3 2 passenger vehicles located in Polk county for temporary 3 3 assignment to multiple drivers of a department or 3 4 agency that is located within Polk county. The 3 5 recommendations shall not encompass vehicles assigned 3 6 for law enforcement purposes or for specialized use by 3 7 the department of natural resources. 3 8 2. Outsourcing state vehicle leasing through a 3 9 private entity to fill the needs addressed by the 3 10 vehicles subject to sale under subsection 1.</p>	<p>Requires that if the Joint Appropriations Subcommittee on Administration and Regulation determines that it there is a cost benefit to eliminating and selling the motor vehicle pool run by DAS, then the subcommittee is to submit recommended implementation provisions to the standing appropriations committees.</p>
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<p>3 11 Sec. 7. DEPARTMENT OF ADMINISTRATIVE SERVICES ===== 3 12 STATE=OWNED PASSENGER VEHICLES. 3 13 1. Consistent with the requirements of section 3 14 8A.361, for the period beginning on the effective 3 15 date of this section and ending June 30, 2011, the 3 16 department of administrative services shall be the 3 17 sole department authorized to operate a pool of 3 18 passenger vehicles located in Polk county for temporary 3 19 assignment to multiple drivers of a state department or 3 20 agency that is located within Polk county. For that 3 21 period, the department shall not purchase new passenger 3 22 vehicles for the pool. The department shall continue 3 23 to be the sole department authorized to operate a pool 3 24 of passenger vehicles as provided under this section 3 25 until a date specified in a later enactment, or the end 3 26 date of the period, whichever is later. 3 27 2. For purposes of this section, "passenger 3 28 vehicles" means United States environmental protection 3 29 agency designated compact sedans, compact wagons, 3 30 midsize sedans, midsize wagons, full=size sedans, 3 31 and passenger minivans. "Passenger vehicles" does 3 32 not mean utility vehicles, vans other than passenger 3 33 minivans, fire trucks, ambulances, motor homes, buses, 3 34 medium=duty and heavy=duty trucks, heavy construction 3 35 equipment, and other highway maintenance vehicles, 3 36 vehicles assigned for law enforcement purposes, 3 37 vehicles assigned for specialized use by the department 3 38 of natural resources, and any other classes of vehicles 3 39 of limited application approved by the director of the 3 40 department of administrative services.</p>	<p>Requires that from the effective date of the bill until the end of FY2011, DAS shall be the sole provider of pooled passenger vehicles in Polk County.</p>
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<p>3 41 Sec. 8. SALE OR LEASE OF IOWA COMMUNICATIONS 3 42 NETWORK. The Iowa telecommunications and technology 3 43 commission shall implement a request for proposals 3 44 process to sell or lease the Iowa communications 3 45 network. The request for proposals shall provide for 3 46 the sale to be concluded or the lease to commence 3 47 during the fiscal year beginning July 1, 2011. The 3 48 commission shall condition the sale or lease of the 3 49 Iowa communications network with terms that will allow 3 50 existing authorized users of the network to continue 4 1 such use at a lower overall long-term cost when 4 2 compared to the anticipated operation and maintenance 4 3 costs if state ownership and control were to continue. 4 4 Public funds shall not be used to secure the purchase 4 5 of the network. The commission shall submit periodic 4 6 status reports to the general assembly at three-month 4 7 intervals, beginning on October 1, 2011, regarding 4 8 progress made toward selling or leasing the network.</p>	<p>Requires the Iowa Telecommunications and Technology Commission to implement a Request for Proposal process to sell or lease the ICN during FY2011. The RFP is to require the sales or lease to commence in FY2012</p>
<p>4 9 Sec. 9. Section 8A.321, subsection 6, paragraph a, 4 10 Code 2011, is amended to read as follows: 4 11 a. Lease all buildings and office space necessary 4 12 to carry out the provisions of this subchapter or 4 13 necessary for the proper functioning of any state 4 14 agency at the seat of government. For state agencies 4 15 at the seat of government, the director may lease 4 16 buildings and office space in Polk county or in a 4 17 county contiguous to Polk county. If no specific 4 18 appropriation has been made, the proposed lease 4 19 shall be submitted to the executive council for 4 20 approval. The cost of any lease for which no specific 4 21 appropriation has been made shall be paid from the 4 22 fund provided in section 7D.29. <u>An office space</u> 4 23 <u>lease shall not be terminated at a time when either</u> 4 24 <u>contract damages or early termination penalties may be</u> 4 25 <u>applicable for doing so.</u></p>	<p>Adds language to DAS statute stating office space lease shall not be terminated at a time when either contract damages or early termination penalties may be applicable</p>
<p>4 26 Sec. 10. EFFECTIVE UPON ENACTMENT. This division 4 27 of this Act, being deemed of immediate importance, 4 28 takes effect upon enactment.</p>	<p>Division II is effective upon enactment.</p>

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<p>4 29 DIVISION III 4 30 ECONOMIC DEVELOPMENT</p> <p>4 31 Sec. 11. Section 15.108, subsection 5, paragraph c, 4 32 Code 2011, is amended to read as follows: 4 33 c. Coordinate and develop with the department of 4 34 transportation, the department of natural resources, 4 35 the department of cultural affairs, the generation 4 36 Iowa commission, the vision Iowa board, other state 4 37 agencies, and local and regional entities public 4 38 interpretation, marketing, and education programs 4 39 that encourage lowans and out-of-state visitors 4 40 to participate in the recreational and leisure 4 41 opportunities available in Iowa. The department shall 4 42 establish and administer a program that helps connect 4 43 both Iowa residents and residents of other states to 4 44 new and existing Iowa experiences as a means to enhance 4 45 the economic, social, and cultural well-being of the 4 46 state. The program shall include a broad range of 4 47 new opportunities, both rural and urban, including 4 48 main street destinations, green space initiatives, and 4 49 artistic and cultural attractions.</p>	<p>Technical change related to elimination of the Generation Iowa Commission.</p>
<p>4 50 Sec. 12. 2010 Iowa Acts, chapter 1186, section 1, 5 1 subsection 11, is amended to read as follows: 5 2 11. For membership in North America's supercorridor 5 3 coalition: 5 4 \$ 50,000 5 5 <u>Beginning July 1, 2011, the department shall not</u> 5 6 <u>renew membership in North America's supercorridor</u> 5 7 <u>coalition.</u></p>	<p>States that starting in FY2012, DOT shall not renew membership in North America's supercorridor coalition.</p>
<p>5 8 Sec. 13. REPEAL. Section 15.421, Code 2011, is 5 9 repealed.</p>	<p>Eliminates the Generation Iowa Commission.</p>
<p>5 10 Sec. 14. EFFECTIVE UPON ENACTMENT. This division 5 11 of this Act, being deemed of immediate importance, 5 12 takes effect upon enactment.</p>	<p>Division III is effective upon enactment.</p>
<p>5 13 DIVISION IV 5 14 EDUCATION</p>	

<p>5 15 Sec. 15. 2010 Iowa Acts, chapter 1183, section 6, 5 16 subsection 1, is amended to read as follows: 5 17 1. GENERAL ADMINISTRATION 5 18 For salaries, support, maintenance, miscellaneous 5 19 purposes, and for not more than the following full-time 5 20 equivalent positions: 5 21 \$ 7,096,482 5 22 <u>7,037,482</u> 5 23 FTEs 83.67</p>	<p>Deappropriates \$59,000 from the FY2011 General Fund appropriation to the Department of Education for general administration which represents a portion of the Director's salary.</p>
<p>5 24 Sec. 16. LIBRARY ACQUISITION FUNDING ==== DEPARTMENT 5 25 OF EDUCATION ==== STATE LIBRARY. 5 26 1. For the period beginning on the effective date 5 27 of this section through the close of the fiscal year 5 28 ending on June 30, 2011, the department of education 5 29 shall be subject to a limitation on expenditures made 5 30 on or after the effective date of this section for 5 31 library acquisitions at the state library including 5 32 digital acquisitions. 5 33 2. The limitation shall be equal to 50 percent 5 34 of the unexpended or unencumbered amount that the 5 35 department of education has budgeted or otherwise 5 36 designated for purposes of library acquisitions, 5 37 including digital acquisitions, from the appropriations 5 38 made to the department from all sources, as of the 5 39 effective date of this section.</p>	<p>Requires the State Library to limit FY2011 expenditures for library acquisitions, including digital materials, to 50% of the unexpended, unencumbered acquisitions budget at the effective date of this Section.</p>

<p>5 40 Sec. 17. REGENTS UNIVERSITY LEAVE LIMITATION. For 5 41 the period beginning on the effective date of this 5 42 section and ending June 30, 2012, the state board of 5 43 regents shall limit the number of leave of absence 5 44 assignments granted pursuant to section 262.9, 5 45 subsection 14, to not more than the equivalent of 5 46 3 percent of the faculty staff members employed at 5 47 each of the institutions under the state board. In 5 48 addition, the board shall establish policies and 5 49 oversight to ensure that the assignments enhance the 5 50 core mission of the institutions. The board shall 6 1 annually prepare a report comparing each assignment 6 2 proposal to the results received.</p>	<p>Prohibits the three Regent universities from approving professional development assignments (sabbaticals) for FY2012 to not more than the equivalent of 3% of the faculty staff employed at each university.</p>
<p>6 3 Sec. 18. EFFECTIVE UPON ENACTMENT. This division 6 4 of this Act, being deemed of immediate importance, 6 5 takes effect upon enactment.</p>	<p>Division IV is effect upon enactment.</p>
<p>6 6 DIVISION V 6 7 HEALTH AND HUMAN SERVICES</p>	
<p>6 8 Sec. 19. Section 217.6, Code 2011, is amended by 6 9 adding the following new unnumbered paragraph: 6 10 NEW UNNUMBERED PARAGRAPH The rules and regulations 6 11 adopted for the public benefits and programs 6 12 administered by the department of human services shall 6 13 apply the residency eligibility restrictions required 6 14 by federal and state law.</p>	<p>Requires the Department of Human Services to apply all residency eligibility restrictions required by federal and state law.</p>
<p>6 15 Sec. 20. DEPARTMENT ON AGING ===== PLAN FOR REDUCTION 6 16 IN NUMBER OF AREA AGENCIES ON AGING. The department on 6 17 aging shall develop a plan for reducing the number of 6 18 area agencies on aging in the state, to be effective 6 19 beginning July 1, 2012. The department shall submit 6 20 the plan to the standing committees on human resources 6 21 of the senate and house of representatives and the 6 22 joint appropriations subcommittee on health and human 6 23 services on or before December 15, 2011.</p>	<p>Directs the Department of Aging to develop a plan to be effective July 1, 2012, to reduce the number of Area Agencies on Aging in the state, but does not set a specific number.</p>
<p>6 24 LEGISLATIVE HEALTH CARE 6 25 COVERAGE COMMISSION</p>	

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Explanation

<p>6 26 Sec. 21. 2009 Iowa Acts, chapter 118, section 1, 6 27 subsection 11, is amended to read as follows: 6 28 11. This section is repealed on December 31, 2014 6 29 July 1, 2013.</p>	<p>Extends the sunset date on the Commission from 12/31/11 to 7/1/13.</p>
<p>6 30 Sec. 22. 2009 Iowa Acts, chapter 183, section 65, 6 31 subsection 3, is amended to read as follows: 6 32 3. There is appropriated from the human services 6 33 reinvestment fund for the fiscal year beginning July 1, 6 34 2009, and ending June 30, 2010, the following amount to 6 35 be used for the following designated purpose: 6 36 For the legislative services agency to be used 6 37 for costs associated with the legislative health 6 38 care coverage commission created in 2009 Iowa Acts, 6 39 Senate File 389, if enacted, or a similar legislative 6 40 commission: 6 41 \$315,000 6 42 <u>160,000</u> 6 43 Notwithstanding section 8.33, moneys appropriated in 6 44 this subsection that remain unencumbered or unobligated 6 45 at the close of the fiscal year shall not revert but 6 46 shall remain available for expenditure for the purposes 6 47 designated until the close of the fiscal year that 6 48 begins July 1, 2010.</p>	<p>Deappropriates \$167,000 from the FY2010 Human Services Reinvestment Fund appropriation to the Legislative Health Care Commission.</p>
<p>6 49 Sec. 23. EFFECTIVE UPON ENACTMENT. This division 6 50 of this Act, being deemed of immediate importance, 7 1 takes effect upon enactment.</p>	<p>Division V is effective upon enactment.</p>
<p>7 2 DIVISION VI 7 3 INFRASTRUCTURE AND TRANSPORTATION</p>	
<p>7 4 Sec. 24. WILDFLOWERS. For the period beginning on 7 5 the effective date of this section through the close of 7 6 the fiscal year ending June 30, 2011, the department of 7 7 transportation shall only pay for wildflowers or other 7 8 aesthetic plantings when justified to prevent erosion 7 9 or control weed growth, and to reduce maintenance 7 10 costs.</p>	<p>Restricts the Department of Transportation from paying for wildflowers or other aesthetic plantings unless justified to prevent erosion or control weed growth, and to reduce maintenance costs.</p>

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Explanation

<p>7 11 Sec. 25. SUSTAINABLE COMMUNITIES ===== JOINT 7 12 APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, 7 13 INFRASTRUCTURE, AND CAPITALS. The joint appropriations 7 14 subcommittee on transportation, infrastructure, and 7 15 capitals shall develop and, on or before April 4, 2011, 7 16 shall submit recommended implementation provisions to 7 17 the general assembly's committees on appropriations 7 18 in proposed legislation concerning reductions of all 7 19 identifiable appropriations enacted by the Eighty-third 7 20 General Assembly, 2010 session, for purposes of 7 21 sustainable communities projects.</p>	<p>Requires the Joint Appropriations on Transportation, Infrastructure, and Capitals, to develop before April 4, 2011, recommended implementation provisions to the standing appropriations committees proposed legislation concerning reductions of all identifiable appropriations enacted for purposes of sustainable committees projects.</p>
<p>7 22 Sec. 26. 2010 Iowa Acts, chapter 1184, section 1, 7 23 subsection 1, paragraph c, unnumbered paragraph 1, is 7 24 amended to read as follows: 7 25 For the state's share of support in conjunction 7 26 with the city of Des Moines and local area businesses 7 27 to provide a free shuttle service to the citizens 7 28 of Iowa that includes transportation between the 7 29 capitol complex and the downtown Des Moines area, 7 30 notwithstanding section 8.57, subsection 6, paragraph 7 31 "c": 7 32 \$ 200,000 7 33 <u>125,000</u></p>	<p>Deappropriates \$75,000 from the 2011 RIIF appropriation to DAS for the state's share of support for the D-Line Bus Service provided by DART.</p>
<p>7 34 Sec. 27. EFFECTIVE UPON ENACTMENT. This division 7 35 of this Act, being deemed of immediate importance, 7 36 takes effect upon enactment.</p>	<p>Division VI is effective upon enactment.</p>
<p>7 37 DIVISION VII 7 38 REBUILD IOWA OFFICE</p>	
<p>7 39 Sec. 28. Section 16.191, subsection 2, paragraph e, 7 40 Code 2011, is amended to read as follows: 7 41 e. The executive director of the rebuild Iowa 7 42 office or the director's designee until June 30, 2011, 7 43 and then the administrator of the homeland security 7 44 and emergency management division of the department of 7 45 public defense or the administrator's designee.</p>	<p>Eliminates the provision including the Executive Director of the Rebuild Iowa Office on the I-JOBS Board.</p>

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Explanation

<p>7 46 Sec. 29. Section 29C.20B, subsection 1, Code 2011, 7 47 is amended to read as follows: 7 48 1. The rebuild Iowa office shall work with the 7 49 department of human services and nonprofit, voluntary, 7 50 and faith-based organizations active in disaster 8 1 recovery and response in coordination with the homeland 8 2 security and emergency management division <u>shall</u> 8 3 <u>work to establish a statewide system of disaster case</u> 8 4 <u>management to be activated following the governor's</u> 8 5 <u>proclamation of a disaster emergency or the declaration</u> 8 6 <u>of a major disaster by the president of the United</u> 8 7 <u>States for individual assistance purposes. Under</u> 8 8 <u>the system, the department of human services shall</u> 8 9 <u>coordinate case management services locally through</u> 8 10 <u>local committees as established in each local emergency</u> 8 11 <u>management commission's emergency plan. Beginning</u> 8 12 July 1, 2011, the department of human services shall 8 13 assume the duties of the rebuild Iowa office under this 8 14 subsection.</p>	<p>Eliminates a provision including the RIO in administering Disaster Case Management.</p>
<p>8 15 Sec. 30. Section 29C.20B, subsection 2, unnumbered 8 16 paragraph 1, Code 2011, is amended to read as follows: 8 17 The department of human services, in conjunction 8 18 with the rebuild Iowa office, the homeland security 8 19 and emergency management division, and an Iowa 8 20 representative to the national voluntary organizations 8 21 active in disaster, shall adopt rules pursuant to 8 22 chapter 17A to create coordination mechanisms and 8 23 standards for the establishment and implementation of 8 24 a statewide system of disaster case management which 8 25 shall include at least all of the following:</p>	<p>Eliminates a provision including the RIO in administering Disaster Case Management.</p>

<p>8 26 Sec. 31. Section 103A.8C, subsection 1, Code 2011, 8 27 is amended to read as follows: 8 28 1. The commissioner, after consulting with 8 29 and receiving recommendations from the department 8 30 of public defense, <u>and</u> the department of natural 8 31 resources, and the rebuild Iowa office, shall adopt 8 32 rules pursuant to chapter 17A specifying standards and 8 33 requirements for design and construction of safe rooms 8 34 and storm shelters. In developing these standards, 8 35 the commissioner shall consider nationally recognized 8 36 standards. The standards and requirements shall be 8 37 incorporated into the state building code established 8 38 in section 103A.7, but shall not be interpreted 8 39 to require the inclusion of a safe room or storm 8 40 shelter in a building construction project unless such 8 41 inclusion is expressly required by another statute 8 42 or by a federal statute or regulation. However, 8 43 if a safe room or storm shelter is included in any 8 44 building construction project which reaches the 8 45 design development phase on or after January 1, 2011, 8 46 compliance with the standards developed pursuant to 8 47 this section shall be required.</p>	<p>Eliminates a provision including the RIO in administering Safe Rooms and Storm Shelters.</p>
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House File 45 H-1091

Explanation

<p>8 48 Sec. 32. 2010 Iowa Acts, chapter 1189, section 28, 8 49 is amended to read as follows: 8 50 SEC. 28. REBUILD IOWA OFFICE. 9 1 There is appropriated from the general fund of the 9 2 state to the rebuild Iowa office for the fiscal year 9 3 beginning July 1, 2010, and ending June 30, 2011, the 9 4 following amount, or so much thereof as is necessary, 9 5 to be used for the purposes designated: 9 6 For salaries, support, maintenance, and 9 7 miscellaneous purposes, and for not more than the 9 8 following full-time equivalent positions: 9 9 \$ 647,014 9 10 497,014 9 11 FTEs 12.00 9 12 It is the intent of the general assembly that the 9 13 rebuild Iowa office shall be repealed effective June 9 14 30, 2011, and shall not receive an appropriation from 9 15 the general fund of the state after that date.</p>	<p>Deappropriates \$150,000 from the FY2011 General Fund appropriation for RIO operations.</p>
<p>9 16 Sec. 33. REBUILD IOWA OFFICE ELIMINATION ==== JOINT 9 17 APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The 9 18 joint appropriations subcommittee on the justice system 9 19 shall consult with the homeland security and emergency 9 20 management division of the department of public defense 9 21 and other relevant sources in proposing legislation 9 22 identifying the appropriate state agencies to assume 9 23 the duties of the rebuild Iowa office.</p>	<p>Requires the Justice System Appropriations Subcommittee to consult with the Homeland Security and Emergency Management Division and propose legislation identifying the appropriate State agencies to assume the duties of the Rebuild Iowa Office.</p>
<p>9 24 Sec. 34. EFFECTIVE UPON ENACTMENT. The provision 9 25 of this division of this Act amending 2010 Iowa Acts, 9 26 chapter 1189, section 28, being deemed of immediate 9 27 importance, takes effect upon enactment.</p>	<p>Division VII is effective upon enactment.</p>
<p>9 28 DIVISION VIII 9 29 CORRECTIVE PROVISIONS 9 30 EARLY CHILDHOOD IOWA INITIATIVE</p>	

House File 45 H-1091

Explanation

<p>9 31 Sec. 35. 2010 Iowa Acts, chapter 1031, section 310, 9 32 is amended by adding the following new subsection: 9 33 5. a. References to community empowerment areas 9 34 in 2010 Iowa Acts, shall be deemed to instead refer to 9 35 early childhood Iowa areas, including but not limited 9 36 to such references made in the following provisions: 9 37 (1) 2010 Iowa Acts, chapter 1183, section 6, 9 38 subsection 10, paragraph "c". 9 39 (2) 2010 Iowa Acts, chapter 1192, section 2, 9 40 subsection 4, paragraph "a". 9 41 (3) 2010 Iowa Acts, chapter 1192, section 6, 9 42 subsection 12. 9 43 b. References to the Iowa empowerment fund and the 9 44 school ready children grants account in 2010 Iowa Acts, 9 45 shall be deemed to instead refer to the early childhood 9 46 Iowa fund and the comparable account within that fund, 9 47 including but not limited to such references made in 9 48 the following provisions: 2010 Iowa Acts, chapter 9 49 1183, section 6, subsections 10, 11, and 12.</p>	<p>Corrective provision to reflect the restructuring of Community Empowerment as Early Childhood Iowa.</p>
<p>9 50 UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE</p>	
<p>10 1 Sec. 36. 2010 Iowa Acts, chapter 1188, section 22, 10 2 is amended to read as follows: 10 3 SEC. 22. UNEMPLOYMENT COMPENSATION 10 4 PROGRAM. Notwithstanding section 96.9, subsection 10 5 4, paragraph "a", moneys credited to the state by 10 6 the secretary of the treasury of the United States 10 7 pursuant to section 903 of the Social Security Act 10 8 are appropriated to the department of workforce 10 9 development and shall be used by the department for the 10 10 administration of the unemployment compensation program 10 11 only. This appropriation shall not apply to any fiscal 10 12 year beginning after December 31, 2009 2010.</p>	<p>Corrective provision to permit expenditure of funds in the Unemployment Compensation Reserve Fund without specifying the amount for each purpose.</p>
<p>10 13 DIVISION IX 10 14 GOVERNMENT EFFICIENCY MEASURES</p>	

<p>10 15 Sec. 37. Section 8.51, Code 2011, is amended to 10 16 read as follows: 10 17 8.51 Fiscal year of political <u>Political</u> subdivisions 10 18 ==== fiscal year ==== <u>unexpended funds.</u> 10 19 <u>1.</u> The fiscal year of cities, counties, and other 10 20 political subdivisions of the state shall begin July 1 10 21 and end the following June 30. For the purpose of this 10 22 section, the term political subdivision includes school 10 23 districts. 10 24 <u>2.</u> Each department that provides state funding to 10 25 a political subdivision of the state shall annually 10 26 review the statutory and regulatory requirements 10 27 applicable to the political subdivision's receipt 10 28 of the funding. The purpose of the review is to 10 29 identify any barrier in statute or departmental rule 10 30 or policy that would prevent recovery of any such 10 31 state funding provided to a political subdivision that 10 32 remains unencumbered or unobligated and the political 10 33 subdivision no longer complies with requirements to 10 34 receive the state funding. If an identified barrier 10 35 exists in state law, the department shall propose 10 36 legislation to the governor and general assembly to 10 37 remove the barrier. If an identified barrier is in 10 38 departmental rule or policy, the department shall amend 10 39 the rule or policy to remove the barrier.</p>	<p>Requires State departments and agencies that provide State funding to local governments to annually review the statutory requirements related to providing the funds and determine any barriers to recovery of unencumbered or unobligated funds. Requires Departments to submit legislation to remove any recovery barriers in State law. If the barrier is in department rule or policy, requires the rule or policy to be amended to remove the barrier.</p>
<p>10 40 Sec. 38. EFFECTIVE UPON ENACTMENT. This division 10 41 of this Act, being deemed of immediate importance, 10 42 takes effect upon enactment.</p>	<p>Division IX is effective upon enactment.</p>
<p>10 43 DIVISION X 10 44 BUDGET AND TAX RATE DATABASE</p>	

House File 45 H-1091

Explanation

<p>10 45 Sec. 39. Section 8.6, Code 2011, is amended by 10 46 adding the following new subsection: 10 47 <u>NEW SUBSECTION.</u> 9A. Budget and tax rate 10 48 databases. To develop and make available to the public 10 49 a searchable budget database and internet site as 10 50 required under chapter 8G, division I, and to develop 11 1 and make available to the public a searchable tax rate 11 2 database and internet site as required under chapter 11 3 8G, division II.</p>	<p>Adds to the Department of Management duties the requirement to develop and make available to the public a searchable budget database and internet site.</p>
<p>11 4 Sec. 40. Section 8A.502, subsection 9, Code 2011, 11 5 is amended by striking the subsection.</p>	<p>Removes the requirement from statute that the Department of Administrative Services maintain a searchable database.</p>
<p>11 6 Sec. 41. <u>NEW SECTION.</u> 8G.1 Intent ===== findings. 11 7 The general assembly finds that taxpayers should 11 8 be able to easily access the details on how the state 11 9 is spending their tax dollars and the performance 11 10 results achieved for those expenditures. Therefore, 11 11 it is the intent of the general assembly to direct 11 12 the department of management to create and maintain a 11 13 searchable budget database and internet site detailing 11 14 where tax dollars are expended, the purposes for which 11 15 tax dollars are expended, and the results achieved for 11 16 all taxpayer investments in state government.</p>	<p>Creates a new section in statute stating legislative intent that DOM is to create and maintain a searchable budget database and internet site detailing where tax dollars are expended, the purposes for which tax dollars are expended and the results achieved for all taxpayer investments in state government.</p>
<p>11 17 Sec. 42. <u>NEW SECTION.</u> 8G.2 Short title. 11 18 This subchapter shall be known as and may be cited 11 19 as the "Taxpayer Transparency Act".</p>	<p>Titles the new subchapter in the statute the "Taxpayer Transparency Act"</p>
<p>11 20 Sec. 43. <u>NEW SECTION.</u> 8G.3 Definitions. 11 21 As used in this subchapter, unless the context 11 22 otherwise requires:</p>	<p>Definitions for the new subchapter</p>
<p>11 23 1. "Agency" means a state department, office, 11 24 board, commission, bureau, division, institution, 11 25 or public institution of higher education. "Agency" 11 26 includes individual state agencies and programs, 11 27 as well as those programs and activities that are 11 28 administered by or involve more than one agency. 11 29 "Agency" includes all elective offices in the executive 11 30 branch of government and the general assembly. 11 31 "Agency" includes the judicial branch of state 11 32 government.</p>	<p>Defines "agency"</p>

<p>11 33 2. "Director" means the director of the department 11 34 of management.</p>	<p>"Director" means the director of the Department of Management</p>
<p>11 35 3. "Entity" or "recipients" means any of the 11 36 following: 11 37 a. A corporation. 11 38 b. An association. 11 39 c. An employee union. 11 40 d. A limited liability company. 11 41 e. A limited liability partnership. 11 42 f. Any other legal business entity, including 11 43 nonprofit entities. 11 44 g. A grant recipient. 11 45 h. Contractors. 11 46 i. A county, city, school district, or other local 11 47 government entity. 11 48 "Entity" or "recipients" does not include an 11 49 individual recipient of state assistance, an employee, 11 50 or a student. The department of management shall 12 1 define by rule adopted pursuant to chapter 17A the 12 2 meaning of the term "individual recipient of state 12 3 assistance".</p>	<p>Defines "entity"</p>
<p>12 4 4. "Funding action or expenditure" includes details 12 5 on the type of spending that is provided including but 12 6 not limited to grants, contracts, and appropriations. 12 7 "Funding action or expenditure" includes tax exemptions 12 8 or credits. Where possible, an electronic link to 12 9 the actual grants or contracts shall be provided. 12 10 An electronic link shall be in a format that is a 12 11 searchable document.</p>	
<p>12 12 5. "Funding source" means the state account or fund 12 13 from which the expenditure is appropriated."Funding 12 14 source" does not include federal moneys or grants 12 15 received by an agency.</p>	
<p>12 16 6. "Searchable internet site" means an internet site 12 17 that allows the public at no cost to search and compile 12 18 the information identified in section 8G.4 and that 12 19 provides such information in a format capable of being 12 20 downloaded from the site to personal computers.</p>	

<p>12 21 7. "State audit or report" shall include any audit 12 22 or report issued by the auditor of state, department of 12 23 management, legislative services agency, legislative 12 24 committee, or executive body relating to the entity 12 25 or recipient of state funds, the budget program or 12 26 activity, or agency.</p>	
<p>12 27 8. "Tax exemption or credit" means an exclusion from 12 28 the operation or collection of a tax imposed in this 12 29 state. Tax exemption or credit includes tax credits, 12 30 exemptions, deductions, and rebates. "Tax exemption or 12 31 credit" also includes sales tax refunds if such refunds 12 32 are applied for and granted as a form of financial 12 33 assistance, including but not limited to the refunds 12 34 allowed in sections 15.331A and 423.4.</p>	
<p>12 35 9. "Taxing jurisdiction" means a political 12 36 subdivision of the state with the authority to levy 12 37 taxes. Taxing jurisdiction includes but is not limited 12 38 to a city, a county, a school district, and a township.</p>	
<p>12 39 Sec. 44. NEW SECTION. 8G.4 Searchable budget 12 40 database internet site created. 12 41 1. By January 1, 2013, the director shall develop 12 42 and make publicly available a database internet 12 43 site for searching, accessing, and processing data, 12 44 including the data required in this section, for the 12 45 most recent state budget. The internet site shall 12 46 be developed in such a way that the information can 12 47 be provided to other software applications, including 12 48 internet software applications, in a manner and format 12 49 that allows such software applications to access and 12 50 interpret the data using the internal programming of 13 1 the software applications. In gathering or receiving 13 2 information from agencies, the director shall make a 13 3 good faith effort to minimize the costs and disruptions 13 4 to other agencies and their computer systems of 13 5 providing such information.</p>	<p>Requires that by January 1, 2013, the Department of Management develop and make publicly available a database internet site for searching, accessing and processing data, for the most recent state budget. The section makes specific requirements of data to be given DOM, including aggregate data on tax credits and exemptions.</p>

13 6 2. The searchable internet site developed pursuant
13 7 to this section shall allow the public at no cost to
13 8 search and compile the information provided pursuant
13 9 to this subsection. Each state agency, except the
13 10 institutions under the state board of regents, shall
13 11 provide the following:

- 13 12 a. Name of the entity or recipient of state funds.
- 13 13 b. Amount of state funds expended.
- 13 14 c. Funding or expending agency.
- 13 15 d. Funding source.
- 13 16 e. Budget program or activity of the expenditure.
- 13 17 f. Descriptive purpose for the funding action or
13 18 expenditure.
- 13 19 g. Expected performance outcome for the funding
13 20 action or expenditure, to the extent that such
13 21 information is available and can be provided.
- 13 22 h. Past performance outcomes achieved for the
13 23 funding action or expenditure, to the extent that such
13 24 information is available and can be provided.
- 13 25 i. State audit or report relating to the entity
13 26 or recipient of state funds or the budget program or
13 27 activity or agency.
- 13 28 j. Any other relevant information specified by the
13 29 director.

<p>13 30 3. For purposes of complying with this section, 13 31 the institutions under the state board of regents, for 13 32 each budgeted department, program, or activity, shall 13 33 provide the following: 13 34 a. The funding source and the amount of state funds 13 35 received by the institutions. 13 36 b. The amount of state funds expended by the 13 37 institutions. 13 38 c. The names of the entities or recipients 13 39 receiving state funds from the institutions. 13 40 d. The amounts paid to the entities or recipients 13 41 named in paragraph "c". 13 42 e. A description of the department, program, 13 43 or activity involved, including, to the extent 13 44 practicable, the descriptive purpose and expected 13 45 performance outcome of each budget program or activity. 13 46 f. Past performance outcomes of the budget program 13 47 or activity. 13 48 g. State audit or report relating to the budget 13 49 program or activity. 13 50 h. Other information as the institutions may deem 14 1 appropriate for a budget program or activity.</p>	
<p>14 2 4. a. In providing information pursuant to this 14 3 section on tax exemptions or credits, the department of 14 4 revenue shall do the following: 14 5 (1) Provide aggregate information for those tax 14 6 exemptions or credits that are claimed by individual 14 7 taxpayers. 14 8 (2) Provide the information described in subsection 14 9 2 for those tax exemptions or credits that are awarded 14 10 by an agency. 14 11 (3) Adhere to all applicable confidentiality 14 12 provisions to the extent possible while complying with 14 13 the requirements of this section. 14 14 b. An agency awarding tax exemptions or credits 14 15 shall provide to the department of revenue any 14 16 information the department may request regarding such 14 17 exemptions or credits.</p>	

<p>14 18 5. In addition to the information to be provided 14 19 pursuant to subsection 2, there shall be provided on 14 20 the searchable internet site all of the following: 14 21 a. A listing and description of awarded tax credits 14 22 claimed for the individual income tax, corporate income 14 23 tax, franchise tax, and insurance premiums tax. An 14 24 awarded tax credit is a tax credit allowed and claimed 14 25 through a state=authorized program. For each category 14 26 of tax the internet site shall list each of the awarded 14 27 tax credits applicable to it, the total amount of 14 28 that tax credit claimed, and the number of taxpayers 14 29 claiming the tax credit. 14 30 b. The estimated cost to the state of each of 14 31 the twenty sales tax exemptions that account for the 14 32 largest dollar amount share of sales tax exemptions 14 33 under section 423.3. The estimated cost to the state 14 34 shall include the amount of exempt sales by business 14 35 type for each county. This paragraph does not apply 14 36 to the tax exemptions pursuant to section 423.3, 14 37 subsections 2, 31, 39, 58, 73, and 85. 14 38 c. The information to be provided pursuant to 14 39 subsection 2 shall also be provided for entities or 14 40 recipients of the awarded tax credits or exemptions 14 41 described in this subsection.</p>	
<p>14 42 6. This section does not apply to local 14 43 governments.</p>	

<p>14 44 Sec. 45. <u>NEW SECTION.</u> 8G.5 Internet site updates. 14 45 1. Effective July 1, 2013, the internet site shall 14 46 be updated regularly as new data and information become 14 47 available, but shall be updated no less frequently 14 48 than annually within sixty days following the close of 14 49 the state fiscal year. In addition, the director may 14 50 update the internet site as new data becomes available. 15 1 All agencies shall provide to the director data that is 15 2 required to be included on the internet site not later 15 3 than sixty days following the close of the state fiscal 15 4 year. The director shall provide guidance to agency 15 5 heads or the governing body of an agency to ensure 15 6 compliance with this section. 15 7 2. By January 1, 2014, the director shall add data 15 8 for the previous budgets to the internet site. Data 15 9 for previous fiscal years may be added as it becomes 15 10 available and as time permits. The director shall 15 11 ensure that all data added to the internet site remain 15 12 accessible to the public for a minimum of ten years.</p>	
<p>15 13 Sec. 46. <u>NEW SECTION.</u> 8G.6 Noncompliance. 15 14 The director shall not be considered in compliance 15 15 with this subchapter if the data required for the 15 16 internet site is not available in a searchable manner 15 17 and capable of being compiled or if the public is 15 18 redirected to other government internet sites unless 15 19 each of those sites displays information from all 15 20 agencies and each category of information required can 15 21 be searched electronically by field in a single search.</p>	

<p>15 22 Sec. 47. <u>NEW SECTION.</u> 8G.10 Intent ===== findings. 15 23 The general assembly finds that increasing 15 24 the ease of public access to state and local tax 15 25 rates, particularly where the rates are currently 15 26 available from disparate government sources and are 15 27 difficult for the public to collect and efficiently 15 28 aggregate, significantly contributes to governmental 15 29 accountability, public participation, and the 15 30 understanding of the cost of government services. 15 31 Therefore, it is the intent of the general assembly to 15 32 direct the department of management, in consultation 15 33 with the department of revenue, to create and maintain 15 34 a searchable database and internet site of each tax 15 35 rate for all taxing jurisdictions in the state to make 15 36 citizen access to state and local tax rates as open, 15 37 transparent, and publicly accessible as is feasible.</p>	<p>Legislative intent about state and local tax rates and requiring DOM to create and maintain a searchable database and internet site of each tax rate for all taxing jurisdictions.</p>
<p>15 38 Sec. 48. <u>NEW SECTION.</u> 8G.11 Short title. 15 39 This subchapter shall be known and cited as the 15 40 "Taxation Disclosure Act".</p>	
<p>15 41 Sec. 59. <u>NEW SECTION.</u> 8G.12 Tax rate database. 15 42 1. Searchable tax rate database. By January 1, 15 43 2012, the department of management, in consultation 15 44 with the department of revenue, shall make publicly 15 45 available on an internet site a searchable database 15 46 of all tax rates in the state for each taxing 15 47 jurisdiction. The information shall include all 15 48 applicable tax types imposed in the taxing jurisdiction 15 49 and shall be organized, presented, and accessible, to 15 50 the extent possible, by county, city, and physical 16 1 address for each residency or business. Individual tax 16 2 levies shall be further specified within each tax rate. 16 3 2. Geographical tax rate map. In addition to 16 4 searching for tax rates in the manner described 16 5 in subsection 1, searches shall be accommodated by 16 6 a geographical tax rate map of the state that is 16 7 capable of being displayed with a level of specificity 16 8 corresponding to each taxing jurisdiction.</p>	

<p>16 9 Sec. 50. <u>NEW SECTION.</u> 8G.13 Updating database. 16 10 To facilitate the department of management's efforts 16 11 in creating and maintaining a searchable database of 16 12 the taxes identified in section 8G.12, subsection 3, 16 13 for all taxing jurisdictions in the state, each taxing 16 14 jurisdiction may annually be required to report its tax 16 15 rates to the department of management or the department 16 16 of revenue and shall report any changes to its tax 16 17 rates within thirty days of the change.></p>	
<p>16 18 Sec. 51. Section 422.20, subsection 3, paragraph a, 16 19 Code 2011, is amended to read as follows: 16 20 a. Unless otherwise expressly permitted by section 16 21 8A.504, <u>section 8G.4,</u>section 96.11, subsection 6, 16 22 section 421.17, subsections 22, 23, and 26, subsection 16 23 27, paragraph "k", and subsection 31, section 252B.9, 16 24 section 321.40, subsection 6, sections 321.120, 421.19, 16 25 421.28, 422.72, and 452A.63, and this section, a tax 16 26 return, return information, or investigative or audit 16 27 information shall not be divulged to any person or 16 28 entity, other than the taxpayer, the department, or 16 29 internal revenue service for use in a matter unrelated 16 30 to tax administration.</p>	
<p>16 31 Sec. 52. Section 422.72, subsection 3, paragraph a, 16 32 Code 2011, is amended to read as follows: 16 33 a. Unless otherwise expressly permitted by section 16 34 8A.504, <u>section 8G.4,</u>section 96.11, subsection 6, 16 35 section 421.17, subsections 22, 23, and 26, subsection 16 36 27, paragraph "k", and subsection 31, section 252B.9, 16 37 section 321.40, subsection 6, sections 321.120, 421.19, 16 38 421.28, 422.20, and 452A.63, and this section, a tax 16 39 return, return information, or investigative or audit 16 40 information shall not be divulged to any person or 16 41 entity, other than the taxpayer, the department, or 16 42 internal revenue service for use in a matter unrelated 16 43 to tax administration.</p>	

From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, March 02, 2011 2:05 PM
To: Carroll, Mike [DAS]
Subject: FW: Letter from John Butler
Attachments: Branstad ltr e health benefits eligibility audits 2.7.11.doc

Mike: please take a look at this. I wouldn't be surprised if you guys aren't already engaged in this kind of process already.

Please let me know.

Thanks.

From: JANET BURROW [mailto:jburrow@cottinghambutler.com]
Sent: Monday, February 07, 2011 4:12 PM
To: Boeyink, Jeffrey [IGOV]
Subject: Letter from John Butler

Hi Mr. Boeyink,

John sent Governor Branstad a letter today and just as an FYI I have attached a copy for you. Thanks.

Janet Burrow

Assistant to John Butler

<<Branstad ltr e health benefits eligibility audits 2.7.11.doc>>

Janet Burrow

Assistant to the Chairman

ph: 563.587.5227

fax: 563.583-5404

jburrow@cottinghambutler.com

Please Note New Email Address

Cottingham & Butler

800 Main Street | PO Box 28

Dubuque, IA 52004-0028

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February 7, 2011

Governor Terry Branstad
Office of Governor
Iowa State Capitol
1007 E. Grand Ave.
Des Moines, IA 50319

RE: Health Benefit Eligibility Audit

Dear Terry,

I trust you are now well settled in and it sounds and looks like you are having fun. We think it's great that you are back on the job!

David Becker, our President, and I would enjoy coming to Des Moines to visit with you a bit about Eligibility Audits for the state health plan.

Our claims administration company has been having spectacular success in serving large employers for audits to reaffirm eligibility (particularly for dependents) of health benefit plan participants.

This seems to be a largely neglected area in many organizations and it occurs to us that the state may well have a similar problem. Dependents slip into plans who are technically not eligible as dependents and the cost of providing health benefits to them is often very, very significant. The savings far over shadow the cost of the audit and in fact we sometimes perform these audits on a fee contingent with the results of the audit.

It could be quite worthwhile to visit about the state's plan.

When we do get together we would also enjoy any suggestions as to who might be appropriate contacts for a similar program with the Regents.

Sincerely,

John E. Butler
Chairman & CEO
Cottingham & Butler
PH: 563-587-5213

JEB:jkb



From: Carroll, Mike [DAS]
Sent: Wednesday, March 02, 2011 3:19 PM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Letter from John Butler

Jeff:

Just so you know, we do this type of audit periodically and are just finishing up one now. We had a meeting with David Vautt a couple of weeks ago with a vendor that was suggesting the same thing. These audits are a good idea and they are being done by the State already.

As a side note, Dave Roederer is aware of a legislator (around 80 years old) who was ask as part of the random sampling to produce his marriage certificate for he and his wife of some huge amount of years to prove she was an eligible dependent. Needless to say we took care of that problem.

Let me know if you have any other questions or need any additional information. Do I need to reply to this letter?

Thanks,

Mike Carroll, Director

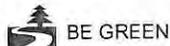
Dept. of Administrative Services

Office: 515.281.3273

Cell: 515.868.2038

FAX: 515.281.6140

Mike.Carroll@iowa.gov



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<<Branstad ltr e health benefits eligibility audits 2.7.11.doc>>

Janet Burrow

Assistant to the Chairman

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fax: 563.583-5404

jburrow@cottinghambutler.com

Please Note New Email Address

Cottingham & Butler

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Dubuque, IA 52004-0028

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From: Boeyink, Jeffrey [IGOV]
Sent: Thursday, March 10, 2011 3:18 PM
To: Palmer, Charles [DHS]; Miller-Meeks, Mariannette [IDPH]; Boussetot, Michael [IGOV]
Subject: FW: Update: Affordable Care Act Conference Call with States - Today, March 10 at 4pm ET

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: US HHS Intergovernmental Affairs (HHS/IGA) [<mailto:HHSIGA@hhs.gov>]
Sent: Thursday, March 10, 2011 2:44 PM
To: US HHS Intergovernmental Affairs (HHS/IGA)
Cc: US HHS Intergovernmental Affairs (HHS/IGA)
Subject: Update: Affordable Care Act Conference Call with States - Today, March 10 at 4pm ET

Update: HHS announces new regulations implementing the Affordable Care Act, which propose a process for how states can apply for Innovation Waivers. Please see updated agenda and announcement below.

Good afternoon,

Please join representatives from the U.S. Department of Health and Human Services on **Thursday, March 10th, 2011 at 4pm EST** for the weekly conference call with states on the implementation of the Affordable Care Act.

WHO: Governors' Staff
State Insurance Commissioners
State Contacts on High Risk Pools
State Medicaid Directors
Intergovernmental Organization Partners

WHEN: Thursday, March 10, 2011, 4pm EST

CALL-IN: 800-857-5248

Participant Passcode: 4021292

AGENDA:

- I. New regulations implementing the Affordable Care Act propose a process for how states can apply for Innovation Waivers - Chiquita Brooks-LaSure, Director of Coverage Policy, HHS Office of Health Reform

- II. Affordable Care Act Consumer Disclosure Notices to Bring Unprecedented Level of Transparency to Health Insurance Marketplace- Gary Cohen, Acting Director of the Office of Oversight, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services.
- III. Questions from states.

Questions or Concerns? Email HHSIGA@hhs.gov

Dean Fluker
HHS Office of Intergovernmental Affairs
(202) 205-1033 Office
(202) 480-0441 Mobile
Dean.Fluker@hhs.gov

From: Granger, Tera [DAS] on behalf of Carroll, Mike [DAS]
Sent: Monday, March 28, 2011 4:15 PM
To: IA Dept Directors - Executive Branch; IA Elected Officials; IA Deputies; IA Chief Financial Officers; IA Chief Information Officers; DAS Executive Leadership Team
Subject: Monthly IT Consolidation Efforts Update
Attachments: IT Redesign Agency Director Letter 03 28 11.doc

March 28, 2011

MEMORANDUM

FROM: Mike Carroll, DAS Director

TO: Department Directors, Elected Officials, Department Deputies, Chief Financial Officers, Chief Information Officers, DAS Executive Leadership Team

SUBJECT: Monthly IT Consolidation Efforts Update

During the past year, our State has continued to work towards the consolidation of various information technology infrastructure platforms.

The purpose of this communication is to provide an update on the progress to redesign IT infrastructure services across Executive Branch agencies. It will provide some background for our new directors, describe the progress we have made so far, and share information on projects that are in the planning and implementation phases.

Background

Over time, individual agencies had developed IT solutions to meet their specific business needs. Although this may have provided a means to accomplish the specific agency's mission, early reports show this resulted in duplicative hardware, software and support staff. In 2009, the State commissioned Public Works to review processes within the Executive Branch and to identify specific ways to improve for efficiencies, reduce our costs and provide better service to the citizens of Iowa. The Iowa Efficiency Review Report, issued by Public Works, featured a number of findings that included, among other things, that the State was maintaining 223 physical locations housing 1,944 servers and had twenty-three disparate email systems. The report recommended numerous ways for the State could to improve services and saving money.

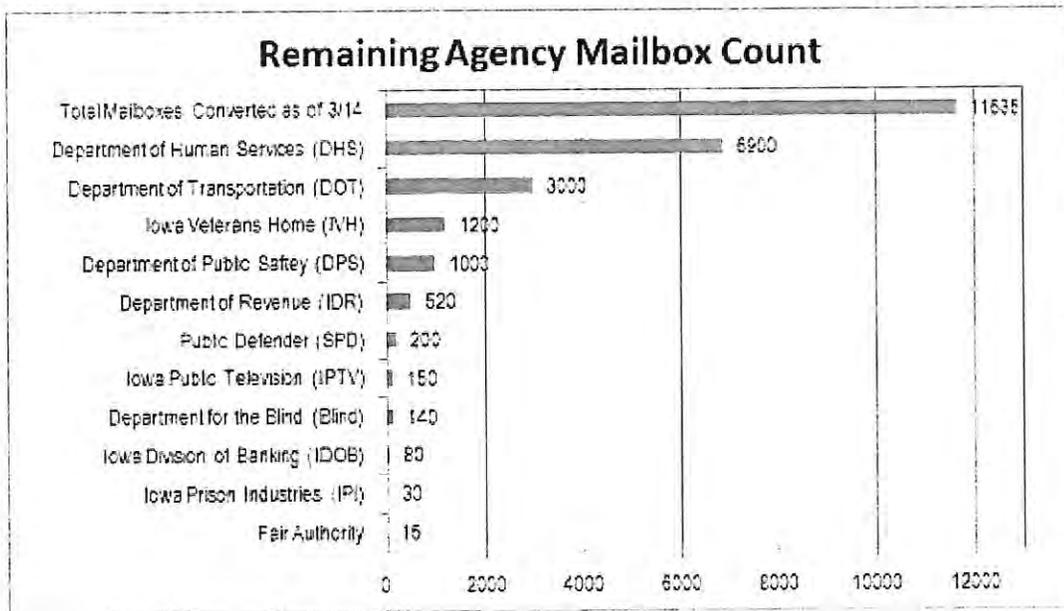
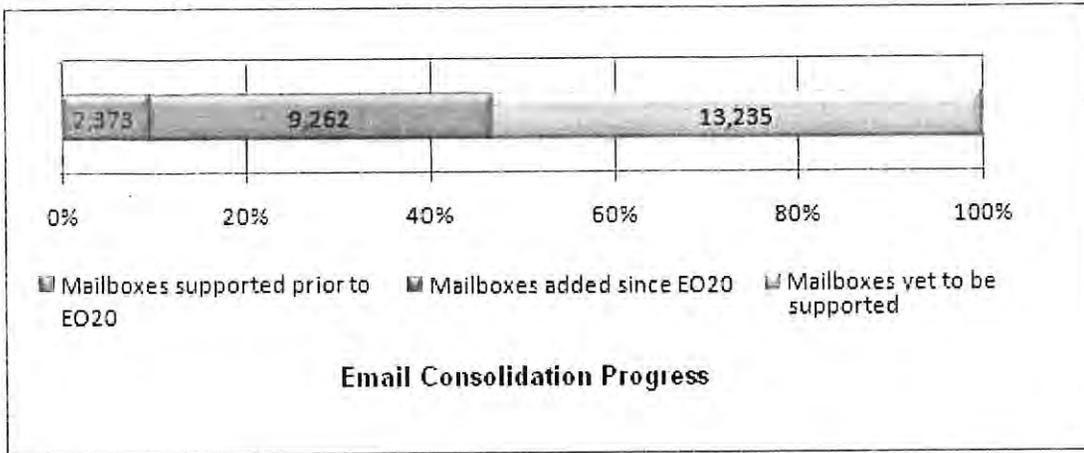
Executive Order 20 was issued in response to this report and was followed by the passage of SF 2088 and with Executive Order 26 all directing the Department of Administrative Services (DAS), working with the Department of Management, to consolidate IT infrastructure services for Executive Branch agencies (excluding those headed by an elected official and the Board of Regents).

DAS started the consolidation process in January 2010 by reviewing several core areas: email, networks, virtual desktops (thin clients), server hosting, infrastructure help desks and printing services. We created inter-agency teams to collaborate in reviewing the current status of these services and to submit recommendations.

Progress

The department has made great strides in working with several agencies to improve operations and reduce duplication at every level – licensing, equipment, staff, enhanced security and disaster recovery. Prior to

Executive Order 20, the central messaging system supported 2,373 mailboxes for 29 agencies. Today the central messaging system supports approximately 11,600 mailboxes in a total of 44 entities. We are currently in the planning phase with DHS, DOT, IDR and IVH to support their emails. Once these projects are completed, DAS-ITE will be supporting about 95% of Executive Branch email.



As a result of email consolidation, we have been able to decommission 37 messaging servers with six of these being used for other purposes.

Server Hosting

With IT reorganization, most agency servers will migrate to one of the two central data centers at the Hoover Building or JFHQ (Joint Forces Headquarters) located at the National Guard Armory in Johnston. Each center has redundant environmental (power, cooling) systems for the purpose of disaster recovery and they are protected by enhanced security and monitored for environmental controls. Server consolidation will result in greater operational efficiencies as well as free up physical space throughout the Capitol Complex that can be used for other purposes.

DAS-ITE has implemented a broad-based strategic framework for enterprise server and storage platforms. In support of IT consolidation, the current focus is to support agencies in the process of replacing hardware, experiencing growth demands or facing environmental factors within specific server rooms. We have moved a number of applications/servers for agencies this fiscal year.

From a broader view of IT central services, we are current working in partnership with select agencies to perform assessments of their servers, network environment and, in one case, desktop environment. This information will be used to consider a strategy on how DAS-ITE can be a partner in supporting the infrastructure needed to run agency business applications and processes.

Other Consolidation Efforts

DAS-ITE Networking has been involved with a number of agency projects, including provision of local area network services for agencies located in the Iowa Building; design and installation of a wireless LAN solution for Iowa Department of Economic Development; design and provision of LAN and wireless LAN solutions for the Iowa Utilities Board (IUB) in its new building; and the provision of a LAN to LAN virtual private network service for the State Public Defender. Another current project includes assessing the Lucas Building for a wireless network for the Department of Public Health.

Executive Order 20 mandated the elimination of the least efficient state print shops. Since this order was issued, DAS-ITE has closed two satellite print/copy offices and has consolidated the two primary DAS-ITE Print facilities into one location. The elimination of print shops managed by other state agencies is also being reviewed.

In summary, we are continuing to reach out to the agencies who have yet to migrate their email systems to the enterprise messaging services and continue our efforts to move servers on the Capitol complex into the central data center or move agency applications onto enterprise server platforms hosted by DAS-ITE.

We understand the importance of communication at all levels. An ITR (Information Technology Redesign) website is available to all State employees - <http://itr.iowa.gov/gf/project/itr>. It also has a CONTACT US link that can be used to send questions, comments or concerns. In addition, we have expanded our communications efforts by creating a public-facing website.



Public Facing: <http://ITRdesign.iowa.gov>

Internal State Website: <http://itr.iowa.gov/gf/project/itr>

Mike Carroll, Director

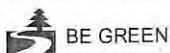
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Office: 515.281.3273

Cell: 515.868.2038

FAX: 515.281.6140

Mike.Carroll@iowa.gov



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March 28, 2011

MEMORANDUM

FROM: Mike Carroll, DAS Director

TO: Department Directors, Elected Officials, Department Deputies, Chief Financial Officers, Chief Information Officers, DAS Executive Leadership Team

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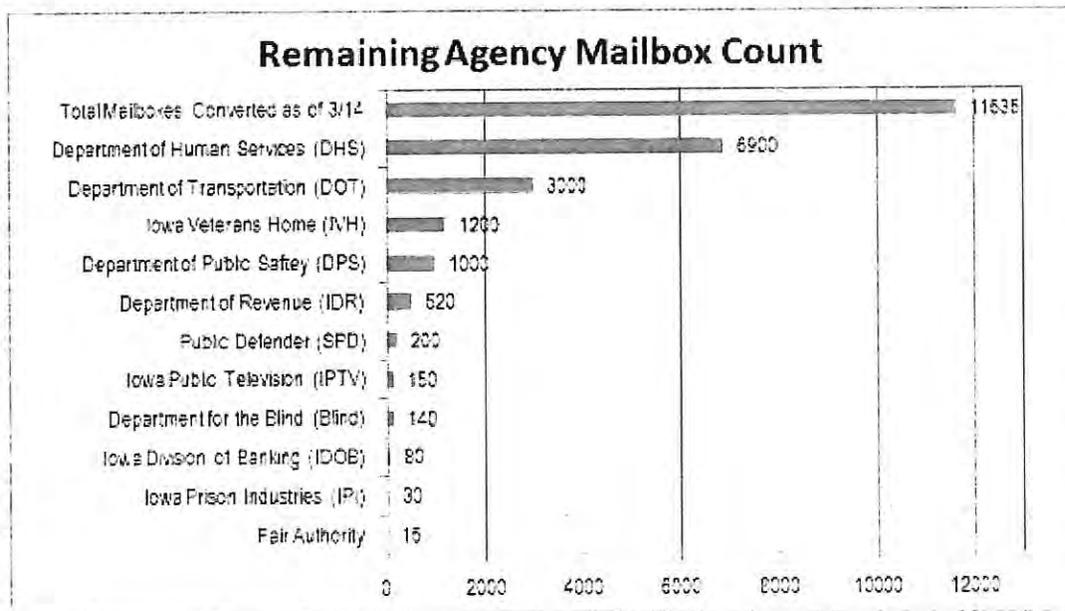
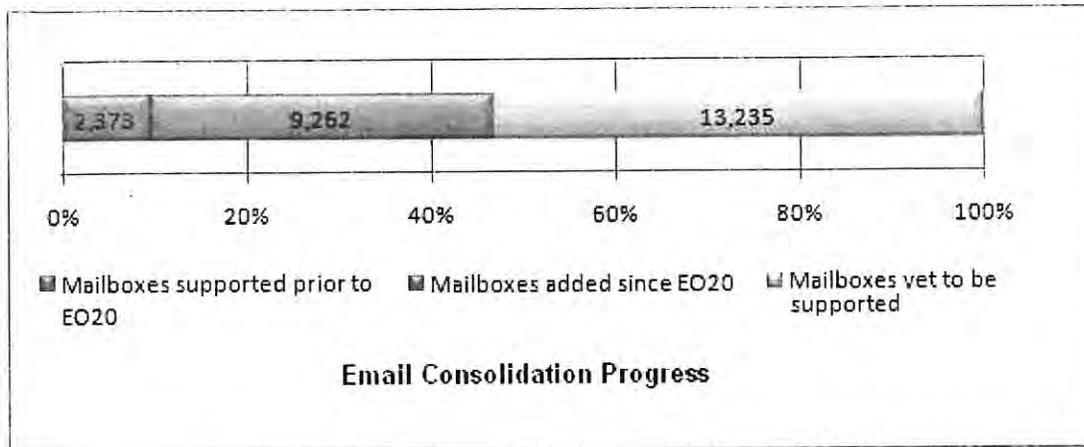
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DAS started the consolidation process in January 2010 by reviewing several core areas: email, networks, virtual desktops (thin clients), server hosting, infrastructure help desks and printing services. We created inter-agency teams to collaborate in reviewing the current status of these services and to submit recommendations.

Progress

The department has made great strides in working with several agencies to improve operations and reduce duplication at every level – licensing, equipment, staff, enhanced security and disaster recovery. Prior to Executive Order 20, the central messaging system supported 2,373 mailboxes for 29 agencies. Today the central messaging system supports approximately 11,600 mailboxes in a total of 44 entities. We are currently in the planning phase with DHS, DOT, IDR and IVH to support their emails. Once these projects are completed, DAS-ITE will be supporting about 95% of Executive Branch email.



As a result of email consolidation, we have been able to decommission 37 messaging servers with six of these being used for other purposes.

Server Hosting

With IT reorganization, most agency servers will migrate to one of the two central data centers at the Hoover Building or JFHQ (Joint Forces Headquarters) located at the National Guard Armory

in Johnston. Each center has redundant environmental (power, cooling) systems for the purpose of disaster recovery and they are protected by enhanced security and monitored for environmental controls. Server consolidation will result in greater operational efficiencies as well as free up physical space throughout the Capitol Complex that can be used for other purposes.

DAS-ITE has implemented a broad-based strategic framework for enterprise server and storage platforms. In support of IT consolidation, the current focus is to support agencies in the process of replacing hardware, experiencing growth demands or facing environmental factors within specific server rooms. We have moved a number of applications/servers for agencies this fiscal year.

From a broader view of IT central services, we are current working in partnership with select agencies to perform assessments of their servers, network environment and, in one case, desktop environment. This information will be used to consider a strategy on how DAS-ITE can be a partner in supporting the infrastructure needed to run agency business applications and processes.

Other Consolidation Efforts

DAS-ITE Networking has been involved with a number of agency projects, including provision of local area network services for agencies located in the Iowa Building; design and installation of a wireless LAN solution for Iowa Department of Economic Development; design and provision of LAN and wireless LAN solutions for the Iowa Utilities Board (IUB) in its new building; and the provision of a LAN to LAN virtual private network service for the State Public Defender. Another current project includes assessing the Lucas Building for a wireless network for the Department of Public Health.

Executive Order 20 mandated the elimination of the least efficient state print shops. Since this order was issued, DAS-ITE has closed two satellite print/copy offices and has consolidated the two primary DAS-ITE Print facilities into one location. The elimination of print shops managed by other state agencies is also being reviewed.

In summary, we are continuing to reach out to the agencies who have yet to migrate their email systems to the enterprise messaging services and continue our efforts to move servers on the Capitol complex into the central data center or move agency applications onto enterprise server platforms hosted by DAS-ITE.

We understand the importance of communication at all levels. An ITR (Information Technology Redesign) website is available to all State employees - <http://itr.iowa.gov/gf/project/itr>. It also has a CONTACT US link that can be used to send questions, comments or concerns. In addition, we have expanded our communications efforts by creating a public-facing website.



Public Facing: <http://ITRedesign.iowa.gov>

Internal State Website: <http://itr.iowa.gov/gf/project/itr>



From: Roederer, David [IDOM]
Sent: Thursday, April 07, 2011 2:16 PM
To: Findley, Brenna [IGOV]
Subject: FW: SSB 1202 and HSB 226 Oversight Committee re Iowa School Finance Information Services

From: Margaret Buckton [mailto:margaret.m.buckton@gmail.com]
Sent: Thursday, April 07, 2011 11:27 AM
To: Roederer, David [IDOM]
Subject: Fwd: SSB 1202 and HSB 226 Oversight Committee re Iowa School Finance Information Services

Here's the scoop, David. The companion bills have not been assigned HF and SF numbers yet. Here's a copy of what I sent to the Oversight Chairs and what Larry sent to LSA fiscal staff prior to the committee of the whole yesterday.

Margaret

----- Forwarded message -----

From: Margaret Buckton <margaret.m.buckton@gmail.com>
Date: Wed, Apr 6, 2011 at 3:35 PM
Subject: Fwd: SSB 1202 and HSB 226 Oversight Committee re Iowa School Finance Information Services
To: chris.hagenow@legis.state.ia.us, thomas.courtney@legis.state.ia.us, steve.sodders@legis.state.ia.us
Cc: Larry Sigel <larry.sigel@isfis.net>, Jon Muller <jonathon.muller@gmail.com>

Hello Senator Courtney, Senator Sodders and Representative Hagenow. Thanks for your time this afternoon. What follows is the information we sent to Robin Madison regarding the inclusion of Iowa School Finance Information Services (ISFIS) in the list of organizations in SSB 1202 and HSB 226. We believe that inclusion of a for-profit, taxpaying entity in this list goes beyond state authority and may subsequently invalidate the entire piece of legislation if challenged. Please don't hesitate to ask any additional questions you may have about ISFIS and the services we provide.

Margaret Buckton

P.S. although I also have an independent contract to lobby for the Urban Education Network, this communication is on my own behalf in my business and not on their behalf. Lew Finch, the executive director, is handling any lobbying or questions about how these bills would impact the UEN.

----- Forwarded message -----

From: Larry Sigel <larry.sigel@gmail.com>
Date: Tue, Mar 29, 2011 at 10:23 AM
Subject: SSB 1202
To: Robin Madison <robin.madison@legis.state.ia.us>
Cc: Margaret Buckton <margaret.buckton@isfis.net>, Jon Muller <jonathon.muller@gmail.com>

Hi Robin and thank you for your request regarding the impact of SSB 1202 on our company, Iowa School Finance Information Services (ISFIS).

- ISFIS is a private entity, no different in providing service to schools than Aramark, Infinite Campus, Qwest, Piper Jaffray, Houghton Mifflin, EMC Insurance, Wellmark, MidAmerican Energy, the Des Moines Register, and the list goes on and on. We are a private company that pays taxes. We are a small partnership of three people, organized as a Subchapter S Corporation, with one employee.
- ISFIS does not have members or a membership governance structure. Boards do not "join or participate in" ISFIS. There is not a governing board elected by members or any associated issues with representation. SSB 2012 would not impact our "membership fees" or "dues" because we do not charge membership fee or dues. We are not an association and don't have a membership structure. We do charge an annual subscription fee to access our web site and school finance tools, including technical assistance. If our services have value, we'll be successful. If they do not, we will not.
- ISFIS does not represent schools.
- School districts that subscribe to ISFIS services are required to approve bill payment at a public meeting and those payments are a public record at the school district office.
- ISFIS does not have an audit, nor are private, small businesses required to have an audit. We pay an accountant to produce our financials and pay our taxes, like the rest of the private sector to which we belong.

ISFIS is not similar to the associations, referred to as "organizations" included in this bill and should not be included in this legislation.

Having said that, it would create a financial burden on us, primarily with respect to attorneys fees, as we believe the requirements subjecting a single private small business to the provisions of this bill are unconstitutional. Your fiscal note might reference the expense of the State defending this law, because that would inevitably be the case. The precedent set for a private entity being subject to Chapters 21 and 22, annual reporting and auditing requirements, mandated divulging of customer lists and information otherwise confidential in the private sector, would likely open a can of worms.

Let me know if you have any questions.

Thanks,

Larry

--

Larry Sigel, Partner
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From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, April 12, 2011 3:43 PM
To: Glass, Jason [ED]; Roederer, David [IDOM]
Subject: RE: DE Reorganization

Jason: I believe the first step would be the development of an internal business plan laying out the specific changes you envision for the department and then set time to share that with David, me, and Linda.

When you have something ready, please have it delivered, rather than emailed.

Then, we can set a time to meet and work our way through the draft.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Glass, Jason [ED]
Sent: Tuesday, April 12, 2011 3:41 PM
To: Roederer, David [IDOM]; Boeyink, Jeffrey [IGOV]
Subject: DE Reorganization

Dave and Jeff,

Now that my confirmation is behind me and I have a greater sense of context in Iowa and with the DE, I need to put the DE through a reorganization to get it set up to deliver on the work we need to do in improving Iowa's schools. The organization is currently compliance/process heavy and policy/service light. I need to start balancing that.

I need some position changes, some organizational structural changes, some reallocation of existing resources, and some freedom to use existing state resources to move people and create FTE to get or retain talent. I do not need any additional funding nor any sort of interappropriation moves from the Governor or legislature. In essence, I think I need approval to use the authority I have to move resources to solve problems and I think I need that from you guys and possibly DAS.

I'd like to get this underway immediately and have all the moves made and staffing changes done by June.

Apologies for my ignorance of appropriate protocol for this sort of thing ... but what is my first move with you guys to make this go?

Jason E. Glass
State Director & Chief Learner
Iowa Department of Education
www.iowa.gov/educate

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to state and local government finances by
2 increasing the regular program foundation base, establishing
3 property tax levy limits for cities and counties,
4 establishing certain property assessment limitations, and
5 including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

EDUCATION FINANCE

1
2
3 Section 1. Section 257.1, subsection 2, paragraph b, Code
4 2011, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 b. (1) The regular program foundation base per pupil is the
7 following:

8 (a) For the budget year commencing July 1, 2011, the
9 regular program foundation base per pupil is eighty-seven and
10 five-tenths percent of the regular program state cost per
11 pupil.

12 (b) For the budget year commencing July 1, 2012, the
13 regular program foundation base per pupil is eighty-nine and
14 twenty-eight hundredths percent of the regular program state
15 cost per pupil.

16 (c) For the budget year commencing July 1, 2013, the
17 regular program foundation base per pupil is ninety-one and six
18 hundredths percent of the regular program state cost per pupil.

19 (d) For the budget year commencing July 1, 2014, the regular
20 program foundation base per pupil is ninety-two and eighty-four
21 hundredths percent of the regular program state cost per pupil.

22 (e) For the budget year commencing July 1, 2015, the regular
23 program foundation base per pupil is ninety-four and sixty-two
24 hundredths percent of the regular program state cost per pupil.

25 (f) For the budget year commencing July 1, 2016, the regular
26 program foundation base per pupil is ninety-six and forty
27 hundredths percent of the regular program state cost per pupil.

28 (g) For the budget year commencing July 1, 2017, the regular
29 program foundation base per pupil is ninety-eight and eighteen
30 hundredths percent of the regular program state cost per pupil.

31 (h) For the budget year commencing July 1, 2018, and
32 succeeding budget years, the regular program foundation base
33 per pupil is one hundred percent of the regular program state
34 cost per pupil.

35 (2) For each budget year, the special education support

1 services foundation base is seventy-nine percent of the special
2 education support services state cost per pupil. The combined
3 foundation base is the sum of the regular program foundation
4 base, the special education support services foundation base,
5 the total teacher salary supplement district cost, the total
6 professional development supplement district cost, the total
7 early intervention supplement district cost, the total area
8 education agency teacher salary supplement district cost,
9 and the total area education agency professional development
10 supplement district cost.

11 DIVISION II

12 PROPERTY ASSESSMENT LIMITATIONS

13 Sec. 2. Section 441.21, subsection 4, Code 2011, is amended
14 to read as follows:

15 4. For valuations established as of January 1, 1979,
16 the percentage of actual value at which agricultural and
17 residential property shall be assessed shall be the quotient
18 of the dividend and divisor as defined in this section. The
19 dividend for each class of property shall be the dividend
20 as determined for each class of property for valuations
21 established as of January 1, 1978, adjusted by the product
22 obtained by multiplying the percentage determined for that
23 year by the amount of any additions or deletions to actual
24 value, excluding those resulting from the revaluation of
25 existing properties, as reported by the assessors on the
26 abstracts of assessment for 1978, plus six percent of the
27 amount so determined. However, if the difference between the
28 dividend so determined for either class of property and the
29 dividend for that class of property for valuations established
30 as of January 1, 1978, adjusted by the product obtained by
31 multiplying the percentage determined for that year by the
32 amount of any additions or deletions to actual value, excluding
33 those resulting from the revaluation of existing properties,
34 as reported by the assessors on the abstracts of assessment
35 for 1978, is less than six percent, the 1979 dividend for the

1 other class of property shall be the dividend as determined for
2 that class of property for valuations established as of January
3 1, 1978, adjusted by the product obtained by multiplying
4 the percentage determined for that year by the amount of
5 any additions or deletions to actual value, excluding those
6 resulting from the revaluation of existing properties, as
7 reported by the assessors on the abstracts of assessment for
8 1978, plus a percentage of the amount so determined which is
9 equal to the percentage by which the dividend as determined
10 for the other class of property for valuations established
11 as of January 1, 1978, adjusted by the product obtained by
12 multiplying the percentage determined for that year by the
13 amount of any additions or deletions to actual value, excluding
14 those resulting from the revaluation of existing properties,
15 as reported by the assessors on the abstracts of assessment
16 for 1978, is increased in arriving at the 1979 dividend for
17 the other class of property. The divisor for each class of
18 property shall be the total actual value of all such property
19 in the state in the preceding year, as reported by the
20 assessors on the abstracts of assessment submitted for 1978,
21 plus the amount of value added to said total actual value by
22 the revaluation of existing properties in 1979 as equalized
23 by the director of revenue pursuant to section 441.49. The
24 director shall utilize information reported on abstracts of
25 assessment submitted pursuant to section 441.45 in determining
26 such percentage. For valuations established as of January 1,
27 1980, and each assessment year thereafter beginning before
28 January 1, 2012, the percentage of actual value as equalized
29 by the director of revenue as provided in section 441.49 at
30 which agricultural and residential property shall be assessed
31 shall be calculated in accordance with the methods provided
32 herein including the limitation of increases in agricultural
33 and residential assessed values to the percentage increase of
34 the other class of property if the other class increases less
35 than the allowable limit adjusted to include the applicable

1 and current values as equalized by the director of revenue,
2 except that any references to six percent in this subsection
3 shall be four percent. For valuations established as of
4 January 1, 2012, and each assessment year thereafter, the
5 percentage of actual value as equalized by the director of
6 revenue as provided in section 441.49 at which agricultural
7 and residential property shall be assessed shall be calculated
8 in accordance with the methods provided herein including
9 the limitation of increases in agricultural and residential
10 assessed values to the percentage increase of the other
11 class of property if the other class increases less than the
12 allowable limit adjusted to include the applicable and current
13 values as equalized by the director of revenue, except that
14 any references to six percent in this subsection shall be two
15 percent.

16 Sec. 3. Section 441.21, subsection 5, Code 2011, is amended
17 to read as follows:

18 5. a. ~~For valuations established as of January 1, 1979,~~
19 ~~commercial property and industrial property, excluding~~
20 ~~properties referred to in section 427A.1, subsection 8, shall~~
21 ~~be assessed as a percentage of the actual value of each class~~
22 ~~of property. The percentage shall be determined for each~~
23 ~~class of property by the director of revenue for the state in~~
24 ~~accordance with the provisions of this section. For valuations~~
25 ~~established as of January 1, 1979, the percentage shall be~~
26 ~~the quotient of the dividend and divisor as defined in this~~
27 ~~section. The dividend for each class of property shall be the~~
28 ~~total actual valuation for each class of property established~~
29 ~~for 1978, plus six percent of the amount so determined. The~~
30 ~~divisor for each class of property shall be the valuation~~
31 ~~for each class of property established for 1978, as reported~~
32 ~~by the assessors on the abstracts of assessment for 1978,~~
33 ~~plus the amount of value added to the total actual value by~~
34 ~~the revaluation of existing properties in 1979 as equalized~~
35 ~~by the director of revenue pursuant to section 441.49. For~~

1 valuations established as of January 1, 1979, property valued
2 by the department of revenue pursuant to chapters 428, 433,
3 437, and 438 shall be considered as one class of property and
4 shall be assessed as a percentage of its actual value. The
5 percentage shall be determined by the director of revenue in
6 accordance with the provisions of this section. For valuations
7 established as of January 1, 1979, the percentage shall be
8 the quotient of the dividend and divisor as defined in this
9 section. The dividend shall be the total actual valuation
10 established for 1978 by the department of revenue, plus ten
11 percent of the amount so determined. The divisor for property
12 valued by the department of revenue pursuant to chapters 428,
13 433, 437, and 438 shall be the valuation established for 1978,
14 plus the amount of value added to the total actual value by
15 the revaluation of the property by the department of revenue
16 as of January 1, 1979. ~~For valuations established as of~~
17 ~~January 1, 1980, commercial property and industrial property,~~
18 ~~excluding properties referred to in section 427A.1, subsection~~
19 ~~8, shall be assessed at a percentage of the actual value of~~
20 ~~each class of property. The percentage shall be determined~~
21 ~~for each class of property by the director of revenue for the~~
22 ~~state in accordance with the provisions of this section. For~~
23 ~~valuations established as of January 1, 1980, the percentage~~
24 ~~shall be the quotient of the dividend and divisor as defined in~~
25 ~~this section. The dividend for each class of property shall~~
26 ~~be the dividend as determined for each class of property for~~
27 ~~valuations established as of January 1, 1979, adjusted by the~~
28 ~~product obtained by multiplying the percentage determined~~
29 ~~for that year by the amount of any additions or deletions to~~
30 ~~actual value, excluding those resulting from the revaluation~~
31 ~~of existing properties, as reported by the assessors on the~~
32 ~~abstracts of assessment for 1979, plus four percent of the~~
33 ~~amount so determined. The divisor for each class of property~~
34 ~~shall be the total actual value of all such property in 1979,~~
35 ~~as equalized by the director of revenue pursuant to section~~

1 ~~441.49, plus the amount of value added to the total actual~~
2 ~~value by the revaluation of existing properties in 1980. The~~
3 ~~director shall utilize information reported on the abstracts of~~
4 ~~assessment submitted pursuant to section 441.45 in determining~~
5 ~~such percentage.~~ For valuations established as of January 1,
6 1980, property valued by the department of revenue pursuant
7 to chapters 428, 433, 437, and 438 shall be assessed at a
8 percentage of its actual value. The percentage shall be
9 determined by the director of revenue in accordance with the
10 provisions of this section. For valuations established as of
11 January 1, 1980, the percentage shall be the quotient of the
12 dividend and divisor as defined in this section. The dividend
13 shall be the total actual valuation established for 1979 by
14 the department of revenue, plus eight percent of the amount so
15 determined. The divisor for property valued by the department
16 of revenue pursuant to chapters 428, 433, 437, and 438 shall be
17 the valuation established for 1979, plus the amount of value
18 added to the total actual value by the revaluation of the
19 property by the department of revenue as of January 1, 1980.
20 ~~For valuations established as of January 1, 1981, and each~~
21 ~~year thereafter, the percentage of actual value as equalized~~
22 ~~by the director of revenue as provided in section 441.49 at~~
23 ~~which commercial property and industrial property, excluding~~
24 ~~properties referred to in section 427A.1, subsection 8, shall~~
25 ~~be assessed shall be calculated in accordance with the methods~~
26 ~~provided herein, except that any references to six percent~~
27 ~~in this subsection shall be four percent.~~ For valuations
28 established as of January 1, 1981, and each year thereafter,
29 the percentage of actual value at which property valued by
30 the department of revenue pursuant to chapters 428, 433, 437,
31 and 438 shall be assessed shall be calculated in accordance
32 with the methods provided herein, except that any references
33 to ten percent in this subsection shall be eight percent.
34 Beginning with valuations established as of January 1, 1979,
35 and each year thereafter, property valued by the department of

1 revenue pursuant to chapter 434 shall also be assessed at a
2 percentage of its actual value which percentage shall be equal
3 to the percentage determined by the director of revenue for
4 ~~commercial property, industrial property, or~~ property valued by
5 the department of revenue pursuant to chapters 428, 433, 437,
6 and 438, ~~whichever is lowest.~~

7 b. For valuations established on or after January 1, 2012,
8 commercial property, excluding properties referred to in
9 section 427A.1, subsection 8, shall be assessed as a percentage
10 of the actual value, as determined in this paragraph.

11 (1) For valuations established for the assessment year
12 beginning January 1, 2012, the percentage of actual value as
13 equalized by the director of revenue as provided in section
14 441.49 at which commercial property shall be assessed shall be
15 ninety-two percent.

16 (2) For valuations established for the assessment year
17 beginning January 1, 2013, the percentage of actual value as
18 equalized by the director of revenue as provided in section
19 441.49 at which commercial property shall be assessed shall be
20 eighty-four percent.

21 (3) For valuations established for the assessment year
22 beginning January 1, 2014, the percentage of actual value as
23 equalized by the director of revenue as provided in section
24 441.49 at which commercial property shall be assessed shall be
25 seventy-six percent.

26 (4) For valuations established for the assessment year
27 beginning January 1, 2015, the percentage of actual value as
28 equalized by the director of revenue as provided in section
29 441.49 at which commercial property shall be assessed shall be
30 sixty-eight percent.

31 (5) For valuations established for the assessment year
32 beginning January 1, 2016, and each assessment year thereafter,
33 the percentage of actual value as equalized by the director
34 of revenue as provided in section 441.49 at which commercial
35 property shall be assessed shall be sixty percent.

1 c. For valuations established on or after January 1, 2012,
2 industrial property, excluding properties referred to in
3 section 427A.1, subsection 8, shall be assessed as a percentage
4 of the actual value, as determined in this paragraph.

5 (1) For valuations established for the assessment year
6 beginning January 1, 2012, the percentage of actual value as
7 equalized by the director of revenue as provided in section
8 441.49 at which industrial property shall be assessed shall be
9 ninety-two percent.

10 (2) For valuations established for the assessment year
11 beginning January 1, 2013, the percentage of actual value as
12 equalized by the director of revenue as provided in section
13 441.49 at which industrial property shall be assessed shall be
14 eighty-four percent.

15 (3) For valuations established for the assessment year
16 beginning January 1, 2014, the percentage of actual value as
17 equalized by the director of revenue as provided in section
18 441.49 at which industrial property shall be assessed shall be
19 seventy-six percent.

20 (4) For valuations established for the assessment year
21 beginning January 1, 2015, the percentage of actual value as
22 equalized by the director of revenue as provided in section
23 441.49 at which industrial property shall be assessed shall be
24 sixty-eight percent.

25 (5) For valuations established for the assessment year
26 beginning January 1, 2016, and each assessment year thereafter,
27 the percentage of actual value as equalized by the director
28 of revenue as provided in section 441.49 at which industrial
29 property shall be assessed shall be sixty percent.

30 **Sec. 4. NEW SECTION. 441.21A Legislative intent.**

31 It is the intent of the general assembly that appropriations
32 be made annually to reimburse local taxing authorities in this
33 state for reductions in property tax collections on commercial
34 and industrial property as a result of the assessment
35 limitations on such property established under section 441.21,

1 subsection 5, paragraphs "b" and "c", in the following amounts:

2 1. For the fiscal year beginning July 1, 2013, fifty million
3 dollars.

4 2. For the fiscal year beginning July 1, 2014, one hundred
5 million dollars.

6 3. For the fiscal year beginning July 1, 2015, one hundred
7 fifty million dollars.

8 4. For the fiscal year beginning July 1, 2016, two hundred
9 million dollars.

10 5. For the fiscal year beginning July 1, 2017, and each
11 fiscal year thereafter, two hundred fifty million dollars.

12 Sec. 5. SAVINGS PROVISION. This division of this Act,
13 pursuant to section 4.13, does not affect the operation of,
14 or prohibit the application of, prior provisions of section
15 441.21, or rules adopted under chapter 17A to administer prior
16 provisions of section 441.21, for assessment years beginning
17 before January 1, 2012, and for duties, powers, protests,
18 appeals, proceedings, actions, or remedies attributable to an
19 assessment year beginning before January 1, 2012.

20 Sec. 6. APPLICABILITY. This division of this Act applies
21 to property tax assessment years beginning on or after January
22 1, 2012.

23 DIVISION III

24 COUNTY AND CITY BUDGET LIMITATION

25 Sec. 7. Section 23A.2, subsection 10, paragraph h, Code
26 2011, is amended to read as follows:

27 h. The performance of an activity listed in section 331.424,
28 Code 2011, as a service for which a supplemental levy county
29 may be certified include in its budget.

30 Sec. 8. Section 28M.5, subsection 2, Code 2011, is amended
31 to read as follows:

32 2. If a regional transit district budget allocates
33 revenue responsibilities to the board of supervisors of a
34 participating county, the amount of the regional transit
35 district levy that is the responsibility of the participating

1 county shall be deducted from the maximum ~~rates~~ amount of taxes
2 authorized to be levied by the county pursuant to section
3 331.423, ~~subsections 1 and 2~~ subsection 3, paragraphs "b"
4 and "c", as applicable, unless the county meets its revenue
5 responsibilities as allocated in the budget from other
6 available revenue sources. However, for a regional transit
7 district that includes a county with a population of less than
8 three hundred thousand, the amount of the regional transit
9 district levy that is the responsibility of such participating
10 county shall be deducted from the maximum ~~rate~~ amount of taxes
11 authorized to be levied by the county pursuant to section
12 331.423, subsection 3, paragraph "b".

13 Sec. 9. Section 123.38, subsection 2, Code 2011, is amended
14 to read as follows:

15 2. Any licensee or permittee, or the licensee's or
16 permittee's executor or administrator, or any person duly
17 appointed by the court to take charge of and administer the
18 property or assets of the licensee or permittee for the benefit
19 of the licensee's or permittee's creditors, may voluntarily
20 surrender a license or permit to the division. When a license
21 or permit is surrendered the division shall notify the local
22 authority, and the division or the local authority shall
23 refund to the person surrendering the license or permit, a
24 proportionate amount of the fee received by the division or
25 the local authority for the license or permit as follows: if
26 a license or permit is surrendered during the first three
27 months of the period for which it was issued, the refund shall
28 be three-fourths of the amount of the fee; if surrendered
29 more than three months but not more than six months after
30 issuance, the refund shall be one-half of the amount of the
31 fee; if surrendered more than six months but not more than
32 nine months after issuance, the refund shall be one-fourth of
33 the amount of the fee. No refund shall be made, however, for
34 any special liquor permit, nor for a liquor control license,
35 wine permit, or beer permit surrendered more than nine months

1 after issuance. For purposes of this subsection, any portion
2 of license or permit fees used for the purposes authorized in
3 section 331.424, subsection 1, paragraph "a", subparagraphs
4 (1) and (2), Code 2011, and in section 331.424A, shall not be
5 deemed received either by the division or by a local authority.
6 No refund shall be made to any licensee or permittee, upon the
7 surrender of the license or permit, if there is at the time
8 of surrender, a complaint filed with the division or local
9 authority, charging the licensee or permittee with a violation
10 of this chapter. If upon a hearing on a complaint the license
11 or permit is not revoked or suspended, then the licensee or
12 permittee is eligible, upon surrender of the license or permit,
13 to receive a refund as provided in this section; but if the
14 license or permit is revoked or suspended upon hearing the
15 licensee or permittee is not eligible for the refund of any
16 portion of the license or permit fee.

17 Sec. 10. Section 218.99, Code 2011, is amended to read as
18 follows:

19 **218.99 Counties to be notified of patients' personal**
20 **accounts.**

21 The administrator in control of a state institution shall
22 direct the business manager of each institution under the
23 administrator's jurisdiction ~~which is mentioned in section~~
24 ~~331.424, subsection 1, paragraph "a", subparagraphs (1)~~
25 ~~and (2), and~~ for which services are paid under section
26 331.424A, to quarterly inform the county of legal settlement's
27 entity designated to perform the county's central point of
28 coordination process of any patient or resident who has an
29 amount in excess of two hundred dollars on account in the
30 patients' personal deposit fund and the amount on deposit. The
31 administrators shall direct the business manager to further
32 notify the entity designated to perform the county's central
33 point of coordination process at least fifteen days before the
34 release of funds in excess of two hundred dollars or upon the
35 death of the patient or resident. If the patient or resident

1 has no county of legal settlement, notice shall be made to the
2 director of human services and the administrator in control of
3 the institution involved.

4 Sec. 11. Section 331.263, subsection 2, Code 2011, is
5 amended to read as follows:

6 2. The governing body of the community commonwealth
7 shall have the authority to levy county taxes and shall
8 have the authority to levy city taxes to the extent the
9 city tax levy authority is transferred by the charter to
10 the community commonwealth. A city participating in the
11 community commonwealth shall transfer a portion of the
12 city's tax levy authorized under section 384.1 or 384.12,
13 whichever is applicable, to the governing body of the community
14 commonwealth. The maximum ~~rates~~ amount of taxes authorized to
15 be levied under ~~sections~~ section 384.1 and the maximum amount
16 of taxes authorized to be levied under section 384.12 by a city
17 participating in the community commonwealth shall be reduced
18 by an amount equal to the rates of the same or similar taxes
19 levied in the city by the governing body of the community
20 commonwealth.

21 Sec. 12. Section 331.301, subsection 12, Code 2011, is
22 amended to read as follows:

23 12. The board of supervisors may credit funds to a reserve
24 for the purposes authorized by subsection 11 of this section;
25 ~~section 331.424, subsection 1, paragraph "a", subparagraph~~
26 ~~(6);~~ and section 331.441, subsection 2, paragraph "b". Moneys
27 credited to the reserve, and interest earned on such moneys,
28 shall remain in the reserve until expended for purposes
29 authorized by subsection 11 of this section; ~~section 331.424,~~
30 ~~subsection 1, paragraph "a", subparagraph (6);~~ or section
31 331.441, subsection 2, paragraph "b".

32 Sec. 13. Section 331.421, subsections 1 and 10, Code 2011,
33 are amended by striking the subsections.

34 Sec. 14. Section 331.421, Code 2011, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 7A. "Item" means a budgeted expenditure,
2 appropriation, or cash reserve from a fund for a service area,
3 program, program element, or purpose.

4 Sec. 15. Section 331.423, Code 2011, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **331.423 Property tax dollars — maximums.**

7 1. Annually, the board shall determine separate property
8 tax levy limits to pay for general county services and rural
9 county services in accordance with this section. The property
10 tax levies separately certified for general county services and
11 rural county services under section 331.434 shall not raise
12 property tax dollars that exceed the amount determined under
13 this section.

14 2. For purposes of this section and section 331.423B, unless
15 the context otherwise requires:

16 a. "Annual growth factor" means an index, expressed as
17 a percentage, determined by the department of management by
18 January 1 of the calendar year in which the budget year begins.
19 In determining the annual growth factor, the department shall
20 calculate the average of the preceding twelve-month percentage
21 change, which shall be computed on a monthly basis, in the
22 midwest consumer price index. In no case, however, shall the
23 annual growth factor exceed four percent.

24 b. "Boundary adjustment" means annexation, severance,
25 incorporation, or discontinuance as those terms are defined in
26 section 368.1.

27 c. "Budget year" is the fiscal year beginning during the
28 calendar year in which a budget is certified.

29 d. "Current fiscal year" is the fiscal year ending during
30 the calendar year in which a budget is certified.

31 e. "Net new valuation taxes" means the amount of property
32 tax dollars equal to the current fiscal year's levy rate in
33 the county for general county services or for rural county
34 services, as applicable, multiplied by the increase from the
35 current fiscal year to the budget year in taxable valuation due

1 to the following:

2 (1) Net new construction, excluding all incremental
3 valuation that is released in any one year from an urban
4 renewal area for which taxes were being divided under section
5 403.19 if the property for the valuation being released remains
6 part of the urban renewal area.

7 (2) Additions or improvements to existing structures.

8 (3) Remodeling of existing structures for which a building
9 permit is required.

10 (4) Net boundary adjustment.

11 (5) A municipality no longer dividing tax revenues in
12 an urban renewal area as provided in section 403.19, to the
13 extent that the incremental valuation released is due to new
14 construction or revaluation on property newly constructed,
15 additions or improvements to existing property, net boundary
16 adjustment, or expiration of tax abatements, all occurring
17 after the division of revenue begins.

18 (6) That portion of taxable property located in an urban
19 revitalization area on which an exemption was allowed and such
20 exemption has expired.

21 3. a. For the fiscal year beginning July 1, 2012, and
22 subsequent fiscal years, the maximum amount of property tax
23 dollars which may be certified for levy by a county for general
24 county services and rural county services shall be the maximum
25 property tax dollars calculated under paragraphs "b" and "c",
26 respectively.

27 b. The maximum property tax dollars that may be levied for
28 general county services is an amount equal to the sum of the
29 following:

30 (1) The annual growth factor times the current fiscal year's
31 maximum property tax dollars for general county services.

32 (2) The amount of net new valuation taxes in the county.

33 c. The maximum property tax dollars that may be levied for
34 rural county services is an amount equal to the sum of the
35 following:

1 (1) The annual growth factor times the current fiscal year's
2 maximum property tax dollars for rural county services.

3 (2) The amount of net new valuation taxes in the
4 unincorporated area of the county.

5 4. a. For purposes of calculating maximum property tax
6 dollars for general county services for the fiscal year
7 beginning July 1, 2012, only, the term "*current fiscal year's*
8 *maximum property tax dollars*" shall mean the total amount of
9 property tax dollars certified by the county for general county
10 services for the fiscal year beginning July 1, 2011.

11 b. For purposes of calculating maximum property tax dollars
12 for rural county services for the fiscal year beginning July
13 1, 2012, only, the term "*current fiscal year's maximum property*
14 *tax dollars*" shall mean the total amount of property tax dollars
15 certified by the county for rural county services for the
16 fiscal year beginning July 1, 2011.

17 5. Property taxes certified for deposit in the mental
18 health, mental retardation, and developmental disabilities
19 services fund in section 331.424A, the emergency services fund
20 in section 331.424C, the debt service fund in section 331.430,
21 any capital projects fund established by the county for deposit
22 of bond, loan, or note proceeds, and any temporary increase
23 approved pursuant to section 331.424, are not included in the
24 maximum amount of property tax dollars that may be certified
25 for a budget year under subsection 3.

26 6. The department of management, in consultation with the
27 county finance committee, shall adopt rules to administer this
28 section. The department shall prescribe forms to be used by
29 counties when making calculations required by this section.

30 **Sec. 16. NEW SECTION. 331.423B Ending fund balance.**

31 1. a. Budgeted ending fund balances on a cash basis for
32 a budget year in excess of twenty-five percent of budgeted
33 expenditures in either the general fund or rural services
34 fund for that budget year shall be explicitly reserved or
35 designated for a specific purpose and specifically described

1 in the certified budget. The description shall include the
2 projected date that the expenditures will be appropriated for
3 the specific purpose.

4 *b.* A county is encouraged, but not required, to reduce
5 budgeted, unreserved, or undesignated ending fund balances for
6 the budget year to an amount equal to approximately twenty-five
7 percent of budgeted expenditures in the general fund and
8 rural services fund for that budget year unless a decision is
9 certified by the state appeal board ordering a reduction in the
10 ending fund balance of any of those funds.

11 *c.* In a protest to the county budget under section 331.436,
12 the county shall have the burden of proving that the budgeted
13 balances in excess of twenty-five percent are reasonably likely
14 to be appropriated for the explicitly reserved or designated
15 specific purpose by the date identified in the certified
16 budget. The excess budgeted balance for the specific purpose
17 shall be considered an increase in an item in the budget for
18 purposes of section 24.28.

19 2. *a.* For a county that has, as of June 30, 2011, reduced
20 its actual ending fund balance to less than twenty-five
21 percent of actual expenditures on a cash basis, additional
22 property taxes may be computed and levied as provided in this
23 subsection. The additional property tax levy amount is an
24 amount not to exceed twenty-five percent of actual expenditures
25 from the general fund and rural services fund for the fiscal
26 year beginning July 1, 2010, minus the combined ending fund
27 balances for those funds for that year.

28 *b.* The amount of the additional property taxes shall be
29 apportioned between the general fund and the rural services
30 fund. However, the amount apportioned for general county
31 services and for rural county services shall not exceed for
32 each fund twenty-five percent of actual expenditures for the
33 fiscal year beginning July 1, 2010.

34 *c.* All or a portion of additional property tax dollars
35 may be levied for the purpose of increasing cash reserves

1 for general county services and rural county services in the
2 budget year. The additional property tax dollars authorized
3 under this subsection but not levied may be carried forward as
4 unused ending fund balance taxing authority until and for the
5 fiscal year beginning July 1, 2017. The amount carried forward
6 shall not exceed twenty-five percent of the maximum amount of
7 property tax dollars available in the current fiscal year.
8 Additionally, property taxes that are levied as unused ending
9 fund balance taxing authority under this subsection may be the
10 subject of a protest under section 331.436, and the amount
11 will be considered an increase in an item in the budget for
12 purposes of section 24.28. The amount of additional property
13 taxes levied under this subsection shall not be included in the
14 computation of the maximum amount of property tax dollars which
15 may be certified and levied under section 331.423.

16 Sec. 17. Section 331.424, Code 2011, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **331.424 Authority to levy beyond maximum property tax**
19 **dollars.**

20 1. The board may certify additions to the maximum amount
21 of property tax dollars to be levied for a period of time not
22 to exceed two years if the proposition has been submitted at a
23 special election and received a favorable majority of the votes
24 cast on the proposition.

25 2. The special election is subject to the following:

26 a. The board must give at least thirty-two days' notice to
27 the county commissioner of elections that the special election
28 is to be held.

29 b. The special election shall be conducted by the county
30 commissioner of elections in accordance with law.

31 c. The proposition to be submitted shall be substantially
32 in the following form:

33 Vote "yes" or "no" on the following: Shall the county of
34 _____ levy for an additional \$ _____ each year for ___ years
35 beginning July 1, _____, in excess of the statutory limits

1 otherwise applicable for the (general county services or rural
2 services) fund?

3 d. The canvass shall be held beginning at 1:00 p.m. on
4 the second day which is not a holiday following the special
5 election.

6 e. Notice of the special election shall be published at
7 least once in a newspaper as specified in section 331.305 prior
8 to the date of the special election. The notice shall appear
9 as early as practicable after the board has voted to submit
10 a proposition to the voters to levy additional property tax
11 dollars.

12 3. Registered voters in the county may vote on the
13 proposition to increase property taxes for the general fund
14 in excess of the statutory limit. Registered voters residing
15 outside the corporate limits of a city within the county may
16 vote on the proposition to increase property taxes for the
17 rural services fund in excess of the statutory limit.

18 4. The amount of additional property tax dollars certified
19 under this section shall not be included in the computation
20 of the maximum amount of property tax dollars which may be
21 certified and levied under section 331.423.

22 Sec. 18. Section 331.424A, subsection 4, Code 2011, is
23 amended to read as follows:

24 4. For the fiscal year beginning July 1, 1996, and for each
25 subsequent fiscal year, the county shall certify a levy for
26 payment of services. For each fiscal year, county revenues
27 from taxes imposed by the county credited to the services fund
28 shall not exceed an amount equal to the amount of base year
29 expenditures for services as defined in section 331.438, less
30 the amount of property tax relief to be received pursuant to
31 section 426B.2, in the fiscal year for which the budget is
32 certified. The county auditor and the board of supervisors
33 shall reduce the amount of the levy certified for the services
34 fund by the amount of property tax relief to be received. A
35 levy certified under this section is not subject to ~~the appeal~~

1 ~~provisions of section 331.426 or to any other provision in law~~
2 authorizing a county to exceed, increase, or appeal a property
3 tax levy limit.

4 Sec. 19. Section 331.427, subsection 3, paragraph 1, Code
5 2011, is amended to read as follows:

6 1. Services listed in section 331.424, subsection 1, Code
7 2011, and section 331.554.

8 Sec. 20. Section 331.428, subsection 2, paragraph d, Code
9 2011, is amended to read as follows:

10 d. Services listed under section 331.424, subsection 2, Code
11 2011.

12 Sec. 21. Section 373.10, Code 2011, is amended to read as
13 follows:

14 **373.10 Taxing authority.**

15 The metropolitan council shall have the authority to
16 levy city taxes to the extent the city tax levy authority
17 is transferred by the charter to the metropolitan council.
18 A member city shall transfer a portion of the city's tax
19 levy authorized under section 384.1 or 384.12, whichever is
20 applicable, to the metropolitan council. The maximum ~~rates~~
21 amount of taxes authorized to be levied under ~~sections~~ section
22 384.1 and the taxes authorized to be levied under section
23 384.12 by a member city shall be reduced by an amount equal to
24 the rates of the same or similar taxes levied in the city by the
25 metropolitan council.

26 Sec. 22. Section 384.1, Code 2011, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **384.1 Property tax dollars — maximums.**

29 1. A city shall certify taxes to be levied by the city
30 on all taxable property within the city limits, for all city
31 government purposes. Annually, the city council may certify
32 basic levies for city government purposes, subject to the
33 limitation on property tax dollars provided in this section.

34 2. For purposes of this section and section 384.1B, unless
35 the context otherwise requires:

1 *a. "Annual growth factor"* means an index, expressed as
2 a percentage, determined by the department of management by
3 January 1 of the calendar year in which the budget year begins.
4 In determining the annual growth factor, the department shall
5 calculate the average of the preceding twelve-month percentage
6 change, which shall be computed on a monthly basis, in the
7 midwest consumer price index. In no case, however, shall the
8 annual growth factor exceed four percent.

9 *b. "Boundary adjustment"* means annexation, severance,
10 incorporation, or discontinuance as those terms are defined in
11 section 368.1.

12 *c. "Budget year"* is the fiscal year beginning during the
13 calendar year in which a budget is certified.

14 *d. "Current fiscal year"* is the fiscal year ending during
15 the calendar year in which a budget is certified.

16 *e. "Net new valuation taxes"* means the amount of property
17 tax dollars equal to the current fiscal year's levy rate in the
18 city for the general fund multiplied by the increase from the
19 current fiscal year to the budget year in taxable valuation due
20 to the following:

21 (1) Net new construction, excluding all incremental
22 valuation that is released in any one year from an urban
23 renewal area for which taxes were being divided under section
24 403.19 if the property for the valuation being released remains
25 part of the urban renewal area.

26 (2) Additions or improvements to existing structures.

27 (3) Remodeling of existing structures for which a building
28 permit is required.

29 (4) Net boundary adjustment.

30 (5) A municipality no longer dividing tax revenues in
31 an urban renewal area as provided in section 403.19, to the
32 extent that the incremental valuation released is due to new
33 construction or revaluation on property newly constructed,
34 additions or improvements to existing property, net boundary
35 adjustment, or expiration of tax abatements, all occurring

1 after the division of revenue begins.

2 (6) That portion of taxable property located in an urban
3 revitalization area on which an exemption was allowed and such
4 exemption has expired.

5 3. a. For the fiscal year beginning July 1, 2012, and
6 subsequent fiscal years, the maximum amount of property
7 tax dollars which may be certified for levy by a city for
8 the general fund shall be the maximum property tax dollars
9 calculated under paragraph "b".

10 b. The maximum property tax dollars that may be levied for
11 deposit in the general fund is an amount equal to the sum of the
12 following:

13 (1) The annual growth factor times the current fiscal year's
14 maximum property tax dollars for the general fund.

15 (2) The amount of net new valuation taxes in the city.

16 4. For purposes of calculating maximum property tax dollars
17 for the city general fund for the fiscal year beginning July
18 1, 2012, only, the term "*current fiscal year's maximum property*
19 *tax dollars*" shall mean the total amount of property tax dollars
20 certified by the city for the city's general fund for the
21 fiscal year beginning July 1, 2011.

22 5. Property taxes certified for deposit in the debt service
23 fund in section 384.4, trust and agency funds in section
24 384.6, capital improvements reserve fund in section 384.7,
25 the emergency fund in section 384.8, any capital projects
26 fund established by the city for deposit of bond, loan, or
27 note proceeds, any temporary increase approved pursuant to
28 section 384.12A, property taxes collected from a voted levy in
29 section 384.12, and property taxes levied under section 384.12,
30 subsection 18, are not counted against the maximum amount of
31 property tax dollars that may be certified for a fiscal year
32 under subsection 3.

33 6. Notwithstanding the maximum amount of taxes a city
34 may certify for levy, the tax levied by a city on tracts of
35 land and improvements on the tracts of land used and assessed

1 for agricultural or horticultural purposes shall not exceed
2 three dollars and three-eighths cents per thousand dollars
3 of assessed value in any year. Improvements located on such
4 tracts of land and not used for agricultural or horticultural
5 purposes and all residential dwellings are subject to the same
6 rate of tax levied by the city on all other taxable property
7 within the city.

8 7. The department of management, in consultation with the
9 city finance committee, shall adopt rules to administer this
10 section. The department shall prescribe forms to be used by
11 cities when making calculations required by this section.

12 Sec. 23. NEW SECTION. 384.1B Ending fund balance.

13 1. a. Budgeted ending fund balances on a cash basis for
14 a budget year in excess of twenty-five percent of budgeted
15 expenditures for that budget year shall be explicitly reserved
16 or designated for a specific purpose and specifically described
17 in the certified budget. The description shall include the
18 projected date that the expenditures will be appropriated for
19 the specific purpose.

20 b. A city is encouraged, but not required, to reduce
21 budgeted, unreserved, or undesignated ending fund balances for
22 the budget year to an amount equal to approximately twenty-five
23 percent of budgeted expenditures in the general fund for that
24 budget year unless a decision is certified by the state appeal
25 board ordering a reduction in the ending fund balance of the
26 fund.

27 c. In a protest to the city budget under section 384.19,
28 the city shall have the burden of proving that the budgeted
29 balances in excess of twenty-five percent are reasonably likely
30 to be appropriated for the explicitly reserved or designated
31 specific purpose by the date identified in the certified
32 budget. The excess budgeted balance for the specific purpose
33 shall be considered an increase in an item in the budget for
34 purposes of section 24.28.

35 2. a. For a city that has, as of June 30, 2011, reduced

1 its ending fund balance to less than twenty-five percent of
2 actual expenditures on a cash basis, additional property taxes
3 may be computed and levied as provided in this subsection.
4 The additional property tax levy amount is an amount not to
5 exceed the difference between twenty-five percent of actual
6 expenditures for city government purposes for the fiscal year
7 beginning July 1, 2010, minus the ending fund balance for that
8 year.

9 *b.* All or a portion of additional property tax dollars
10 may be levied for the purpose of increasing cash reserves for
11 city government purposes in the budget year. The additional
12 property tax dollars authorized under this subsection but not
13 levied may be carried forward as unused ending fund balance
14 taxing authority until and for the fiscal year beginning
15 July 1, 2017. The amount carried forward shall not exceed
16 twenty-five percent of the maximum amount of property tax
17 dollars available in the current fiscal year. Additionally,
18 property taxes that are levied as unused ending fund balance
19 taxing authority under this subsection may be the subject of a
20 protest under section 384.19, and the amount will be considered
21 an increase in an item in the budget for purposes of section
22 24.28. The amount of additional property tax dollars levied
23 under this subsection shall not be included in the computation
24 of the maximum amount of property tax dollars which may be
25 certified and levied under section 384.1.

26 Sec. 24. Section 384.12, subsection 20, Code 2011, is
27 amended by striking the subsection.

28 Sec. 25. NEW SECTION. 384.12A Authority to levy beyond
29 maximum property tax dollars.

30 1. The city council may certify additions to the maximum
31 amount of property tax dollars to be levied for a period of
32 time not to exceed two years if the proposition has been
33 submitted at a special election and received a favorable
34 majority of the votes cast on the proposition.

35 2. The special election is subject to the following:

1 a. The city council must give at least thirty-two days'
2 notice to the county commissioner of elections that the special
3 election is to be held.

4 b. The special election shall be conducted by the county
5 commissioner of elections in accordance with law.

6 c. The proposition to be submitted shall be substantially
7 in the following form:

8 Vote "yes" or "no" on the following: Shall the city of
9 _____ levy for an additional \$ _____ each year for ___ years
10 beginning next July 1, ____, in excess of the statutory limits
11 otherwise applicable for the city general fund?

12 d. The canvass shall be held beginning at 1:00 p.m. on
13 the second day which is not a holiday following the special
14 election.

15 e. Notice of the special election shall be published at
16 least once in a newspaper as specified in section 362.3 prior
17 to the date of the special election. The notice shall appear
18 as early as practicable after the city council has voted to
19 submit a proposition to the voters to levy additional property
20 tax dollars.

21 3. The amount of additional property tax dollars certified
22 under this section shall not be included in the computation
23 of the maximum amount of property tax dollars which may be
24 certified and levied under section 384.1.

25 Sec. 26. Section 384.19, Code 2011, is amended by adding the
26 following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. For purposes of a tax protest
28 filed under this section, "item" means a budgeted expenditure,
29 appropriation, or cash reserve from a fund for a service area,
30 program, program element, or purpose.

31 Sec. 27. Section 386.8, Code 2011, is amended to read as
32 follows:

33 **386.8 Operation tax.**

34 A city may establish a self-supported improvement district
35 operation fund, and may certify taxes not to exceed the

1 rate limitation as established in the ordinance creating the
2 district, or any amendment thereto, each year to be levied
3 for the fund against all of the property in the district,
4 for the purpose of paying the administrative expenses of
5 the district, which may include but are not limited to
6 administrative personnel salaries, a separate administrative
7 office, planning costs including consultation fees, engineering
8 fees, architectural fees, and legal fees and all other expenses
9 reasonably associated with the administration of the district
10 and the fulfilling of the purposes of the district. The taxes
11 levied for this fund may also be used for the purpose of paying
12 maintenance expenses of improvements or self-liquidating
13 improvements for a specified length of time with one or more
14 options to renew if such is clearly stated in the petition
15 which requests the council to authorize construction of the
16 improvement or self-liquidating improvement, whether or not
17 such petition is combined with the petition requesting creation
18 of a district. Parcels of property which are assessed as
19 residential property for property tax purposes are exempt from
20 the tax levied under this section except residential properties
21 within a duly designated historic district. A tax levied under
22 this section is not subject to the ~~levy~~ limitation in section
23 384.1.

24 Sec. 28. Section 386.9, Code 2011, is amended to read as
25 follows:

26 **386.9 Capital improvement tax.**

27 A city may establish a capital improvement fund for a
28 district and may certify taxes, not to exceed the rate
29 established by the ordinance creating the district, or any
30 subsequent amendment thereto, each year to be levied for
31 the fund against all of the property in the district, for
32 the purpose of accumulating moneys for the financing or
33 payment of a part or all of the costs of any improvement or
34 self-liquidating improvement. However, parcels of property
35 which are assessed as residential property for property tax

1 purposes are exempt from the tax levied under this section
2 except residential properties within a duly designated historic
3 district. A tax levied under this section is not subject to
4 the ~~levy~~ limitations in section 384.1 or 384.7.

5 Sec. 29. REPEAL. Sections 331.425 and 331.426, Code 2011,
6 are repealed.

7 Sec. 30. APPLICABILITY. This division of this Act applies
8 to fiscal years beginning on or after July 1, 2012.

9

EXPLANATION

10 This bill makes changes to state and local government
11 finances by making changes to property taxation, school
12 financing, and county and city budgets.

13 Division I of the bill provides for an increase in the
14 regular program foundation base under the state school
15 foundation program. The foundation base is the specified
16 percentage of the state cost per pupil calculation which is
17 paid as state aid to school districts, above and beyond the
18 uniform property tax levy imposed in Code section 257.3.
19 Beginning with the budget year commencing July 1, 2012, the
20 increase is phased in over a seven-year period in equal annual
21 increments, from the current foundation base level of 87.5
22 percent to the level of 100 percent in the eighth year.

23 Division II of the bill changes the property tax assessment
24 limitation percentage for residential property and agricultural
25 property from 4 percent to 2 percent for assessment years
26 beginning on or after January 1, 2012.

27 Division II of the bill strikes the methodology in Code
28 section 441.21(5) currently used to determine the percentage
29 of actual value at which commercial property and industrial
30 property are assessed for property tax purposes. The bill
31 provides that for valuations established for the assessment
32 year beginning January 1, 2012, the percentage of actual value
33 at which commercial property and industrial property shall
34 be assessed shall be 92 percent. The bill provides that
35 for each assessment year thereafter the percentage at which

1 commercial property and industrial property are assessed is
2 reduced by 8 percentage points each year until the percentage
3 is 60 percent. The bill provides that for the assessment year
4 beginning January 1, 2016, and each assessment year thereafter,
5 commercial property and industrial property are assessed at 60
6 percent. Under the bill, commercial property and industrial
7 property remain separate classifications of property.

8 Division II of the bill specifies that it is the intent of
9 the general assembly that appropriations be made annually in
10 fiscal years beginning on or after July 1, 2013, to reimburse
11 local taxing authorities for reductions in property tax
12 collections on commercial and industrial property as a result
13 of the assessment limitations on such property established
14 in the bill. The bill specifies the amounts of the intended
15 appropriations.

16 Division II of the bill also makes corresponding changes to
17 other provisions of Code section 441.21, including removing
18 the commercial property and industrial property valuation
19 limitations from the methodology used to determine the
20 percentage at which property valued by the department of
21 revenue pursuant to Code chapter 434 (railway companies) is
22 assessed.

23 Division II of the bill applies to property tax assessment
24 years beginning on or after January 1, 2012. The bill,
25 pursuant to Code section 4.13, does not affect the application
26 of prior provisions of Code section 441.21 to assessment years
27 beginning before January 1, 2012.

28 Division III of the bill removes the property tax levy rate
29 limitations on the general and rural funds for counties and on
30 the general fund for cities and substitutes a limitation on the
31 maximum amount of property tax dollars that may be certified
32 for expenditure by a county or city for budget years beginning
33 on or after July 1, 2012. For the budget year beginning July
34 1, 2012, and subsequent budget years, the maximum amount of
35 property tax dollars which may be certified for levy shall be

1 an amount equal to the sum of the current fiscal year's total
2 property tax dollars certified by the county multiplied by the
3 annual growth factor, as defined in the bill, and the amount of
4 net new valuation taxes, as defined in the bill.

5 Division III also allows counties and cities to certify
6 additions to the maximum amount of property tax dollars to be
7 levied for a period of time not to exceed two years if the
8 proposition has been approved at a special election. The bill
9 specifies the notice and election requirements for such a
10 proposition. The bill specifies that such amounts approved at
11 special election are not to be included in the computation of
12 the maximum amount of property tax dollars for future budget
13 years.

14 Division III of the bill specifies certain requirements
15 for ending fund balances for counties and cities. The bill
16 provides that budgeted ending fund balances for a budget
17 year in excess of 25 percent of budgeted expenditures
18 shall be explicitly reserved or designated for a specific
19 purpose and specifically described in the certified budget.
20 The description must include the projected date that the
21 expenditures will be appropriated for the specific purpose.

22 Under the bill, counties and cities are encouraged, but
23 not required, to reduce budgeted, unreserved, or undesignated
24 ending fund balances for the budget year to an amount equal
25 to approximately 25 percent of budgeted expenditures for that
26 budget year unless a decision is certified by the state appeal
27 board ordering a reduction in the ending fund balance of any of
28 those funds. The county or city, as applicable, has the burden
29 of proving that the budgeted balances in excess of 25 percent
30 are reasonably likely to be appropriated for the explicitly
31 reserved or designated specific purpose by the date identified
32 in the certified budget.

33 Division III of the bill also allows for additional property
34 taxes to be levied in certain fiscal years for those counties
35 or cities that have, as of June 30, 2011, reduced their

1 actual ending fund balance to less than 25 percent of actual
2 expenditures. Such additional property tax dollars authorized
3 but not levied may be carried forward as unused ending
4 fund balance taxing authority until and for the fiscal year
5 beginning July 1, 2017. However, the amount carried forward
6 shall not exceed 25 percent of the maximum amount of property
7 tax dollars available in the current fiscal year. The amount
8 of such additional property taxes levied shall not, however, be
9 included in the computation of the maximum amount of property
10 tax dollars which may be certified and levied in future budget
11 years.

12 Division III also makes conforming amendments to other
13 provisions of the Code.

14 Division III applies to fiscal years beginning on or after
15 July 1, 2012.

From: Boeyink, Jeffrey [IGOV]
Sent: Monday, April 25, 2011 4:58 PM
To: Busselot, Michael [IGOV]; Roederer, David [IDOM]
Cc: Schulz, Todd [IGOV]
Subject: FW: 2786 XL - Bill Draft Delivery from LSA - Property Tax Omnibus
Attachments: bill_text.pdf

Here is the bill from the House. I have approved it to get it moving forward.

We need to do a thorough review. It includes the phase down to 60% on commercial and industrial, as well as the move from a 4% to a 2% cap on valuation growth. It does not appear to apply the immediate 60% valuation for new commercial and industrial property (something we will need to fix on the House floor (as I think it will move through committee without any changes).

Thanks.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

-----Original Message-----

From: LSA - Legal Services [<mailto:lsabills@legis.state.ia.us>]
Sent: Monday, April 25, 2011 4:46 PM
To: Roederer, David [IDOM]; Boeyink, Jeffrey [IGOV]
Cc: Johnson, Richard [LEGIS]; Laust, Sandra [LEGIS]
Subject: 2786 XL - Bill Draft Delivery from LSA - Property Tax Omnibus

Legislative Liaison:

Please find attached the following bill prepared for you by the Legal Services Division of the Legislative Services Agency (LSA).

LSA Bill Draft Delivery - LSB 2786 XL - Property Tax Omnibus

<http://www.legis.iowa.gov/APPS/BMS/ApproveRejectBillRequest.aspx?BILLREQID=48437>

Drafter - Michael Duster (x14800) michael.duster@legis.state.ia.us

Help - If you have questions concerning the use of this electronic bill delivery and approval system contact the Computer Services Division's Help Desk at 281-6506.

Your Review - Please review the attached bill carefully to determine that your drafting instructions have been followed. Contact the drafter at the above e-mail or telephone number if you have any changes, corrections, or questions concerning the draft.

Seven-Day Period: You must act within 7 calendar days of your receipt of the bill to approve the bill or to request changes or corrections. Contact the drafter by e-mail or telephone to request changes or corrections.

Your Approval - To officially approve the bill for filing, you must click on the secure link located above. Please DO NOT reply to this e-mail.

Delivery - Once approved, LSA will deliver copies of your bill to legislative leaders for committee assignment.

Your Rejection - To officially reject the bill, you must click on the secure link located above. Please DO NOT reply to this e-mail.

Upon rejection contact the drafter at the above e-mail or telephone number to request changes or corrections.

Please provide changes or corrections in a manner where the changes and corrections are clearly and easily distinguishable from the language of the initial draft. Handwritten changes on a paper copy or instructions to change language on specified pages and lines are acceptable.

From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, April 27, 2011 8:57 AM
To: Miller-Meeks, Mariannette [IDPH]
Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Your thoughts?

Jeffrey Boeyink
Chief of Staff
Office of the Governor
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From: Kretschmer, Marnell [IDPH]
Sent: Wednesday, April 27, 2011 8:54 AM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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Marnell Kretschmer, MPH
CDC Public Health Advisor
Iowa Immunization Program
321 E. 12th Street
Lucas State Office Building
Des Moines, IA 50319-0075
(phone) 515-281-4917
(fax) 800-831-6292
Marnell.Kretschmer@idph.iowa.gov

From: Dana M Hall [mailto:dhall23@hallmark.com]
Sent: Tuesday, April 26, 2011 3:28 PM
To: Kretschmer, Marnell [IDPH]
Subject: RE: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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Hallmark Cards, Inc.
816-274-5220 dhall23@hallmark.com



To: Dana M Hall <dhall23@hallmark.com>
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Subject: RE: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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Subject: RE: Immunization Hallmark Cards

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, April 27, 2011 8:43 PM
To: Boeyink, Jeffrey [IGOV]
Subject: Re: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Jeff,

Sorry it took me so long.

The cards are provided gratis by Hallmark. Inserted is the immunization schedule and given the increased number of immunizations now recommended, I think the schedule is helpful and may relieve some work burden (paperwork) required of the nursing staff upon discharge.

Having a note by the Governor at a joyous time may also have some additional positive benefits. So I do not see a downside especially given that there is no cost to the state.

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Mariannette

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Sent: Wed Apr 27 08:56:32 2011
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Your thoughts?

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Chief of Staff
Office of the Governor
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Subject: RE: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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As leader of our Public Health department, would you please accept on behalf of the Governor and get this moving forward.

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Mariannette

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Office of the Governor
515.725.3511

From: Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, April 27, 2011 8:43 PM
To: Boeyink, Jeffrey [IGOV]
Subject: Re: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Jeff,

Sorry it took me so long.

The cards are provided gratis by Hallmark. Inserted is the immunization schedule and given the increased number of immunizations now recommended, I think the schedule is helpful and may relieve some work burden (paperwork) required of the nursing staff upon discharge.

Having a note by the Governor at a joyous time may also have some additional positive benefits. So I do not see a downside especially given that there is no cost to the state.

I hope this is helpful,
Mariannette

From: Boeyink, Jeffrey [IGOV]
To: Miller-Meeks, Mariannette [IDPH]
Sent: Wed Apr 27 08:56:32 2011
Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Your thoughts?

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511



From: Kretschmer, Marnell [IDPH]
Sent: Wednesday, April 27, 2011 8:54 AM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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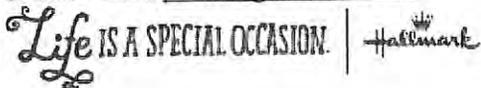
Attn: NEW E-MAIL ADDRESS Marnell.Kretschmer@idph.iowa.gov

Marnell Kretschmer, MPH
CDC Public Health Advisor
Iowa Immunization Program
321 E. 12th Street
Lucas State Office Building
Des Moines, IA 50319-0075
(phone) 515-281-4917
(fax) 800-831-6292
Marnell.Kretschmer@idph.iowa.gov

From: Dana M Hall [mailto:dhall23@hallmark.com]
Sent: Tuesday, April 26, 2011 3:28 PM
To: Kretschmer, Marnell [IDPH]
Subject: RE: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Just checking to see if you have heard anything from Jeff Boeyink or if things are in progress? Thank you!

Dana Hall
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Hallmark Cards, Inc.
816-274-5220 | dhall23@hallmark.com



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To: Dana M Hall <dhall23@hallmark.com>
Date: 04/05/2011 02:00 PM
Subject: RE: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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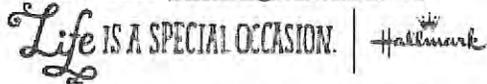
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From: Dana M Hall [<mailto:dhall23@hallmark.com>]
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To: Kretschmer, Marnell [IDPH]
Subject: RE: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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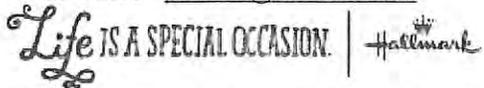
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Sent: Tuesday, April 05, 2011 8:50 AM
To: Kretschmer, Marnell [IDPH]
Subject: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Hi Marnell;

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To: "dhall23@hallmark.com" <dhall23@hallmark.com>
Cc: "jeff.boeyink@iowa.gov" <jeff.boeyink@iowa.gov>
Date: 02/14/2011 11:27 AM
Subject: FW: Immunization Hallmark Cards

Good Morning Dana,

Can you resend the materials about America's Baby Immunization Greeting Card Program to Jeffrey Boeyink at the Governor's office. His e-mail address is: Jeffrey.Boeyink@iowa.gov. Thank You

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From: Boeyink, Jeffrey [IGOV] [<mailto:Jeffrey.Boeyink@iowa.gov>]
Sent: Monday, February 14, 2011 10:35 AM
To: Kretschmer, Marnell
Subject: RE: Immunization Hallmark Cards

Marnell: please resend the materials mentioned below and I will get back to you ASAP.

Thanks.

From: Kretschmer, Marnell [<mailto:mkretsch@idph.state.ia.us>]
Sent: Monday, February 14, 2011 10:09 AM
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Please let me know if the Governor wants to participate this year and if the message above meets his approval. Once I hear back from you, I will submit the information to Hallmark.

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are hereby notified that any review, use, retention, dissemination, distribution, or copying of this message is strictly prohibited by law.

[REDACTED]

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Sent: Wednesday, May 04, 2011 2:55 PM
To: Miller-Meeks, Mariannette [IDPH]
Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

Mariannette: I thought you were going to follow up on this for us.

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Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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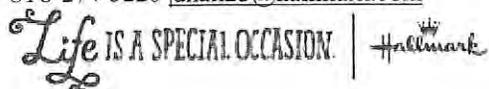
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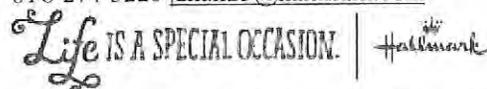
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Subject: Re: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

I did. I will send again.

Mariannette

From: Boeyink, Jeffrey [IGOV]
To: Miller-Meeks, Mariannette [IDPH]
Sent: Wed May 04 14:54:40 2011
Subject: FW: For America's Babies Immunization Greeting Card Program (Hallmark Cards) - Iowa

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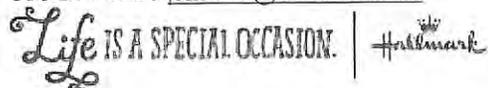
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From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, May 04, 2011 3:40 PM
To: Roederer, David [IDOM]
Subject: FW: Organizational Reshaping

This will bring a smile to your face, David.

Nice to get some affirmation for the efforts the Administration is making to change the culture of state government.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Busselot, Michael [IGOV]
Sent: Wednesday, May 04, 2011 1:37 PM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: Organizational Reshaping

See below.

From: Hildreth, Linda [IDA]
Sent: Wednesday, May 04, 2011 11:21 AM
To: Busselot, Michael [IGOV]; Roederer, David [IDOM]
Subject: Organizational Reshaping

Dear Mr. Busselot and Mr. Roederer,

I would like to take a couple minutes of your time to let you know the incredible change that has occurred in the Department on Aging the last few months. In the 25 years that I have been a state employee working in the Attorney General's Office, Dept. of Management and the last 14 years at the Dept. on Aging, I have never felt the necessity to contact leadership regarding the atmosphere of a department – until now. Thank you for appointing such an inspirational, visionary leader! Change has come! Donna is a wonderful, stimulating Director who knows how to manage systems and lead people – what a combination. Her extensive experience and knowledge in the aging field as well as her positive personality has fostered a creative environment and it is flourishing. She has encouraged staff to stretch their innovative abilities and skill sets to better serve Older Iowans. I can see the passion in co-workers eyes and hear it in their voices. It is absolutely refreshing to see the organizational culture refocus attention on serving Iowa's precious asset of Older Iowans! While our Department has seen some unique times and situations over the last several years, these last few months have had new life breathed into it! On the whole, staff are enthusiastic about coming to work, advocating and making a difference in how our state cares for and supports Older Iowans. We are coming together as a team and striving for the excellence that Older Iowans deserve.

Thank you for the opportunity to share this information.

Enjoy your day~

Linda

Linda S. Hildreth, MBL

State Elder Abuse & CMPFE Program Director

Iowa Department on Aging

510 E 12th St., Ste. 2

Des Moines, Iowa 50319-9025

515-725-3321 (Office)

E-Mail: Linda.Hildreth@iowa.gov

Fax: 515-725-3300 (Fax)

Visit our website at: www.aging.iowa.gov

To connect to Iowa's aging and disability resources: www.LifeLongLinks.org

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Department of Administrative Services

Human Resources Enterprise

Recovery of "Pippen case" costs

Customer Name	FTE	Dept	% of total	\$24,264.93
Administrative Services	357	005 Total	2.0805%	\$504.84
Agriculture & Land Stewardship Department	322	009 Total	1.8766%	\$455.35
Iowa Agriculture Development Authority *	2	114 Total	0.0117%	\$2.83
Justice - Consumer Advocate	17	114 Total	0.0991%	\$24.04
Department for the Blind *	32	131 Total	0.1865%	\$45.25
IA Ethics and Campaign Disclosure Board	3	140 Total	0.0175%	\$4.24
Civil Rights Commission	26	167 Total	0.1515%	\$36.77
Commerce Alcoholic Beverages	69	212 Total	0.4021%	\$97.57
Commerce - Insurance Division	64	216 Total	0.3730%	\$90.50
Commerce Professional Licensing	12	217 Total	0.0699%	\$16.97
Commerce - Utilities Division	62	219 Total	0.3613%	\$87.68
Corrections Central Office	36	238 Total	0.2098%	\$50.91
Corrections Fort Madison	456	242 Total	2.6575%	\$644.84
Corrections Anamosa State Penitentiary	314	243 Total	1.8299%	\$444.03
Corrections Oakdale	523	244 Total	3.0480%	\$739.59
Corrections Newton	285	245 Total	1.6609%	\$403.02
Corrections Mount Pleasant	288	246 Total	1.6784%	\$407.27
Corrections Rockwell City	97	247 Total	0.5653%	\$137.17
Corrections Clarinda	265	248 Total	1.5444%	\$374.74
Corrections Mitchellville	179	249 Total	1.0432%	\$253.13
Corrections - Iowa Prison Industries	74	250 Total	0.4313%	\$104.65
Corrections Farm Account	7	251 Total	0.0408%	\$9.90
Corrections Fort Dodge	290	252 Total	1.6901%	\$410.10
Cultural Affairs	58	259 Total	0.3380%	\$82.02
Economic Development	12	269 Total	0.0699%	\$16.97
Education	105	282 Total	0.6119%	\$148.48
Education - Vocational Rehabilitation	109	283 Total	0.6352%	\$154.14
Iowa College Student Aid Commission	43	284 Total	0.2506%	\$60.81
Iowa Public Television (IPTV)	12	285 Total	0.0699%	\$16.97
Department on Aging	30	297 Total	0.1748%	\$42.42
Office of Energy Independence	26	301 Total	0.1515%	\$36.77
Iowa Workforce Development	896	309 Total	5.2217%	\$1,267.05
Iowa Communications Network	71	336 Total	0.4138%	\$100.40
Human Rights Department 379	44	379 Total	0.2564%	\$62.22
Human Services Department 401	279	401 Total	1.6260%	\$394.54
Human Services 402	2407	402 Total	14.0276%	\$3,403.79
Human Services - Juvenile Home Toledo	102	404 Total	0.5944%	\$144.24
Human Services - State Training Eldora	164	405 Total	0.9558%	\$231.92
Human Services CCUSO	82	406 Total	0.4779%	\$115.96
Human Services Cherokee	150	407 Total	0.8742%	\$212.12
Human Services Clarinda Mental Health Facility	81	408 Total	0.4721%	\$114.54
Human Services Independence	230	409 Total	1.3404%	\$325.25
Human Services Mount Pleasant	83	410 Total	0.4837%	\$117.37

Department of Administrative Services

Human Resources Enterprise

Recovery of "Pippen case" costs

Customer Name	FTE	Dept	% of total	\$24,264.93
Human Services Glenwood	883	411 Total	5.1460%	\$1,248.67
Human Services Woodward	722	412 Total	4.2077%	\$1,021.00
Human Services 413	21	413 Total	0.1224%	\$29.70
Inspections & Appeals	291	427 Total	1.6959%	\$411.51
Inspections & Appeals - State Public Defender	48	428 Total	0.2797%	\$67.88
Inspections & Appeals - Racing and Gaming	53	429 Total	0.3089%	\$74.95
Iowa Law Enforcement Academy*	23	467 Total	0.1340%	\$32.52
Management	18	532 Total	0.1049%	\$25.45
Natural Resources	944	542 Total	5.5015%	\$1,334.93
Board of Parole	5	547 Total	0.0291%	\$7.07
Iowa Public Employee Retirement System (IPERS)	79	553 Total	0.4604%	\$111.72
Public Defense *	301	582 Total	1.7542%	\$425.65
Public Defense Emergency Management Division *	130	583 Total	0.7576%	\$183.84
Public Health	421	588 Total	2.4535%	\$595.35
Public Safety Department	297	595 Total	1.7309%	\$419.99
Rebuild Iowa	9	601 Total	0.0525%	\$12.73
Department of Revenue	305	625 Total	1.7775%	\$431.31
Iowa Lottery	98	627 Total	0.5711%	\$138.58
Secretary of State	19	635 Total	0.1107%	\$26.87
Governor's Office on Drug Control Policy	6	642 Total	0.0350%	\$8.48
Department of Transportation	2857	645 Total	16.6502%	\$4,040.15
Veteran's Affairs - Cemetery	12	670 Total	0.0699%	\$16.97
Iowa Veterans Home	853	671 Total	4.9712%	\$1,206.25
		Grand Total		\$24,264.93

From: Granger, Tera [DAS] on behalf of Carroll, Mike [DAS]
Sent: Monday, May 09, 2011 4:04 PM
To: IA Dept Directors - Executive Branch; IA Deputies; IA Chief Financial Officers
Cc: IA Dept Directors Assistants
Subject: First Billing for Phippen Case
Attachments: Phippen Breakdown 5-11.pdf

In an effort to bring all departments up to date on what is called the "Pippin Case", DAS is sending this communiqué with the first invoice for legal services. In October, 2007, a class action lawsuit was initiated against the State of Iowa regarding the hiring practices and procedures conducted by multiple agencies within state government. The Office of the Attorney General of Iowa is serving as the defense for the State. Positions of concern identified within the lawsuit are covered under what is known as the Merit System.

Merit System positions are common throughout state government and individuals within each agency are identified as having appointing authority, meaning they are responsible for actions taken during the hiring process. Because of the widespread existence of merit-based positions, every agency is affected by this lawsuit.

The Office of the Attorney General has billed all expenses incurred in preparing for this trial to the Department of Administrative Services (Human Resources), and is relying on DAS to bill the respective departments based on the number of Merit System employees within each department.

Attached is the first billing for these services along with the breakdown by department as to the number of Merit employees and the amount billed. This billing will appear on the May eDAS billing you will receive on June 7th. As the trial nears, these costs will be escalating due to the costs incurred for expert analysis done prior to and during trial. It is anticipated the total costs for this legal action could be between \$200,000.00 and \$250,000.00.

Should expenses be expected to move beyond the anticipated range noted above, DAS will notify department heads and financial managers. If you have any questions or need any additional information please feel free to contact me directly.

Mike Carroll, Director
Dept. of Administrative Services
Office: 515.281.3273
Cell: 515.868.2038
FAX: 515.281.6140
Mike.Carroll@iowa.gov

DAS

From: Lamb, T. Ryan [DAS]
Sent: Thursday, May 12, 2011 3:51 PM
To: Findley, Brenna [IGOV]; Johnson, Larry [IGOV]
Subject: FW: General Counsel: By Department
Attachments: General Counsel by Department.xlsx; General Counsel by Department.pdf

Attached is the general counsel list assembled by Ms. Churchill (administrative assistant in human resources). Note that some of the persons she identifies as general counsel are in fact assistant attorneys general. Nevertheless, the list should still be helpful. Thanks.

From: Churchill, Susan [DAS]
Sent: Thursday, May 12, 2011 3:28 PM
To: Lamb, T. Ryan [DAS]
Cc: Panknen, Jeff [DAS]
Subject: General Counsel: By Department

Good Afternoon, Ryan –

Attached is the information you requested in both a Word and PDF format.

Please let me know if you have any questions or need additional information.

Thank you,

Susan Churchill
Administrative Assistant
Department of Administrative Services
Human Resources Enterprise
515.281.3351 (ph) | 515.242.6450 (fax)

GENERAL COUNSEL: BY DEPARTMENT
as of May 12, 2011

Department	Name of General Counsel	Phone	Email
Administrative Services	Ryan Lamb	515-725-2205	ryan.lamb@iowa.gov
Aging	Jeanie Vaudt	515-281-8159	jeanie.vaudt@iowa.gov
Agriculture	No General Counsel		
Agriculture Development Authority	No General Counsel		
Blind	No General Counsel		
Civil Rights Commission	No General Counsel		
College Student Aid Commission	No General Counsel		
Commerce, Alcoholic Beverages Division	No General Counsel		
Commerce, Banking Division	Shauna Shields	515-281-4014	shauna.shields@idob.state.ia.us
Commerce, Credit Union Division	No General Counsel		
Commerce, Insurance Division	No General Counsel		
Commerce, Prof. Licensing/Regulation	No General Counsel		
Commerce, Utilities Division	David Lynch	515-725-7333	david.lynch@iub.iowa.gov
Corrections	Michael Savala	515-725-5715	michael.savala@iowa.gov
Cultural Affairs	No General Counsel		
Economic Development	Craig Block	515-897-8413	craig.block@iowa.gov
Education	Carol Greta	515-281-8661	carol.greta@iowa.gov
Energy Independence	Julie Pottorff	515-281-3349	julie.pottorff@iowa.gov
Ethics and Campaign Disclosure Board	No General Counsel		
Finance Authority	Mark Thompson	515-725-4937	mark.thompson@iowa.gov
Human Rights	No General Counsel		
Human Services	Diane Stahle	515-281-4670	diane.stahle@iowa.gov

GENERAL COUNSEL: BY DEPARTMENT

as of May 12, 2011

Department	Name of General Counsel	Phone	Email
Inspections and Appeals	Deborah Svec-Carstens	515-281-4567	deborah.svec-carstens@dia.iowa.gov
Iowa Communications Network	Meghan Gavin	515-281-6737	meghan.gavin@iowa.gov
Iowa Public Television	No General Counsel		
IPERS - Lead General Counsel	Kelly Lovell	515-281-3081	kelly.lovell@ipers.org
IPERS - General Counsel	Gregg Schochenmaier	515-281-0054	gregg.schochenmaier@ipers.org
Law Enforcement Academy	Jamie Bowers	515-242-5480	jamie.bowers@iowa.gov
Lottery	Molly Juffernbruch	515-725-7851	mjuffernbruch@ialottery.com
Management	No General Counsel		
Natural Resources	Ed Tormey	515-281-8973	ed.tormey@dnr.iowa.gov
Parole Board	No General Counsel		
Public Defense	Lt. Col. Michael Kuehn	515-252-4259	michael.kuehn1@us.army.mil
Public Employment Relations Board	Jan Berry	515-281-4414	jan.berry@iowa.gov
Public Health	No General Counsel		
Public Safety	Jeff Peterzalek	515-281-4213	jeffrey.peterzalek@iowa.gov
Regents, Board of	Tom Evans	515-281-3934	tevans@iastate.edu
Revenue	No General Counsel		
Transportation	David Gorham	515-239-1711	david.gorham@dot.iowa.gov
Veterans Affairs	Barbara Galloway	515-281-6780	bgallow@dhs.state.ia.us
Veterans Home	Barbara Galloway	515-281-6780	bgallow@dhs.state.ia.us
Vocational Rehabilitation	Kelley Rice	515-281-4146	kelley.rice@iowa.gov
Workforce Development	No General Counsel		

GENERAL COUNSEL: BY DEPARTMENT

as of May 12, 2011

Department	Name of General Counsel	Phone	Email
Administrative Services	Ryan Lamb	515-725-2205	ryan.lamb@iowa.gov
Aging	Jeanie Vaudt	515-281-8159	jeanie.vaudt@iowa.gov
Agriculture	No General Counsel		
Agriculture Development Authority	No General Counsel		
Blind	No General Counsel		
Civil Rights Commission	No General Counsel		
College Student Aid Commission	No General Counsel		
Commerce, Alcoholic Beverages Division	No General Counsel		
Commerce, Banking Division	Shauna Shields	515-281-4014	shauna.shields@idob.state.ia.us
Commerce, Credit Union Division	No General Counsel		
Commerce, Insurance Division	No General Counsel		
Commerce, Prof. Licensing/Regulation	No General Counsel		
Commerce, Utilities Division	David Lynch	515-725-7333	david.lynch@iub.iowa.gov
Corrections	Michael Savala	515-725-5715	michael.savala@iowa.gov
Cultural Affairs	No General Counsel		
Economic Development	Craig Block	515-897-8413	craig.block@iowa.gov
Education	Carol Greta	515-281-8661	carol.greta@iowa.gov
Energy Independence	Julie Pottorff	515-281-3349	julie.pottorff@iowa.gov
Ethics and Campaign Disclosure Board	No General Counsel		
Finance Authority	Mark Thompson	515-725-4937	mark.thompson@iowa.gov
Human Rights	No General Counsel		
Human Services	Diane Stahle	515-281-4670	diane.stahle@iowa.gov

GENERAL COUNSEL: BY DEPARTMENT

as of May 12, 2011

Department	Name of General Counsel	Phone	Email
Inspections and Appeals	Deborah Svec-Carstens	515-281-4567	deborah.svec-carstens@dia.iowa.gov
Iowa Communications Network	Meghan Gavin	515-281-6737	meghan.gavin@iowa.gov
Iowa Public Television	No General Counsel		
IPERS - Lead General Counsel	Kelly Lovell	515-281-3081	kelly.lovell@ipers.org
IPERS - General Counsel	Gregg Schochenmaier	515-281-0054	gregg.schochenmaier@ipers.org
Law Enforcement Academy	Jamie Bowers	515-242-5480	jamie.bowers@iowa.gov
Lottery	Molly Juffernbruch	515-725-7851	mjuffernbruch@ialottery.com
Management	No General Counsel		
Natural Resources	Ed Tormey	515-281-8973	ed.tormey@dnr.iowa.gov
Parole Board	No General Counsel		
Public Defense	Lt. Col. Michael Kuehn	515-252-4259	michael.kuehn1@us.army.mil
Public Employment Relations Board	Jan Berry	515-281-4414	jan.berry@iowa.gov
Public Health	No General Counsel		
Public Safety	Jeff Peterzalek	515-281-4213	jeffrey.peterzalek@iowa.gov
Regents, Board of	Tom Evans	515-281-3934	tevans@iastate.edu
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Transportation	David Gorham	515-239-1711	david.gorham@dot.iowa.gov
Veterans Affairs	Barbara Galloway	515-281-6780	bgallow@dhs.state.ia.us
Veterans Home	Barbara Galloway	515-281-6780	bgallow@dhs.state.ia.us
Vocational Rehabilitation	Kelley Rice	515-281-4146	kelley.rice@iowa.gov
Workforce Development	No General Counsel		

From: Roederer, David [IDOM]
Sent: Tuesday, May 17, 2011 11:32 AM
To: Findley, Brenna [IGOV]; Johnson, Larry [IGOV]
Subject: FW: Iowa - State Funding Formula/Emergency Rules

FYI

From: Harvey, Donna [IDA]
Sent: Tuesday, May 17, 2011 10:55 AM
To: Pettengill, Dawn [LEGIS]; Boussetot, Michael [IGOV]; Roederer, David [IDOM]
Subject: FW: Iowa - State Funding Formula/Emergency Rules

Representative Pettengill, Michael, and David – I am forwarding this email to you to let you know why we are going to be requesting to file emergency rules as a result of the elimination of the Senior Living Trust Funds. I am happy to meet with you to further discuss. We will be holding a Commission meeting to review, approve, and recommend and then will move forward with each of you. As you can see, this action will also require that we file the necessary documentation to the federal government. As the majority of these funds are to support services provided to Iowa's elders effective this upcoming fiscal year and when the budget is passed, we want to do due diligence to have the funding formula in place. Thanks so much!

Donna K. Harvey

Donna K. Harvey, Director
Iowa Department on Aging
510 E 12th Street, RM 2
Des Moines, IA 50319
515-725-3301 office
515-339-4694 mobile
Visit our website at www.aging.iowa.gov

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From: Wiatr, Amy (AoA/CWCBS) [mailto:Amy.Wiatr@AoA.hhs.gov]
Sent: Tuesday, May 17, 2011 9:40 AM
To: Murphy, Kimberly [IDA]
Cc: Wulf, Joel [IDA]; Olson, Susan [IDA]; Varpness, Jim (AoA/Reg 5)
Subject: RE: Iowa - State Funding Formula

Hi Kim,

Regarding your email to change your funding formula for the state appropriations sources you note below, please be advised that you would need to submit a request for a change in your intrastate funding formula if any of those state

funds are used as match to OAA funds. Funds used to match OAA funds must follow the same intrastate funding formula as used for distributing OAA funds.

Please let us know any further questions.

Thanks,
Amy

Amy Wiatr-Rodriguez, MSW
Aging Services Program Specialist
U. S. Administration on Aging
Chicago Regional Support Center
233 N. Michigan Ave., Suite 790
Chicago, IL 60601
Phone: 312-886-8536
Fax: 312-886-8533
Email: amy.wiatr@aoa.hhs.gov

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From: Murphy, Kimberly [IDA] [mailto:Kimberly.Murphy@iowa.gov]
Sent: Monday, May 16, 2011 3:40 PM
To: Wiatr, Amy (AoA/CWCBS)
Cc: Wulf, Joel [IDA]; Olson, Susan [IDA]
Subject: Iowa - State Funding Formula

Amy:

Good afternoon and I hope this e-mail finds you well.

We are in the process of drafting an administrative rule and want to be sure that the proposed rule does not trigger mandated approval from AOA or an amendment to the state plan. I will provide a brief history for clarification. **This issue involves state appropriations only and does not alter or amend any funding formulas as they relate to funds appropriated from AOA.**

Historically, Iowa has received state funds from two funding sources. The first funding source is general appropriations and the second source is the senior living trust fund. Each state funding source has a unique formula for distribution to the AAAs. The general appropriations formula is similar to the formula used for OAA funds. The formula for the senior living trust fund is weighted to provide triple weight to **individuals who are aged 75 and older, are racial minorities, reside in rural areas, or have income at or below the poverty guidelines.**

State legislation was recently passed that combines the two state funding streams into one. Now, all state funding is provided pursuant to general appropriations. The end result is that those portions of the population most in need of services, as highlighted above, are no longer given priority weight when distributing state funding. This has a negative impact on the health, safety and welfare of these individuals.

We are requesting, pursuant to administrative rule, that the triple weighted funding formula be applied to all state appropriations. This will allow the Department to retain the ability to emphasize services to those populations highlighted above.

The formula is not new, has been used in the past, and would be applied exclusively to state funds.

Questions:

1. Do we need AOA approval to move forward with this rule?
2. Would this rule trigger an amendment to the state plan - keeping in mind that the formula is not changing but is merely being applied to a larger portion of state appropriations?

Any guidance you can provide in this regard would be extremely helpful. Thank you in advance.

Kimberly M. Murphy

Kimberly M. Murphy, JD
Iowa Department on Aging
510 E. 12th Street, Ste 2
Des Moines, IA 50319-9025
Office: 515-725-3025

E-Mail: kimberly.murphy@iowa.gov

Fax: 515-725-3300

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From: Roederer, David [IDOM]
Sent: Tuesday, May 17, 2011 11:34 AM
To: Harvey, Donna [IDA]
Cc: Findley, Brenna [IGOV]; Johnson, Larry [IGOV]
Subject: RE: Iowa - State Funding Formula/Emergency Rules

All rule changes need to be approved through the Governor's Legal Counsel Office prior to submission.

From: Harvey, Donna [IDA]
Sent: Tuesday, May 17, 2011 10:55 AM
To: Pettengill, Dawn [LEGIS]; Bousset, Michael [IGOV]; Roederer, David [IDOM]
Subject: FW: Iowa - State Funding Formula/Emergency Rules

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Sent: Tuesday, May 17, 2011 9:40 AM
To: Murphy, Kimberly [IDA]
Cc: Wulf, Joel [IDA]; Olson, Susan [IDA]; Varpness, Jim (AoA/Reg 5)
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Please let us know any further questions.

Thanks,
Amy

Amy Wiatr-Rodriguez, MSW
Aging Services Program Specialist
U. S. Administration on Aging
Chicago Regional Support Center
233 N. Michigan Ave., Suite 790
Chicago, IL 60601
Phone: 312-886-8536
Fax: 312-886-8533
Email: amy.wiatr@aoa.hhs.gov

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From: Murphy, Kimberly [IDA] [mailto:Kimberly.Murphy@iowa.gov]
Sent: Monday, May 16, 2011 3:40 PM
To: Wiatr, Amy (AoA/CWCBS)
Cc: Wulf, Joel [IDA]; Olson, Susan [IDA]
Subject: Iowa - State Funding Formula

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Any guidance you can provide in this regard would be extremely helpful. Thank you in advance.

Kimberly M. Murphy

Kimberly M. Murphy, JD

Iowa Department on Aging

510 E. 12th Street, Ste 2

Des Moines, IA 50319-9025

Office: 515-725-3025

E-Mail: kimberly.murphy@iowa.gov

Fax: 515-725-3300

Visit our website at: www.aging.iowa.gov

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From: Roederer, David [IDOM]
Sent: Tuesday, May 17, 2011 11:38 AM
To: Findley, Brenna [IGOV]; Johnson, Larry [IGOV]
Subject: FW: Double Barreled Rule Amendment
Attachments: Chap. 5 Amendment Adoption.docx; Chap. 5 Amendment Notice.docx

From: Harvey, Donna [IDA]
Sent: Tuesday, May 17, 2011 11:17 AM
To: Pettengill, Dawn [LEGIS]; Boussetot, Michael [IGOV]; Roederer, David [IDOM]
Subject: FW: Double Barreled Rule Amendment

Here is the proposed rule change I addressed in the previous email.

Donna K. Harvey

Donna K. Harvey, Director
Iowa Department on Aging
510 E 12th Street, RM 2
Des Moines, IA 50319
515-725-3301 office
515-339-4694 mobile
Visit our website at www.aging.iowa.gov

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From: Wulf, Joel [IDA]
Sent: Tuesday, May 17, 2011 10:56 AM
To: Harvey, Donna [IDA]
Subject: FW: Double Barreled Rule Amendment

Donna,

While we need to fill in the dates, these are the actual rules we will be filing. They have been reviewed by the AG and as discussed, all questions have been addressed.

From: Murphy, Kimberly [IDA]
Sent: Monday, May 16, 2011 10:43 AM
To: Wulf, Joel [IDA]
Subject: Double Barreled Rule Amendment

Joel:

Attached are the two documents that will create a double barrel for the amendment of Chapter 5. 

The first document, "Adoption", is the same as the document that has already gone out, with a formatting change. Nothing substantive.

The second document, "Notice", is a new document that incorporates the "Adoption" document and allows public comment despite the fact that the rule has already been adopted.

I have not sent them to the A.G. Let me know if you would like me to do so.

Kimberly M. Murphy

Kimberly M. Murphy, JD
Iowa Department on Aging
510 E. 12th Street, Ste 2
Des Moines, IA 50319-9025
Office: 515-725-3025

E-Mail: kimberly.murphy@iowa.gov

Fax: 515-725-3300

Visit our website at: www.aging.iowa.gov

To connect to Iowa's aging and disability resources: www.LifeLongLinks.org

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~~Kozel, Deb [LFGIS]~~

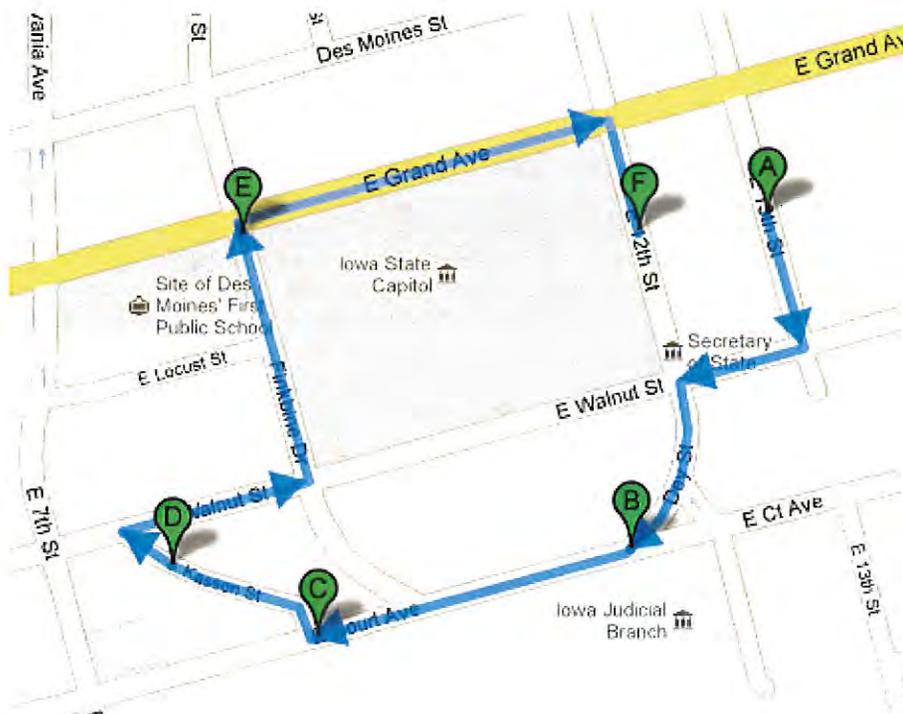
From: Huston, Shayne [IDPH] on behalf of Miller-Meeks, Mariannette [IDPH]
Sent: Tuesday, May 17, 2011 2:59 PM
To: IA Dept Directors - Executive Branch; IA Elected Officials; IA Dept Directors Assistants; IA Deputies
Subject: Live Healthy Iowa walk - National Employee Health & Fitness day

Reminder that Live Healthy Iowa walk is scheduled for tomorrow, National Employee Health & Fitness Day. We will be meeting at the WWII Memorial (flame), between the Lucas and Grimes buildings, at 11:30 to begin our Olympic sojourn. We will have a brief address from Nicole Bruce (Health Initiatives Director for Live Healthy Iowa) to kick off the walk.

You can find our walking route map below. Please modify this route to fit your physical capabilities.

Hope to see you there!

Dr. Miller-Meeks



Thanks,

G. Shayne Huston

Executive Assistant | Director's Office | Iowa Department of Public Health
321 E. 12th St | Des Moines, IA 50319 | Office: 515-281-8474 Mobile: 515-897-8081 | shayne.huston@idph.iowa.gov

Promoting and Protecting the Health of Iowans

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From: Huston, Shayne [IDPH] on behalf of Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, May 18, 2011 1:26 PM
To: IDPH Allstaff; IA Dept Directors - Executive Branch; IA Dept Directors Assistants; IA Deputies; IA Elected Officials
Subject: Today's Walk

Colleagues,

Thank you all so much for participating in our walk today in celebration of National Employee Health and Fitness Day. Mostly in honor of your health! I was also encouraged to see directors from the Department of Corrections, Iowa Lottery, Inspections and Appeals and Judicial. It was inspiring!

We had great weather, enthusiasm and it was stopping traffic. ☺ Next time I will get official permission to do so, but you all are worth any small inconvenience. We have also been receiving questions on the length of our walk and it was approx. 1.1 miles and was beautiful.

Nicole Bruce, Health Initiatives Director for Live Healthy Iowa gave us an update on the 100 Day Challenge and shared the traveling trophy that will be awarded as soon as the winner has been determined. Nicole also told us to watch for the Burst Your Thirst challenge to be held June 16 – July 28.

Thanks to all of you so much!

Dr. Miller-Meeks

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From: Roederer, David [IDOM]
Sent: Monday, May 23, 2011 6:00 PM
To: Mueller, Donna [IPERS]; Boeyink, Jeffrey [IGOV]
Subject: RE: MSRB (Municipal Securities Rulemaking Board)

Fine with me

From: Mueller, Donna [IPERS]
Sent: Monday, May 23, 2011 5:38 PM
To: Boeyink, Jeffrey [IGOV]
Cc: Roederer, David [IDOM]
Subject: MSRB (Municipal Securities Rulemaking Board)
Importance: High

Jeff:

Not sure about this administration's protocol on the following, so thought I would check with you. I have been invited to attend the MSRB's Roundtable on Friday, June 3, 2011 at their offices in Alexandria, VA to speak to pension plan disclosures in the bonding process.

Proper disclosure of pension obligations has recently gained importance in government bond issuance and in reviewing the credit rating of government entities. As I mentioned at the last several cluster meetings with the Governor, I have been involved in speaking with several of the credit rating agencies about the topic in general. I have also reviewed and commented on a disclosure draft prepared by NABL (National Association of Bond Lawyers).

The NABL draft is on the agenda for discussion at the upcoming MSRB Roundtable. As a state-wide public pension system administrator, I have invited to join in the discussion of development of model disclosures. Participation in this effort would be to the benefit of the State and the many political subdivisions that may be bonding in the near future.

Normally, I would consider this part of my normal job duties to participate in this discussion. However, considering the current travel oversight, I thought I should check with you before accepting the invitation. Sorry for the short turnaround time needed; I just received the call this afternoon.

Thanks,

Donna M. Mueller
Chief Executive Officer



Working Today for Your Tomorrow

Iowa Public Employees' Retirement System

7401 Register Drive | P.O. Box 9117 | Des Moines, IA 50306-9117
515-281-0070 [voice](tel:515-281-0070)
515-281-0045 [fax](tel:515-281-0045)
donna.mueller@ipers.org



From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, May 24, 2011 9:31 AM
To: Roederer, David [IDOM]; Mueller, Donna [IPERS]
Subject: RE: MSRB (Municipal Securities Rulemaking Board)

Same for me.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Roederer, David [IDOM]
Sent: Monday, May 23, 2011 6:00 PM
To: Mueller, Donna [IPERS]; Boeyink, Jeffrey [IGOV]
Subject: RE: MSRB (Municipal Securities Rulemaking Board)

Fine with me

From: Mueller, Donna [IPERS]
Sent: Monday, May 23, 2011 5:38 PM
To: Boeyink, Jeffrey [IGOV]
Cc: Roederer, David [IDOM]
Subject: MSRB (Municipal Securities Rulemaking Board)
Importance: High

Jeff:

Not sure about this administration's protocol on the following, so thought I would check with you. I have been invited to attend the MSRB's Roundtable on Friday, June 3, 2011 at their offices in Alexandria, VA to speak to pension plan disclosures in the bonding process.

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Thanks,

Donna M. Mueller
Chief Executive Officer



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Iowa Public Employees' Retirement System

7401 Register Drive | P.O. Box 9117 | Des Moines, IA 50306-9117

515-281-0070 **voice**

515-281-0045 **fax**

donna.mueller@ipers.org

www.ipers.org

Kozel, Deb [LFGIS]

From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, June 01, 2011 3:39 PM
To: Findley, Brenna [IGOV]
Subject: FW: From Jeff Goodman regarding Judge Michael R. Mullins
Attachments: Governor Terry Branstad 60111.pdf

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Becky Benton [<mailto:becky@golawpc.com>]
Sent: Wednesday, June 01, 2011 11:35 AM
To: Boeyink, Jeffrey [IGOV]
Cc: jeff@golawpc.com
Subject: From Jeff Goodman regarding Judge Michael R. Mullins

See attached from Jeff Goodman

Becky Benton
Assistant to Jeff Goodman

Becky Benton

Goodman & O'Brien, P.C.

One Corporate Place

1501 42nd Street Suite 300

West Des Moines, Iowa 50266

Telephone: 515/267-8600 Facsimile: 515/224-2075 becky@golawpc.com

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GOODMAN & O'BRIEN, P.C.

ATTORNEYS AND COUNSELORS AT LAW

Jeffrey L. Goodman*
Marcy A. O'Brien
Ryan C. Holtgraves

Jeffrey L. Goodman
e-mail: Jeff@golawpc.com

*Licensed in Iowa, Nebraska, Minnesota,
Missouri, Wisconsin, and Kansas

June 1, 2011

VIA E-MAIL: Jeffrey.boeyink@iowa.gov

Governor Terry Branstad
Attn: Legal Counsel, Brenna Findley
State Capitol
Des Moines, IA 50319

Dear Governor Branstad:

I am writing to recommend that Judge Michael R. Mullins be appointed to the Iowa Court of Appeals.

Mike was selected by the State Judicial Nominating Commission as one of three candidates from a field of twenty-six candidates to fill the vacancy on the Court of Appeals created by Judge Mansfield's elevation to the Iowa Supreme Court. Previously, Judge Mullins was one of nine finalists selected by the State Judicial Nominating Commission from a field of approximately sixty-four to fill a vacancy on the Iowa Supreme Court.

There are a number of reasons that I believe Mike is the most qualified candidate among the three finalists to be appointed to the Iowa Court of Appeals, and I will briefly discuss each of those reasons below.

EXPERIENCE

Judge Mullins has served on the Iowa District Court as a trial judge for the past nine years. The Iowa District Courts are our courts of general jurisdiction and routinely handle every kind of civil and criminal dispute. The broad majority of these disputes are initially referred to and decided by the Iowa Court of Appeals.

Judge Mullins' career includes twenty years of private practice before being appointed to the Iowa District Court bench in 2002.

The chief role of a judge on the Iowa Court of Appeals is to review the rulings and proceedings of state district courts and determine whether a trial court judge has abused his/her discretion or events have transpired at trial and/or whether a retrial or a reversal of the trial court proceedings and/or new trial is necessary.

I cannot think of a better candidate to be elevated to the Iowa Court of Appeals than a judge who has routinely presided over trials and been called upon to issue rulings affecting the outcome of the litigants' cases.

Who is better qualified to serve in this role as a reviewing appellate court judge than a trial judge who has routinely made the decisions.

INTELLECT

Judge Mullins graduated 8th in a class out of 152 students from the Drake Law School with honors in 1980. His class rank earned him the distinction of Order of the Coif which is limited to those students who graduate from law schools in the top 10% of their class.

Judge Mullins was also selected by his fellow classmates to serve as the editor-in-chief of the Drake Law Review (with full scholarship).

Judge Mullins has also received a number of other awards and distinctions during his academic career including the T. J. McDonough Award for Excellence, the Cartwright Award for best law review article, and the Dean's Service Award.

Judge Mullins' rulings over the past nine years well demonstrate his intellect and keen grasp of the law.

TEMPERMENT

Judges need to be patient listeners and blessed with the right temperament to afford advocates and their clients a full and fair hearing.

Those who have appeared in his courtroom can confirm that Judge Mullins is a very effective and patient listener and he has exhibited the proper judicial temperament to litigants, counsel and courthouse staff.

DECISIVENESS

A judge must be decisive. In his nine-year career on the bench, Judge Mullins has presided over approximately 30-40 jury trials and 300-400 bench trials and innumerable rulings on a variety of dispositive, evidentiary and procedural motions.

June 1, 2011

Page 3

What I find most impressive about Judge Mullins is the timeliness with which he has issued his rulings. Judge Mullins has never been on the Iowa Supreme Court Rule 22.10 report list.

If you choose to elevate Judge Mullins to the Iowa Court of Appeals, you can be assured that his work ethic and commitment to "moving cases along" and deciding them in a timely manner will continue to be a hallmark of his work on the appellate court, and in his important leadership role on the court of Appeals, he will seek to encourage other colleagues on the bench to issue timely rulings.

WORK ETHIC

Judge Mullins, while serving on the bench and in private practice, has demonstrated that he is a tireless worker devoted to the law.

COMMON SENSE

All judges must be grounded and guided by common sense.

Judge Mullins' career as a practicing lawyer and as a judge for more than 29 years well demonstrates his common sense approach to the law.

Judge Mullins understands what it means to be a private practitioner with "real clients" whose lives are affected by the many decisions a judge is empowered to make.

BALANCED LIFE

A good judge needs to be well rounded in his/her life outside the courthouse in order to sit in judgment of others. As you can tell from Judge Mullins' background and also from meeting him on a number of occasions, he is a well rounded individual who enjoys a life outside of the law, notwithstanding his devotion to his career.

Judge Mullins has been married for more than 37 years to his wife, Regina, is the father of two married children who live and work in Iowa, is active in his local church, and he enjoys camping, fishing and golf. In his 30 years in Washington, he has been involved in the YMCA, Y's Mens' Club, Noon Kiwanis Club, school facilities committees, soccer coaching, and more.

CONCLUSION

You have a difficult decision to make in choosing among the three finalists for appointment to the Iowa Court of Appeals.

Judge Mullins has distinguished himself over the past twenty-nine years as a lawyer and a judge.

Since his appointment to the bench, Judge Mullins has been active in a variety of bench and bar-related committees and activities and has distinguished himself among his colleagues serving on the bench. One excellent example of this is the criminal sentencing chart that he has prepared that has become a staple among judges across the state who preside over criminal matters. Mike has helped train new judges and experienced judges in new judge orientation, trial management training and numerous CLE presentations on sentencing law and procedure.

In addition, he has been a leader in the advancement of technology in order to assist the courts to operate more effectively and efficiently. He is actively involved in the planning and oversight of the Electronic Document Management System (EDMS) project.

Judge Mullins has been a nominee for a number of different judicial appointments including two nominations in 1998, nominations in 2001, 2009, and 2010, and two nominations in 2011 to the Supreme Court and now the Court of Appeals. His selection on each of these occasions by Commissions comprised of different members gives you some insight into his ability to appeal to a variety of audiences over a thirteen-year time period.

Judge Mullins enjoys my unqualified recommendation for appointment to the Iowa Court of Appeals and I believe he deserves your nomination as well.

I remain available to answer any questions you may have regarding Judge Mullins' qualifications, experience and suitability to be appointed to serve as a judge on the Iowa Court of Appeals.

Very truly yours,



Jeffrey L. Goodman

JLG/bb

c: Judge Michael R. Mullins

From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, June 07, 2011 10:17 AM
To: Roederer, David [IDOM]
Subject: FW:

FYI

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Fandel, Linda [IGOV]
Sent: Tuesday, June 07, 2011 9:32 AM
To: Boeyink, Jeffrey [IGOV]
Subject: FW:

fyi

From: Parker, Alice M. [<mailto:AMP@brownwinick.com>]
Sent: Tuesday, June 07, 2011 8:59 AM
To: Fandel, Linda [IGOV]
Subject:

Linda:

Doug asked me to cancel the education meetings that we had set up for June 22 5:00 pm, and June 23 5:30 pm

Thank you.

Alice



A Firm Commitment to Business™

Alice M. Parker

Legal Assistant
515-242-2421 *direct*
515-323-8521 *direct fax*
AMP@brownwinick.com
www.brownwinick.com

666 Grand Avenue
Suite 2000 Ruan Center
Des Moines, IA 50309
Main Phone 515-242-2400
Toll Free 1-888-282-3515

Brown, Winick, Graves, Gross, Baskerville, & Schoenebaum P.L.C.

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Thursday, July 14, 2011 8:27 AM
To: 'Herman Quirmbach'; Ubaldo, Ramona [IDPH]
Cc: Bacon, Robert [LEGIS]; Cathy Callaway; Erickson, Cyndy [ED]; Gannon, Matt [AG]; Heddens, Lisa [LEGIS]; Holverson, Alisa; Hungerford, Timothy; Janssen, Dennis [DHS]; Larson, Steve [ABD]; Pottorff, Julie [AG]; Quirmbach, Herman [LEGIS]; Swizdor, Richard [ABD]; Russell, Bob [IDPH]; Smith, Mark [LEGIS]; Squier, Christopher; Streit, Gary; Anthony Menendez; Cassie Furlong; Debra Kazmerzak; Freund, Karen [ABD]; Helsen, Deborah; Jones, Mary [IDPH]; Kathy Gallo- American Cancer Society; Bronsink, Kelly [LEGIS]; Kerry Wise- American Lung Assoc.; Brownell, Lois [LEGIS]; McCormick, Don [IDPH]; Boussetot, Michael [IGOV]; Micki Sandquist- American Lung Assoc.; Peggy Huppert; Stone, Kathy [IDPH]; Lerdal, Susan [LEGIS]; Thompson, Deborah [LEGIS]; Buttermore, Garin [IDPH]; Mapes, Bonnie [IDPH]; Muldoon, Joann [IDPH]; O'Rourke, Maggie [IDPH]; Oshel, Jerilyn [IDPH]; Owens, Don [IDPH]; Prior, Sieglinde [IDPH]; Semelroth, Rob [IDPH]; Shepherd, Don [IDPH]; Stursma, Sheri [IDPH]; Swanson, Aaron [IDPH]
Subject: RE: Meeting date Changed---Please update your calendars!!

I, too, will be unable to attend August 5 as I am out of state.

Dr. Miller-Meeks

From: Herman Quirmbach [<mailto:hcqbach@gmail.com>]
Sent: Thursday, July 14, 2011 12:05 AM
To: Ubaldo, Ramona [IDPH]
Cc: Bacon, Robert [LEGIS]; Cathy Callaway; Erickson, Cyndy [ED]; Gannon, Matt [AG]; Heddens, Lisa [LEGIS]; Holverson, Alisa; Hungerford, Timothy; Janssen, Dennis [DHS]; Larson, Steve [ABD]; Pottorff, Julie [AG]; Quirmbach, Herman [LEGIS]; Swizdor, Richard [ABD]; Russell, Bob [IDPH]; Smith, Mark [LEGIS]; Squier, Christopher; Streit, Gary; Anthony Menendez; Cassie Furlong; Debra Kazmerzak; Freund, Karen [ABD]; Helsen, Deborah; Jones, Mary [IDPH]; Kathy Gallo- American Cancer Society; Bronsink, Kelly [LEGIS]; Kerry Wise- American Lung Assoc.; Brownell, Lois [LEGIS]; McCormick, Don [IDPH]; Boussetot, Michael [IGOV]; Micki Sandquist- American Lung Assoc.; Miller-Meeks, Mariannette [IDPH]; Peggy Huppert; Stone, Kathy [IDPH]; Lerdal, Susan [LEGIS]; Thompson, Deborah [LEGIS]; Buttermore, Garin [IDPH]; Mapes, Bonnie [IDPH]; Muldoon, Joann [IDPH]; O'Rourke, Maggie [IDPH]; Oshel, Jerilyn [IDPH]; Owens, Don [IDPH]; Prior, Sieglinde [IDPH]; Semelroth, Rob [IDPH]; Shepherd, Don [IDPH]; Stursma, Sheri [IDPH]; Swanson, Aaron [IDPH]
Subject: Re: Meeting date Changed---Please update your calendars!!

I will be unable to attend on August 5. Sen. Quirmbach

On 7/13/2011 12:55 PM, Ubaldo, Ramona [IDPH] wrote:



Tobacco Use Prevention & Control Commission Meeting

August 5, 2011--9:00 a.m. to 12:00 p.m.

AARP Boardroom, 600 E. Court, Des Moines

Please update your calendars!!

The TUPC commission meeting scheduled for **July 22, 2011** has been changed to **August 5, 2011**. The meeting notice and agenda will be sent one week prior to the meeting and posted on the website at <http://www.idph.state.ia.us/tobacco/commission.asp>.

Please contact Mona Ubaldo if you want to attend the meeting by phone so she can provide you with call-in information.

Ramona L. Ubaldo

Division of Tobacco Use Prevention and Control | Iowa Department of Public Health | 321 E. 12th Street | Lucas State Office Bldg. | Des Moines, IA 50319 | Office: 515-281-6225 | FAX: 515-281-6475 | Ramona.Ubaldo@idph.iowa.gov

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From: Lamb, T. Ryan [DAS]
Sent: Sunday, July 17, 2011 9:21 AM
To: Findley, Brenna [IGOV]
Subject: Statesman

Austin TX newspaper (Statesman) had article this morning on State settlement with London movie company for \$450K.

From: Boeyink, Jeffrey [IGOV]
Sent: Thursday, July 21, 2011 12:40 PM
To: Roederer, David [IDOM]
Subject: FW: Summary of Gang of Six Proposal as of 7/20
Attachments: Gang of Six Plan 7 21 11 v2.doc

Thought you might want to see this, David.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Guilford, Nikki [<mailto:NGuilford@NGA.ORG>]
Sent: Thursday, July 21, 2011 12:24 PM
To: Governors Chiefs of Staff
Cc: chiefs-assists@talk.nga.org; chiefs-deputy@talk.nga.org
Subject: Summary of Gang of Six Proposal as of 7/20

To: Chiefs (cc: Deputy Chiefs of Staff, and Chiefs Assistants)
From: Dan Crippen, NGA Executive Director

For your information, attached please find the NGA Summary of the Gang of Six Proposal as of last night. This was sent to your Washington D.C. Directors/State-Federal Reps earlier today. They also were advised that NGA will hold a conference call **today at 3:30 p.m. Eastern** to discuss the latest budget proposal, particularly the "Gang of Six" proposal. Conference call information is as follows: **1-877/221-1978; passcode 6718340#**.

Please let me know if you have any questions.

Nikki Guilford
Director, Office of Management Consulting and Training
National Governors Association
444 North Capitol Street, Suite 267
Washington D.C. 20001
202-624-5422 (office)
202-213-0145 (mobile)

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NGA Office of Management Consulting & Training (OMCT)
Listserv for Governors' Chiefs of Staff

To post questions/comments to subscribed members, email: chiefs@talk.nga.org
(This listserv is moderated; submitted messages are first received by the NGA moderator and then posted to the full list.)

For more information on OMCT resources: www.nga.org/omct

You are currently subscribed to [chiefs] as jeff.boeyink@iowa.gov..

To unsubscribe, send a blank email to leave-198972-153598.8c7686c55111cac3e46d018e8e7f175b@talk.nga.org..

The Gang of Six Plan

- The “Gang of Six”—Senators Chamblis, Coburn, Conrad, Crapo, Durbin, and Warner (3 Democrats and 3 Republicans)—have drafted a plan designed to reduce the debt by about \$3.7 trillion over the next 10 years resulting in a debt level equal to about 70% of GDP by 2021.
- President Obama has announced broad support for the plan, as have a number of Democratic and Republican senators, as a way to accomplish big debt savings and break the impasse over raising the debt limit.
- However, the very limited information that the Gang of Six has released describing the plan has some internal inconsistencies that will need to be worked out. In particular, Senators Coburn and Durbin have very different ideas of how much entitlement savings will be required from the Senate Finance Committee, and it is not at all clear how the plan can simultaneously reduce marginal tax rates, eliminate the Alternative Minimum Tax, and provide \$1.5 trillion in tax relief.
- It appears that the plan will result in cuts to Medicaid and grants to states, although no specifics are available.
- Despite its flaws, the plan may be able to garner bipartisan support as it uses the budget resolution/reconciliation process to both reform the tax code to make it more fair and competitive and cut discretionary and entitlement spending.
- Committees of jurisdiction will likely be instructed to write legislation to implement the agreed savings, a process similar to reconciliation under the Budget Act. Future limits in spending and debt will also be incorporated.

Status

The Democrats, led by President Obama, and the Republicans, led by Speaker Boehner, have been at odds on how to come up with a plan that would induce support for raising the debt ceiling. The Democrats want a “big” plan—about \$4 trillion—that includes revenue increases and cuts in defense spending as well as cuts to domestic spending and entitlement programs. The Republicans have insisted that they will vote for an increase in the debt limit only to the extent that future spending is cut, and they have opposed any increase in taxes. The bipartisan Gang of Six has been meeting for 8 months since the release of President Obama’s National Commission on Fiscal Responsibility and Reform plan (the Bowles-Simpson fiscal commission) last December to find a compromise that all could support. On July 19th, the Gang released a 5-page Executive Summary that describes their “bipartisan, comprehensive, and balanced plan consistent with the recommendations of the Bowles-Simpson fiscal commission”. The Executive Summary claims that the plan will:

- “Slash our nation’s deficits by \$3.7 trillion ... over ten years under CBO’s March 2011 baseline
- Stabilize our publicly-held debt by 2014.

- Reduce our publicly-held debt to roughly 70% of our economy by 2021.
- Impose unprecedented budget enforcement.”

Description of the Gang of Six Plan

The Gang’s plan would accomplish these goals by, in their words:

- ❖ **Immediately implementing an aggressive deficit reduction down payment of \$500 billion.**
- ❖ **Dramatically cutting non-security and security discretionary spending over 10 years** while maintaining investments that encourage economic growth, strengthening the safety net for those who truly need it, and preserving a strong national defense.
- ❖ **Carefully strengthening the solvency of Medicare and Medicaid**, while maintaining the basic structure of these critical programs. It would also fully pay for SGR (the “doc fix”) over 10 years.
- ❖ **Fundamentally reforming the tax code by:**
 - Requiring the Finance Committee to report tax reform within six months that would deliver real deficit savings by broadening the tax base, lowering tax rates, and generating economic growth as follows:
 - Simplifying the number of tax expenditures and reducing individual tax rates by establishing three tax brackets with rates of 8–12 percent, 14–22 percent, and 23–29 percent.
 - Permanently repealing the \$1.7 trillion Alternative Minimum Tax.
 - Reforming, not eliminating, tax expenditures for health, charitable giving, homeownership, and retirement, and retaining support for low-income workers and families.
 - Retaining the Earned Income Tax Credit and the Child Tax Credit, or providing at least the same level of support for qualified beneficiaries.
 - Establishing a single corporate tax rate between 23 percent and 29 percent, raising as much revenue as the current corporate tax system, and moving to a competitive territorial tax system.
 - These reforms must be estimated to provide \$1 trillion in additional revenue to meet plan targets and generate an additional \$133 billion by 2021, without raising the federal gas tax, to ensure improved solvency for the Highway Trust Fund. (Note, the Gang claims that if CBO scores this plan, it would find net tax relief of approximately \$1.5 trillion.)
 - To the extent future Congresses find that the dynamic effects of tax reform result in additional revenue beyond these targets, this revenue must go to additional rate reductions and deficit reduction, not to new spending.
- ❖ **Strictly tightening the government’s budget processes** by: imposing spending caps and security/non-security firewalls; sequestering accounts at the end of the year to recoup any excessive spending by Congress; and restricting the use of emergency designations that circumvent the spending caps.

- In addition it would prevent Congress from exceeding the caps by requiring a stand-alone resolution subject to a 67-vote threshold, in order to isolate that vote to increase the deficit from any other policy items.
- ❖ **The plan would use the existing budget resolution/reconciliation process** to set caps and assign the responsibility for entitlement and tax reforms to the appropriate Senate committees.

Potential Impact of the Plan on States

The Executive Summary of the Plan provides very few details. However, cuts to Medicaid appear to be assumed if the Plan's debt reduction targets are to be achieved. In addition, the substantial reduction in non-security funding will almost certainly lead to cuts in grants to state and local government, the extent to which cannot be estimated at this time.

Issues with the Plan

The Plan is only a broad outline at this time, and there are many issues that need to be addressed. For example:

- ❖ The Plan appears to use three different baselines for showing savings: 1) CBO's current law March baseline; 2) an undefined modification to that baseline (what it calls a "plausible baseline"); and 3) the Fiscal Commission's baseline. It does not provide annual spending and revenue totals by category, relying instead on savings relative to three different baselines.
- ❖ The Plan calls for tax reform with what might be conflicting assumptions: 1) raise \$1.2 trillion in revenue; 2) repeal the alternative minimum tax at a cost of \$1.7 trillion; 3) lower tax rates to encourage economic growth (top rate of no higher than 29%); 4) do not eliminate tax expenditures for health care, charitable giving, homeownership, retirement, and low-income workers and families (the largest of the tax expenditures); 5) raise \$133 billion in revenue by 2021 for the highway trust fund without raising gasoline taxes.
- ❖ The Plan claims \$117 billion in additional federal health care savings over 10 years by assuming that health care spending per capita grows no faster than economic growth (GDP) plus one percent. However, the new health care law already requires the Independent Payment Advisory Board (IPAB) to cut Medicare spending growth per beneficiary to achieve this growth rate starting in 2020, and CBO currently projects that Medicare spending will stay within that growth rate through 2021. Thus it is unclear how the savings will be produced.

Process

- The more traditional budget process of first enacting a budget resolution with instructions to the appropriate committees to save money in programs under their jurisdiction, reported in a "reconciliation bill," is shaking out to be the preferred method for senate treatment of the agreement—the budget act requires only a majority to approve the savings and

imposes limits on debt. The House Rules Committee can structure the debate any way that a majority of House members approve.

- There will be some form of future promises made through budget process reforms; e.g., caps on appropriations and limits on debt that trigger automatic actions or expedited votes.

From: Carroll, Mike [DAS]
Sent: Tuesday, August 02, 2011 10:20 AM
To: Hoelscher, Doug [IGOV]
Cc: O'Leary, Debbie [DAS]; Woodley, Doug [DAS]
Subject: RFI Templates
Attachments: RFI Cellular Services.doc; RFI Computers.doc

Doug:

I attached a couple of templates for RFIs we have sent out in the past. The information I have been given shows meetings to discuss information are acceptable as long as the meetings are afforded to all parties. Price can be discussed, but not committed to by either party.

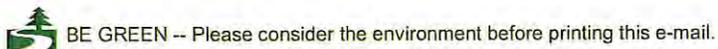
The main thing to watch out for is the inclusion of any proprietary or limiting ideas within any resultant RFPs that would preclude the party offering the idea from bidding.

Give me a call if you have any questions.

Thanks,



Mike Carroll, Director
Iowa Department of Administrative Services
Office: (515) 281-3273
Cell: (515) 868-2038
FAX: (515) 281-6140
mike.carroll@iowa.gov



This email and any files attached to it are intended solely for the use of the individuals or entities to whom the email is addressed. If you receive this email in error, any review, use, dissemination, distribution, copying, or storing of the email or its attachments is prohibited. Notify me immediately of the error by return email, and please delete this message from your system. No employee or agent of the department or the State of Iowa is authorized to enter into a contractual agreement on behalf of the department or the State of Iowa with another party by email without the express written consent of the director of the department. Any views or opinions in this email are the author's and do not necessarily represent the views or opinions of the department or the State of Iowa.



REQUEST FOR INFORMATION

RFI 200901

CONSOLIDATION OF CELLULAR CONTRACTED SERVICES

Notice to Vendors

Date of Issuance: November 2, 2009

Proposals Due: 3:00 p.m. Local Iowa Time, November 20, 2009

For information regarding this notice and throughout this process, interested service providers shall contact only the issuing officer:

Kenneth Paulsen, CPPB
Purchasing Supervisor
Procurement Services
Iowa Department of Administrative Services
Hoover State Office Building – Level A
1305 East Walnut Street
Des Moines, Iowa 50319-0105
Phone: 515-281-6366
E-mail: Kenneth.Paulsen@iowa.gov

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- 2.1 Company Information
- 2.2 Cellular Services Consolidation Solution Option

APPENDIX A – Consolidation of Cellular Contracts Within State Government Recommendations for the Culver/Judge Administration

SECTION 1 – BACKGROUND AND OBJECTIVES

1.1 Purpose

The objective of this Request for Information (RFI) is to solicit responses from the State's current cellular service providers on solution options for the consolidation of cellular services and gaining cost savings for State agencies and Iowa's taxpayers. Additional solution options that could generate additional cost savings and program efficiencies would also be considered.

The State will review the solution options proposed and develop a strategy and negotiation plan for implementation of the options that are determined to provide the State with immediate cost savings, efficiencies and best practices.

1.2 Background Information

A team of State and City of Des Moines employee's working towards their Certified Public Managers certification chose as their team's project the "Consolidation of Cellular Contracts Within State Government" that researched the state's current cellular phone practices and found that they did not appear to be cost effective or beneficial for the efficiency of state government. The team concluded that cost savings would be achieved by consolidation of cellular services and implementation of best practices found in other states. The final report was presented by the Iowa Communications Network as recommendations for the Culver/Judge Administration. A copy is included with this RFI.

1.3 Information Sought

The State is seeking information from its current cellular service providers on solution options for the consolidation of cellular services and any additional solution options that would generate cost savings and program efficiencies for the State's cellular service program.

1.4 Requests for Information Responses

Responses to this RFI must be received no later than 3:00 p.m., Local Iowa Time, November 20, 2009 by the issuing officer at the location denoted below:

Kenneth Paulsen, CPPB
Procurement Services
Iowa Department of Administrative Services
Hoover State Office Building – Level A
1305 East Walnut Street
Des Moines, Iowa 50319-0105

Vendors may mail or hand delivery their written responses. We would request that you also provide an electronic copy on CD.

1.5 Questions and Requests for Clarifications

Vendors interested in responding to this RFI may submit questions or requests for clarifications. All questions or requests must be submitted by e-mail to: Kenneth.Paulsen@iowa.gov and received no later than 3:00 p.m., Local Iowa Time, Tuesday, November 10, 2009.

The State reserves the right to contact vendors for clarification of RFI content as needed throughout the informational gathering process.

1.6 Copy Rights

By submitting a response the vendor agrees that the state may copy the response information for the purpose of facilitating the review or to respond to requests for public records. The vendor consents to such copying by submitting a response and warrants that such copying will not violate the rights of any third party. The State will have the right to use ideas or adaptations of ideas, which are presented in the response.

1.7 Review of RFI Responses

The State reserves the right to reject any and all responses, in whole or in part, received in response to this RFI at any time. Issuance of the RFI in no way constitutes a commitment to award any contract(s). This RFI is designed to provide vendors with information necessary for the preparation of informative responses and possible solution options. This RFI process is for the State's benefit and is intended to provide information to assist in the development of a strategy and negotiation plan for implementation of the options that are determined to provide the State with immediate cost savings, efficiencies and best practices for its cellular services. The RFI is not intended to be comprehensive and each vendor is responsible for determining all factors necessary for submission of a comprehensive response.

1.8 Public Records and Requests for Confidentiality

- A.** Before the Notice of Intent to Award is issued all details of proposals and scoring remain confidential. Upon issuance of a Notice of Intent to Award all proposals and scoring immediately become public information. The release of information by the State to the public is subject to Iowa Code Chapter 22 or other applicable law. Vendors are encouraged to familiarize themselves with these provisions prior to submitting a proposal. The State may treat all information submitted by a Vendor as public information unless the Vendor properly requests that information be treated as confidential at the time of submitting the proposal.

- B. Any request for confidential treatment of information must be included in a cover letter with the vendor's proposal and must enumerate the specific grounds in Iowa Code Chapter 22 or other applicable law which support treatment of the material as confidential and must indicate why disclosure is not in the best interest of the public. The request must also include the name, address, and telephone number of the person authorized by the Vendor to respond to any inquiries by the State concerning the confidential status of the materials.
- C. Any documents submitted which contain confidential information must be marked on the outside as containing confidential information, and each page upon which confidential information appears must be marked as containing confidential information. The confidential information must be clearly identifiable to the reader wherever it appears. All copies of the proposal submitted, as well as the original proposal, must be marked in this manner.
- D. In addition to marking the material as confidential material where it appears, the Vendor must submit one hard copy and one electronic copy on CD of the proposal and both marked "Public Copy" from which the confidential information has been excised. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the document as possible. The "Public Copy" will be made available for public inspection.
- E. An entire proposal cannot be marked confidential. Only those sections that meet the criteria in Iowa Code Chapter 22 for confidentiality may be marked confidential information. Costs that will be incorporated into any resulting contract cannot be deemed confidential.
- F. The Vendor's failure to request confidential treatment of material pursuant to this section and the relevant laws and administrative rules will be deemed by the State as a waiver of any right to confidentiality which the vendor may have had.

1.9 Gratuities

The laws of Iowa provide that it is a felony to offer, promise, or give anything of value or benefit to a state employee with the intent to influence that employee's acts, opinion, judgment or exercise of discretion with respect to that employee's duties. Evidence of violation of this statute will be turned over to the proper prosecuting attorney.

1.10 Costs to Vendors

The costs of preparation and delivery of the response are solely the responsibility of the vendor.

1.11 Response Property of the State

All responses become the property of the State of Iowa and shall not be returned to the vendor. At the conclusion of the project, the content of the responses will be placed in the public domain and open to inspection by interested parties to the exception provided by Iowa Code Chapter 22 or other applicable law.

1.12 Source of Information Used in Addition to Responses

The State reserves the right to contact vendors after the submission of responses for the purpose of clarification and to ensure mutual understanding to develop a strategy and negotiation plan for the implementation of the options that are determined to provide the State with immediate cost savings, efficiencies and best practices.

1.13 States Obligations

The issuance of this RFI does not obligate the State in any way to accept or implement the solution options offered by the vendor(s) response.

1.14 Vendor Responses Identifying Information

- A.** State the name and principal place of business of the vendor.
- B.** State the name, address, email address, telephone number and FAX number of the vendor representative to contact regarding all matters concerning this RFI.

SECTION 2 – GENERAL REQUIREMENTS

At minimum, vendor response should address the following:

2.1 Company Information

- A. State the name and principal place of business of the vendor.
- B. State the name, address, email address, telephone number and FAX number of the vendor representative to contact regarding all matters concerning this RFI.

2.2 Cellular Services Consolidation Solution Options

- A. Solution options for the consolidation of cellular services and any additional solution options that would generate cost savings and program efficiencies for the State's cellular service program.
- B. Additional solution options that would generate cost savings and program efficiencies for the State's cellular service program.
- C. Questions that should be addressed include:
 - Your coverage area in Iowa?
 - How are your best discounts determined? What are the factors in determining how much you will discount you plan?
 - What is the current discount structure for the State of Iowa? How does this compare to private sector?
 - How can the State of Iowa achieve greater discounts?
 - Does your company allow an entity like the State of Iowa with multiple departments and locations to pool its minutes for all agencies and departments identified as State of Iowa?
 - Do you offer a standard phone free of charge for corporate clients? If you do, how often does this standard model change? Describe features, model number and other important information for the standard model.
 - The State of Iowa is considering eliminating all but two cellular phone/wireless provider contracts. What is your company will to offer to keep its current contract with the State of Iowa?
- D. Please feel free to provide references for jurisdictions for which you have offered and implemented solution options. Please include any applicable customer contact information.

APPENDIX A

“Consolidation of Cellular Contracts Within State Government”



REQUEST FOR INFORMATION

RFI insert #

Statewide, consolidated purchase of desktops and laptops

Notice to Vendors

Date of Issuance: September 24, 2010

Proposals Due: 3:00 p.m. Local Iowa Time, October 13, 2010

For information regarding this notice and throughout this process, interested service providers shall contact only the issuing officer:

Laurie Hoing, CPPB
Procurement Services
Iowa Department of Administrative Services
Hoover State Office Building – Level A
1305 East Walnut Street
Des Moines, Iowa 50319-0105
Phone: 515-281-0656
E-mail: laurie.hoing@iowa.gov

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- 1.13 Vendor Responses Identifying Information

SECTION 2 – GENERAL REQUIREMENTS

- 2.1 Company Information
- 2.2 Information Requested

SECTION 1 – BACKGROUND AND OBJECTIVES

1.1 Purpose

The objective of this Request for Information (RFI) is to solicit responses from computer manufactures on the State of Iowa's proposed standards for desktops and laptops. The State is also interested in receiving responses from vendors about customer service options, value-added services offered by vendors and availability of proposed computers and laptops. Options that could generate additional cost savings and program efficiencies will also be considered.

The State will review the responses and develop a bid process and plan for implementation of the options that are determined to provide the State with immediate cost savings, efficiencies and best practices.

1.2 Background Information

Desktop and laptop standards (Appendix A) have been developed by the state's CIO's for purposes of a consolidated, standardized purchase from all state agencies. Agencies will be allowed to upgrade the base model however, agencies not purchasing from this mandatory contract will be required to seek a waiver.

The State of Iowa plans to issue a Request for Quote to selected WSCA vendors based upon the state's purchasing volume. **During FY _____ \$ amount and (insert info)**

1.3 Requests for Information Responses

Responses to this RFI must be received no later than 3:00 p.m., Local Iowa Time, October 13, 2010 by the issuing officer at the location denoted below:

Laurie Hoing, CPPB
Procurement Services
Iowa Department of Administrative Services
Hoover State Office Building – Level A
1305 East Walnut Street
Des Moines, Iowa 50319-0105

Vendors may mail or hand delivery their written responses. We would request that you also provide an electronic copy on CD.

1.4 Questions and Requests for Clarifications

Vendors interested in responding to this RFI may submit questions or requests for clarifications. All questions or requests must be submitted by

e-mail to: laurie.hoing@iowa.gov and received no later than 3:00 p.m., Local Iowa Time, Thursday, September 30, 2010.

The State reserves the right to contact vendors for clarification of RFI content as needed throughout the informational gathering process.

1.5 Copy Rights

By submitting a response the vendor agrees that the state may copy the response information for the purpose of facilitating the review or to respond to requests for public records. The vendor consents to such copying by submitting a response and warrants that such copying will not violate the rights of any third party. The State will have the right to use ideas or adaptations of ideas, which are presented in the response.

1.7 Review of RFI Responses

The State reserves the right to reject any and all responses, in whole or in part, received in response to this RFI at any time. Issuance of the RFI in no way constitutes a commitment to award any contract(s). This RFI is designed to provide vendors with information necessary for the preparation of informative responses and possible solution options. This RFI process is for the State's benefit and is intended to provide information to assist in the development of a strategy and negotiation plan for implementation of the options that are determined to provide the State with immediate cost savings, efficiencies and best practices for its cellular services. The RFI is not intended to be comprehensive and each vendor is responsible for determining all factors necessary for submission of a comprehensive response.

1.8 Public Records and Requests for Confidentiality

- A.** Before the Notice of Intent to Award is issued all details of proposals and scoring remain confidential. Upon issuance of a Notice of Intent to Award all proposals and scoring immediately become public information. The release of information by the State to the public is subject to Iowa Code Chapter 22 or other applicable law. Vendors are encouraged to familiarize themselves with these provisions prior to submitting a proposal. The State may treat all information submitted by a Vendor as public information unless the Vendor properly requests that information be treated as confidential at the time of submitting the proposal.
- B.** Any request for confidential treatment of information must be included in a cover letter with the vendor's proposal and must enumerate the specific grounds in Iowa Code Chapter 22 or other applicable law which support treatment of the material as confidential and must indicate why disclosure is not in the best interest of the public. The request must also include the name, address, and telephone number of the person authorized by the

Vendor to respond to any inquires by the State concerning the confidential status of the materials.

- C. Any documents submitted which contain confidential information must be marked on the outside as containing confidential information, and each page upon which confidential information appears must be marked as containing confidential information. The confidential information must be clearly identifiable to the reader wherever it appears. All copies of the proposal submitted, as well as the original proposal, must be marked in this manner.
- D. In addition to marking the material as confidential material where it appears, the Vendor must submit one hard copy and one electronic copy on CD of the proposal and both marked "Public Copy" from which the confidential information has been excised. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the document as possible. The "Public Copy" will be made available for public inspection.
- E. An entire proposal cannot be marked confidential. Only those sections that meet the criteria in Iowa Code Chapter 22 for confidentiality may be marked confidential information. Costs that will be incorporated into any resulting contract cannot be deemed confidential.
- F. The Vendor's failure to request confidential treatment of material pursuant to this section and the relevant laws and administrative rules will be deemed by the State as a waiver of any right to confidentiality which the vendor may have had.

1.9 Gratuities

The laws of Iowa provide that it is a felony to offer, promise, or give anything of value or benefit to a state employee with the intent to influence that employee's acts, opinion, judgment or exercise of discretion with respect to that employee's duties. Evidence of violation of this statute will be turned over to the proper prosecuting attorney.

1.10 Costs to Vendors

The costs of preparation and delivery of the response are solely the responsibility of the vendor.

1.11 Response Property of the State

All responses become the property of the State of Iowa and shall not be returned to the vendor. At the conclusion of the project, the content of the responses will be placed in the public domain and open to inspection by

interested parties to the exception provided by Iowa Code Chapter 22 or other applicable law.

1.12 Source of Information Used in Addition to Responses

The State reserves the right to contact vendors after the submission of responses for the purpose of clarification and to ensure mutual understanding to develop a bid process for the options that are determined to provide the State with immediate cost savings, efficiencies and best practices.

1.13 States Obligations

The issuance of this RFI does not obligate the State in any way to accept or implement the options offered by the vendor(s) response.

1.14 Vendor Responses Identifying Information

- A.** State the name and principal place of business of the vendor.
- B.** State the name, address, email address, telephone number and FAX number of the vendor representative to contact regarding all matters concerning this RFI.

SECTION 2 – GENERAL REQUIREMENTS

At minimum, vendor response should address the following:

2.1 Company Information

- A. State the name and principal place of business of the vendor.
- B. State the name, address, email address, telephone number and FAX number of the vendor representative to contact regarding all matters concerning this RFI.

2.2. Information Requested

- A. Options that would generate cost savings and program efficiencies for the State.
- B. Appendix A contains the proposed state standards. Please review those standards and confirm whether your company can provide the options listed. If the option is not available, please provide an alternative suggestion.
- C. Information that should be addressed in the RFI includes:
 - The State is interested in an on-line ordering system that allows agencies to build their configuration using the base model. It also needs to contain the state pricing and be readily available and accessible to state agencies and political subdivisions. Describe your on-line ordering process.
 - The State is interested in receiving quarterly reports about the number and types of desktops and laptops that have been purchased from the contract, including additional upgrades from the base model. Describe your reporting system.
 - The State of Iowa has offices located in all 99 counties and has some employees who are located outside of the state. Warranty coverage and repairs will need to be provided to all locations in Iowa and at times outside the state. Describe your repair service, expected response time and ability to provide service to meet the State of Iowa needs. Also, describe any enhanced services that your company provides.
 - List your service providers, resellers in the State of Iowa.
 - The State would like to establish a contract for more than three years to the winning vendor. We will expect to receive upgrades at the same price or less during the contract period. The State also wants to ensure image consistency. Describe your process for changing models and ensuring continuity in the state's computers.

Also, describe the product refresh cycle and provide comments about the State issuing a longer-term contract.

- Does your company offer a discount for payments made in less than 30 days?
- Describe any value-added services provided by your company.

APPENDIX A

Proposed state standards for desktop and laptops

From: Boeyink, Jeffrey [IGOV]
Sent: Monday, August 08, 2011 12:15 PM
To: Voss, Susan [IID]; Roederer, David [IDOM]
Subject: RE: NAIC Newswire August 8, 2011

Thank you, Susan.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Voss, Susan [IID]
Sent: Monday, August 08, 2011 12:06 PM
To: Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]
Subject: Fw: NAIC Newswire August 8, 2011

[See the first bullet. Things are fine. I'll keep you posted.](#)

[Susan Voss](#)
susan.voss@iid.iowa.gov

From: NAIC Newswire <newsire@naic.org>
To: NAIC Newswire <newsire@naic.org>
Sent: Mon Aug 08 11:06:01 2011
Subject: NAIC Newswire August 8, 2011

To view this online go to: http://www.naic.org/newswire_archive/110808.html
BlackBerry users please scroll down for story text.



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Top Story

Investments of Insurers 'Unaffected' by S&P's U.S. Ratings Downgrade

Insurance & Financial Advisor (08/07/11) Graham, Bob

Just days after Congress and President Obama forged a deal on the federal deficit ceiling, Standard & Poor's Ratings Service announced that it has lowered the country's long-time sovereign credit rating from AAA to AA+. However, National Association of Insurance Commissioners (NAIC) President and Iowa Insurance Commissioner



August 8, 2011

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"There is no impact on insurer investments in U.S. government and government-related securities from the actions recently taken by the rating agencies," said Voss. However, Voss pointed out that state insurance commissioners and the NAIC could consider changes to regulatory treatment if the need arises in the future. Related Stories: Wall Street Journal (subscription); Wall Street Journal (subscription)

[Read Story](#)

[Statement from NAIC President Susan E. Voss. NAIC Capital Markets Report.](#)

NAIC in the News

Opinion: Former Va. Insurance Head's Work Stood Out Far More Than He Did

Insurance & Financial Advisor (08/05/11) Graham, Bob

Alfred W. Gross, the veteran Virginia insurance commissioner who died just seven months after retiring, was an "editor's dream," according to Bob Graham, the writer of this article, even though many of the agents and brokers he worked with would not have known him if they passed him on the street. Gross helmed the Virginia Bureau of Insurance for 14 years, which is a lifetime compared to the two- to three-year tenure of the average insurance commissioner. "[Gross] ... understood that agents and brokers were part of his clientele," Graham says. "Gross worried about consumers, but he also balanced the needs of agents and brokers."

[Read Story](#)

Insurance Commissioner: ND Could Let Feds Change Insurance Exchange

INFORUM (08/05/11) Springer, Patrick

North Dakota Insurance Commissioner Adam Hamm recently told an interim legislative committee that it may be logical to allow the federal government to take the initiative in setting up a new health insurance exchange in the state. He added that states could later take control of the exchanges. Hamm and state lawmakers who spoke at the meeting said they favor separate pools for individual and group health insurance. "We're not advocating for one pool," Hamm said, adding he is worried that the groups could end up subsidizing individuals.

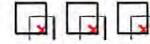
[Read Story](#)

Big Jumps in Insurance Premiums Will Get New Scrutiny

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08/05/11 BY 60322 UCBAW

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About NAIC

With offices in Washington, D.C., Kansas City, Missouri, and New York, the NAIC is a voluntary organization of insurance regulators from the 50 states, District of Columbia and five U.S. territories. The NAIC's overriding objective is to assist insurance regulators as they protect consumers and maintain the financial stability of the insurance industry. Since its formation in 1871, the NAIC has continued to help improve, enhance and modernize

Health insurers in Georgia will soon be required to provide more detailed, consumer-friendly reasons if they want to raise premiums by 10 percent or more. Georgia Insurance Commissioner Ralph Hudgens has officially warned Georgia companies of the change, which will take effect in September as part of the national healthcare overhaul. The new requirement applies to individual and small group plans. The Insurance Department is currently fine tuning the rules to ensure the state is in compliance with the federal law.

[Read Story](#)

What the New Car Insurance Rules Mean for NJ

NECN.com (08/07/11)

In an attempt to curtail rising premiums, New Jersey last week proposed sweeping changes to its auto insurance personal injury protection regulations. The changes will impact how and what doctors can bill for treatments and update the process for appealing a denied claim. The New Jersey Department of Banking and Insurance says 97 percent of rate increases last year were due to rising personal injury costs, and for every dollar insurers collect for personal injury premiums, they spend \$1.23 on benefits. One of the reasons for the shortfall is doctors who bill more than they are supposed to. "A few outlying providers found ways to abuse and take advantage of the system, and really have an unfair and inequitable way of drawing down New Jersey's coverage dollars," says Insurance Commissioner Thomas Considine.

[Read Story](#)

Mass. Market: Fight Resumes Over Using Credit Scores for Insurance

Patriot Ledger (08/06/11) Chesto, Jon

The Massachusetts Association of Insurance Agents has submitted a ballot question that would make the ban on the use of credit scores, education, and occupation in setting auto insurance rates a state law. A regulation currently in place prohibits the use of these socioeconomic factors in determining rates, and Massachusetts Insurance Commissioner Joseph Murphy says that he has no plans to eliminate the ban. However, Murphy has not taken a formal position on the organization's proposal.

[Read Story](#)

State News Releases

Consumer Alert: Check Insurance Policies Before Students Head to College

Kansas Insurance Department News Releases (08/04/11)

regulation for the benefit of consumers and industry alike.

Contact NAIC

Communications Department
Media and public relations
Phone: (816) 783-8909
E-Mail: news@naic.org

NAIC Central Office
2301 McGee Street
Suite 800
Kansas City, MO 64108-2662

NAIC Executive Office
444 North Capitol St. NW
Suite 701
Washington, DC 20001

NAIC Securities Valuation
Office (SVO)
48 Wall Street
6th Floor
New York, NY 10005-2906



Remembering to pack everything a college student will need while away from home is a challenge. So is understanding a student's changing insurance needs, according to Sandy Praeger, Kansas Commissioner of Insurance. "College students across Kansas soon will settle into a routine at their schools," Commissioner Praeger said, "but in the rush to begin the semester, students and parents shouldn't forget their insurance coverage needs." The Kansas Insurance Department (KID) and the National Association of Insurance Commissioners (NAIC) offer tips to help review and update insurance policies of a Kansas college student.

[Read Story](#)

Former Forsyth County Agent Arrested for Alleged Securities Scam

North Carolina Department of Insurance (08/04/11)

Insurance Commissioner Wayne Goodwin announced the arrest of Roland Dee Branch, 69, of Kernersville; he is charged with 10 counts of obtaining property by false pretense. Department of Insurance criminal investigators allege that Branch misled a Davidson County couple to invest in a non-existent annuities investment plan. The couple gave Branch an undisclosed amount of funds over a four-year period, and investigators allege that Branch failed to invest any of the retirement funds for the couple.

[Read Story](#)

Regulatory & Legislation

AIG Unit Loses Bid to Force Arbitration in N.Y.

Business Insurance (08/07/11) Cenicerros, Roberto

New York Supreme Court Judge Eileen Bransten rejected American International Group Inc.'s (AIG) efforts to force a California workers' compensation insurance buyer into arbitration, ruling that California's insurance code is not preempted by the Federal Arbitration Act because states are responsible for insurance taxation and regulation under the federal McCarran-Ferguson Act. The AIG unit sent a payment agreement to Irwindale, Calif.-based Source One Staffing stating that disputes are subject to arbitration only in a New York Court, but Source One argued that the insurer was supposed to have filed the payment agreement with the California Insurance Department in accordance with state law but did not.

[Read Story](#)

Tennessee Reopens for Business From Captive Insurers

Insurance Journal (08/05/11) Adams, Michael

a new application form for companies to use as required by a new law allowing for captive insurers. The application requires a \$675 application fee, as well as a required actuarial feasibility study, a biography of all officers, and an outline of the required capital and surplus. The law opens the door for cell captives, branch captives, and special purpose financial captives. Additionally, the law will allow captives to offer workers' compensation coverage for self-insured corporations and stop-loss coverage for employers who do not qualify as self-insured.

[Read Story](#)

Alaska Insurance Department Clarifies Total Loss Valuation Rules

CollisionWeek (08/05/11)

In response to numerous insurer questions regarding the state's limitations on vehicles used for comparison purposes, the Alaska Division of Insurance issued a bulletin to clarify the state's rules in determining the value of a total loss claim. The bulletin explains that a settlement offer must include all applicable taxes, license fees, and other fees incidental to the transfer of ownership of the vehicles, and that a settlement offer must include destination or delivery charges incurred by the claimant. Additionally, insurers must find comparable vehicles for valuation and may look back no further than 90 days before the occurrence giving rise to the claim, or, if no comparable vehicle is available, they must obtain quotes from at least two qualified dealers located in the market area of the complaint; the average of the quotes may be used.

[Read Story \(Subscription Required\)](#)

Life & Health Marketplace

Founded on Faith

Vindy.com (08/06/11)

Christian health-sharing ministries have around 100,000 members nationwide and are viewed as an alternative to conventional health insurance. However, Washington and Lee University Health Law Professor Timothy Jost says these health-sharing ministries "make conservative insurance commissioners quite nervous." He stresses that consumers may not understand that health-sharing ministries are not insurance companies, and they do not abide by the same regulations and may not have sufficient reserves.

[Read Story](#)

Health Insurance Labels Help Consumers Evaluate Plans

infoZine (08/05/11)

A new study from Consumers Union, the nonprofit publisher of Consumer Reports, says consumers found a new kind of health insurance disclosure to be a useful tool in understanding their coverage choices. The new Coverage Fact Label takes standard health plan information, such as premiums and patient cost-sharing, and tabulates the bottom line cost for a consumer for several hypothetical medical scenarios such as giving birth, treating breast cancer, and treating diabetes. These coverage examples are part of a larger health insurance disclosure that will be used by all insurers beginning next year. Two prototypes that were tested were created by the National Association of Insurance Commissioners.

[Read Story](#)

Opinion: A New Kind of House Call

iWatch News (08/08/2011) Potter, Wendell

The Independence at Home (IAH) program has saved the U.S. Department of Veteran's Affairs (VA) a significant amount of money for almost 30 years by offering primary care to patients with multiple chronic conditions in their homes and coordinating care with hospitals and nursing homes. A 2002 study by the VA looked at more than 11,000 patients and witnessed a 62 percent decrease in hospital days, an 88 percent drop in nursing home days, and a 24 percent dip in overall costs when patients were moved to an IAH program. The Medicare program also could benefit from IAH, with a demonstration program to commence Jan. 1, 2012, and involve as many as 10,000 Medicare beneficiaries.

[Read Story](#)

States Face Challenges in Controlling Health Insurance Premiums

Kaiser Health News (08/07/11) Appleby, Julie

Starting in September, health insurers will be required under the federal healthcare law to undergo additional scrutiny before raising premiums by 10 percent or more. But the law does not grant the federal government or the states the right to reject rate increases outright. At present, states vary widely on whether they have the tools or political authority to review premiums aggressively. California's deputy insurance commissioner, Janice Rocco, notes that states where regulators have the power to reject excessive rates have seen the most success in reducing proposed rate increases.

[Read Story](#)

Blog: Kids Health Coverage at Risk, Advocates Worry

Kaiser Health News (08/05/11) Gold, Jenny

President Obama's recently signed debt deal places an initial cap on discretionary spending that is expected to save \$917 billion over 10

insurance programs. But lawmakers decided that an additional \$1.2 trillion in savings may be made by a bipartisan, 12-member committee, which could include reductions in health spending. A potential target is a provision in the health law that prevents states from rolling back eligibility for Medicaid and the Children's Health Insurance Program. The Congressional Budget office forecasts that repealing the provision would save the federal government \$2.1 billion over the next 10 years.

[Read Story](#)

Property & Casualty Spotlight

Latest Hurricane Forecasts Still Call for Active Season

Business Insurance (08/07/11) Hofmann, Mark A.

The Tropical Meteorology Project at Colorado State University has left its June 1 forecast unchanged, which predicts 16 named storms to form during the season that runs through Nov. 30. Nine of those storms are projected to grow to hurricane strength, with five becoming major hurricanes, according to the forecast. The National Oceanic and Atmospheric Administration is forecasting a slightly more active Atlantic hurricane season than previously expected, with a high probability of up to 19 named storms and 10 hurricanes compared with the previous forecast of up to 18 named storms, of which six to 10 could become hurricanes. In June, market sources said the property insurance and reinsurance market would likely get through the season well unless destructive hurricanes make landfall in heavily populated areas or if insured losses from several storms reach \$20 billion to \$30 billion.

[Read Story](#)

International Update

Pistons' Player Might Bench Plans to Play in UK

Detroit Free Press (MI) (08/08/11)

Pistons guard Ben Gordon may not play overseas after all. He had committed to play for Great Britain in the Eurobasket championships, but the British team wasn't able to adequately insure him. Gordon lacks the NBA's health insurance because of a lockout, and if he is injured in international competition the Pistons can choose to let him go.

[Read Story](#)

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Subject: Penciled: PMB Rules
Location: IDPH Director's Conference Room

Start: Wed 8/10/2011 1:00 PM
End: Wed 8/10/2011 2:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Miller-Meeks, Mariannette [IDPH]
Required Attendees: Sharp, Ken [IDPH]; Findley, Brenna [IGOV]

This meeting has not been confirmed as we are waiting on a Plumbing & Mechanical Board Member to confirm.

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From: Findley, Brenna [IGOV]
Sent: Tuesday, August 09, 2011 5:40 PM
To: Boeyink, Jeffrey [IGOV]
Subject: FW: NGA Legal Counsels Seminar
Attachments: Web Agenda Legal Counsels 2011.docx

Jeff, can we talk about this when you have time? Thanks, Brenna

From: Guilford, Nikki [<mailto:NGuilford@NGA.ORG>]
Sent: Tuesday, August 09, 2011 1:14 PM
To: Findley, Brenna [IGOV]
Subject: NGA Legal Counsels Seminar

Brenna,

As legal counsel to a new governor, I wanted to take this opportunity to reach out to you personally and encourage you to attend the **NGA Seminar for Governors' Legal Counsels** being held **September 25-27** in charming **Annapolis, Maryland!** Draft program attached.

This is a great opportunity for you to network with your counterparts in other states and learn from each other. Although it is early, we already have 12 folks registered. NGA Legal Counsel seminars usually attract between 20-25 participants. Please keep in mind there are no program fees and most meals and transportation costs during the seminar will be provided. *Also, many state bar associations have recognized attendance at the annual seminar as Continuing Legal Education (CLE) hours.*

Please make your hotel reservation directly and register online by Friday, August 26. Visit the [meeting website](#) for more details and to register for the seminar. I can be reached via email or phone if you have questions or need more information about the meeting program.

We look forward to seeing you in Annapolis!

Thanks,

Nikki Guilford
Director, Office of Management Consulting and Training
National Governors Association
444 North Capitol Street, Suite 267
Washington D.C. 20001
202-624-5422 (office)
202-213-0145 (mobile)

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**2011 NGA Management Seminar for Governors'
Legal Counsels**

Annapolis, Maryland
September 25-27, 2011

DRAFT AGENDA (7/28/11)

SUNDAY, SEPTEMBER 25

Welcome to Annapolis! *(Afternoon and evening arrival)*

- 4:00 – 6:00 p.m. Meeting Registration
- 6:00 – 8:00 p.m. Welcome Reception and Dinner (Joint with Governors' Appointments Directors and Criminal Justice Advisors)
[Pusser's Caribbean Grille](#)
(Location: 80 Compromise Street, Phone: 410/626-0004)
- 8:00 p.m. Free Time to Enjoy Annapolis

MONDAY, SEPTEMBER 26

- 7:30 – 8:30 a.m. Meeting Registration
- 8:00 – 8:30 a.m. Breakfast
- 8:30 – 9:00 a.m. **Welcome, Introductions & Overview**
- 9:00 – 10:15 a.m. **Serving Your Governor**
- Understanding Your Governor's Style and Philosophy
 - Understanding Your Governor's Priorities
 - Defining Your Role and Your Governor's Expectations for You
 - Maintaining Access and Confidentiality
 - Interpreting Gubernatorial Powers and Responsibilities
- 10:15 – 10:30 a.m. Break
- 10:30 – 11:15 a.m. **Managing Major Working Relationships**
- Governor's Senior Staff (chief of staff, legislative director, policy advisors, press secretary, appointments director, others)
- Your Role in Senior Staff Processes/Decisions
 - Senior Staff Seeking Your Counsel
- Attorney General (Assistant Attorneys General)
- Balancing divergent interests (legal, political and administrative)
 - Seeking Interpretations and Advisory Opinions
 - AG Representing the Governor, Administration Officials and the State
- Cabinet Directors, Deputies and In-House Counsels
- State Litigation
 - Statewide Policies
 - Review of Administrative Regulations, Legislative Packages, Significant Procurements
- 11:15 – 12:00 a.m. **The Role of Legal Counsel in Legislative Affairs**
- Developing Legislative Strategies
 - Drafting and Reviewing Legislation
 - Bill Action: Enact with Signature, Without Signature, Vetoes

- 12:00 – 1:00 p.m. Lunch
- 1:15 – 2:15 p.m. *Joint Session with Governors' Appointments Directors*
Working Together: Legal Considerations within the Appointments Process
- Recommending Judicial Appointments: Who's Involved, Managing the Process
 - Maintaining Due Diligence with High Profile Boards: Parole Boards, Licensing Boards, Higher Education Appointments
 - Selecting Qualified Candidates for the Governor's Team
 - Screening applicants (applications, interview questions)
 - Selecting qualified and diverse candidates
 - Vetting and coordinating background checks
 - Protecting Interests/Rights When Terminating Employees
- 2:15 – 3:00 p.m. **Freedom of Information Act**
- Defining a Public Record Pursuant to Your State's Statutes and Case Law
 - Creating, Training and Enforcing Standard Records Retention Policies and Procedures
 - Balancing Openness and the Necessity of Attorney-Client Privilege
 - Special Challenges of Electronic Communications and Social Media
 - Responding to Public Records Requests
- 3:00 – 3:30 p.m. Break
- 3:30 – 4:15 p.m. **Your Roles and Responsibilities with Corrections Issues**
- Recommending Pardons, Commutations & Extraditions
 - Providing Counsel on Capital Punishment/Execution Decisions
- 4:30 – 5:30 p.m. Guided Tour of the Maryland State House
- 6:30 – 8:30 p.m. Networking Dinner

TUESDAY, SEPTEMBER 27

- 8:00 – 8:30 a.m. Breakfast
- 8:30 – 9:30 a.m. *Joint Session with Governors' Appointments Directors*
Maintaining the Integrity of Your Administration
- Your Governor's Ethics Program and Standards of Conduct (Developing, Communicating and Training)
 - Preventing Conflicts of Interest
 - Working with the State's Ethics Commission
 - Maintaining Vigilance
- 9:30 – 10:15 a.m. **Open Forum/Roundtable Discussion/Hot Button Issues**
Examples
- State Tribal Issues
 - Budget Impasse
 - Legal challenges to budget decisions to reduce public employee and retiree benefits
- 10:15 – 10:30 a.m. Break
- 10:30 – 11:15 a.m. **NGA Legal Affairs Committee**
- Update on Amicus Briefs, NGA Legal Affairs Committee

- Update on Federal Legislative Challenges, NGA Federal Relations

11:15 – 12:00 p.m.

Emergency Preparedness

NGA Update on Council of Governors

- Model Dual Status Commander MOU/Legislation

Legal Issues Emerge During Emergency Situations

- Be Prepared for Your Role
- Emergency Powers and Jurisdiction (limitations on Emergency Powers)
- Requesting a Major Disaster Declaration/Requesting an Emergency Declaration
- Succession of Government Officials
- Intergovernmental Joint Powers, Agreements and Actions
- Liability of Governmental Units in Emergency Situations

12:00 p.m.

Seminar concludes

From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, August 16, 2011 8:10 AM
To: Palmer, Charles [DHS]; Miller-Meeks, Mariannette [IDPH]
Cc: Busselot, Michael [IGOV]
Subject: FW: NGA Priority Information: Letters to Governors from US Health and Human Services
Attachments: HHS ltr to govns re Medicaid.pdf

FYI Please see below.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

-----Original Message-----

From: Guilford, Nikki [mailto:NGuilford@NGA.ORG]
Sent: Monday, August 15, 2011 7:59 AM
To: Governors Chiefs of Staff
Cc: chiefs-deputy@talk.nga.org; chiefs-assists@talk.nga.org
Subject: NGA Priority Information: Letters to Governors from US Health and Human Services

To: Chiefs (cc: Deputy Chiefs and Chiefs' Assistants)

On Friday, Secretary Sebelius sent two letters to governors (NGA sent the letters to your Washington D.C./State-Federal Director on Friday):

- 1) Letter co-signed by Secretary Duncan regarding a new initiative to find and enroll eligible children into the Medicaid and Children's Health Insurance Programs (attached).
- 2) Letter identifying resources and opportunities to assist states in setting up exchanges under the ACA (see text below).

Letter from Secretary of Health and Human Services Kathleen Sebelius to State Officials

August 12, 2011

Dear Governor:

I am writing to update you on important opportunities that are available to your state in connection with the establishment of Affordable Insurance Exchanges. These Exchanges - state-based competitive health insurance marketplaces - will help deliver coverage to individuals and small businesses in your state in a way that is simple, seamless, and affordable.

First, we are awarding a new round of "Establishment Grants" - federal funding for states to develop, implement, and establish Exchanges. States can use these grant funds to ensure that key Exchange functions are designed and implemented at the state level and take into account local factors and circumstances. States can apply for these grants on a rolling basis; applications are processed quarterly by HHS. The next deadline for applications is September 30,

2011. Three states have previously received these grants, and today I am pleased to award more than \$185 million to 13 additional states and the District of Columbia.

Second, HHS and the Treasury Department today are releasing proposed rules regarding Exchanges that further the goals of making access to affordable health insurance options simple and seamless. These proposed rules provide additional guidance on a simplified process for determining whether individuals are eligible for coverage through Exchanges, for premium tax credits to assist in the purchase of private insurance, or for other programs such as Medicaid or the Children's Health Insurance Program (CHIP). The rules follow guidance published July 15, 2011, which details many of the key areas in which states may choose to tailor their Exchange to meet the particular needs of their small businesses and residents. We expect to modify these proposals based on the feedback we receive from the American people. I encourage you to share your comments regarding these proposals with the Departments, particularly by formally commenting on the proposed rules over the next 75 days.

Furthermore, over the coming weeks, we will actively seek state feedback on these proposed rules through a series of regional meetings. You will be hearing from our HHS Regional Director inviting your state to participate in one of these regional meetings in the near future.

I strongly encourage your state to participate. Your feedback - particularly your formal comments on the proposed rules - will significantly help us in the development of the final rules.

The availability of Establishment Grants, along with the flexibility we have provided to states in the development of their Exchanges, creates important opportunities to advance the development of state-based Exchanges. States have several options in implementing Exchanges that can accommodate varying levels of state activity:

State-operated Exchange. Under this option, the state operates all of the functions of the Exchange. HHS will certify state Exchanges by January 1, 2013. However, states can seek conditional approval if they expect to be ready in 2013. States may also choose to establish a state-operated Exchange in future years.

State Partnership Model. The Exchange could be run in partnership between the state and HHS, with some activities performed by the state and others by HHS. States and HHS can explore using a Partnership model to tailor the Exchange to local needs and market conditions. States can also use this model to transition to running their Exchange independently. We look forward to working with the states to further define this option.

Federally-facilitated Exchange. Under this option, HHS will ensure that there is a functioning Exchange in the state. HHS will work with the state to ensure coordination with the state's ongoing role in managing the private insurance market, Medicaid, and CHIP.

Based on your feedback, HHS is already developing information technology (IT) initiatives to make eligibility determinations easier for states, including a federal "hub" through which HHS will provide certain data verification services to all Exchanges as well as Medicaid and CHIP, rather than requiring Exchanges and these other programs to separately interact with multiple federal agencies.

Substantial federal funding is available now to help states establish an Exchange, with Establishment Grant applications accepted through June of 2012 and funding available through 2014. The "initial open enrollment" for Exchanges - the first period in which new coverage options will be available - is scheduled to begin in the fall of 2013. This means that much of the work in preparation for open enrollment needs to be completed earlier in 2013. As such, I encourage states to have a fully developed grant strategy by early 2012. State Exchange grants can be used to help states determine whether they will operate an Exchange on their own, partner with the federal government, or rely on a federally-facilitated Exchange. I encourage all states to take advantage of this opportunity and use these resources to determine which model will work best for their residents. My staff looks forward to meeting on Exchange implementation with state Exchange grantees on September 19 and 20, 2011 in Arlington, VA.

Since the Affordable Care Act was signed into law, the development of Affordable Insurance Exchanges and implementation of this landmark law more generally have been aided by state leaders who have shared their input and advice with our Department. I hope we will continue to hear from you as we work to develop strong partnerships, establish Affordable Insurance Exchanges and implement other aspects of health reform that will improve our health care system. I look forward to continuing to work with you as we pursue our shared goal of better, more affordable health insurance for all Americans.

Sincerely,

/S/
Kathleen Sebelius
Secretary of Health and
Human Services

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NGA Office of Management Consulting & Training (OMCT) Listserv for Governors? Chiefs of Staff

To post questions/comments to subscribed members, email: chiefs@talk.nga.org (This listserv is moderated; submitted messages are first received by the NGA moderator and then posted to the full list.)

For more information on OMCT resources: www.nga.org/omct

You are currently subscribed to [chiefs] as jeff.boeyink@iowa.gov.

To unsubscribe, send a blank email to leave-200117-153598.8c7686c55111cac3e46d018e8e7f175b@talk.nga.org.



UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES
UNITED STATES DEPARTMENT OF EDUCATION



August 12, 2011

Dear Governor:

We are writing to enlist your help in an unprecedented initiative to find and enroll an estimated 4.3 million uninsured children who are currently eligible for Medicaid or the Children's Health Insurance Program (CHIP). These children represent a large majority of the uninsured children in the U.S., and they are missing out on health coverage that is available to them today.

Too often, children who are uninsured encounter obstacles that prevent them from becoming fully engaged in the classroom, on the playing field and in other extracurricular activities—preventing them from getting the most out of their education. That's why the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Education (ED) are working together to help enroll these eligible children through the Connecting Kids to Coverage Challenge. This initiative, led by HHS, calls on leaders at every level of government and in the private sector to help enroll all eligible, uninsured children in Medicaid and CHIP and keep them covered for as long as they qualify. We urge you to join us and to encourage your schools to participate in this effort.

A forthcoming study by the Urban Institute indicates that outreach and enrollment efforts do increase the percentage of children who enroll in health coverage. Between 2008 and 2009, the number of children eligible for Medicaid and CHIP increased by two to three million due to difficult economic times and State eligibility expansions. Despite this increase in eligibility, in part due to outreach and enrollment efforts, the total number of eligible but uninsured children declined to 4.3 million in 2009, which was lower than the 4.7 million children found to be eligible but uninsured in 2008. The participation of children in Medicaid and CHIP increased from 82 percent in 2008 to 85 percent in 2009 nationally.

Efforts to streamline Medicaid and CHIP enrollment and renewal procedures and to conduct effective outreach activities supported by the Children's Health Insurance Reauthorization Act (CHIPRA) have made a difference in extending children's coverage in the economic downturn. These efforts, with continued support from CHIPRA, will continue to play a vital role in making progress toward the goal of enrolling all eligible children.

Schools play an essential role in reaching eligible children, from young children in preschool and Head Start to teens in high school. We urge you to undertake children's health coverage outreach and enrollment activities when classes begin this fall. Below are some promising strategies you may wish to consider:

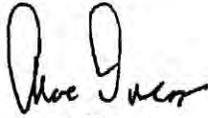
- **Use information on registration or emergency contact forms to identify children who may need health coverage.** Adding a question about whether a child has health insurance to the forms that every family completes can help identify uninsured children who may be eligible for Medicaid or CHIP. Families of such children can be notified about the programs and how to enroll. Note that any personal information maintained by a school to which the Family Educational Rights and Privacy Act (FERPA) applies must only be used and disclosed in accordance with FERPA.
- **Enlist school athletic coaches to promote enrollment of eligible children in Medicaid and CHIP.** Coaches can provide information on health coverage programs to athletes and to the entire student body. They also can direct students to places within the school (for example, the school nurse or school-based health clinic) or in the community where their families can apply. HHS has piloted a Coaches Campaign, called “Get Covered, Get in the Game,” in seven states (CO, FL, MD, NY, OH, OR, and WI), and we can help provide technical support and customized outreach materials if you wish to undertake a similar program.
- **Implement an “Express Lane Eligibility” process with the School Lunch Program.** Most children who are eligible for free or reduced-price school meals are likely to also qualify for Medicaid or CHIP. The “Express Lane Eligibility” option allows States to rely on eligibility findings from programs like School Lunch to jump-start Medicaid and CHIP eligibility determinations. Oregon and Louisiana, for example, are collaborating with their schools to implement Express Lane procedures. Note that any information must be used in accordance with Centers for Medicare & Medicaid Services (CMS) Express Lane Eligibility guidance.

CHIPRA provides funding to help States close the children’s health coverage gap. Last December, HHS distributed more than \$206 million in 2010 performance bonuses to States that not only exceeded child enrollment targets, but also simplified Medicaid and CHIP enrollment procedures. States interested in applying for a 2011 performance bonus have until October 15, 2011, to do so, and there will be additional opportunities for States to apply in future years. In addition, many States, nonprofit groups, and other organizations that have received CHIPRA outreach grants are focusing on ways to engage schools in outreach, enrollment, and renewal activities. HHS will continue to share and highlight the accomplishments of these grantees and provide technical assistance to others interested in adopting promising school-based practices.

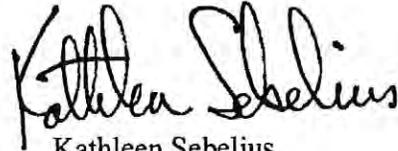
Health coverage is essential to ensuring that children get the health care services they need to grow and learn. The good news is that so many uninsured children do not need to wait for coverage because they are already eligible for Medicaid or CHIP. Your leadership can make a tremendous difference as we work together to meet the Connecting Kids to Coverage Challenge.

If you have questions or would like to be connected with others who have successfully implemented school-based enrollment strategies, please do not hesitate to have your staff contact Donna Cohen Ross at HHS at Donna.CohenRoss@cms.hhs.gov or (202) 260-0509.

Sincerely,



Arne Duncan
Secretary of Education



Kathleen Sebelius
Secretary of Health
and Human Services

cc: State Medicaid Directors
State CHIP Directors
Chief State School Officers



From: Huston, Shayne [IDPH] on behalf of Miller-Meeks, Mariannette [IDPH]
Sent: Thursday, August 18, 2011 12:54 PM
To: Boeyink, Jeffrey [IGOV]
Subject: Accepted: Human Resources discussion

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Kozel, Deb [LEGIS]

From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, August 23, 2011 3:40 PM
To: Palmer, Charles [DHS]
Cc: Roederer, David [IDOM]
Subject: FW: Joint Letter from IMS
Attachments: BranstadJointLetter82311.docx

Chuck: would you please attempt to schedule a meeting that would include Dave and me to discuss this issue?

Thanks.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Saluri, Lori [<mailto:lsaluri@iowamedical.org>]
Sent: Tuesday, August 23, 2011 1:47 PM
To: Hough, Margaret [IGOV]
Cc: Boeyink, Jeffrey [IGOV]; Boussetot, Michael [IGOV]; Walton, Kate; Hatch, John [LEGIS]; Heaton, David [LEGIS]; Johnson, David [LEGIS]; Heddens, Lisa [LEGIS]; Palmer, Charles [DHS]; Vermeer, Jennifer [DHS]
Subject: Joint Letter from IMS

Please forward the attached letter to Governor Branstad.

Thank you.

Lori Saluri
Executive Assistant
Iowa Medical Society
1001 Grand Avenue
West Des Moines, IA 50265
Phone: 515-223-1401, extension 232
FAX: 515-223-0590

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August 18, 2011

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Iowa City
(Resident Director)

Anne Michael Langguth, M2
Iowa City
(Medical Student Director)

Executive Vice President

Michael Abrams
West Des Moines

Governor Terry E. Branstad
State Capitol
Des Moines, IA 50309

Dear Governor Branstad:

On behalf of Iowa physicians we are writing today to request your intervention with a proposed rule that would reduce physician Medicaid reimbursement rates by nearly \$ 6 million. Every drop in payment to physicians jeopardizes the ability of physicians to remain partners with the Iowa Medicaid program or accept new Medicaid patients.

In February of this year the Iowa Department of Human Services released a document which contained a variety of Medicaid cost containment proposals. Included on that list was a recommendation to align Medicaid payment with Medicare rates for certain physician services performed in a facility setting. The cost savings associated with that recommendation was listed at \$1 million. Physician organizations resisted the General Assembly's decision to include emergency rule making authority to implement these cost savings strategies. Despite our efforts the cuts to reimbursement have moved forward.

On August 8th the Department of Human Services released a revised fiscal estimate associated with the emergency rules slated to take effect September 1st that place the reduction at \$2.3 million state dollars and \$5.9 million in all funds, more than double the state funds estimate provided to the General Assembly when legislation was passed and nearly tripled the impact to Iowa physicians when the federal match is included.

We know you are aware that Medicare reimbursement rates for Iowa physicians are among the lowest in the country. Furthermore, the Department of Human Services has indicated it is their intent to align with Medicare reimbursement rates only when those rates are lower than Medicaid rates. If Medicare reimburses at a higher rate than Iowa Medicaid for the procedure, then the lower Medicaid rate stands.

We are asking you to intervene on behalf of the more than 400,000 Iowa Medicaid beneficiaries and direct the Department of Human Services to revise the administrative rules to, at a minimum, only reduce physician reimbursement by the

Governor Terry E. Branstad
August 23, 2011
Page 2

\$1 million that has been assumed, published and voted upon. Iowa physicians sustained a 5% provider rate reduction in December of 2009 that was purported to be a temporary, six month reduction, but has since been carried forward until next fiscal year. There is no question that additional reductions will jeopardize patient access for vulnerable populations who rely on Medicaid for their health care.

It is deeply troubling to our organizations that this administration is willing to slash physician reimbursement by nearly \$6 million on top of the 5% provider rate reduction while supporting Medicaid reimbursement increases for other categories of providers. Actions like these shake the confidence of our members in the public program that serves our patients and provides a safety net for low income Iowans. Containing costs in the Medicaid program by squeezing provider rates jeopardizes our efforts to recruit and retain physicians to our state, which already has among the lowest number of physicians per capita in the country. It would send a strong message of support to our members if you would act quickly to prevent this reduction.

Sincerely,



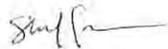
Lawrence Hutchison, MD
Iowa Medical Society



Leah J. McWilliams, CAE
Iowa Osteopathic Medical Association



Kathie J. Lyman
Polk County Medical Society



Sherif Tewfik, MD
Iowa Society of Anesthesiologists



Don Skinner, MD
Iowa Academy of Family Physicians

Governor Terry E. Branstad
August 23, 2011
Page 3



Tess Young
Iowa Academy of Ophthalmology



Ken Cheyne, MD
American Academy of Pediatrics, Iowa Chapter

cc: Senator Jack Hatch, Co-Chair, Health and Human Services
Appropriations Committee
Representative Dave Heaton, Co-Chair, Health and Human Services
Appropriations Committee
Senator David Johnson, Ranking Member, Health and Human Services
Appropriations Committee
Representative Lisa Heddens, Ranking Member, Health and Human
Services Appropriations Committee
Chuck Palmer, Director, Department of Human Services
Jennifer Vermeer, Director, Iowa Medicaid Enterprise

From: Findley, Brenna [IGOV]
Sent: Monday, August 29, 2011 4:45 PM
To: Johnson, Larry [IGOV]
Cc: Boeyink, Jeffrey [IGOV]
Subject: Fw: DMR Records Requests

Fyi

From: Giudicessi, Michael A. <MGiudicessi@faegre.com>
To: Thompson, Jeffrey [AG]
Cc: Pottorff, Julie [AG]; Tabor, Eric [AG]; Findley, Brenna [IGOV]
Sent: Mon Aug 29 15:36:53 2011
Subject: RE: DMR Records Requests

Jeff,

Thank you for your message. Will I be correct in communicating to the editors and executives of the Register that the Attorney General's office no longer represents the Governor's Office on open records act compliance matters?

Mike

Michael A. Giudicessi
Partner

Phone: +1 515 447 4701
Email: mgiudicessi@faegre.com

faegre.com | [download vCard](#)



FAEGRE & BENSON LLP
Suite 3100
801 Grand Avenue
Des Moines, Iowa 50309-8002, USA

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From: Thompson, Jeffrey [AG] [<mailto:Jeffrey.Thompson@iowa.gov>]
Sent: Monday, August 29, 2011 3:32 PM
To: Giudicessi, Michael A.

Cc: Pottorff, Julie [AG]; Tabor, Eric [AG]; Findley, Brenna [IGOV]

Subject: DMR Records Requests



Mike,

The agreement this office negotiated last fall on behalf of Culver administration is no longer in effect due to the change in administrations. The contact person for the Branstad administration on this issue is Larry Johnson. Please contact him directly.

Thanks.

Jeff

From: Roederer, David [IDOM]
Sent: Wednesday, August 31, 2011 10:40 AM
To: Findley, Brenna [IGOV]; Johnson, Larry [IGOV]
Subject: FW: 2012 Prefiling Rules for Department of Management Bill Requests
Attachments: 2012Prefile to DOM.pdf; Bill drafting dates2012.pdf; PrefilingRules083111.pdf

From: Johnson, Richard [LEGIS] [<mailto:Richard.Johnson@legis.state.ia.us>]
Sent: Wednesday, August 31, 2011 10:21 AM
To: Roederer, David [IDOM]
Cc: Lunde, Joel [IDOM]
Subject: 2012 Prefiling Rules for Department of Management Bill Requests

TO: Department of Management Director and Liaison
FROM: Richard Johnson, Legal Services Division Director
RE: 2012 Prefiling Rules for Department of Management Bill Requests

Attached, please find the following:

- A letter highlighting the most important deadlines and requirements for requesting bill drafts from the Legislative Services Agency.
- A listing of bill drafting request deadlines for the 2012 regular session.
- The 2012 Rules for Prefiling Legislative Bills.



**LEGISLATIVE
SERVICES AGENCY**

Serving the Iowa Legislature

Glen Dickinson, Director

Richard L. Johnson
Division Director
State Capitol
Des Moines, IA 50319

Phone: 515.281.3894

E-mail: richard.johnson@legis.state.ia.us

August 31, 2011

TO: DEPARTMENT OF MANAGEMENT DIRECTOR AND LIAISON
FROM: RICHARD JOHNSON, LEGAL SERVICES DIVISION DIRECTOR
RE: DEPARTMENTAL BILL PREFILING RULES FOR 2012

The Iowa Legislative Council has adopted permanent Rules for Prefiling Legislative Bills pursuant to Iowa Code Section 2.16. Parts D and E of those Rules pertain specifically to Departmental bill requests.

- **Submission Deadline.** The final deadline for the receipt of departmental bill drafting requests by the Legislative Services Agency (LSA) is **4:30 p.m., Monday, November 28, 2011**. Departments are strongly urged to submit bill drafting requests as soon as possible, well before the November 28 deadline.
- **Electronic Submission.** Departments are requested to submit their bill drafting requests electronically. Liaisons need a sign-on and a password in order to complete their submissions.

Training for the electronic submission of bill requests will be held for departmental and gubernatorial liaisons on Tuesday, November 1, 2011, at 1:30 p.m., and Wednesday, November 9, 2011, at 1:30 p.m., both in Room 300 of the Miller Building. You must attend a training session if you have not previously received your sign-on and password for the electronic submission. Please contact the Legislative Services Agency's Help Desk at 515/281-6506 or help_desk@legis.state.ia.us to reserve a seat at a training session. For further information, contact Richard Johnson at 515/281-3566 or richard.johnson@legis.state.ia.us.

- **Specificity.** Requests submitted by a department should be in **bill draft format** and must be **specific enough for the LSA to complete a final draft**. Some specific information may be conveyed to the LSA after November 28, 2011, but the request itself will not be accepted after 4:30 p.m. on Monday, November 28, 2011. If the LSA must request specific information from the department to complete the draft, a three-business day period is invoked for receipt of the information. If the information is not received, the request is rejected and the department must obtain a legislative sponsor.
- **Number and Combination of Requests.** Departments are directed to submit the **fewest number of separate bill requests as possible**. Technical or corrective Code changes should be in a separate request from policy proposals. Bills implementing more than one policy proposal may be drafted in multiple bill divisions. The LSA will confer with the Department's representative regarding the combination and division of separate bill requests.
- **Departmental Background Memorandum.** Departments are urged to submit a memorandum addressed to the Members of the General Assembly explaining the need for, purpose of, and intent of the bill. The memorandum will be copied and attached to the back of the bill draft when it is filed as a study bill.

- **Initial Version by LSA Sent to Department for Approval.** The LSA drafter will send a completed initial draft together with an approval form to the department.
- **Seven-Day Turnaround by Department.** Approval of the initial draft sent to the department must be received by the LSA within seven calendar days after its receipt by the department or the drafting request will be considered withdrawn.
- **Only Two Final Versions by LSA.** The department may request that the initial draft be changed only one time and the LSA will make those changes. However, if upon receipt of the redrafted bill, the department still wishes to make additional changes, the department must obtain a legislative sponsor.
- **LSA Submits to Leaders.** The LSA will submit each approved final draft to the presiding officers of the two houses for referral to the proper standing committee. The presiding officers will only accept departmental bills if they are submitted by the LSA.
- **Departmental Approval Deadline Goal – January 9, 2012.** The first day of the 2012 regular session, January 9, is the LSA's goal for the receipt of all departmental approvals. Bill drafting requests received from legislators receive priority drafting after this date.
- **Late Submission to General Assembly May NOT Be Considered.** If final drafts of departmental bills are submitted too close to the first deadline for voting bills out of committee (March 2, 2012), committees will often not be able to consider the departmental bills. For example, sending departmental drafts to the presiding officers two to three weeks prior to the committee deadline (by February 10 or February 17, 2012), may not provide committees with sufficient notice to allow for committee consideration before the March 2, 2012, committee deadline.

2012 BILL DRAFTING REQUEST DEADLINES

LEGISLATIVE SERVICES AGENCY

November 28, 2011	Final date for departments to request bills
December 5, 2011	Final date for legislators to request bills for prefilng prior to convening of the 2012 Session. Legislators and committee chairpersons are urged to request all priority bills by this date.
January 6, 2012	Final date for Governor to request bills
January 9, 2012	2012 Session convenes
January 20, 2012*	Final date for legislators to request individually-sponsored bills for the 2012 Session
March 2, 2012*	Final date for bills to be voted out of committee of the house of origin (budget, tax, and certain other bills are exempt)

*If rules remain unchanged.

III. RULES FOR PREFILING LEGISLATIVE BILLS

A. Legislative Bills

Code Section 2.16 authorizes the prefiling of legislative bills and reads as follows:

2.16 PREFILING LEGISLATIVE BILLS.

Any member of the general assembly or any person elected to serve in the general assembly, or any standing committee, may sponsor and submit legislative bills and joint resolutions for consideration by the general assembly, before the convening of any session of the general assembly. Each house may approve rules for placing prefiled standing committee bills or joint resolutions on its calendar. Such bills and resolutions shall be numbered, printed, and distributed in a manner to be determined by joint rule of the general assembly or, in the absence of such rule, by the legislative council. All such bills and resolutions, except those sponsored by standing committees, shall be assigned to regular standing committees by the presiding officers of the houses when the general assembly convenes.

Departments and agencies of state government shall, at least forty-five days prior to the convening of each session of the general assembly, submit copies to the legislative services agency of proposed legislative bills and joint resolutions which such departments desire to be considered by the general assembly. The proposed legislative bills and joint resolutions of the governor must be submitted by the Friday prior to the convening of the session of the general assembly, except in the year of the governor's initial inauguration. The legislative services agency shall review such proposals and submit them in proper form to the presiding officer in each house of the general assembly for referral to the proper standing committee. Before submitting any proposal prepared under this section to the presiding officers, the legislative services agency shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or governor's office shall review and return it within seven days of such delivery.

The costs of carrying out the provisions of this section shall be paid pursuant to section 2.12.

In accordance with Code Section 2.16 the following rules for the prefiling of legislative bills and resolutions shall be in effect for each regular session of the

General Assembly. For the purpose of the following rules, a reference to bills shall be interpreted to include both bills and resolutions.

1. Drafting of Legislative Bills

Any person who is presently a member of the General Assembly or is elected to serve in the General Assembly may request the LSA to draft a bill at any time prior to the convening of the legislative session and a member may request such a draft at any time during the legislative session, subject to any time limitations established by the Senate or House of Representatives. A request to have a bill drafted for a legislative session, which is received prior to or during the legislative session, is only considered a valid request for that session. In order for a member to have a bill drafted for a subsequent session of a General Assembly, the member must submit a new request prior to or during that session. If a bill is requested prior to the convening of the legislative session, unless the bill is specified to be prefiled, the bill will be held by the LSA until the session is convened; however, a copy will be sent to the legislator if the bill draft is completed prior to the convening of the session. If the bill is not prefiled, the text of the bill will only be released if the legislator specifically consents to the release.

2. Request for Prefiling

Any person who is presently a member of the General Assembly or is elected to serve in the General Assembly may prefile a legislative bill by making a request to the LSA by the first Monday in December. The request may be in writing and signed by the legislator, may be transmitted electronically through the legislative computer system, or may be made orally and reduced to writing by a member of the LSA staff. The prefilling request may be made at the time of requesting a bill draft or may be made after the legislator has had the opportunity to review the bill draft. If possible, the names of all sponsors of the prefiled bill shall be given to the LSA at the time of making the prefilling request.

- a. Drafting of Prefiled Bill. When a prefilling request for a bill is received, if time allows, the bill draft will be completed prior to the convening of the legislative session. A copy of the bill will be mailed to the legislator who requested the bill prior to the actual filing of the bill and the procedures noted in these rules will be followed.
- b. Introduction of Prefiled Bill. When the legislator receives a copy of a bill which the legislator has requested to be prefiled, the legislator should review the bill to determine if it has been drafted as requested. The legislator should then notify the LSA requesting any changes in the bill or informing the LSA that the bill has been drafted as requested. The names of all sponsors should be given to the LSA.

If the legislator agrees that the bill meets the specifications required and confirms that the bill should be prefiled, the bill will be packaged and forwarded to the legal counsel of the house of introduction for review. Please note that at this point the bill is considered a public record and the text is available for review by the public. If the legislator does not want the text to be available for review by the public at this time, the legislator should inform the LSA and the LSA will not prefile the bill but will hold it for the legislator so that the legislator can personally introduce the bill. A prefiled bill will be introduced, numbered, and printed prior to the convening of the legislative session, and its title will be read at the earliest possible time following the convening of the legislative session. No further action will be required by the legislator. The LSA will provide appropriate forms in order that the legislator will be able to make final confirmation of the desire to prefile the bill.

3. Special Session Requests

Requests for the drafting of legislative bills for extraordinary sessions are subject to any restrictions established by the Senate or House of Representatives. Senate Rule 27 provides that extraordinary session bills and resolutions must be sponsored by a standing committee, the majority and minority floor leaders, or the committee of the whole. First priority is generally given to the drafting of bills prepared for committee consideration.

B. Bill Drafting Request Forms

The LSA has bill drafting request forms available for legislators. If possible the request form should be completed by the legislator but a request form will be completed by LSA personnel if the legislator does not have an opportunity to do so. Bill drafting request forms can be obtained from the LSA upon request and requests can be submitted electronically through the legislative computer system. The LSA will normally confirm the electronic receipt of a request by electronic message.

C. Confidential Records

It should be noted that the bill drafting request form contains a space for indicating if a drafting request is to be confidential. If a legislator desires that no information be released in regard to a request, including the subject matter of the request, the legislator should indicate on the request form that the bill request is confidential. A designation that a bill request is to be confidential means that the request will not be listed in the index of bill requests and that LSA personnel will not release any information in regard to the request. The confidential designation also means that the bill draft will not be analyzed for a fiscal note review unless the legislator specifically requests such a review.

It is the policy of the Legislative Council that either a confidential or a nonconfidential request from a legislator creates a personal relationship between the LSA and the legislator, and only such information as the legislator desires will be released to the press or other interested persons. In this regard, cognizance must be given to the public records law. Many records of the LSA are public records and frequent inquiries are made by the press and other interested persons concerning bill drafting requests which have been received by the LSA. It is the policy of the Legislative Council that a bill draft is not a public record until released by the legislator. A copy of a bill draft will not be released to a person other than the legislator without the legislator's implied or express consent or unless the bill draft has been introduced or otherwise placed in the public domain by the legislator. Final confirmation of the prefilling of a completed bill draft by a legislator, according to these rules, places the bill draft in the public domain and makes the text of the bill draft available to the public for review.

D. Departmental Requests

Submission of Requests for Prefiled Proposed Bills. Drafting requests for prefiled proposed bills of state departments and agencies shall be submitted to the LSA beginning **the first Monday in August** but no later than **the date in November that is the 45th day prior to the convening of the regular session in January**. However, **if that date in November is a state holiday, which is often the case since the date in most years falls on the Friday after Thanksgiving, requests will be accepted until 4:30 p.m. on the following Monday**. Code Section 2.16 requires state departments and agencies to submit their recommendations that they wish to be considered by the General Assembly in bill draft format. The Legislative Council requires that bill drafts submitted by departments and agencies be specific enough to complete the final draft for the department or agency. If the submission by the department or agency is not specific enough to complete the final draft, the LSA will contact the department or agency and provide the department or agency with a three-business-day period to provide the needed information. If the needed information is not provided by the department or agency within the three-business-day period, the request is rejected and the department or agency will be required to seek a legislative sponsor for the proposal.

Departments and agencies shall submit the fewest number of requests as possible for prefiled proposed bills. One request may contain the department's technical or corrective Code changes. The other requests shall contain the department's legislative policy proposals. The bills may be drafted in divisions with each division containing a related, but distinct subject matter. The LSA will confer with the department's representative regarding combination or separation of its technical proposal and its policy proposals into individual legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary assignment of subject matters to the standing committees and subcommittees.

Departments and agencies are requested to include a separate memorandum addressed to the members of the General Assembly which describes the need for, purpose of, and intent of the requested bill, including a description of the problem or problems the bill is intended to address. The LSA will use the memorandum in its completion of the final draft of the department or agency and will forward the memorandum to the legislative leaders at the same time that the bill draft approved by the department or agency is transmitted to the legislative leaders. The separate memorandum will be copied and attached to the back of the bill draft when it is filed as a study bill.

The LSA will review the proposal submitted by the department or agency, make suggestions as to nonsubstantive changes or corrections, confer with the department or agency representative in regard to the proposal, draft an objective explanation for the bill, and prepare the bill in final form.

Additional drafting instructions requested from the department or agency by the LSA must be received within seven calendar days of being requested by the LSA or the drafting request will be considered withdrawn. Approval of the initial draft sent to the department or agency must be received by the LSA within seven calendar days after its receipt by the department or agency or the drafting request will be considered withdrawn. The LSA will redraft the bill per the department's or agency's instructions only once following the initial delivery to the department or agency. The department or agency cannot modify the drafting request after the LSA delivers the redrafted bill to the department or agency for the second time. Once the bill is in final form, the LSA, not the department or agency, will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee. All approvals of final bill drafts are to be received no later than **the first day of the legislative session**. Bill drafting requests from legislators will receive priority consideration by the LSA over departmental and agency bills.

Proposed bill draft requests submitted by departments and agencies after **the statutory filing deadline in late November or early December** will not be assigned to a staff member unless a legislative sponsor is obtained. In order for the LSA to have adequate time to provide assistance in drafting, departments and agencies are strongly urged to submit their proposals as soon as possible after **the first Monday in August**. Lengthy or complex proposals should be submitted far in advance of the deadline date. This will allow the LSA to provide assistance before a large quantity of legislative requests is received.

If departments and agencies know they will be submitting lengthy or complex legislation, it is suggested they submit or at least discuss the proposals in the **early fall** even if they will not make final decisions in regard to all provisions until late fall.

For the purposes of these rules, in addition to the Governor, the executive and judicial branch departments and agencies listed in paragraph "E" are authorized to prefile bills. The LSA may modify the list to delete abolished departments or agencies or to add new departments or agencies with significant interests in

legislation. If the LSA determines that the Legislative Council should consider any proposed modification, the LSA shall submit the proposal to the Legislative Council for approval prior to making the modification to the list.

E. Authorized Prefiling Agencies

1. Executive Branch

a. Elected Officials

- Attorney General (Department of Justice)
- Auditor of State
- Department of Agriculture and Land Stewardship
- Secretary of State
- Treasurer of State

b. Nonelected Heads

- Department of Administrative Services
- Department on Aging
- Department for the Blind
- Board of Parole
- Civil Rights Commission
- Department of Commerce
- Department of Commerce/Alcoholic Beverages Division
- Department of Commerce/Banking Division
- Department of Commerce/Credit Union Division
- Department of Commerce/Insurance Division
- Department of Commerce/Professional Licensing and Regulation Division
- Department of Commerce/Utilities Division
- Department of Corrections
- Department of Cultural Affairs
- Economic Development Authority
- Department of Education
- Department of Education/Board of Educational Examiners
- Department of Education/College Student Aid Commission
- Department of Education/Public Broadcasting Division

- Emergency Response Commission
- Ethics and Campaign Disclosure Board
- Governor's Office of Drug Control Policy
- Department of Human Rights
- Department of Human Rights/Community Action Agencies Division
- Department of Human Rights/Community Advocacy and Services Division
- Department of Human Rights/Criminal and Juvenile Justice Planning Division
- Department of Human Services
- Department of Inspections and Appeals
- Department of Inspections and Appeals/Racing and Gaming Commission
- Iowa Finance Authority
- Iowa Lottery Authority
- Iowa Public Employees' Retirement System
- Iowa Telecommunications and Technology Commission
- Law Enforcement Academy
- Department of Management
- Department of Natural Resources
- Department of Public Defense
- Public Employment Relations Board
- Department of Public Health
- Department of Public Health/ Dental Board
- Department of Public Health/Board of Medicine
- Department of Public Health/Board of Nursing
- Department of Public Health/Board of Pharmacy
- Department of Public Safety
- Board of Regents
- Department of Revenue
- Department of Transportation
- Underground Storage Tank Fund Board

- Department of Veterans Affairs
 - Department of Workforce Development
2. Judicial Branch
 - Judicial Branch
 3. Legislative Branch
 - Citizens' Aide/Ombudsman

F. Governor's Proposals

Bill drafting requests from the Office of the Governor are governed by Code Section 2.16 which requires that proposed legislative bills and joint resolutions be submitted by the Friday immediately prior to the convening of the regular session, except in the year of the Governor's initial inauguration. As part of the LSA's review and preparation in proper form of the Governor's bill requests, the LSA will make suggestions regarding the combination or division of proposals into separate legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary division of subject matter jurisdiction among the standing committees and subcommittees. If specific drafting instructions for proposed legislative bills of the Governor are not received by the LSA by the first day of the regular session, work on completion of those legislative bills must compete with other legislative priorities. Approval of the final draft must be received by the LSA within seven calendar days of its receipt by the Governor's Office. Once the bill is in final form, the LSA will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee.

Requests by the Governor for the drafting of legislative bills for extraordinary sessions are subject to any restrictions established by the Senate or House of Representatives. However, first priority is generally given to the drafting of legislative bills proposed by legislative committees or legislative leaders.

From: Roederer, David [IDOM]
Sent: Tuesday, September 13, 2011 11:51 AM
To: Clayworth, Jason
Cc: Boeyink, Jeffrey [IGOV]; Albrecht, Tim [IGOV]; Lunde, Joel [IDOM]
Subject: Follow up
Attachments: FY11-FY12 State Expenditures.xlsx

Jason,
This does the apples to apples comparison per our discussion yesterday. It addresses total spending.
Thanks,
Dave

State Expenditures

(in millions)

	FY2011	FY2012		
	Budget	Gov Rec	Leg Action	Final Action
General Fund Appropriations	5,284.8	6,161.6	5,999.7	5,999.9
Expenditures Shifted:				
Supported with ongoing revenues				
Commerce Revolving Fund	27.1	-	26.9	26.9
Environment First Fund	3.5	9.2	9.4	9.4
Gaming Enforcement Revolving Fund	9.8	9.8	9.8	9.8
Gaming Regulatory Revolving Fund	-	-	5.6	5.6
Health Care Trust Fund	-	-	106.4	106.4
Iowa Care A/C	98.6	112.3	112.3	112.3
Medicaid Fraud A/C	1.6	1.6	2.2	2.2
Public Safety Enforcement Fund	9.3	-	-	-
Quality Assurance Fund	4.7	-	-	-
School Infrastructure Fund	7.5	-	-	-
Iowa Care A/C Shift Differential	10.7	9.0	9.0	9.0
Rebuild Iowa Infrastructure Fund	78.6	60.6	59.6	59.4
Underground Storage Tank Fund	23.9	-	-	-
Potential one-time monies				
Cash Reserve Fund appropriations	272.4	-	-	-
Economic Emergency Fund	-	-	38.7	38.7
ARRA Funds	302.6	-	-	-
Board of Pharmacy Transfer	-	-	0.5	-
Health Care Transformation Account	-	-	2.0	2.0
Merchant Marine Fund	0.1	-	-	-
Pharmacy Settlement Fund	2.5	-	6.9	6.9
Revenue Bond Capital Fund	13.0	-	2.0	2.0
Save Our Small Business Fund	-	-	3.3	-
Senior Living Trust Fund	47.6	-	-	-
Veterans Home Transfer	-	-	3.8	3.8
Carry forward Balances	57.5	29.0	29.0	29.0
Underfunded Costs	41.4	3.5	3.5	3.5
Unfunded School Aid shifted to Property Taxes	156.0	-	-	-
Apples to Apples comparison	<u>6,453.2</u>	<u>6,396.6</u>	<u>6,430.6</u>	<u>6,426.8</u>

Note: all details match Auditor's presentation except for the \$156 million in unfunded school aid shifted to property taxes

Department of Management

Roeder, David [IDOM]

From: Roederer, David [IDOM]
Sent: Tuesday, September 13, 2011 12:06 PM
To: Clayworth, Jason
Cc: Boeyink, Jeffrey [IGOV]; Albrecht, Tim [IGOV]
Subject: RE: Employee count/final budgets
Attachments: FY11-FY12 State Expenditures.xlsx

Jason,

This could be a duplicate. Not sure first one went through. This does the apples to apples comparison per our discussion yesterday. It addresses total spending.

Thanks,

Dave

State Expenditures

(in millions)

	FY2011	FY2012		
	Budget	Gov Rec	Leg Action	Final Action
General Fund Appropriations	5,284.8	6,161.6	5,999.7	5,999.9
Expenditures Shifted:				
Supported with ongoing revenues				
Commerce Revolving Fund	27.1	-	26.9	26.9
Environment First Fund	3.5	9.2	9.4	9.4
Gaming Enforcement Revolving Fund	9.8	9.8	9.8	9.8
Gaming Regulatory Revolving Fund	-	-	5.6	5.6
Health Care Trust Fund	-	-	106.4	106.4
Iowa Care A/C	98.6	112.3	112.3	112.3
Medicaid Fraud A/C	1.6	1.6	2.2	2.2
Public Safety Enforcement Fund	9.3	-	-	-
Quality Assurance Fund	4.7	-	-	-
School Infrastructure Fund	7.5	-	-	-
Iowa Care A/C Shift Differential	10.7	9.0	9.0	9.0
Rebuild Iowa Infrastructure Fund	78.6	60.6	59.6	59.4
Underground Storage Tank Fund	23.9	-	-	-
Potential one-time monies				
Cash Reserve Fund appropriations	272.4	-	-	-
Economic Emergency Fund	-	-	38.7	38.7
ARRA Funds	302.6	-	-	-
Board of Pharmacy Transfer	-	-	0.5	-
Health Care Transformation Account	-	-	2.0	2.0
Merchant Marine Fund	0.1	-	-	-
Pharmacy Settlement Fund	2.5	-	6.9	6.9
Revenue Bond Capital Fund	13.0	-	2.0	2.0
Save Our Small Business Fund	-	-	3.3	-
Senior Living Trust Fund	47.6	-	-	-
Veterans Home Transfer	-	-	3.8	3.8
Carry forward Balances	57.5	29.0	29.0	29.0
Underfunded Costs	41.4	3.5	3.5	3.5
Unfunded School Aid shifted to Property Taxes	156.0	-	-	-
Apples to Apples comparison	<u>6,453.2</u>	<u>6,396.6</u>	<u>6,430.6</u>	<u>6,426.8</u>

Note: all details match Auditor's presentation except for the \$156 million in unfunded school aid shifted to property taxes

Department of Management

From: Miller-Meeks, Mariannette [IDPH]
Sent: Thursday, September 15, 2011 10:11 AM
To: Elming, Becky [IGOV]; Baldwin, John [DOC]; Carroll, Mike [DAS]; Cownie, Mary [DCA]; Decker, Courtney [IDR]; Durham, Debi [IDED]; Glass, Jason [ED]; Harvey, Donna [IDA]; Hill, Derek [HSEMD]; Jacobs, Libby [IUB]; Jamison, Dave [IFA]; Johnson, JoAnn [IDCU]; Keninger, Karen [BLIND]; Lande, Roger [DNR]; Langholz, Samuel [SPD]; Larson, Steve [ABD]; Lingren, Dave [ICN]; Misjak, Karen [ICSAC]; Mueller, Donna [IPERS]; Noble, Larry [DPS]; Orr, Timothy [IANG]; Palmer, Charles [DHS]; Rich, Terry [ILOT]; Roberts, Rod [DIA]; Roederer, David [IDOM]; Schipper, James [IDOB]; Schouten, Mark [ODCP]; Townsend, Beth [ICRC]; Trombino III, Paul [DOT]; Tymeson, Jodi [IDVA]; Voss, Susan [IID]; Wahlert, Teresa [IWD]; Wong, San [DHR]; Worley, David [IVH]
Subject: RE: List of Assistants

Becky,
My assistant is Shayne Huston:
shayne.huston@idph.gov
515-281-8474 office
515-897-8081 mobile

Thank you,
Dr. Miller-Meeks

From: Elming, Becky [IGOV]
Sent: Wednesday, September 14, 2011 1:08 PM
To: Baldwin, John [DOC]; Carroll, Mike [DAS]; Cownie, Mary [DCA]; Decker, Courtney [IDR]; Durham, Debi [IDED]; Glass, Jason [ED]; Harvey, Donna [IDA]; Hill, Derek [HSEMD]; Jacobs, Libby [IUB]; Jamison, Dave [IFA]; Johnson, JoAnn [IDCU]; Keninger, Karen [BLIND]; Lande, Roger [DNR]; Langholz, Samuel [SPD]; Larson, Steve [ABD]; Lingren, Dave [ICN]; Miller-Meeks, Mariannette [IDPH]; Misjak, Karen [ICSAC]; Mueller, Donna [IPERS]; Noble, Larry [DPS]; Orr, Timothy [IANG]; Palmer, Charles [DHS]; Rich, Terry [ILOT]; Roberts, Rod [DIA]; Roederer, David [IDOM]; Schipper, James [IDOB]; Schouten, Mark [ODCP]; Townsend, Beth [ICRC]; Trombino III, Paul [DOT]; Tymeson, Jodi [IDVA]; Voss, Susan [IID]; Wahlert, Teresa [IWD]; Wong, San [DHR]; Worley, David [IVH]
Subject: List of Assistants

All,

There has been some interest in having a list for all assistants to the department heads. If you could take a quick minute and just email me the first and last name of your assistant or the person you would like to be the contact for scheduling issues that would be great. Anyone who is interested in the list after it is put to together just let me know and I will get it to you.

Thanks!

Becky Elming
Executive Assistant to the Chief of Staff
Office of Governor Terry E. Branstad
515-725-3511
Rebecca.Elming@iowa.gov

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Thursday, September 15, 2011 11:05 AM
To: Boeyink, Jeffrey [IGOV]
Subject: department bills for 2012

Jeff,
Will departments be submitting their legislative bills or intentions to Governor Branstad prior to submitting to LSA, and if so, who would be able to provide me guidance on the deadline and to whom they should be submitted?

I apologize for bothering you with this. I have also sent an e-mail to Michael Busselot.

Dr. Miller-Meeks (Mariannette)

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Thursday, September 15, 2011 1:13 PM
To: Boeyink, Jeffrey [IGOV]
Subject: RE: Governor's Leadership Retreat

Jeff,
I hope I RSVP'ed. If not, I am attending.

Dr. Miller-Meeks

From: Boeyink, Jeffrey [IGOV]
Sent: Thursday, September 01, 2011 5:35 PM
To: IA Dept Directors - Executive Branch
Subject: Governor's Leadership Retreat

SAVE THE DATE

Governor Branstad and Lt. Governor Reynolds will be holding a leadership retreat to which you are invited to attend and participate.

Monday, October 10

10 a.m. – 5 p.m.

Location: TBD (but will be in the Des Moines metro area)

This all day leadership retreat will consist of five specific sessions (agenda to follow with location details at a later date) and all directors on this email are strongly encouraged to make the necessary adjustments in their schedules to allow full participation.

This will be a great opportunity to put the entire team together (beyond our cluster meetings) to discuss issues such as best practices for measuring employee performance, upcoming budget issues, health care and wellness initiatives, technology applications and consolidation, and plans for the rolling review of existing departmental regulations.

If you are not able to make this date and time work, please let me know as soon as possible.

Thank you for all the great work you are doing on behalf of Iowans.

PS: you will be receiving an Outlook calendar invite to this event by separate email.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Huston, Shayne [IDPH] on behalf of Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, September 21, 2011 2:33 PM
To: Hoelscher, Doug [IGOV]
Cc: Miller-Meeks, Mariannette [IDPH]
Subject: Accepted: Call Between Gov. Walker's Office (Becky Kickert and perhaps others) and Dr. Miller Meeks, Director of the Iowa Department of Public Health

The purpose of this call is to share information regarding the Healthiest State Initiative.

I will not be on the call as I'll be out that day, but Christie Bartel will be.

Sincerely,
Doug

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From: Roederer, David [IDOM]
Sent: Friday, September 23, 2011 4:02 PM
To: Miller-Meeks, Mariannette [IDPH]
Cc: Hurtado-Peters, Sandra [IDOM]; Clabaugh, Gerd [IDPH]; Boussetot, Michael [IGOV]
Subject: RE: Health Benefit Exchange (Insurance Exchange)

Letter needs some minor modification

From: Miller-Meeks, Mariannette [IDPH]
Sent: Friday, September 23, 2011 3:14 PM
To: Roederer, David [IDOM]
Cc: Hurtado-Peters, Sandra [IDOM]
Subject: Health Benefit Exchange (Insurance Exchange)

Dave and Sandi,

Attached is the summary of the HBE Level 1 Establishment Grant and the letter of support that is to be signed by the Governor.

Thank you for the meeting and have a wonderful weekend. Now for lunch ☺ which I probably don't need if we are to be the healthiest state in the nation.

Dr. Miller-Meeks

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Friday, September 23, 2011 6:18 PM
To: Roederer, David [IDOM]
Cc: Hurtado-Peters, Sandra [IDOM]; Clabaugh, Gerd [IDPH]; Boussetot, Michael [IGOV]
Subject: Re: Health Benefit Exchange (Insurance Exchange)

What did you want to modify?

Doc

From: Roederer, David [IDOM]
To: Miller-Meeks, Mariannette [IDPH]
Cc: Hurtado-Peters, Sandra [IDOM]; Clabaugh, Gerd [IDPH]; Boussetot, Michael [IGOV]
Sent: Fri Sep 23 16:02:26 2011
Subject: RE: Health Benefit Exchange (Insurance Exchange)

Letter needs some minor modification

From: Miller-Meeks, Mariannette [IDPH]
Sent: Friday, September 23, 2011 3:14 PM
To: Roederer, David [IDOM]
Cc: Hurtado-Peters, Sandra [IDOM]
Subject: Health Benefit Exchange (Insurance Exchange)

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Dr. Miller-Meeks

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Travel Doc (LEGAL)

From: Roederer, David [IDOM]
Sent: Sunday, September 25, 2011 4:16 PM
To: Miller-Meeks, Mariannette [IDPH]
Cc: Hurtado-Peters, Sandra [IDOM]; Clabaugh, Gerd [IDPH]; Boussetot, Michael [IGOV]
Subject: RE: Health Benefit Exchange (Insurance Exchange)

Lets discuss

From: Miller-Meeks, Mariannette [IDPH]
Sent: Friday, September 23, 2011 6:18 PM
To: Roederer, David [IDOM]
Cc: Hurtado-Peters, Sandra [IDOM]; Clabaugh, Gerd [IDPH]; Boussetot, Michael [IGOV]
Subject: Re: Health Benefit Exchange (Insurance Exchange)

What did you want to modify?

Doc

From: Roederer, David [IDOM]
To: Miller-Meeks, Mariannette [IDPH]
Cc: Hurtado-Peters, Sandra [IDOM]; Clabaugh, Gerd [IDPH]; Boussetot, Michael [IGOV]
Sent: Fri Sep 23 16:02:26 2011
Subject: RE: Health Benefit Exchange (Insurance Exchange)

Letter needs some minor modification

From: Miller-Meeks, Mariannette [IDPH]
Sent: Friday, September 23, 2011 3:14 PM
To: Roederer, David [IDOM]
Cc: Hurtado-Peters, Sandra [IDOM]
Subject: Health Benefit Exchange (Insurance Exchange)

Dave and Sandi,

Attached is the summary of the HBE Level 1 Establishment Grant and the letter of support that is to be signed by the Governor.

Thank you for the meeting and have a wonderful weekend. Now for lunch ☺ which I probably don't need if we are to be the healthiest state in the nation.

Dr. Miller-Meeks

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the sender, and then delete all copies of this message and any attachments. If you are not the intended recipient, you are hereby notified that any review, use, retention, dissemination, distribution, or copying of this message is strictly prohibited by law.



Open: Deb [IGOV]

From: Miller-Meeks, Mariannette [IDPH]
Sent: Monday, September 26, 2011 7:43 AM
To: Busselot, Michael [IGOV]; Roederer, David [IDOM]
Subject: RE: Letter of Support for HBE Level 1 Establishment Grant

I will let the team know and will have keep Thursday morning open.

Dr. Miller-Meeks

From: Busselot, Michael [IGOV]
Sent: Monday, September 26, 2011 1:26 AM
To: Miller-Meeks, Mariannette [IDPH]; Roederer, David [IDOM]
Subject: Re: Letter of Support for HBE Level 1 Establishment Grant

I will be back in the office Thursday morning, as well as Gov. Branstad. We can discuss at that time with Dave there too.

MRB

From: Miller-Meeks, Mariannette [IDPH]
To: Busselot, Michael [IGOV]
Sent: Thu Sep 22 08:58:30 2011
Subject: Letter of Support for HBE Level 1 Establishment Grant

Michael,

I know that you are in Asia and have a lot on your plate, so I regret this intrusion. However, the Level 1 Establishment Grant for the Health Benefit (or Insurance) Exchange is due on September 30. A letter of support will need to be signed by Governor Branstad.

I am attaching a copy of the letter for your review and your suggestions for whom to send the letter for signature? We are also preparing a summary draft of the establishment grant for you to review as well.

I do apologize again for contacting you while you are on this important mission, but given the deadline of September 30, it will be very close if Governor Branstad returns to Iowa on September 29.

Respectfully,
Dr. Miller-Meeks

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FOIA b 7 - DUB (LEGIS)

From: Findley, Brenna [IGOV]
Sent: Monday, September 26, 2011 3:14 PM
To: Boeyink, Jeffrey [IGOV]
Subject: Fw: FORMAL ETHICS COMPLAINT FILED AGAINST JASON GLASS

Fyi

From: Tooker, Megan [IECD]
To: Fandel, Linda [IGOV]; Findley, Brenna [IGOV]
Sent: Mon Sep 26 14:50:34 2011
Subject: FW: FORMAL ETHICS COMPLAINT FILED AGAINST JASON GLASS

My response to lowalive is below.

From: iowalive [mailto:iowalive@q.com]
Sent: Monday, September 26, 2011 1:19 PM
To: Tooker, Megan [IECD]
Cc: DICK FREDERICKS
Subject: RE: FORMAL ETHICS COMPLAINT FILED AGAINST JASON GLASS

Greetings, Ms. Tooker:

Thank you very much for your prompt response below! Will advise Mr. Fredericks so he can comply.

Thank you very much,

lowalive

From: Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]
Sent: Monday, September 26, 2011 12:32 PM
To: iowalive
Subject: RE: FORMAL ETHICS COMPLAINT FILED AGAINST JASON GLASS

Is it your intention to file a formal complaint against Mr. Glass? The email below does not comply with the requirements of Iowa Code section 68B.32B(1). For your convenience, I have attached a copy of this code section. Here is the link to our complaint .

form: http://www.iowa.gov/ethics/forms_brochures/forms/forms_download/formal%20complaint%20form.pdf

Megan Tooker
Executive Director/Legal Counsel
Iowa Ethics and Campaign Disclosure Board
510 East 12th, Suite 1A
Des Moines, IA 50319
Tel: (515) 281-3489
Fax: (515) 281-4073



From: iowalive [mailto:iowalive@q.com]

Sent: Friday, September 23, 2011 3:38 PM

To: Tooker, Megan [IECD]

Cc: Mike Glover; DICK FREDERICKS; James Lynch; JAN MICKELSON; KATHIE OBRADOVICH--REGISTER; KFXA-TV Fox-28; DR. SUE ATKINSON; bcrewell@hotmail.com; 'ANDIE DOMINICK'; 'Carolyn Washburn--Register Editor'; 'LAURA HOLLINGSWORTH'; RANDY EVANS; 'SUSAN CURRY'; Abdul-Samad, Ako [LEGIS]; Sweeney, Annette [LEGIS]; Schoenjahn, Brian [LEGIS]; Dolecheck, Cecil [LEGIS]; Winckler, Cindy [LEGIS]; Hanson, Curt [LEGIS]; Kelley, Dan [LEGIS]; Beall, Daryl [LEGIS]; Johnson, David [LEGIS]; Cohoon, Dennis [LEGIS]; Forristall, Greg [LEGIS]; Taylor, Jeremy [LEGIS]; Byrnes, Josh [LEGIS]; Koester, Kevin [LEGIS]; Pearson, Kim [LEGIS]; Paulsen, Kraig [LEGIS]; Miller, Linda [LEGIS]; Lofgren, Mark [LEGIS]; Hanusa, Mary Ann [LEGIS]; MARY JO WILHELM; Mascher, Mary [LEGIS]; Boettger, Nancy [LEGIS]; Mckinley, Paul [LEGIS]; Cownie, Peter [LEGIS]; Feenstra, Randy [LEGIS]; Schulte, Renee [LEGIS]; Hogg, Robert [LEGIS]; Dvorsky, Robert [LEGIS]; Smith, Roby [LEGIS]; Jorgensen, Ron [LEGIS]; Chambers, Royd [LEGIS]; Gaines, Ruth Ann [LEGIS]; Steckman, Sharon [LEGIS]; Soddors, Steve [LEGIS]; Dandekar, Swati [LEGIS]; Bowman, Tod [LEGIS]; becky.lutgen.gardner@gazcomm.com; 'Elizabeth Hladky'; 'Jeff Tecklenburg'; 'JENNIFER HEMMINGSEN'; 'Joe Hladky'; lyle.muller@gazettecommunications.com; Tim McDougall; 'TODD DORMAN--GAZETTE'; Zack Kucharski; Tooker, Megan [IECD]; Glass, Jason [ED]

Subject: FORMAL ETHICS COMPLAINT FILED AGAINST JASON GLASS

Greetings, Megan Tooker, executive director and legal counsel of the Iowa Ethics and Campaign Disclosure Board —

This note is sent to you to file a formal complaint against Jason Glass, for unethical behavior--on behalf of Mr. Dick Fredericks, Palo, Iowa--and on Cc: of this post.

Had Jason at least traveled a couple of miles to West Des Moines, to learn how to teach Iowa kids from Judy Hintz, a few fools might have believed his claim about his phony, all expenses paid trip to Brazil—to “learn”.

Judy Hintz routinely raises student reading and math skill levels by several grades, with but several training sessions—as noted in her attached guest column in the Cedar Rapids Gazette. Unfortunately, Glass has shown no interest in such training sessions and students—despite our many emails advising him of such. Good grief!!

The fact the organization paying for his trip either does state business directly, or does it indirectly—is more than sufficient evidence for filing this ethics complaint. The organization certainly did not offer to give Judy Hintz, or anyone on her staff, a free trip to Brazil!!!! How come? She certainly is qualified, except she buys little or nothing from that organization—directly or indirectly.

Glass cited no specific purpose for the trip, nor how he intended to effectively use what he learned. It was an unethical trip—at best.

The attached Gazette article reported Jason's sorry excuses on the top of today's front page—and that he describes himself as the 'State Director & Chief Learner,'. Talk about grading his own paper!! Based on his behavior, it would seem far more appropriate to describe himself as the 'State Director & Chief Liar,'.

We presume you take your ethics board work seriously, and are about to teach Jason some things he needs to "learn"!!! We sincerely hope and expect the complaint filed herein will help you do just that!!

Sincerely,

Iowalive

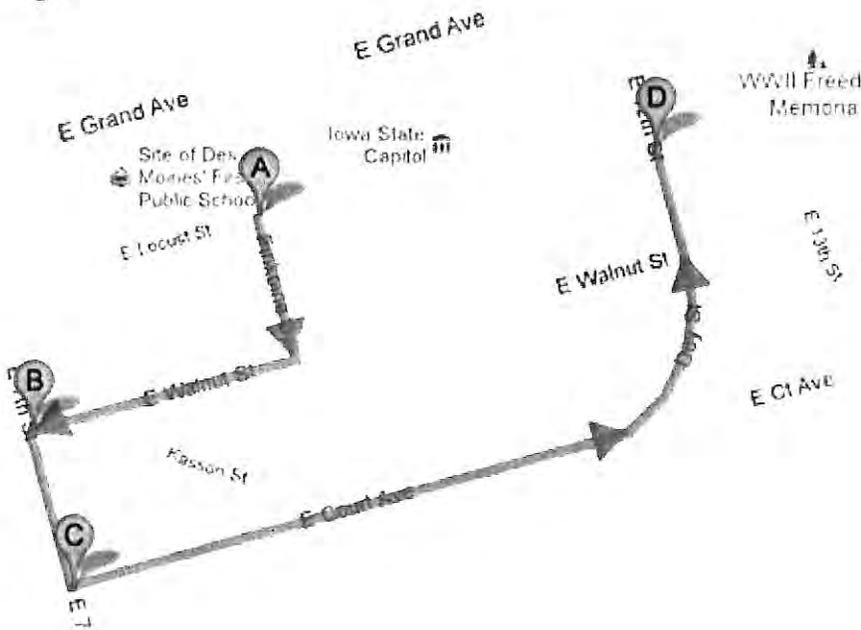
A growing network of volunteer citizens and professionals for improving Iowa.

From: Huston, Shayne [IDPH] on behalf of Miller-Meeks, Mariannette [IDPH]
Sent: Monday, September 26, 2011 4:33 PM
Subject: Start Somewhere Walk

As a kickoff to the Healthiest State in the Nation initiative, the "Start Somewhere" walk will be held on October 7 beginning promptly at **noon**. It is a one kilometer (about 7-8 blocks) walk beginning at the west side of the Capitol, winding through the park and concluding on the east side of the Capitol. Below is a map roughly describing the route for our walk.

Please ask your staff to join us in the "Start Somewhere" Walk on October 7, as the Capitol Complex and the rest of the state begins its' journey toward healthier lifestyle choices. I look forward to walking with you all!

Dr. Miller-Meeks
Director, IDPH



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Subject: Administrative Rule-Confidential Employees
Location: IDOM

Start: Thu 9/29/2011 11:00 AM
End: Thu 9/29/2011 12:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Roederer, David [IDOM]
Required Attendees: Carroll, Mike [DAS]; Panknen, Jeff [DAS]; Findley, Brenna [IGOV]; Johnson, Larry [IGOV]; Lamb, T. Ryan [DAS]

When: Thursday, September 29, 2011 11:00 AM-12:00 PM (UTC-06:00) Central Time (US & Canada).
Where: IDOM

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

From: Miller-Meeks, Mariannette [IDPH]
Sent: Tuesday, September 27, 2011 12:13 PM
To: Bousset, Michael [IGOV]; Albrecht, Tim [IGOV]
Cc: Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]
Subject: FW: Swiss Cheese Press Release for CDC's Community Transformation Grants Program
Attachments: CTG Template Press Release to Grantees_9-26-11).docx

All,
Yesterday the department received notice of our award of approximately \$3 million for the community transformation grant. It will go out to various communities that submitted proposals for funding and the department applied for the overall grant.

There is no state match, so I just wanted you all to be aware that it had been awarded in case there is media attention or media questions. We are hoping this will align with the Healthiest State activities. There is a sample press release that typically, we will modify and send out.

Dr. Miller-Meeks

From: McMahon, Julie [IDPH]
Sent: Tuesday, September 27, 2011 5:13 AM
To: IDPH EXTEAM
Subject: FW: Swiss Cheese Press Release for CDC's Community Transformation Grants Program

FYI since I let you know about the CTG award yesterday. ☺ I've sent this forward to Polly/Don for their information as well. NOTE the national release of information at noon today.

Julie McMahon
Director, Division of Health Promotion and Chronic Disease Prevention (HPCDP) | Iowa Department of Public Health
| Lucas State Office Building | 321 East 12th Street | Des Moines, Iowa 50319 | P: 515.281.3104 | M:
515.418.2684 | F: 515.242.6384 | julie.mcmahon@idph.iowa.gov

"Promoting and Protecting the Health of Iowans"

From: Hayes, Nikki (CDC/ONDIEH/NCCDPHP) <nhh1@cdc.gov>
Sent: Mon Sep 26 20:03:27 2011
Subject: Swiss Cheese Press Release for CDC's Community Transformation Grants Program

Dear Community Transformation Grant Recipient:

Congratulations on your award! Please find attached a template (or "Swiss cheese") press release that you can adapt for reaching out to local media to publicize your grant. We apologize for the very late transmittal. We received final confirmation on the total number and amounts of awards only today, late in the afternoon.

The Department of Health and Human Services will be issuing its news release at noon (ET) tomorrow, so please make sure not to issue yours before then—or, please make sure to clearly mark "FOR RELEASE AT 12:00 NOON (ET)" on your release, as we have done on the template.

You might also want to call local reporters' attention to this HHS media telebriefing at 2 p.m. (ET) tomorrow:

Monday, September 26, 2011

Contact: HHS Press Office

(202) 690-6343



Media Call: Affordable Care Act announcement regarding grants to create healthier communities and fight chronic disease

WASHINGTON, DC – On Tuesday, September 27, 2011, Dr. Howard Koh, Assistant Secretary for Health, U.S. Department of Health and Human Services, will be joined by Dr. Thomas Frieden, Director of the Centers for Disease Control and Prevention, and Dr. Ursula Bauer, Director of the National Center for Chronic Disease Prevention and Health Promotion, to make an announcement regarding grants to help create healthier communities and fight chronic disease under the Affordable Care Act.

HO: **Dr. Howard Koh**, Assistant Secretary for Health, U.S. Department of Health and Human Services
Dr. Thomas Frieden, Director, Centers for Disease Control and Prevention
Dr. Ursula Bauer, Director, National Center for Chronic Disease Prevention and Health Promotion, CDC

WHEN: Tuesday, September 27, 2011 at 2:00 p.m. (EDT)

AL IN: 888-848-6712

SSCODE: HHS

A replay of the call will be available by calling 866-514-3169. No passcode is necessary.

We look forward to a successful announcement of the Community Transformation Grants tomorrow and to working with you closely in the weeks and months ahead on this critical public health initiative.

Best,

Dr. Rebecca Bunnell
Director, Division of Community Health (proposed)
National Center for Chronic Disease Prevention and Health Promotion
Centers for Disease Control and Prevention

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**FOR RELEASE AT 12:00 NOON (ET)
September 27, 2011**

**Contact: [Name or Communication POC]
[Phone Number]**

**[Insert Community Name] Awarded [Insert Amount] to Help Create Healthier Communities in
[State, Region, County, Tribe, Territory]
*Affordable Care Act to improve health in states and communities, which can control health care
spending***

Today, [insert organization's name] was awarded a grant of [insert amount] for [insert priority areas of focus] in [area served].

This grant is a part of the U.S. Department of Health and Human Services' (HHS's) Community Transformation Grants to support public health efforts to reduce chronic diseases, promote healthier lifestyles, reduce health disparities, and control health care spending.

Overall, HHS awarded approximately \$103 million in prevention grants to 61 states and communities, reaching more than 120 million Americans. The Community Transformation Grants will support the planning and implementation of state and community projects proven to reduce chronic diseases—such as diabetes, heart disease, stroke, and cancer.

[Insert quote from Principal Investigator or other grantee spokesperson.]

Nationwide, the Community Transformation Grants will focus on three priority areas: tobacco-free living; active living and healthy eating; and evidence-based quality clinical and other preventive services, specifically prevention and control of high blood pressure and high cholesterol. There are two types of grants for states and communities: capacity building and implementation.

- 35 grantees will implement evidence-based and practice-based programs to achieve changes by running programs designed to help improve health and wellness. For these grants, funding amounts range from \$500,000 to \$10 million.
- 26 grantees will work to build capacity to implement changes by laying a solid foundation for community prevention efforts to ensure long-term success. Funding amounts range from \$147,000 to \$500,000 depending on population size and scope of project.

Funding awards are distributed among state and local government agencies, tribes and territories, and state and local non-profit organizations. Awards went to grantees in 36 states, including seven tribal organizations, and the Republic of Palau.

Over 20 percent of grant funds will be directed to rural and frontier areas. The grants are expected to run for five years, with projects expanding their scope and reach over time as resources permit.

Specifically, the work that [insert community] will be doing includes [insert description of project].

[SAMPLE QUOTE]: “The cost of managing chronic diseases in [insert area served] is [insert local cost estimate] and growing,” said [insert name of mayor, project lead, or other community official]. “In the United States, chronic diseases such as heart disease, cancer, and diabetes are the leading causes

of death, disability, and health care costs, accounting for 70% of all deaths each year and 75% of all medical costs. Although chronic diseases are among the most common and costly health problems in the country, they are also among the most preventable.”

To learn more about **[insert community/state’s]** prevention and wellness projects, visit **[insert URL]**.

To learn more about Community Transformation Grants, visit www.cdc.gov/communitytransformation.

###

Note: All HHS press releases, fact sheets and other press materials are available at <http://www.hhs.gov/news>.

From: Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, September 28, 2011 11:45 AM
To: Busselot, Michael [IGOV]; Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]
Cc: Palmer, Charles [DHS]; Hurtado-Peters, Sandra [IDOM]; Vermeer, Jennifer [DHS]
Subject: Level 1 Establishment Grant and Governor's letter of support

All,

It was suggested we meet tomorrow morning and go over the Health Benefit Exchange and the Level 1 Establishment Grant and Letter of Support from Governor Branstad which is due September 30.

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Thank you,
Mariannette Miller-Meeks

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From: Boeyink, Jeffrey [IGOV]
Sent: Wednesday, September 28, 2011 1:47 PM
To: Hurtado-Peters, Sandra [IDOM]; Vermeer, Jennifer [DHS]; Miller-Meeks, Mariannette [IDPH]; Boussetot, Michael [IGOV]; Roederer, David [IDOM]
Cc: Palmer, Charles [DHS]
Subject: RE: Level 1 Establishment Grant and Governor's letter of support

I am open most of the morning. 10 a.m. would work for me.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Hurtado-Peters, Sandra [IDOM]
Sent: Wednesday, September 28, 2011 12:19 PM
To: Vermeer, Jennifer [DHS]; Miller-Meeks, Mariannette [IDPH]; Boussetot, Michael [IGOV]; Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]
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Sent: Wednesday, September 28, 2011 12:14 PM
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Cc: Palmer, Charles [DHS]; Hurtado-Peters, Sandra [IDOM]
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Cc: Palmer, Charles [DHS]
Sent: Wed Sep 28 13:46:32 2011
Subject: RE: Level 1 Establishment Grant and Governor's letter of support

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From: Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, September 28, 2011 2:53 PM
To: Hurtado-Peters, Sandra [IDOM]; Boeyink, Jeffrey [IGOV]; Vermeer, Jennifer [DHS]; Boussetot, Michael [IGOV]; Roederer, David [IDOM]
Cc: Palmer, Charles [DHS]
Subject: Re: Level 1 Establishment Grant and Governor's letter of support

Sandy,
That would be fine with me.

Dr Miller-Meeks

From: Hurtado-Peters, Sandra [IDOM]
To: Miller-Meeks, Mariannette [IDPH]; Boeyink, Jeffrey [IGOV]; Vermeer, Jennifer [DHS]; Boussetot, Michael [IGOV]; Roederer, David [IDOM]
Cc: Palmer, Charles [DHS]
Sent: Wed Sep 28 14:37:12 2011
Subject: RE: Level 1 Establishment Grant and Governor's letter of support

Dave's meetings right before and right at 11 are in his office & the IDOM conference room. Can we have it in the IDOM conference room or if we may need to run past 11 have it somewhere in the Governor's Office?

From: Miller-Meeks, Mariannette [IDPH]
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From: Miller-Meeks, Mariannette [IDPH]
Sent: Thursday, September 29, 2011 8:26 AM
To: Boussetot, Michael [IGOV]; Boeyink, Jeffrey [IGOV]
Cc: Roederer, David [IDOM]; Hurtado-Peters, Sandra [IDOM]
Subject: FW: HBE - Level 1 Application - Countdown to Submission
Attachments: HBE Briefing- Establishment Grant Level 1.pdf; F. Workplan.pdf; E. Project Narrative 11-26.pdf; Budget By Core Area 9.28.11.pdf; HBE Budget Spreadsheet- Level 1 Establishment.pdf; Appendices- Table of Contents.pdf

Mike, Jeff, Dave and Sandi,

I am forwarding this to you all for today's meeting at 10 am. If you prefer me to print out the documents and bring them over, I will be pleased to do so as well.

Thank you,
Mariannette

From: Doyle Scar, Angela [IDPH]
Sent: Wednesday, September 28, 2011 3:47 PM
To: McMahon, Julie [IDPH]; Boston, Angela Burke [IID]; Steenblock, Jennifer [DHS]; Vermeer, Jennifer [DHS]; Voss, Susan [IID]; Jones, Beth [IDPH]; McGill, Abby [IDPH]
Cc: Miller-Meeks, Mariannette [IDPH]; Palmer, Charles [DHS]
Subject: RE: HBE - Level 1 Application - Countdown to Submission

Greetings all!

Please find attached the final grant documents that will be uploaded tomorrow. We did not attach documents that will be included in the appendix to try to save on the email size but did include the table of content so that you could see what is being included. Please let us know if you would like us to send these pieces to you. We have also updated the briefing document that was given to the Governor's office earlier in the week. We will begin the upload tomorrow as soon as we receive the letter from the Governor. This document is also attached.

Thank you everyone for the amount of work that went into this grant application!

Please let Beth, Abby or I know if you have any questions.

Thanks much,
Angie

From: McMahon, Julie [IDPH]
Sent: Monday, September 26, 2011 4:55 PM
To: Boston, Angela Burke [IID]; Steenblock, Jennifer [DHS]; Vermeer, Jennifer [DHS]; Voss, Susan [IID]; Doyle Scar, Angela [IDPH]; Jones, Beth [IDPH]; McGill, Abby [IDPH]
Cc: Miller-Meeks, Mariannette [IDPH]; Palmer, Charles [DHS]; McMahon, Julie [IDPH]
Subject: HBE - Level 1 Application - Countdown to Submission

While I wasn't able to stay for the entire HBE Grant Check-In Meeting this afternoon, my "take-away" is that we are very close to finalizing the document in preparation for submission Thursday afternoon. Thanks to all for your hard work on this during a relatively short timeframe!

Prior to my leaving our meeting, my understanding was that **all three agencies (DPH/DHS/IID) would submit required information for the project narrative and budget by COB Tuesday.**

Abby will provide the HBE Interagency Team with the latest draft of the Project Narrative later this afternoon or first thing Tuesday morning so **you can review this draft along with submitting any additional documents necessary to complete the application.** A reminder – Abby and Angie are using the Project Narrative to complete the required Work Plan.

Beth is compiling the individual and aggregate budgets based on the budget information submitted by each of you. **It is critical that the budget is supported by the work identified in the Project Narrative/Work Plan.**

Our goal is to have a “final” document inclusive of the Project Narrative, Work Plan, Budget and required attachments sent to the HBE Interagency Team and the department directors by late Wednesday afternoon. We will also provide an updated briefing document based on the “final” document.

These documents will be used at a Thursday morning meeting between Dr. Miller-Meeks, Department of Management staff, and the Governor/his staff. **From this meeting, we hope to clarify which agency will act as lead agency for continued planning efforts.** Our current draft designates IID as the lead agency based on earlier communications; however, we can modify this part of the application fairly easily if a different decision is made. **Another goal for the meeting Thursday morning is obtaining the endorsement letter signed by the Governor and required as part of the application.**

We are planning to upload the application to grants.gov Thursday afternoon as we want to avoid “last day submission” as that always results in more “learning opportunities or challenges” than anyone wants to handle!

Again, thanks to all for your part in completing the Level 1 Establishment Grant application. If you have any questions about the “countdown” and the timelines identified in this communication, please don’t hesitate in contacting Abby McGill 281-3108 or abby.mcgill@idph.iowa.gov

Julie McMahon

Director, Division of Health Promotion and Chronic Disease Prevention (HPCDP) | Iowa Department of Public Health
| Lucas State Office Building | 321 East 12th Street | Des Moines, Iowa 50319 | P: 515.281.3104 | M:
515.418.2684 | F: 515.242.6384 | julie.mcmahon@idph.iowa.gov

"Promoting and Protecting the Health of Iowans"

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**Cooperative Agreement to Support Establishment of State-Operated
Health Insurance Exchanges- Level 1
September 2011**

Grant Information:

- **Grantor Agency:** U.S. Department of Health and Human Services
- **Funding Source:** Center for Consumer Information and Insurance Oversight
- **Grant Type:** Non-Competitive
- **Grant Status:** New
- **Key Dates:**
 - **Letter of Intent Deadline Date:** February 22, 2011 [submitted]
 - **Application Deadline Date:** September 30, 2011, 11:59 pm Eastern Standard Time
 - **Application Award Date:** Mid November 2011
- **Budget Period:** 12 months; October 1, 2011 – September 30, 2011
- **Project Period:** 12 months; October 1, 2011 – September 30, 2011
- **Special Requirements:** Letter of Support from the Governor
- **Cost Sharing/ Match/Maintenance Effort:** No funding match required

Brief Summary of Grant Application/Purpose:

- **Approximate Funding Available:** Not specified- Grant guidance says "HHS will look for efficiencies and consider if the proposed budget is sufficient, reasonable and cost effective to support the activities proposed in the State's application. The award amount will vary based on application category and the specific needs of each State. Additional funding may be requested by the applicant to support an increased scope of work for all applicants"
- **Average Amount of Award:** Approximately \$10,000,000; \$220 Million was awarded to 16 States in the June 30 funding cycle.
- **Floor of Individual Award Range:** No floor distinguished
- **Ceiling of Individual Award Range:** No ceiling distinguished
- **Estimated Number of Awards:** Up to 51 states will receive awards

The purpose of this Level 1 grant application is to continue the planning process for a Health Benefit Exchange (HBE) in Iowa. The Affordable Care Act requires states to have an exchange certified or conditionally certified on January 1, 2013, or the federal government will operate an exchange for the state. IDPH is the lead applicant for this grant and is collaborating closely with the Iowa Insurance Division (IID) and Department of Human Services as part of an Interagency Planning Workgroup. It has been decided by the Department Directors that IID will take over in December 2011 as lead of the planning and implementation of the HBE until legislation with governance structure is passed.

**Iowa Department of Public Health
Division of Health Promotion and Chronic Disease Prevention
Office of Health Care Transformation**

IDPH Program Activities:

- Develop a plan for a statewide comprehensive public education and outreach campaign to educate Iowans on the HBE.
- Partner with the Iowa Collaborative Safety Net Provider Network (Safety Net Network) to hold six regional meetings targeted at safety net providers and patients to allow them to provide input on the implementation of the HBE, as well as an opportunity to educate participants on the implementation process and how to make use of the HBE once it is live.
- Expand upon the initial HBE consumer focus group research to reach broader representation and collect more extensive data and allow Iowa to predict the feasibility of the HBE and will help design and structure the education and outreach programs.
- Assist with and be a key resources for the Commonwealth Fund grant project (through the Safety Net Network and the University of Iowa) to determine how Iowa's health care safety net will be impacted by health care reform.
- **Contract with Insurance Division and Department of Human Services to:**
 - **Iowa Department of Human Services**
 - By October 2013, it is anticipated that Iowa will have developed a new, integrated eligibility system that will have the functionality to determine eligibility for exchange tax credits as well as for Medicaid, CHIP and other state programs. DHS will continue to plan and develop an integrated, automated eligibility system that meets the requirements of all programs, and plan for workforce training to reflect operations upon HBE implementation.
 - Conduct analysis to explore implications of possible CHIP coverage alternatives permitted under current law, including coverage within the HBE, for children who currently qualify for *hawk-i*.
 - Conduct analysis to explore the Basic Health Plan and essential health benefits option and the implications for Iowa.
 - Continue to build upon the IT gap analysis.
 - **Iowa Insurance Division**
 - Conduct insurance market research and analysis to inform policy decisions on the design of an Iowa HBE.
 - Conduct a financial assessment and budget analysis to determine the financial resources required to establish a HBE and utilize staff and or vendor services to help with infrastructure development and further development of a financial management model.
 - Accountable for oversight and program integrity and will address specific audit, financial integrity, oversight and prevention of fraud, waste and abuse,
 - Provide assistance to individuals and small businesses, coverage appeals, and complaints by completing an inventory of current systems and programs in place that provide assistance. This will ensure accurate planning for leveraging capabilities as well as building appropriate capacities for consumer assistance resources for a HBE.
 - Develop a detailed HBE business process, and associated business requirements for the Exchange IT system.

**Iowa Department of Public Health
Division of Health Promotion and Chronic Disease Prevention
Office of Health Care Transformation**

Budget:

The total budget amount requested for this grant is **\$7,734,762**. Below is a breakdown of each agency's budget and the number of FTE's to be hired.

- **IDPH- \$342,441**
 - Health Benefit Exchange Program Planner (Program Planner 2) 1.00 FTE to be hired
 - All other IDPH staff are existing staff who are dedicating a portion of their time to this project
- **DHS- \$5,449,126**
 - Contract Manager (Management Analyst 3) 1.0 FTE to be hired
 - Eligibility Policy Specialist (Income Maintenance Worker 6) 2.0 FTE to be hired
 - ACA Integration Specialist (Executive Officer 2) 1.0 FTE to be hired
 - Support Staff (Administrative Assistant 2) 1.0 FTE to be hired
- **IID- \$1,943,195**
 - Business Analysts 2.0 FTE to be hired
 - Webmaster 1.0 FTE to be hired
 - Technology Support Specialist 1.0 FTE to be hired
 - Administrative Support 3.0 FTE to be hired
 - Contract Manager 1.0 FTE to be hired
 - Project Manager 1.0 FTE to be hired
 - IT Specialist 2.0 FTE to be hired

An Excel spreadsheet containing breakdown of each agency's budget is attached.

Initiatives this grant supports:

- Governor's Health Initiative
- Governor's Lean/Quality Initiative
- IDPH 6 Core Goals
- Affordable Care Act Implementation/Requirement

**Iowa's Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges
Work plan and Timeline**

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
Background Research	Milestone 1: **Procure consultant services to perform detailed business process documentation to reflect current state business processes and include future state process changes needed to support a HBE.	DHS	X	X	X	X
	Milestone 2: Complete detailed simulation modeling to refine current estimates of the population that will access coverage through the HBE. This will provide a more specific profile of uninsured and newly eligible populations, as well as estimate the cost impacts of health care reform in Iowa.	IID	X	X		
	Milestone 3: Conduct a consumer and business research survey to allow Iowa to predict the feasibility of the HBE and will help design and structure the education and outreach programs.	IDPH	X	X	X	
	Milestone 4: Conduct analysis to explore implications of possible CHIP coverage alternatives permitted under current law, including coverage within the HBE, for children who currently qualify for <i>hawk-i</i> , Iowa's CHIP program.	DHS	X	X		
	Milestone 5: Conduct analysis to explore the Basic Health Plan option and the implications for Iowa's coverage programs, including the HBE.	DHS	X	X	X	
	Milestone 6: Evaluate collapsing non-MAGI group and crosswalk of old/new Medicaid eligibility groups.	DHS	X	X		
	Milestone 7: Conduct a study of insurance market issues, including: <ul style="list-style-type: none"> • whether insurers participating in the HBE should be required to offer all health plans sold in the HBE to individuals or small groups purchasing coverage outside of the HBE; • whether the individual and small group markets should be placed entirely inside the HBE • whether the benefits in the individual and small group markets should be standardized inside the HBE or inside and outside the HBE • how to develop and implement the transitional reinsurance program for the individual market and any other risk adjustment mechanisms 	IID	X	X	X	

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	<ul style="list-style-type: none"> • whether to merge the individual and small group health insurance markets for rating purposes including an analysis of the impact such merger would have on premiums; • whether to increase the size of small employers from an average of at least one but not more than fifty employees to an average of at least one but not more than one hundred employees prior to January 1, 2016 • how to account for sole proprietors in defining "small employers" • whether to revise the definition of "small employer" outside the HBE to be consistent with the definition as it applies within the HBE 					
	Milestone 8: Conduct a study of the essential health benefits identified by the secretary pursuant to section 1302(b) of the federal act and of the benefits required under the insurance law or regulations.	DHS IDPH	X	X	X	
	<p>Milestone 9: Conduct a study with findings and recommendations of the benchmark benefits including but not limited to:</p> <ul style="list-style-type: none"> • whether any benefits required under the public health law or the social services law or regulations promulgated that are not identified as benchmark benefits by the secretary should continue to be required as covered benefits available to newly Medicaid-eligible individuals inside the HBE; • the costs of extending any benefits required under the public health law or the social services law or regulations promulgated hereunder as covered benefits available to newly Medicaid-eligible individuals through the HBE; • mechanisms to finance any costs pursuant to the federal act of extending any benefits required under the public health law or the social services law or regulations promulgated to policies and contracts sold through the HBE 	DHS	X	X	X	
Stakeholder Consultation/ Outreach and Education	Milestone 1: Develop a plan for a comprehensive public education and grassroots outreach campaign.	IDPH	X	X		
	Milestone 2: Explore the possibility of adding onto existing outreach efforts such as the CHIP program.	IDPH	X	X		
	Milestone 3: Develop consumer and business tool-kits and other	IDPH		X		

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	educational material that will enhance any public education and outreach campaign.					
	Milestone 4: Partner with the Iowa Collaborative Safety Net Provider Network (Safety Net Network) to develop toolkits targeted at providing information to safety net health care providers and patients about the HBE.	IDPH		X		
	Milestone 5: Collaborate with the Safety Net Network to hold three webinars with safety net provider clinics to promote the use of the toolkits and share lessons learned from select safety net providers on best practices for enrolling patients into programs such as Medicaid and Iowa's SCHIP.	IDPH		X	X	
	Milestone 6: Partner with the Safety Net Network to hold six regional meetings targeted at safety net providers and patients to allow them to provide input on the implementation of the HBE, as well as an opportunity to educate participants on the implementation process and how to make use of the HBE once it is live.	IDPH		X	X	X
	Milestone 7: Assist with and be a key resources for the Commonwealth Fund grant project (through the Safety Net Network and the University of Iowa) to determine how Iowa's health care safety net will be impacted by health care reform.	DHS IDPH	X	X	X	X
	Milestone 8: Continuously maintain an Iowa HBE website which contains a variety of information for stakeholders and consumers, including educational whitepapers, Iowa's grant applications and quarterly reports, and other current information related to the planning of the HBE.	IDPH	X	X	X	X
	Milestone 9: Upon request, continually meet with various stakeholder groups in Iowa to educate them the HBE and update them on Iowa's progress.	IDPH DHS IID Gov. Body- once determined	X	X	X	X
	Milestone 10: ** Develop and implement a formal process for tribal consultation during the Level 1 Establishment grant period. It is Iowa's desire to ensure input is obtained from federally-recognized tribes on the establishment and operation of an Iowa	DHS	X			

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	HBE.					
	Milestone 11: Conduct focus groups and stakeholder outreach regarding user interface design and program development to help achieve a first-class user experience that promotes informed enrollment decision making and assist consumers with successful enrollments	DHS	X	X	X	
Legislative/Regulatory Action	Milestone 1: **Upon request, provide input, resources, and advice to the Governor's Office and legislature for the development of a HBE bill.	IDPH DHS IID	X	X	X	X
Governance	Milestone 1: Upon the enactment of legislation that creates a HBE governing body, the Interagency Workgroup will work in conjunction with governing body to transition identified responsibilities as Iowa moves to implementation.	IDPH DHS IID Gov. Body- once determined			X	X
	Milestone 2: Identify questions and issues to be addressed by a HBE governing body	IDPH DHS IID	X	X		
Program Integration	Milestone 1: **Iowa's HBE Interagency Workgroup will continue to meet on a regular basis to continue moving forward with the planning of an Iowa HBE.	IDPH DHS IID Gov. Body- once determined	X	X	X	X
	Milestone 2: Hire staff and contractors for research and plan development.	IDPH DHS IID	X	X		
	Milestone 3: Continue to plan and develop an integrated, automated eligibility system that meets the requirements of all programs (HBE, Medicaid, and CHIP) in accordance with DHS' PAPD for the IIEP and cost allocation. (See Table 1: "Iowa Integrated Eligibility Project Next Steps" on page 19)	DHS	X	X	X	X
	Milestone 4: Contract to develop a detailed plan to identify Iowa's planning needs to establish an HBE. The plan will: <ul style="list-style-type: none"> • Address the minimum functions of a HBE required by ACA • Include a timeline for planning and implementation that aligns 	DHS	X	X	X	X

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	<p>with the Iowa Integrated Eligibility Project timeline</p> <ul style="list-style-type: none"> • Include a detailed HBE business process, and associated business requirements for the HBE IT system. 					
	Milestone 5: **Maintain Interagency Agreement's with grant contractors establishing roles, responsibilities, and budget amounts.	IDPH DHS IID	X	X	X	X
	Milestone 6: Establish quality assurance services for the new integrated eligibility system to provide quality assurance for project implementation.	DHS	X	X	X	X
	Milestone 7: Establish independent verification and validation services for the new integrated eligibility system to independently verify and validate the design, development and implementation process for project implementation.	DHS	X	X	X	X
Exchange IT System	(See Appendix 6 for the IT HBE Project Timeline)					
	<p>Milestone 1: **Procure technical assistance for IT architecture integration. Activity to include:</p> <ul style="list-style-type: none"> • Gap Analysis of existing systems • Review of product feasibility, viability and alignment • Develop preliminary business requirements and an IT architectural and integration framework • Systems Development Life Cycle (SDLC) implementation plan • Security risk assessment and release plan • Preliminary detailed design and system requirements documentation 	DHS	X	X	X	X
Financial Management	Milestone 1: **Procure consultant services to conduct a financial assessment and budget analysis to determine the financial resources required to establish a HBE. This analysis will include identification of the numbers of operational processes and systems that must be developed for implementation and operation of the HBE as well as analysis of the funding necessary to set up and run the HBE.	IID DHS	X	X	X	

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	Milestone 2: Study the options to generate funding for the ongoing operations of the HBE.	IID DHS	X	X	X	
	Milestone 3: **Adhere to HHS financial monitoring activities carried out for the Planning Grant and under the Establishment Cooperative Agreement.	IID DHS IDPH	X	X	X	X
Oversight & Program Integrity	Milestone 1: ** Procure consultant services to build a plan for Iowa to ensure the prevention of waste, fraud, and abuse related to the expenditure of HBE Planning and Exchange Establishment grants.	IID DHS	X	X	X	
Health Insurance Market Reform	Milestone 1: Assist the state in reviewing the Iowa Insurance Code and corresponding insurance rules, alongside the insurance market reforms established by the ACA.	IID	X	X	X	X
	Milestone 2: Identify and evaluate conflicts between the Iowa Code and federal law and regulations and suggest solutions for resolving such legal conflicts.	IID	X	X	X	X
	Milestone 3: Continue to make progress on key reforms related to premium rate review and transparency and education about the rights of individuals, families, and businesses as it relates to health care coverage and the private marketplace.	IID	X	X	X	X
Providing Assistance to Individuals and Small Businesses, Coverage, Appeals, and Complaints	Milestone 1: ** Through the RFP to identify Iowa's planning needs to establish a HBE, analyze data collected by consumer assistance programs and report on plans for use of information to strengthen qualified health plan accountability and functioning of the HBE. Complete inventory of all current systems and programs that provide consumer assistance.	IID *until governing body is determined	X	X	X	
	Milestone 2: Continue to provide assistance to individuals and explore expansion of resources targeted towards the specific needs of small businesses. These expanded resources may include education about coverage options and tax credits; engagement of trade organizations and small employers, coordination with other state agencies, hiring of essential staff and evaluation of specific needs of small businesses.	IID *until governing body is determined	X	X	X	X
Business Operations	Milestone 1: Establish a project management office to support planning including RFP development as identified in the detailed HBE	IID DHS	X	X	X	X

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	plan through the consultant.					
	<p>Milestone 2: **Secure consultant services to develop business and operations plan for HBE programs and functionality. The list below represents the requirements and processes this effort will address:</p> <ul style="list-style-type: none"> • Certification, recertification and decertification of qualified health plans • Call center • Exchange website • Premium tax credit and cost-sharing reduction calculator • Quality rating system • Navigator program • Eligibility determinations for HBE participation, advance payment of premium tax credits, cost-sharing reductions and Medicaid • Seamless eligibility and enrollment process with Medicaid and other State health subsidy programs • Enrollment process • Applications and notices • Individual responsibility determinations • Administration of premium tax credits and cost-sharing reductions • Adjudication of appeals of eligibility determinations • Notification and appeals of employer liability • Information reporting to IRS and enrollees • Outreach and education • Free Choice Vouchers • Risk adjustment and transitional reinsurance • SHOP Exchange-specific functions 	IID DHS	X	X	X	X
	<p>Milestone 3: Identify the HBE services that will be provided by the State and those that will be provided by a third-party vendor. Prepare an RFP for those services to be provided by a third-party vendor.</p>	IID DHS	X	X	X	X

Core Area	Key Milestone	Lead Agency	Timeline			
			Oct-Dec 2011 Q1	Jan-Mar 2012 Q2	April-June 2012 Q3	July-Sept 2012 Q4
	Milestone 4: Complete a detailed assessment of federal insurance reform requirements for a HBE.	IID *until governing body is determined	X	X	X	X
	Milestone 5: Continue to monitor federal guidance and regulations related to HBE business operations, including the CMS Guidance for HBE and Medicaid IT Systems, the Plan Management Blueprint, and the Eligibility and Enrollment Blueprint, to ensure all HBE operations are developed in compliance with such federal requirements	IID DHS	X	X	X	X
	Milestone 6: Conduct study on certification, recertification and decertification of Qualified Health Plans to provide options regarding Iowa's approach to contracting with qualified health plans.	IID DHS		X	X	
	Milestone 7: Conduct study to gain better understanding of existing call center capabilities.	IID DHS	X	X		
	Milestone 8: Conduct a navigator study to explore the design and function of Iowa's HBE navigator program.	IID DHS	X	X	X	
	Milestone 9: Identify SHOP Exchange – Specific functions to be identified and presented to guide Iowa's approach to the business operations of a SHOP Exchange.	IID DHS	X	X	X	

E. Project Narrative

a. Demonstration of Past Progress in Exchange Planning Core Areas

In September 2011, the state of Iowa applied for and received a \$1 million Exchange Planning Grant. The grant has been used to conduct planning activities for the potential establishment of a HBE in Iowa. Upon receiving the grant, the Iowa Department of Human Services (DHS), The Iowa Insurance Division (IID) and the Iowa Department of Public Health (IDPH) have collaborated to provide strong groundwork for the future activities planned in this Level 1 Establishment grant. The following summary details the accomplishments thus far and the ongoing work undertaken with the planning grant funds.

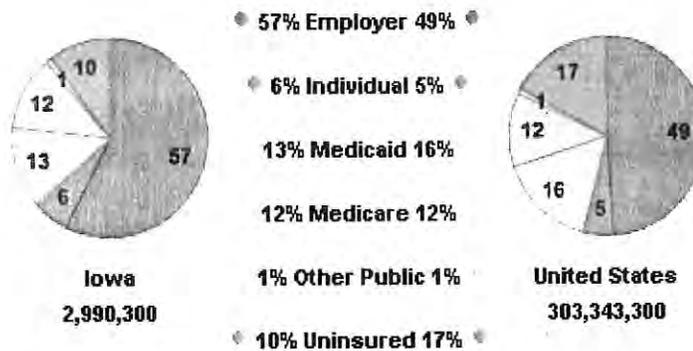
- **Background Research**

Iowa's Interagency Workgroup, comprised of IDPH, DHS, and IID, has gathered background research from a wide range of sources. In order to form an accurate assessment of Iowa's insured and uninsured population, existing data has been reviewed including census data and data from Medicaid, CHIP, and the IowaCare programs. To determine insurance cost and coverage impacts on Iowans, a 2008 report entitled "Cost and Coverage Impact of Options for Expanding Health Insurance Coverage in Iowa" has been reviewed. This report is based on a study conducted by the Lewin Group at the commission of the Iowa General Assembly and it presents estimates of the cost and coverage impacts of various options for further expanding health insurance coverage in Iowa. Iowa has also reviewed filings for premium rates and conducting surveys of carrier and market provider competitiveness and carriers' benefit designs. An additional source of information includes a collection of background information from a 2010 Iowa Employer Benefits Study. This study was conducted by David Lind, a well respected expert in Iowa on healthcare costs. The Lind report estimates that in Iowa, family coverage will rise significantly by 2020 and the cost for family coverage will range from \$34,337 - \$44,895.

In 2008-2009, 57 percent of the non-elderly population in Iowa had health insurance coverage through an employer, another six percent purchased coverage directly, 26 percent had public program coverage, and the remaining 10 percent were uninsured. The median household income of families in Iowa is \$50,422. See Figure 1 on the following page for a comparison of these figures with the entire U.S. population. Sixty-four percent of Iowans are below 400 percent of the Federal Poverty Level (FPL), with 21 percent below 139 percent FPL. Of the State's estimated 309,700 uninsured non-elderly population, the majority will not qualify for Medicaid or other public programs. Under the ACA provisions, Iowa anticipates a significantly higher number of individuals eligible for Medicaid coverage and will improve in the way Iowans obtain both subsidized and unsubsidized coverage through the State's HBE.

Figure 1: Iowa vs. the U.S. Health Insurance Coverage

Health Insurance Coverage of the Total Population, states (2008-2009), U.S. (2009)



Source: Kaiser State Health Facts

Additionally, Iowa has researched best practices and lessons learned from other states by reading the Early Innovator and Establishment grants and participating in the State Planning Grantee Meetings. Key project staff are also connected to the “Exchangers” listserv and participates in educational webinars and conference calls regarding the planning of the Health Benefits Exchange (HBE). Additionally, Iowa utilizes the new NASHP website [State Refor\(u\)m](#) as a valuable resource to share documents and initiatives with other states nationwide.

Iowa’s HBE Interagency Workgroup continues researching the Early Innovator and Establishment grants to understand the approaches taken by these states, particularly in the area of the eligibility system development. In addition, other states have been contacted to gain understanding of their current eligibility systems and plans for modernization to comply with Medicaid expansion and HBE interoperability. This research assisted DHS in completing the Market Research Analysis and Options Analysis for the Iowa Integrated Eligibility Project. The information will be helpful for continued planning efforts for developing an integrated eligibility system.

- **Stakeholder Consultation**

Ensuring stakeholder and consumer input and involvement creates transparency and is high priority for Iowa in the HBE planning process. See Appendix 1 for a list of key stakeholders for the planning of Iowa’s HBE. A HBE Interagency Workgroup is in place and is comprised of key staff from the Iowa Department of Public Health (IDHP), Department of Human Services (DHS), and Iowa

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Insurance Division (IID). This workgroup meets on a regular basis to assess the support of, need for, and creation of the HBE.

IDPH maintains a HBE website

(http://www.idph.state.ia.us/hcr_committees/health_benefit_exchange.asp) which contains a variety of information for stakeholders and consumers, including educational issue briefs (Appendix 2), Iowa's planning grant application and quarterly reports, and other current information related to the planning of the HBE.

As an initial step of the planning process, the HBE Interagency Workgroup held a series of regional meetings and focus groups across Iowa to ensure considerable stakeholder involvement and consumer input. Joel Ario, Director of the U.S. Health and Human Services Center of Health Insurance Exchange, attended the first of five regional meetings in Des Moines. Below is the Focus Group and Regional Meeting schedule:

- December 13: Des Moines
- December 14: Iowa City
- December 20: Waterloo
- December 21: Sioux City
- January 4: Ottumwa
- March 22: Iowa Caregiver's Association, West Des Moines (Focus Group only)
- March 24: Wright County, Clarinda (Focus Group only)
- March (throughout month): Focus Groups with Iowa's Multicultural Population

Video presentations from the regional meetings can be viewed here:

<http://go.prepareiowa.com/url/bo>. The regional meetings and focus groups gained consumer buy-in and created transparency. Community stakeholder groups were given a chance to voice concerns and solicit ideas and expectations from what Iowans want out of an HBE. Participants in the focus groups were asked various open-ended questions concerning such elements as what benefits should be included in the final benefit packages; how should the information be delivered; and what tools should be available to make obtaining benefits more accessible.

The information gathered from the regional meetings and focus groups were compiled into a report and were shared with stakeholders and policymakers as part of the planning process. The Iowa HBE Regional Meetings and Focus Group Report can be found in Appendix 3.

Tangentially connected to the grant activities, the IID holds monthly meetings with representatives who are in consumer groups to update them on federal and state efforts related to health care reform, and to receive feedback from such groups as to their desired level of involvement.

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The *Check-Up* is a health care reform newsletter designed to keep stakeholders and consumers in Iowa updated on the progress of health reform initiatives. The HBE is a key section of the *Check-Up*, and progress of Iowa's planning grant activities is discussed. The newsletter is distributed to a large number of Iowans, including legislators, policy makers, providers, insurers, consumers, and a variety of other key stakeholders. The *Check-Up* gets approximately 7,000 hits each month and nearly 300 hits every day. The *Check-Up* can be viewed here: <http://www.idph.state.ia.us/IdphArchive/Archive.aspx?channel=CheckUp>

Iowa HBE Interagency Workgroup staff has been involved in a number of interviews for newspapers, including POLITICO, Omaha World-Herald, and the Des Moines Register, to educate the public on HBE's and Iowa's progress. Additionally, staff met with the Iowa Association of Business and Industry's Director of Government Relations to update her on the progress and status of the HBE in Iowa. She serves on the Employers for Quality Health Care Coalition with 31 other states and has updated that group on the activities and progress that Iowa has been involved with related to the HBE.

• Legislative and Regulatory Action

Three pieces of legislation were introduced during the 2011 Iowa legislative session creating a HBE in Iowa. The bills were Senate File 348 and two companion bills, Senate File 391 and House File 559. None of these bills made it through the second funnel and are dead for the 2011 legislative session. Iowa is continuing to monitor the developments in other states along with Federal regulations and guidance that has recently been issued to prepare for the upcoming 2012 session.

While all three bills created a HBE in Iowa, there were considerable differences in the bills. Please see a brief description of the bills and their differences below. For more information please visit the bills' links added below. In addition, a HBE Factsheet provided to legislators and two comparison charts of the bills that were created by the sponsor of SF 348 are attached.

- Senate File 348- <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&hbill=SF348>
- Senate File 391- <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&ga=84&hbill=SF391>
- House File 559- <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&ga=84&hbill=HF559>

SF 348

SF 348 has many similarities to NAIC's model legislation. It provides for the establishment of an American HBE to facilitate the purchase and sale of qualified health benefits plans in the individual market. The legislation also created a

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small business health options program exchange to assist qualified small employers in enrolling their employees in qualified health plans offered in the small group market.

The legislation established the exchange as a nonprofit corporation under the purview of the Governor. A board of directors would be established to carry out duties of the HBE. The board of directors would consist of seven voting members and two nonvoting members. The voting members would be appointed by the Governor and confirmed by the Senate. The nonvoting members would be the Commissioner of Insurance and the Director of DHS. This legislation would have given the HBE responsibility of certifying qualified health benefits plans. Licensed insurance producers would have been allowed to assist individuals and small employers with purchasing qualified health benefit plans and allow them to receive a commission when doing so. The HBE would have selected entities qualified to serve as navigators in accordance with the ACA. The HBE would have been funded through federal and private grants and fees charged to health carriers. Under this legislation, the HBE would have replaced the current Iowa Insurance Information HBE.

SF 391 and HF 559

The companion bills would have also established a HBE to facilitate the purchase and sale of qualified health benefits plans in the individual market and assist small employers in enrolling their employees in qualified health plans offered in the small group market.

These pieces of legislation would have established the HBE under the discretion of the Commissioner of Insurance and may have been operated by the insurance division or as a nonprofit corporation approved by the Commissioner of Insurance. The Commissioner would have been required to approve the establishment of one or more HBE in the state. The HBE or the components of the HBE may have been operated on a statewide or regional basis or on a multistate basis, subject to the approval of the Commissioner of Insurance. The legislation would require that all persons who would have enrolled in a qualified health plan offered through a HBE must have been enrolled by a licensed insurance producer/agent and the producer would have received up to a five percent commission of the premium paid by enrollees. The carrier of the insurance plan would have been responsible for the payment of the commission. The legislation would have also required the five percent commission even on plans sold outside of the HBE. This legislation would also have required the established HBE to apply for a five-year waiver from the Secretary of the United States of the Department of HHS for the certification requirements for health benefit plans of the ACA, to enable the HBE to offer mandate-free health benefit plans that would have been exempt from some or all of the special health and accident insurance coverage required by the ACA.

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The legislation would have authorized the HBE to select entities to serve as navigators and to award grants to have enabled navigators to conduct public education activities. The legislation also would have required entities qualified as navigators that facilitated enrollment in health benefits plans to be licensed as insurance producers or utilize the services of an insurance producer to assist in the purchase of a plan. The HBE would also have been authorized to charge assessments or user fees to health carriers that would have offered health benefit plans through the HBE, or to otherwise generate funding necessary to support the operation of the HBE.

Interagency Workgroup staff has reviewed the newly proposed rules released by the U.S. Department of Health and Human Services. DHS is ensuring the planning for the IIEP is aligned with the federal requirements established for the HBEs.

- **Governance**

As previously mentioned, the three pieces of legislation that were introduced during the 2011 Iowa legislative session did not make it through the second funnel and are dead for the 2011 legislative session. Iowa's legislative session convened for the year in June. This places Iowa in an interesting position for the 2014 health care reform push, making the 2012 legislative session even more important for Iowa HBE legislation to be passed.

In addition to monitoring the legislative bills that have been introduced during the 2011 session, the Commissioner of Insurance has been consulted as a subject matter expert on the requirements for a HBE operating in Iowa and what might best serve the needs of Iowans. The Interagency Workgroup has also been monitoring what other states are deciding regarding a governing body for their HBE.

- **Program Integration**

In September 2010, Iowa established an HBE Interagency workgroup. The role of the workgroup is to plan for the HBE and facilitate collaboration between the IDPH, the Iowa DHS (State Medicaid Agency) and the IID. Interagency agreement forms have been signed by the agencies which distinguish responsibilities and budget amounts. The interagency agreements can be found in Appendix 4.

The HBE Interagency Workgroup may include other state agencies as determined. The HBE Interagency Workgroup guides the planning and development of the HBE. Examples of the work of the HBE Interagency Workgroup include:

- Conducting regional meetings and focus groups throughout the state,
- Defining the scope of work and deliverables for contractors;

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- Developing joint work plans and timelines for development of the HBE; and
- Producing reports for stakeholder and policymaker education including issue briefs located in Appendix 2.

The HBE Interagency Workgroup will work together to develop options for governance. It will continue to focus on the role of each agency with respect to the operation of the HBE. The group will focus on how Medicaid will integrate into the HBE and explore how Medicaid and premium tax credit and cost-sharing recipients will transition between Medicaid and the HBE and will consider basic plan options. Policy options will be created and the HBE Interagency Workgroup will continue to provide leadership in planning for the HBE.

As part of Iowa's HBE planning grant activity, DHS contracted with Cognosante to develop a strategic plan to identify future planning and decision points needed in the areas of business processes and IT solutions to integrate Medicaid, CHIP and the premium tax credit and cost-sharing eligibility determinations and enrollments. The strategic plan provides an overview of readiness activities that must be undertaken by Iowa to prepare for implementing large scale changes to computer systems and business processes as a result of new federal health care laws. This plan provides background information on the new laws and the current state of systems and processes, the impact to Iowa and specifically the DHS, an action plan, financial information and a risk assessment. In addition to this strategic plan, Iowa DHS has prepared other plans and analytical documents that cover in detail the specifics of system replacement activities, market research and analysis, and enhanced federal funding requests. The strategic plan incorporates parts of those documents but is not intended to replace the detailed analysis.

The Iowa DHS (State Medicaid Agency) issued a notice of intent to release a request for proposal (RFP), for the purpose of procuring technology solutions to determine eligibility and calculate benefits for federal and state assistance programs. The procurement is necessary due to the expansion of Medicaid services due to the ACA. Additionally, DHS has issued an RFP to solicit bids from vendors interested in service as Project Director for the implementation of the Iowa Integrated Eligibility Project. The IIEP Project Director will provide leadership, planning, oversight, management, communication and reporting on the IIEP project.

- **Exchange IT Systems**

The primary focus with IT systems has been DHS' analysis and development of the Iowa Integrated Eligibility Project. DHS refined options for a system replacement and identification of the desired outcomes of a new, modern, modular system. A notice of intent to issue an RFP for a new eligibility system was issued. A strategic plan has been prepared that identifies the planning

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needs related to a coordination of Medicaid and HBE-related activities. DHS has begun development of an RFP for eligibility system replacement. See "Summary of Exchange IT Gap Analysis" for additional description of progress.

- **Financial Management**

The Interagency Workgroup proposed to work with the Iowa Department of Revenue (IDR) in the planning grant activities to provide leadership for financial modeling, develop specifications for accounting and financial systems, and determine budget impacts for the HBE. It was envisioned that IDR would also work to ensure that a system is in place to issue appropriate tax credits and subsidies to eligible individuals, as well as develop a system that can be easily audited and understood by the taxpayers. Iowa will also further explore the required functions of this area of core activity.

During the planning grant timeframe, a change in leadership and staffing took place at the IDR which delayed these activities.

- **Oversight and Program Integrity**

Iowa has not yet addressed specific audit, financial integrity, oversight and prevention of fraud, waste and abuse beyond what has been referred to in other sections of this application. Grant funds are requested as part of this level one application to explore the required functions of this area of core activity.

- **Health Insurance Market Reforms**

The following table lists Iowa's progress in implementing insurance market reforms under the Affordable Care Act.

Key Provision	Progress to Date and Further Actions Needed
Federal Temporary High-Risk Pool Program (PCIP -- Pre-Existing Condition Insurance Program)	July 1, 2010, \$35 Million allocated to Iowa for new pre-existing insurance plan: HIPIOWA-FED. Enrollment began August 10, 2010. As of 9/9/2011, 207 persons had enrolled.
Early Retiree Reinsurance Program	Iowa's DAS-HRE did apply to participate --ERRP.gov – Operational July 1, 2010. Enrollment process for submission of lists from employees via web portal was made available October, 1, 2010 for individuals with extensive health care costs. Ceased accepting new applications as of 5/6/2011 due to claim activity and predicted exhaustion of funds for existing entities if more entities were accepted. Entities in Iowa received over \$9.8 Million as of 7/29/2011
Federal Web Portal for	Operational as of July 1, 2010: healthcare.gov

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Consumer Health Information	
Work group on ways to reduce administrative costs in health insurance – Iowa Code §505.8(18)	Commissioner convened a work group which met September 13, 2010. Commissioner was to submit a report with recommendations to the Iowa Legislature by the end of the year, but no recommendations were made in 2010. Next meeting scheduled for October 4, 2011.
Iowa Insurance Information Exchange – Iowa Code §505.32 (2011)	Operational as of January 2011: www.insuranceinfoexchange.iowa.gov/index.html The Legislative Health Care Commission provided recommendations in its Final Report, January 2011.
Federal grants available for planning establishment of state-based exchanges. State must notify federal government by January 1, 2013 of decision to operate a HBE	Iowa awarded one million dollars October 9, 2010. Pursuing Level One grant for establishment of HBE. State must notify federal government by January 1, 2013 of decision to operate a HBE. State law/authorization must be in place. Interagency planning group consisting of IDPH, DHS, IID and Revenue: monitoring federal guidance; determining state role in operation of exchange, determining governance and structure for exchange; apply for planning grants and participation; enacting or amending statutory authorization for exchange; authorizing state funding if necessary.
Health Insurance Rate Review (Federal grant)	IID opted not to apply.
Health Insurance Consumer Assistance Program (CAP)(Federal grant)	CAP grant awarded to Iowa on October 19, 2010, with a supplemental award issued November 10, 2010. Total amount of grant \$338,000. Grant award was extended through Iowa's FY 2012. Three staff were hired April 2011. Future funding of CAP incorporated into the HBE Implementation Grant.
Insurance Market Changes: <ul style="list-style-type: none"> • Dependent Coverage up to age 26 • Prohibitions on coverage limits and exclusions • Limits on policy rescissions • Coverage requires for preventive services • Health plans required to report medical loss ratios 	IID issued a series of five educational press releases to provide outreach on the new changes in the law. NAIC work completed; report sent to Secretary of HHS in October 2010. Division adopted 191 IAC 15.11(6) and 36.13, requiring annual open enrollment period for policies sold to cover children under the age of 19, for policies sold after 6/8/2011.

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<ul style="list-style-type: none"> • "Grandfathered" plans may be excluded from certain requirements 	
ACA consumer protection measures	<p>New NAIC model law regarding external review was adopted: 2011 Iowa Acts, House File 597. HHS has approved Iowa as having an effective external review law and meets the requirements of ACA.</p> <p>Emergency rules were filed to apply to external review requests filed with the Commissioner on or after July 1, 2011. Considerable changes are being made to the rule and a new Notice of Intent will be filed.</p>
Iowa rate hearing review for health insurance rate increases above 6.1% -- Iowa Code §505.19 (2011)	<p>Emergency rules filed September 29, 2010 for effective date of October 1, 2010. Notice of Intent for regular process filed October 1, 2010; public hearing date Nov. 16, 2010. Considerable changes are being made to the rule and a new Notice of Intent will be filed.</p>
Federal rate review	<p>9/1/2011: HHS approved Iowa as having an effective rate review program for individual and small employer market</p>
Part D and Medicare Savings Programs (Federal grant)	<p>Iowa's SHIIP received \$243,441 for two years to continue the work of their MIPPA grant—to locate and provide assistance to low income individuals who may be eligible for Part D extra help or Medicare Savings Programs and to do Part D rural outreach.</p> <p>Iowa's SHIIP:</p> <ul style="list-style-type: none"> • Screened over 1,000 low-income Medicare beneficiaries regarding "extra help" to pay for Part D prescription drug costs through partnership with Community Action Agencies in conjunction with Energy Assistance program. • Implemented a Nursing Facility outreach program to assist residents with making Part D decisions. • Provided 329 contacts to rural Medicare beneficiaries regarding Part D assistance and enrollment. • Assisted 204 Medicare beneficiaries with low-income subsidy application assistance and benefit explanation.
National voluntary long-term care insurance program created (CLASS)	<p>The ACA states that the Secretary of Health and Human Services has until October 1, 2012 to designate the CLASS benefit plan.</p>

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<p>Insurance market reforms to date: Health plans must issue rebates if medical loss ratio requirements not met (80% for individual and small group; 85% for large group).</p>	<p>Iowa's MLR adjustment was granted 7/22/2011: 67% for 2011, 75% for 2012 and 80% for 2013. Division continues to monitor federal guidance; review existing law and enact statutory changes if necessary.</p>
<p>Insurance market reforms for 2012-2013:</p> <ul style="list-style-type: none"> • Creation of nonprofit insurance companies in states permitted • Administrative simplification measures for insurance companies implemented (eligibility and claims handling) 	<ul style="list-style-type: none"> • COOP (federal) effective January 1, 2013 • Federal rules to be adopted by July 1, 2011; effective date for plans beginning January 1, 2013

- **Providing Assistance to Individuals and Small Businesses, Coverage Appeals, and Complaints**

Within the IID, the State of Iowa has in place an existing consumer assistance bureau which ensures the fair treatment of consumers and prevents unfair or deceptive trade practice in the insurance marketplace. Inquiries from the public are answered and consumer complaints regarding insurance carriers and producers are received, reviewed and investigated. Administrative actions are taken where appropriate, and criminal matters are referred to prosecutors for potential action. In 2010, the Division's Market Regulation Bureau fielded 4,700 calls, handled 1,700 written complaints and recovered over \$886,000 for consumers.

In October 2010, Iowa received a grant to operate a Consumer Assistance Program (CAP). CAP assists by educating consumers about available health coverage options and opportunities, informing consumers of their health insurance rights and responsibilities, providing access to accurate health insurance information and educating the public about the new health insurance protections available under the ACA. Individuals can access CAP through a dedicated toll-free phone number and website.

- **Business Operations**

(DHS secured a technical assistance contractor, FOX Systems (now known as Cognosante) to provide support services in order to prepare to meet the federal mandates of the ACA. Specifically, Cognosante provided support in planning for Medicaid expansion and the interoperability requirements for Medicaid and a HBE.

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Cognosante assisted DHS in various planning efforts for establishing a HBE:

- Analysis of the current eligibility IT systems and infrastructure for Medicaid and CHIP. This “as-is” and “to-be” analysis will assist in determining the impact of a new Medicaid eligibility determination process and systems as it relates to DHS’s field operations, state eligibility polices and the coordination needed with a HBE.
- Preparation of a strategic plan that includes the results from examination of Medicaid eligibility determination system operations that support and align with health care reform, create innovative business processes and utilize the most advanced technologies.
- Developed an RFI to solicit information about the availability of modernized, modular eligibility systems
- Provided various deliverables related to the development of an Integrated Eligibility System including Options Analysis, Market Research, Vendor Capability Analysis, and a Planning Advanced Planning Document (PAPD) to secure enhanced funding for Iowa’s Integrated Eligibility Project.
- Evaluation of the functionality that will be needed in a new eligibility system that has historically been done in Iowa’s MMIS system.

Cognosante also conducted a facilitated HBE Visioning Session with Iowa’s Interagency Planning Workgroup state agency representatives. Sessions led by Cognosante resulted in:

- Development of a high level roadmap for key activities and milestones to implement an Iowa HBE.
- Identification of key challenges
- Discussion of roles and responsibilities for each agency involved

The planning activities for each function of the HBE are described in the table below.

Function	Planning Activity Progress
Certification, recertification, and decertification of qualified health plans	- Will be determined under Level 1 funding
Call center	- Will be determined under Level 1 funding
Exchange website	- Will be determined under Level 1 funding
Premium tax credit and cost-sharing reduction calculator	- Will be determined under Level 1 funding
Quality rating system	- Will be determined under Level 1 funding
Navigator program	- Compiled feedback from Stakeholder Regional Meetings and Consumer Focus Group

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	- Will continue to expand on under Level 1 funding
Eligibility determinations for HBE participation, advance payment of premium tax credits, cost-sharing reductions, and Medicaid	- Developed a strategic plan to identify future planning and decision points needed in the areas of business processes and IT solutions to integrate Medicaid, CHIP and the tax credit eligibility determinations and enrollments. - Will continue to expand on under Level 1 funding
Seamless eligibility and enrollment process with Medicaid and other State health subsidy programs	- Developed a strategic plan to identify future planning and decision points needed in the areas of business processes and IT solutions to integrate Medicaid, CHIP and the tax credit eligibility determinations and enrollments. - Will continue to expand on under Level 1 funding
Enrollment process	- Compiled feedback from Stakeholder Regional Meetings and Consumer Focus Group - Will continue to expand on under Level 1 funding
Applications and notices	- Compiled feedback from Stakeholder Regional Meetings and Consumer Focus Group - Will continue to expand on under Level 1 funding
Individual responsibility determinations	- Compiled feedback from Stakeholder Regional Meetings and Consumer Focus Group - Will continue to expand on under Level 1 funding
Administration of premium tax credits and cost-sharing reductions	- Will be determined under Level 1 funding
Adjudication of appeals of eligibility determinations	- Will be determined under Level 1 funding
Notification and appeals of employer liability	- Will be determined under Level 1 funding
Information reporting to IRS and enrollees	- Will be determined under Level 1 funding
Outreach and education	- Compiled feedback from Stakeholder Regional Meetings and Consumer Focus Group - Establish an Iowa HBE website with educational whitepapers and resources
Risk adjustment and transitional reinsurance	- Will be determined under Level 1 funding
SHOP Exchange-specific functions	- Will be determined under Level 1 funding

b. Proposal to Meet Program Requirements

Iowa anticipates that the Level 1 HBE Establishment grant funding requested in this application will support the state in moving to the next level of planning, development and implementation for an Iowa HBE. This Level 1 Establishment Grant proposal will support activities in all of the core areas.

Iowa Health Benefit Exchange: Level 1 Grant Objectives:

- Refine the vision and goals for the Iowa HBE, consistent with state and federal law.
- Secure staff, consultant and expert resources and actively engage stakeholders to inform and support HBE planning and implementation activities.
- Create a public education and outreach plan that will assist in educating the public about the HBE.
- Develop and initiate implementation of a business and operational plan outlining the key tasks, milestones and timeline, including information technology (IT) infrastructure and functionality necessary to achieve successful operation of the HBE.
- Identify and begin to establish the systems and program capacity in core areas, such as IT development, to secure federal certification of the Iowa HBE by January 1, 2013.
- Prepare and submit a Level II HBE grant application in the Spring of 2012.

Strategic Visioning for Eligibility

The strategic visioning process for eligibility of the Iowa HBE will include consideration of core principles and opportunities for seamless coordination with the insurance affordability programs, including Medicaid and *hawk-i*, the states CHIP program. The ACA requires an integrated HBE enrollment system that permits enrollment in Medicaid and CHIP through the HBE. Building on ACA goals and requirements, the Iowa DHS is in the process of procuring a new Medicaid eligibility system that will also perform the required enrollment and eligibility functions of a HBE. DHS will be responsible to determine the criteria and process for eligibility and enrollment for HBE coverage and insurance affordability programs and will coordinate that process with the entity established to operate the HBE. Iowa's vision for achieving these goals will inform HBE program and systems development, including IT systems development.

Business and Operational Planning

One of the main consultant supported activities early in the grant period will be development of a detailed and comprehensive business and operational plan. The planning will include IT analysis and system design. This is needed to ensure the state can meet the federal goals and timelines for HBE certification and operation.

- **Background Research**

Iowa will continue to conduct and evaluate background research and analysis to inform HBE development and operations. Examples of the research that will be completed during the Level 1 grant period include:

- IID will complete detailed simulation modeling to refine current estimates of the population that will access coverage through the HBE. This will

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- provide a more specific profile of uninsured and newly eligible populations, as well as estimate the cost impacts of health care reform in Iowa.
- IDPH will conduct a consumer and business research survey to allow Iowa to predict the feasibility of the HBE and will help design and structure the education and outreach programs.
- DHS will conduct analysis to explore implications of possible CHIP coverage alternatives permitted under current law, including coverage within the HBE, for children who currently qualify for *hawk-i*, Iowa's CHIP program.
- DHS will conduct analysis to explore the Basic Health Plan option and the implications for Iowa's coverage programs, including the HBE.
- DHS will conduct analysis to evaluate collapsing the non-MAGI group and crosswalk of old/new Medicaid eligibility groups.

In addition, several studies will be conducted to inform policy decisions on the design of an Iowa HBE. The studies for which we are seeking new funding to support consultant analysis, that do not duplicate studies funded through Iowa's HBE Planning grant are:

- A study of insurance market issues, including:
 - (i) whether insurers participating in the HBE should be required to offer all health plans sold in the HBE to individuals or small groups purchasing coverage outside of the HBE;
 - (ii) whether the individual and small group markets should be placed entirely inside the HBE;
 - (iii) whether the benefits in the individual and small group markets should be standardized inside the HBE or inside and outside the HBE;
 - (iv) how to develop and implement the transitional reinsurance program for the individual market and any other risk adjustment mechanisms developed in accordance with sections 1341, 1342 and 1343 of the federal act;
 - (v) whether to merge the individual and small group health insurance markets for rating purposes including an analysis of the impact such merger would have on premiums;
 - (vi) whether to increase the size of small employers from an average of at least one but not more than fifty employees to an average of at least one but not more than one hundred employees prior to January 1, 2016;
 - (vii) how to account for sole proprietors in defining "small employers"; and
 - (viii) whether to revise the definition of "small employer" outside the HBE to be consistent with the definition as it applies within the HBE.
- A study of the essential health benefits identified by the secretary pursuant to section 1302(b) of the federal act and of the benefits required under the insurance law or regulations.
- A study of the benchmark benefits identified by the secretary and of the benefits required under the public health law or the social services law or

regulations. Such study, findings and recommendations shall address matters including but not limited to:

- (i) whether any benefits required under the public health law or the social services law or regulations promulgated that are not identified as benchmark benefits by the secretary should continue to be required as covered benefits available to newly Medicaid-eligible individuals inside the HBE;
- (ii) the costs of extending any benefits required under the public health law or the social services law or regulations promulgated hereunder as covered benefits available to newly Medicaid-eligible individuals through the HBE;
- (iii) mechanisms to finance any costs pursuant to the federal act of extending any benefits required under the public health law or the social services law or regulations promulgated to policies and contracts sold through the HBE.

- **Stakeholder Consultation**

Stakeholders and consumers will continue to play a vital role in the planning of Iowa's HBE. Ongoing consultation with these stakeholder groups is necessary to continue the transparent planning process. Education and outreach programs to the public will be a major component of the next phase of the planning and implementation process, and will ensure buy-in and maximum participation. IDPH is well-suited to provide this type of outreach and has the expertise to promote the HBE across Iowa.

IDPH will undertake the development of a public education and grassroots outreach campaign. A message that was delivered consistently from consumers during the focus groups was that education and outreach needed to be robust and started early in the process. Iowa will explore the possibility of adding onto existing outreach efforts such as the CHIP program. Many lessons were learned from early outreach efforts in the CHIP program. We cannot assume that once the HBE is implemented that individuals and businesses will automatically participate. Many of these individuals may have never had insurance or the businesses may have never offered insurance to their employees in the past and may not understand the advantages of enrolling. Outreach will have to be more in depth than simply handing out information. Iowa will look at creating such efforts as developing consumer and business tool-kits and other educational material that will enhance any public education and outreach campaign.

In addition, the Iowa Collaborative Safety Net Provider Network (Safety Net Network) will work in partnership with IDPH, DHS and IID to develop toolkits targeted at providing information to safety net health care providers and patients about the HBE. Final drafts of the toolkits will be shared with the Safety Net Network's Leadership Group to ensure that the content is appropriate for safety net providers and patients from Federally Qualified Health Centers, Rural Health Clinics, Free Clinics, Family Planning Agencies, Local Boards of Health, Maternal and Child Health Centers, Child Health Specialty Clinics, Community Mental Health Centers, and others.

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Once the toolkits have been finalized, the Safety Net Network will schedule and facilitate up to three webinars with safety net provider clinics to promote the use of the toolkits and share lessons learned from select safety net providers on best practices for enrolling patients into programs such as Medicaid and Iowa's SCHIP. These best practices and lessons learned will be relevant for also reaching out to patients that can take advantage of the HBE in a variety of ways.

The Safety Net Network will also work in partnership with IDPH, IDHS, and IID to schedule and facilitate up to six regional meetings targeted at safety net providers and patients. These regional outreach sessions will allow for provider and patient input on the implementation of the HBE as well as an opportunity to educate participants on the implementation process and how to make use of the HBE once it is live. All comments shared during the meetings will be captured and shared with the IDPH, IDHS, and the IID.

IDPH will then expand upon the initial HBE focus group research to reach broader representation and collect more extensive data. This data will be collected through an internet-based or phone survey questionnaire and will be targeted at consumers and will include questions such as what benefits should be included in what packages Iowans feel a reasonable insurance premium to pay each month would be and the best way to conduct outreach and the type of public education that would be the most useful. Questionnaires will also be targeted toward insurers and small business stakeholders to further determine their perspective. This type of information will allow Iowa to predict the feasibility of the HBE and will help design and structure the education and outreach programs.

The University of Iowa Public Policy Center (PPC) has been working closely with the Iowa Collaborative Safety Net Provider Network (Safety Net Network) on a Commonwealth Fund-supported project to determine how Iowa's health care safety net will be impacted by health care reform. The 18-month project will examine the impact of health care reform on the safety net of medical, dental, mental health, and pharmacy providers in Iowa, as well as other related services that deliver health care to uninsured, Medicaid, and other vulnerable patients. The Safety Net Network's Leadership and Advisory Groups, which are made up of state officials and safety net providers, have been meeting and working to determine the current funding, expenditures, and infrastructure of Iowa's safety net, and will then develop strategies for improving it. A National Advisory Committee made up of representatives from the RAND Corporation, US Department of Health and Human Services, Robert Wood Johnson Foundation, The Commonwealth Fund, National Academy of State Health Policy, National Association of Community Health Centers, National Association of Rural Health Clinics, and George Washington University has also been convened to provide input and guidance to the project. The PPC and University of Iowa College of Public Health faculty and staff have been preparing to conduct an economic

analysis of the implications of health care reform while the University of Iowa College of Law faculty will focus on providing legal analysis related to reform. At the conclusion of the project, the Public Policy Center will provide reports on how the reform will impact safety net providers and how it will affect their finances. The reports will also give recommendations for improvements in the funding and delivery of health care services by these providers. IDPH and DHS play an active role in the Safety Net Collaborative and will be assisting in the Commonwealth grant. IDPH will continue to be a resource on state level health care reform issues, in particular the HBE. More information about the project can be found at the following website: <http://ppc.uiowa.edu/pages.php?id=263>.

DHS will develop and implement a formal process for tribal consultation during the Level 1 Establishment grant period. It is Iowa's desire to ensure input is obtained from federally-recognized tribes on the establishment and operation of an Iowa HBE.

In an effort to understand the needs of the users accessing the HBE and applying for benefits, DHS will conduct focus groups and stakeholder outreach regarding user interface design and program development. This information will be used to help achieve a first-class user experience that promotes informed enrollment decision making and assist consumers with successful enrollments.

- **Legislative and Regulatory Action**

The establishment of a HBE requires a planning process that begins with state action, by legislation or other means, to create a HBE entity with the necessary authority to implement and operate a HBE. Upon request, Iowa's HBE Interagency Workgroup will provide input and resources to the Governor's Office and legislature for the development of a HBE bill. In order to apply for Level 2 Establishment Grant funding, the State must establish the necessary legal authority during this Level 1 grant period. It is anticipated that legislation will be drafted to establish and operate a HBE (to be acted upon in 2012 legislative session, which begins in January 2012).

- **Governance**

Currently, responsibilities under this grant are being fulfilled by Iowa's HBE Interagency Workgroup. As previously mentioned, IDPH is the lead applicant for this grant and is collaborating closely with IID and DHS. It has been decided by the department Directors that IID will take over as lead state agency of the planning and implementation of the HBE until legislation with governance structure is passed. Upon the enactment of legislation that creates a HBE governing body, the Interagency Workgroup will work in conjunction with governing identity to transition over many of the responsibilities as Iowa moves to implementation. They will also identify questions and issues to be addressed by a HBE governing body, once established.

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• Program Integration

Iowa's HBE Interagency Workgroup, consisting of IDPH, DHS, and IID, continue to meet on a regular basis to move forward with the planning of a HBE in Iowa. It has been decided by the department Directors that IID will transition as lead state agency of the planning and implementation of the HBE until legislation with governance structure is passed.

Iowa recognizes that current eligibility and enrollment processes need to change significantly to support proposed HBE operational requirements and comply with the ACA provisions for Medicaid eligibility. By October 2013, it is anticipated that Iowa will have developed a new, integrated eligibility system that will have the functionality to determine eligibility for HBE premium tax credits and cost-sharing as well as for Medicaid, CHIP and other state programs. In the Level 1 grant period, Iowa will continue to plan and develop an integrated, automated eligibility system that meets the requirements of all programs, and plan for workforce training to reflect operations upon HBE implementation.

DHS has concluded Phase 1 of the Iowa Integrated Eligibility Project (IIEP), which consisted of preplanning activities to identify the states' needs regarding an eligibility system that will meet the requirements of Medicaid expansion and interoperability with a HBE. Included in this phase was the issuance of a Request for Information (RFI), evaluating the RFP responses, vendor demonstrations, market research for potential transfer systems and an options analysis of possible solutions for system replacement. It was determined that in-house development of a customized system would be very expensive and similar projects have faced considerable delays. Due to the cost and risk, the project is looking at transfer systems from another state, or a vendor written system with commercial off the shelf (COTS) components. DHS has an approved PAPD for the project, which includes cost allocation for a portion of the HBE to support the planning efforts. The Level 1 Establishment Grant funding is requested to fund the portion identified in the approved PAPD beginning October 1, 2011. The next steps for the IIEP are summarized in Table 1 below. Dates are subject to change:

Table 1: Iowa Integrated Eligibility Project Next Steps

Key Procurement Task	Date
Secure TA Vendor for Phase 2	June 2011 (complete)
Notice of Intent to issue RFP	July 2011 (complete)
Secure Federal Funding for Phase 2	July 2011 (complete)
Evaluate Options Analysis	June 2011 – July 2011 (complete)
Align Stakeholder Vision with Options	June 2011 – July 2011 (in process)
Determine Requirements Gathering Method	June 2011 – July 2011 (in process)

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Key Procurement Task	Date
Develop Implementation Advanced Planning Document	July 2011 – September 2011 (in process)
Joint Application Design (JAD) sessions	August 2011 – October 2011 (in process)
“To Be” Business Process Engineering	August 2011 – May 2012 (in process)
Create draft RFP	August 2011 – October 2011 (in process)
DHS Review and approval of RFP	October 2011
RFP to CMS and FNS for approval	October 2011 – November 2011
IAPD to CMS and FNS for approval	October 2011 – November 2011
Issue RFP(s)	December 1, 2011
Bidders' Question Due	January 6, 2012
Letters of intent to bid requested	January 13, 2012
Written responses to bidders questions	January 20, 2012
Closing date for receipt of bid proposals and amendments	February 10, 2012
RFP evaluation (system, technical assistance)	Feb 13 – March 9, 2012
Oral presentations	February 27, 2012 – March 2, 2012
Recommendations to Executive Sponsors	March 9, 2012
CMS Evaluation and intent to award approval	March 12, 2012 – April 6, 2012
Notice of Intent to award	April 9, 2012
Completion of contract negotiations and execution of contract	April 9, 2012 – April 16, 2012
CMS contract approval	May 11, 2012
Design, Development and Implementation	June 2012 – September 2013 (16 months)
Begin Operations	October 2013

DHS is in the process of two major system procurements, both a new Medicaid Management Information System (MMIS) and a new eligibility system. It is DHS's intent to procure a MMIS and related operations, a Pharmacy Point-of-Sale (POS) system and related operations, and an Integrated Eligibility system to meet all federal and state requirements and CMS certification. These two projects will be occurring simultaneously and are very closely aligned. The two projects are also on aggressive timelines due to ACA implementation requirements.

The size and complexity of these two projects requires a set of services to oversee, manage, and integrate those system services into DHS and the State's operational environments. DHS has identified a need to retain the services of a contractor to assist the State to oversee, manage and integrate the implementation of these two major system procurements. A notice of intent to

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issue an RFP has been posted for *MED-12-013 Project Oversight, Management and Integration Services* that will procure project oversight, management, and integration services for the implementation of the new Iowa MMIS/ POS and Integrated Eligibility projects.

Quality assurance (QA) services and independent verification and validation (IV & V) services will be sought for each project. The QA will provide each project a set of services and skill sets to provide quality assurance to the specific project implementation. The IV & V will procure a set of services and skill sets to independently verify and validate the design, development and implementation (DDI) process and all related activities of each specific project.

Additionally, it is DHS's intent to procure a Project Director for each of these projects. The two Project Director's, working on behalf of the Department, will lead the State efforts for the MMIS/POS and Integrated Eligibility projects. The two Project Directors will oversee all activities of the design, development and implementation (DDI) of each project. This includes managing the Project Oversight, Management and Integration Services contract, the individual system contracts specific to each project (the MMIS/POS system vendor and the IIEP Integrated Eligibility System vendor). The MMIS and IIEP Project Directors will also be responsible to coordinate closely with the HBE Coordinator(s), to ensure alignment and coordination of all the projects, which are interdependent.

DHS has an approved PAPD for all the planning aspects of the Integrated Eligibility Project, including the services described above. The PAPD includes cost allocation for a portion of the HBE to support the planning efforts. An IAPD will be submitted to further refine the activities and costs of the project.

The Level 1 Establishment Grant funding is requested to fund the portion identified in the approved PAPD beginning October 1, 2011. Appendix 5 lists current and future procurements for DHS's Integrated Eligibility Project, which Level 1 grant funding is requested.

Iowa recognizes the importance of seamless integration of eligibility verification and enrollment processes with Medicaid, CHIP and HBE eligibility functions. Interoperability must be achieved with the state programs and coordinate eligibility determination, verification and referrals. To ensure the activity of the Iowa Integrated Eligibility Project is closely aligned and collaborating with the development of a HBE, the Department of Human Services requests Level 1 grant funding to provide staff who will have the primary responsibility to:

- Play key leadership role in the successful integration of DHS business processes in a HBE
- Represent DHS in the coordination across the State agencies involved in HBE planning

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- Represent DHS in the collaboration on procurement and development of HBE and Medicaid IT systems needed to facilitate “no wrong door” for eligibility determinations
- Participate in the identification of key business processes and business rules that can be centralized in the HBE
- Participate in the identification of capabilities and components that can be reused in the HBE

One of the key mechanisms to ensure program integration is the identification of policy and processes needed for a HBE. Iowa's planning efforts will include a process to identify the best way to integrate various programs with the HBE, minimize duplication of efforts and costs, and to promote efficiency. This will require active participation of DHS (umbrella agency responsible for Medicaid, SNAP and TANF programs.), Insurance Division and IDPH.

- Consultant services will be sought to perform detailed business process documentation to reflect current state business processes and include future State process changes need to support proposed HBE operational requirements. This will include:
 - Analysis of current business processes “As Is” capabilities
 - Identification of existing capabilities that can be leveraged in the HBE environment
 - Creation of Business Process model for each program or component
 - Definition of the Future State of Operations “To Be” functionality.
- Meetings will continue between the Interagency Workgroup to:
 - Update work plans
 - Identify interagency agreements needed to clarify agency roles and responsibilities.
 - Identify challenges in the program integration process
 - Identify strategies for compliance with “no wrong door” approach.
 - Identify cost allocation needs between the HBE grants, FFP and other appropriate funding streams.

- **Exchange IT Systems**

Iowa is interested in using information technology to substantially improve eligibility and enrollment for Medicaid and social services programs. This modernization strategy will enable Iowa to create an innovative and comprehensive technology solution that will allow consumers to use a single web-based interface to determine eligibility for tax credits within the HBE or for Medicaid, learn about coverage options and enroll in health coverage.

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Planning efforts will expand on the work that has been conducted by DHS and determine existing technologies outside of DHS and evaluate what IT systems can be leveraged, which ones should be maintained and the gaps that currently exist within these systems. Iowa will then have to determine which additional technologies must either be created, borrowed from early innovator states or purchased. Iowa will then determine specific modifications and integrations that must be made to establish a seamless and integrated system that operates using the most efficient, effective and modular technologies and flexible architecture.

Level 1 funding is requested to contract for technical assistance for IT architecture integration. Activity will include:

- Gap Analysis of existing systems
- Review of product feasibility, viability and alignment
- Develop preliminary business requirements and an IT architectural and integration framework
- Comprehensive work plan integrated with the DHS Eligibility Project work plan
- Systems Development Life Cycle (SDLC) implementation plan
- Security risk assessment and release plan
- Preliminary detailed design and system requirements documentation

See Appendix 6 for Iowa's IT/Eligibility HBE Project Timelines.

- **Financial Management**

According to federal statute, HBE's will have to be self-sufficient by January 1, 2015. Through Level 1 Establishment Grant funding, Iowa will comprehensively study the options to generate funding for the on-going operations of the HBE. IID and DHS will conduct a financial assessment and budget analysis to determine the financial resources required to establish a HBE. This analysis will include identification of the numbers of operational processes and systems that must be developed for implementation and operation of the HBE as well as analysis of the funding necessary to set up and run the HBE. Iowa will utilize staff and or vendor services to help with infrastructure development and further development of a financial management model. Based on this framework, Iowa will identify staff and consultant services necessary to support the infrastructure and work plan and develop a sustainability model.

Iowa has in place statutory and regulatory requirements and administrative procedures through the Iowa's Department of Revenue and Finance and the Department of Management to ensure proper financial management of grants awarded to the Iowa and the future HBE.

- **Oversight and Program Integrity**

Iowa has not yet addressed specific audit, financial integrity, oversight and prevention of fraud, waste and abuse beyond what has been referred to in other

sections of this application. Grant funds are requested as part of this level one application to explore the required functions of this core activity.

- **Health Insurance Market Reforms**

IID will continue its progress in implementing the insurance market reforms required by the ACA during this 12 month period of Level One grant funding. IID will also assist the state in reviewing the Iowa Insurance Code and corresponding insurance rules, alongside the insurance market reforms established by the ACA. IID will help identify and evaluate conflicts between the Iowa Code and federal law and regulations and suggest solutions for resolving such legal conflicts. This may include the drafting of potential legislation for the 2012 session of the Iowa General Assembly. The agenda items pursued during the 2011 General Assembly session that were not successful will likely be revisited during the 2012 legislative session. IID, with support from the Governor, intends to continue its efforts to fully uphold the law, and will continue to make progress on key reforms related to premium rate review and transparency and education about the rights of individuals, families, and businesses as it relates to health care coverage and the private marketplace.

- **Providing Assistance to Individuals and Small Businesses, Coverage Appeals, and Complaints**

Customer experience and satisfaction are critical components to consider in the planning of a HBE. Iowa has identified some existing programs that can serve as a model in developing Iowa's assistance and engagement activities for a HBE (including *hawk-i*, Medicaid Member Services, etc). Also, there are several state agencies that currently operate appeal and consumer complaint programs. With Level 1 funding, Iowa will complete an inventory of current systems and programs in place that provide assistance. This will ensure accurate planning for leveraging capabilities as well as building appropriate capacities for consumer assistance resources for a HBE.

During the grant period, Iowa plans to use the requested funds to continue to provide assistance to individuals and explore expansion of resources targeted towards the specific needs of small businesses. This expansion of resources may include education about coverage options and tax credits; engagement of trade organizations and small employers, coordination with other state agencies, hiring of essential staff and evaluation of specific needs of small businesses.

- **Business Operations**

A detailed HBE business process, and associated business requirements for the HBE IT system, must be developed for all of Iowa's HBE functions. The functions include five core areas: Consumer Assistance, Plan Management, Eligibility, Enrollment and Financial Management.

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There are key policy determinations that will provide the framework for the operations that must inform and are an integral part of the design and development of Iowa's HBE. Iowa recognizes that the design and implementation of all the business operations aspects of a HBE, supported by the right IT solution will ensure a seamless customer experience.

The HBE structure and governance decisions will help guide and assist in finalizing various design and operations parameters, and are needed in order to complete planning and implementation activities within the required timeframes.

- Complete a detailed assessment of federal insurance reform requirements for an Exchange and incorporate updated federal guidance
- Establish a project management office to support planning including RFP development as identified in the detailed HBE plan.
- Secure consultant services to identify Iowa's planning needs to establish an HBE and to perform detailed business process documentation to reflect current state business processes. This will include future State process changes to support proposed HBE operational requirements. Develop business and operations plan for HBE programs and functionality. This business and operational plan will set the course for program development and establish the path and timeline leading to full operations. The list below represents the requirements and processes this effort will address:
 - Certification, recertification and decertification of qualified health plans
 - Call center
 - HBE website
 - Premium tax credit and cost-sharing reduction calculator
 - Quality rating system
 - Navigator program
 - Eligibility determinations for HBE participation, advance payment of premium tax credits, cost-sharing reductions and Medicaid
 - Seamless eligibility and enrollment process with Medicaid and other State health subsidy programs
 - Enrollment process
 - Applications and notices
 - Individual responsibility determinations
 - Administration of premium tax credits and cost-sharing reductions
 - Adjudication of appeals of eligibility determinations
 - Notification and appeals of employer liability
 - Information reporting to IRS and enrollees
 - Outreach and education
 - Free Choice Vouchers
 - Risk adjustment and transitional reinsurance
 - SHOP HBE-specific functions

Iowa's Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges

- Identify the HBE-based services that will be provided by the State, and those to be provided by third-party vendors.
- Prepare RFP's for HBE-based services.
- Continue to monitor federal guidance and regulations related to HBE business operations, including the CMS Guidance for HBE and Medicaid IT Systems, the Plan Management Blueprint, and the Eligibility and Enrollment Blueprint, to ensure all HBE operations are developed in compliance with such federal requirements.

A number of studies are identified for inclusion in this Level One Establishment proposal to guide Iowa's approach and inform policy decisions for the business operations of the HBE:

- Certification, Recertification and Decertification of Qualified Health Plans: A study would provide options regarding the State's approach to contracting with qualified health plans, and the extent to which it should selectively contract to meet the goals identified in the statute
- Call Center: Currently, Iowa operates a number of call centers and resource lines to assist consumers with health insurance coverage questions. Iowa's goal is for consumers to have a seamless experience when they seek information and assistance related to health care coverage and benefits. Iowa needs to gain a better understanding of existing consumer assistance resources and call center capability before adding a new HBE call center
- Navigator Program: The design and function of the HBE's Navigator program is an important business operations aspect of the HBE. The HBE will serve consumers with a broad range of needs and experiences, and navigators will need to be adequately trained to handle. Iowa will need to decide how to best meet the needs of Iowa's consumers and leverage existing resources to provide assistance. Various aspects should be considered prior to issuing final recommendations about the design and function of the navigator program, and any other appropriate consumer assistance mechanisms. Level 1 Establishment Grant funds are requested to support this activity for a navigator study.
- SHOP HBE – Specific functions to be identified and presented to guide Iowa's approach to the business operations of a SHOP HBE.

c. Summary of Exchange IT Gap Analysis-

Background

The Department of Human Services (DHS) administers Iowa's Medicaid and CHIP programs and has produced a Strategic Plan to prepare for ACA Implementation. The goal of the Strategic Plan is to align DHS efforts and maximize the time and dollar investment by both the State and federal partners in ACA projects including system replacement and development. The plan was developed by:

Iowa's Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges

1. Conducting an eligibility and enrollment system "As Is" analysis and documenting the technical, functional and business processes of each system. Each system's IT architecture was analyzed to determine whether it can be used as an asset in building the HBE.
2. Researching the ACA law and applicable CMS and CCIIO guidance publications through June 2011 to gain an understanding of the required architecture and standards that support the "to be" vision of CMS and CCIIO in building the Iowa HBE.
3. Conducting interviews of key DHS stakeholders to compile a preliminary "To Be" vision for eligibility processing with an HBE serving as the entry point for clients gaining access to Medicaid, CHIP and Qualified Health Plans
4. Determining the size of the gap between the "As Is" and "To Be" state of eligibility processing and determining if system procurement activity currently underway can assist in the development of the Iowa HBE.

Systems Reviewed

DHS Systems Reviewed:

- Iowa Automated Benefits Calculator (IABC)
- On-line Application for State of Iowa Services (OASIS)
- Iowa Medicaid Management Information System (MMIS)
- Title XIX System
- DHS Data Warehouse
- Individual Services Information System (ISIS)
- Family Planning Waiver (FPW)
- Presumptive Eligibility (IMPA)
- Electronic Case File (ECF)
- Promise Jobs (PJ Case)
- Health Insurance Premium Payment (HIPP)
- State Buy-In Program (SSBI)
- Overpayment Recovery System (OPR)
- Worker Attribute System (WKER)
- State ID number Generator

None of the systems reviewed has the architecture necessary to serve as a platform upon which a system can be built to meet the standards and conditions necessary for the Iowa HBE. MMIS and IABC are the oldest and most complex systems but are based in legacy platforms, databases and coding languages.

The Title XIX system, ISIS, IMPA, FPW, ISIS, OPR, SSBI, HIPP, and WKER are all intermediate middleware systems, also based in legacy technology that assist IABC and MMIS in performing core functions. All these systems will be replaced by functions of either a modern MMIS or eligibility system.

Both the MMIS and IABC, which are DHS' most complex systems, have replacement projects underway. The systems are approaching 30 years in age and are rooted in legacy technology that cannot be leveraged. However, the replacement efforts for both systems could be leveraged to support creation of the Iowa HBE.

The OASIS system is built on newer technology platforms. It is not determined if OASIS will be replaced by a new eligibility system, but it is not robust or scalable enough to serve as the portal for the HBE.

The State ID generator is located inside IABC code, and provides for the creation of a new unique state ID, or provides search ability against the State ID database. This system is legacy code accessed through Web Services, and the job function may need to be moved away from the eligibility system and provided by the HBE, as it will be the main point of entry for Iowans to DHS through the portal.

Assets

Analysis of the DHS systems yielded some assets created from DHS investments that could be leveraged in the implementation of the solution. While none of these is a sufficient framework within which to build a HBE, specific functions or business process may be utilized as a model for future development.

Iowa Medicaid Enterprise (IME) model; the organizational and functional concepts of the IME can be leveraged to build a system that can be managed by State employees, yet employ contractors to perform the daily job functions. This unique working environment minimizes State involvement while ensuring service levels are met, and uses a modular approach to team building.

DHS Data Warehouse; DHS has a single, centralized data warehouse that can be leveraged to store and report on HBE data with existing tools and processes.

OASIS Rules engine (Corticon); DHS invested in a Commercial Off-The Shelf (COTS) business rules engine that can be used as a modular component of several eligibility systems. This could be a critical component of the replacement eligibility system, and DHS has already invested in an enterprise license agreement.

Electronic Case File; DHS has developed a document storage system that supports a near-paperless application and renewal process. This product could be used as a component of the Iowa HBE. The product is based on a COTS program Global360.

DHS Call Center; DHS has a consolidated call center that handles phone inquiries to the current eligibility processes. This existing call center

Iowa's Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges

infrastructure can be leveraged and scaled to support the call center functions required by a HBE.

Existing procurement efforts: the MMIS replacement system and the new eligibility system will be key interface partners with the Iowa HBE. Both systems will be procured to meet current CMS and CCIIO standards and conditions (below). Using the modularity standard and leverage condition, core components of both systems could be used to support the HBE.

CHIP eligibility and enrollment processing is not currently done on a DHS system, but is administered through a contract with a third party. Providing CHIP through the HBE will require either a contract amendment with the third party provider, or a termination of the contract and incorporating CHIP functionality into the new eligibility system. DHS is considering the best option, but is planning to ask for CHIP ability in the eligibility system replacement.

ACA and Guidance

DHS understands that an HBE solution must meet all federal laws and guidelines and will provide citizens with a first-class user experience, allowing them to obtain Medicaid, CHIP, or other health coverage from a Qualified Health Plan or Small Business Health Options Program (SHOP) provider.

To obtain the best matching rate of federal to state funds, all system components and the ensuing system must meet the seven standards and conditions provided by CMS:

- Modularity standard: a modular, flexible approach to systems development using a system development life cycle (SDLC), open interfaces and exposed Application Programming Interfaces (APIs) and the use of interchangeable components.
- MITA Condition: Systems must align to and advance the State's MITA maturity level.
- Industry Standards: the HBE must incorporate standards such as HIPAA 5010, and Iowa must follow best practices and procedures for systems development, such as gate reviews.
- Leverage condition: assets must be re-used where possible to prevent duplication of services while promoting sharing of technologies and system components.
- Business Results: the HBE must ensure accurate and timely processing of enrollment activities and claims payments. Systems must support and enhance the effectiveness of service delivery and business processes.
- Reporting condition: the HBE must support the sharing of data and provide performance information to data partners and federal agencies.
- Interoperability condition: the HBE must provide seamless coordination and integration between programs, and use standardized messaging protocols and architecture to interface with federal agencies.

Gap

A substantial gap exists between current assets and the architecture required for a HBE to be functional by October 1, 2013. A significant investment of effort and funds is required in Iowa to obtain the envisioned IT architecture and technology assets. Iowa recognizes this gap and is soliciting the Level 1 Planning Grant to take immediate steps needed to implement a HBE and gain ACA compliance. With these funds, Iowa will determine the best approach to pursue one of the following options:

- **Option 1** – Adopt or Default to the Federal HBE – the feedback of Iowans obtained during regional meetings concluded that an Iowa owned and operated HBE is desired.
- **Option 2** – Join a Multi-State Solution – while Iowa is open to pursuing this option, no clear partner has emerged.
- **Option 3** – Leverage Existing State Systems and Fill Gaps with New Development - not feasible due to technological limitations of the legacy applications.
- **Option 4** – Leverage Existing State Systems and Fill Gaps by Borrowing similar to option 3, many gaps exist but Iowa remains vigilant about work created and available from early innovator states.
- **Option 5** – Utilize a Systems Integrator (SI) to identify vendors with existing products that can be coupled to provide an interoperable system, building only components that do not exist in the current marketplace.

d. Evaluation Plan

Consistent and rigorous tracking and monitoring of performance and progress and timely reporting will be instrumental in the successful development and implementation of the HBE. Iowa will begin to develop a comprehensive evaluation plan that tracks and measures key indicators as well as anticipated results from completing each task in the core areas. Measurable outcomes will be tracked to ensure that milestones, implementation objectives and grant requirements are being met.

Contracted vendors that are awarded contracts through the state will be required to follow detailed project schedules that will include similar measureable outcomes, due dates for key tasks in accordance with the overall workplan and timeline. Weekly written reports will include status of contracted tasks, list of upcoming activities, and identification of any barriers that will require attention for contract and program managers. Vendors will also be required to deliver quarterly and final reports and communicate with internal planning groups upon request. Projections and approvals for project adjustments to meet milestones will be reviewed and sanctions given accordingly.

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Budget by Core Area

Core Area	Personnel	Fringe	Travel	Supplies	Contractual	Indirect	Total
Background Research	\$85,081	\$25,525	\$5,885	\$12,720	\$713,000	\$10,019	\$852,230
Stakeholder Consultation	\$50,034	\$15,011	\$1,443	\$6,000	\$70,000	\$17,237	\$159,725
Legislative and Regulatory Action					\$56,250		\$56,250
Governance Program	\$492,259	\$128,778	\$55,175	\$54,160	\$2,502,358	\$19,037	\$3,251,767
Integration					\$1,150,000		\$1,150,000
Exchange IT Systems					\$45,000		\$45,000
Financial Management					\$50,000		\$50,000
Oversight and Program Integrity							
Health Insurance	\$156,000	\$46,800	\$5,300	\$36,660	\$37,500		\$282,260
Market Reforms							
Providing Assistance to Individuals, Small Businesses, Coverage Appeals and Complaints					\$250,000		\$250,000
Business Operations of the Exchange	\$242,000	\$72,600	\$5,300	\$48,880	\$1,250,000		\$1,618,780
TOTAL BUDGET	\$1,025,374	\$288,714	\$73,103	\$158,420	\$6,142,858	\$46,293	\$7,734,762

Budget Narrative by Core Area

Background Research

Object Class Category	Grant Activity	Budget	Total
Personnel	Consumer Survey	PP2: \$40,643 x 0.2 FTE = \$8,129 McGill CHC: \$49,603 x 0.1 FTE = \$4,960 Jones EO2: \$77,558 x 0.1 FTE = \$7,756 Doyle Scar EO2: \$82,360 x 0.1 FTE = \$8,236	\$85,081
	Simulation Modeling Insurance Market Issues	Contract Manager: \$56,000 x 1.0 FTE = \$56,000	
Fringe Benefits	Consumer Survey	PP2: \$8,129 x 30% = \$2,439 McGill CHC: \$4,960 x 30% = \$1,488 Jones EO2: \$7,756 x 30% = \$2,327 Doyle Scar EO2: \$8,236 x 30% = \$2,471	\$25,525
	Simulation Modeling Insurance Market Issues	Contract Manager: \$56,000 x 30% = \$16,800	
Travel	Consumer Survey	In-State Travel: 1,500 miles x 0.39/mile = \$585	\$5,885
	Contract Manager	Out of State Exchange Meeting: 1 person x 4 Trips (Three Grantee/Federal Meetings, One Policy Conference) Airfare \$400 x 1 person x 4 trips = \$1,600 Lodging \$500 x 1 person x 4 trips = \$2,000 Registration \$500 x 1 person x 1 meeting = \$500 Ground Transportation \$100 x 1 person x 4 trips = \$400 Per Diem \$50 x 1 person x 4 days x 4 trips = \$800	

Iowa's Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges

Supplies	Simulation Modeling Insurance Market Issues	Office Furniture: \$3,000 Computer: \$1,500 Copier: \$500 Server Access: \$4,800 Printing: \$2,270 Postage: \$650	\$12,720
Contractual	Consumer Survey Basic Health Plan Analysis Essential Health Benefits Study Benchmark Benefits Study CHIP Policy Development/Coverage Alternatives Evaluate non-MAGI group and crosswalk coverage groups Simulation Modeling Insurance Market Issues	RFP for Survey: \$75,000 RFP or Sole Source: \$75,000 RFP or Sole Source: \$75,000 RFP or Sole Source: \$75,000 Contract: \$46,000 Contract: \$200,000 \$67,000 \$100,000	\$713,000
Indirect	Consumer Survey:	\$37,806 (Personnel and Fringe IDPH only) x 26.5% = \$10,019	\$10,019
Total			\$852,230

IDPH Personnel will manage RFP Process and a selection of a contractor for the consumer survey. Staff members will work closely with the contractor in survey design and dissemination of results to key stakeholders, including the Interagency Workgroup, Governor's Office and the Iowa General Assembly.

DHS will manage RFP processes and a selection of contractor(s) for further analysis in these areas to inform Exchange development related to basic health plan analysis, essential health benefits study, benchmark benefits study, CHIP policy development/coverage alternatives and an evaluation of non-MAGI group and crosswalk coverage groups.

Iowa's Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges

IID will conduct a details simulation modeling to refine current estimates of the population that will access coverage through the HBE and conduct a study of insurance market issues.

Stakeholder Consultation

Object Class Category	Grant Activity	Budget	Total
Personnel	Outreach Activities	PP2: \$40,643 x 0.2 FTE = \$8,129 McGill CHC: \$49,603 x 0.2 FTE = \$9,921 Jones EO2: \$77,558 x 0.2 FTE = \$15,512 Doyle Scar EO2: : \$82,360 x 0.2 FTE = \$16,472	\$50,034
Fringe Benefits	Outreach Activities	PP2: \$8,129 x 30% = \$2,439 McGill CHC: \$9,921 x 30% = \$2,976 Jones EO2: \$15,512 x 30% = \$4,654 Doyle Scar EO2: \$16,472 x 30% = \$4,942	\$15,011
Travel	Outreach Activities Tribal Consultation	In-State Travel: 2,500 miles x 0.39/mile = \$975 In-State Travel: 1,200 miles x 0.39/mile - \$468	\$1,443
Supplies	Outreach Activities Tribal Consultation	Printing toolkits, materials and posters = \$5,000 Printing toolkits, materials and posters = \$1,000	\$6,000
Contractual	Outreach Activities Stakeholder Outreach & Focus Groups	Iowa Collaborative Safety Net Provider Network background research and regional meetings: \$20,000 Contract \$50,000	\$70,000
Indirect	Outreach Activities	\$65,045 (Personnel and Fringe IDPH only) x 26.5% = \$17,237	\$17,237
Total			\$159,725

Outreach activities will include developing information for community health centers in collaboration with the Iowa Collaborative Safety Net Provider network. Toolkits will be developed to educate and inform safety providers and patients on the HBE. Six regional meetings will allow for provider and patient input on the implementation of the HBE as well as an opportunity to educate participants on the implementation process and how to make use of the HBE once it is live. All comments shared during the meetings will be captured and shared with the IDPH, IDHS, and the IID. IDPH Staff members will work closely with CHIP outreach to design outreach strategies based on best practices and build HBE outreach upon existing infrastructure.

034 Dec 1957

From: Carroll, Mike [DAS]
Sent: Friday, September 30, 2011 10:21 AM
To: DAS All Staff
Cc: Waggoner, Blake [IGOV]
Subject: 2011 One Gift Program Donations

September 30, 2011

TO: All DAS Staff
FROM: Mike Carroll
RE: 2011 One Gift Campaign

Some of our fellow Iowans continue to struggle in these tough economic times. Many of our neighbors and friends are living from paycheck to paycheck. Some are not getting paychecks at all. A letter from Lt. Governor Reynolds regarding the One Gift program is attached to this e-mail. Please take a moment and read her letter.

DAS employees have shown, year after year, that they care deeply about the wellbeing of others. On October 3, the One Gift program launches, giving state employees the opportunity to donate to any of nearly 400 approved organizations at giving levels set by you. Donations are deducted automatically from your paycheck and can be as low as \$1 per pay period. If every employee donated just \$1.00 per week (\$2.00 per pay period); DAS as a whole would contribute over \$18,000.00.

One Gift makes it easier to be generous and, in the past few years, DAS employees have demonstrated their ability to help others. I'm confident that we can once again step up and help those in need. To that purpose, I have set a departmental goal of \$20,000 in One Gift donations.

Information regarding this year's campaign, the pledge form and a list of participating charitable agencies can be found at: <http://das.hre.iowa.gov/onegift/index.html>.

Julie Marasco is DAS' designated One Gift Liaison, so please send your completed pledge form to her or to your personnel assistant. In addition, if you have any questions regarding One Gift, feel free to contact Julie at julie.marasco@iowa.gov or 281-5360.

I want to make it clear that your contributions will be kept entirely confidential. I will not see your donations, nor will anyone else except those processing the paperwork. Your name will not be published or provided to the charitable agencies.

Thanks in advance for your support of One Gift.

Mike

PLEASE POST OR PRINT THIS MESSAGE FOR THOSE WHO DO NOT HAVE ACCESS TO A COMPUTER



Government's Partner in Achieving Results

Mike Carroll, Director

Iowa Department of Administrative Services

Office: (515) 281-3273

Cell: (515) 868-2038

FAX: (515) 281-6140

mike.carroll@iowa.gov



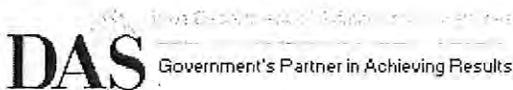
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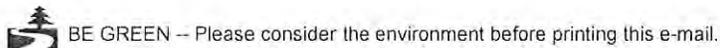
From: Carroll, Mike [DAS]
Sent: Friday, September 30, 2011 10:24 AM
To: DAS All Staff
Cc: Waggoner, Blake [IGOV]
Subject: FW: 2011 One Gift Program Donations
Attachments: OneGift Lt Gov.pdf

Sorry, I forgot the Lt. Governor's Letter.

Here it is.



Mike Carroll, Director
Iowa Department of Administrative Services
Office: (515) 281-3273
Cell: (515) 868-2038
FAX: (515) 281-6140
mike.carroll@iowa.gov



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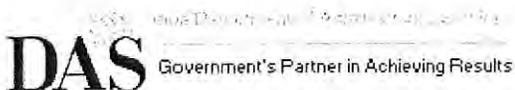
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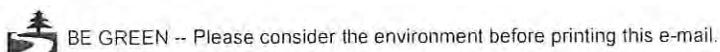
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Terry E. Branstad
GOVERNOR

OFFICE OF THE GOVERNOR

Kim Reynolds
LT. GOVERNOR

September 2011

Dear Fellow State Employee:

From floods to the worst economic downturn since the Great Depression, Iowans have faced many challenges this year. But for some of the most vulnerable in our society, it has been even worse. That's because agencies that help them – Iowa's nonprofits – have experienced tighter-than-ever budgets.

As state employees, we can make a difference. That is why I am asking you to participate in the One Gift Campaign. One Gift Campaign provides a simple, easy way to give back to the communities that we serve, and enables us to choose the charities of our choices. The 2012 One Gift Campaign begins October 3 and continues through October 28.

Your pledge is deducted automatically from your payroll. And note that 100% of your contribution goes as you direct, with no administrative fees withheld. So, Governor Branstad and I encourage you to make One Gift a priority for your annual giving.

We no longer print pledge cards or booklets. Instead, if you wish to contribute, you should go to the One Gift website at <http://das.hre.iowa.gov/onegift/index.html>, study the list of not-for-profit agencies, many of which have a link to their websites; print a copy of the pledge form; and return the form to your department's One Gift Liaison. For employees who have no internet access, alternate arrangements have been made to collect pledges; please contact your department Liaison for more information. (A listing of all Liaisons can be found on the website.)

If you have any questions, please contact your department's Liaison. Thank you for your support of this very important campaign. Together, we can make a difference.

Sincerely,

A handwritten signature in cursive script that reads "Kim Reynolds".

Kim Reynolds
Lt. Governor of Iowa



Terry E. Branstad
GOVERNOR

OFFICE OF THE GOVERNOR

Kim Reynolds
LT. GOVERNOR

From: Miller-Meeks, Mariannette [IDPH]
Sent: Tuesday, October 04, 2011 8:45 AM
To: Boeyink, Jeffrey [IGOV]
Subject: Re: Missouri River Flood Recovery

Jeff,
Do you want us at the meeting on the 17th? I am presuming it is just the information from our department?
Thank you for clarifying,
Mariannette

From: Boeyink, Jeffrey [IGOV]
To: Northey, Bill [IDALS]; Cownie, Mary [DCA]; Durham, Debi [IDED]; Hill, Derek [HSEMD]; Palmer, Charles [DHS]; Lande, Roger [DNR]; Trombino III, Paul [DOT]; Wahlert, Teresa [IWD]; Jamison, Dave [IFA]; Miller-Meeks, Mariannette [IDPH]; Glass, Jason [ED]; Jacobs, Libby [IUB]; Orr, Timothy [IANG]
Cc: Hoelscher, Doug [IGOV]; Stopulos, Ted [IGOV]; Hughes, Ann [IGOV]; Boussetot, Michael [IGOV]; Ketzner, Jake [IGOV]; Fandel, Linda [IGOV]; McRoberts, Lynn [IGOV]
Sent: Mon Oct 03 14:39:23 2011
Subject: Missouri River Flood Recovery

To: State of Iowa Missouri River Authority (SIMRA) Agencies and Additional Recovery-Related Departments/Agencies (recipient list below)
From: Jeff Boeyink, Chief of Staff to Governor Branstad
Regarding: Upcoming Meeting of Missouri River Basin Governors

Recovery efforts related to the historic Missouri River flooding remain a top priority for all of us. The purpose of this memorandum is to continue coordination and preparation for the upcoming meeting of the Governors' Missouri River Working Group in Omaha, Nebraska, on October 17, 2011. **Attached please find the agenda for this upcoming meeting**, which will include representatives from the Army Corps of Engineers, FEMA, and USDOT.

During the week of October 10, Doug Hoelscher and/or the Policy Advisors in the Governor's Office will call each department head to gather feedback and input on the following:

1. (For SIMRA departments) Concrete (actionable) suggestions to help improve focus on flood control for the management of the Missouri River.
2. Identification of high priority (3 to 5) recovery items and challenges. Please include any items that are related to coordination with Federal partners/requirements.

You are encouraged to incorporate feedback from relevant stakeholders to help inform your perspective and priorities.

Please feel free to contact Doug Hoelscher and/or the Policy Advisors to discuss further.

Recipient Departments:

- Iowa Department of Agriculture and Land Stewardship

- Iowa Department of Cultural Affairs
- Iowa Partnership for Economic Progress
- Iowa Homeland Security and Emergency Management Division
- Iowa Department of Human Services
- Iowa Department of Natural Resources
- Iowa Department of Transportation
- Iowa Workforce Development
- Iowa Finance Authority
- Iowa Department of Public Health
- Iowa Department of Education
- Iowa Utilities Board
- Iowa National Guard

Thank you.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

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From: Boeyink, Jeffrey [IGOV]
Sent: Tuesday, October 04, 2011 8:57 AM
To: Miller-Meeks, Mariannette [IDPH]
Subject: RE: Missouri River Flood Recovery

Just need the information from your department. You are not attending the meeting.

Thanks.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
515.725.3511

From: Miller-Meeks, Mariannette [IDPH]
Sent: Tuesday, October 04, 2011 8:45 AM
To: Boeyink, Jeffrey [IGOV]
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Mariannette

From: Boeyink, Jeffrey [IGOV]
To: Northey, Bill [IDALS]; Cownie, Mary [DCA]; Durham, Debi [IDED]; Hill, Derek [HSEMD]; Palmer, Charles [DHS]; Lande, Roger [DNR]; Trombino III, Paul [DOT]; Wahlert, Teresa [IWD]; Jamison, Dave [IFA]; Miller-Meeks, Mariannette [IDPH]; Glass, Jason [ED]; Jacobs, Libby [IUB]; Orr, Timothy [IANG]
Cc: Hoelscher, Doug [IGOV]; Stopulos, Ted [IGOV]; Hughes, Ann [IGOV]; Boussetot, Michael [IGOV]; Ketzner, Jake [IGOV]; Fandel, Linda [IGOV]; McRoberts, Lynn [IGOV]
Sent: Mon Oct 03 14:39:23 2011
Subject: Missouri River Flood Recovery

To: State of Iowa Missouri River Authority (SIMRA) Agencies and Additional Recovery-Related Departments/Agencies (recipient list below)
From: Jeff Boeyink, Chief of Staff to Governor Branstad
Regarding: Upcoming Meeting of Missouri River Basin Governors

Recovery efforts related to the historic Missouri River flooding remain a top priority for all of us. The purpose of this memorandum is to continue coordination and preparation for the upcoming meeting of the Governors' Missouri River Working Group in Omaha, Nebraska, on October 17, 2011. **Attached please find the agenda for this upcoming meeting**, which will include representatives from the Army Corps of Engineers, FEMA, and USDOT.

During the week of October 10, Doug Hoelscher and/or the Policy Advisors in the Governor's Office will call each department head to gather feedback and input on the following:

1. (For SIMRA departments) Concrete (actionable) suggestions to help improve focus on flood control for the management of the Missouri River.
2. Identification of high priority (3 to 5) recovery items and challenges. Please include any items that are related to coordination with Federal partners/requirements.

You are encouraged to incorporate feedback from relevant stakeholders to help inform your perspective and priorities.

Please feel free to contact Doug Hoelscher and/or the Policy Advisors to discuss further.

Recipient Departments:

- Iowa Department of Agriculture and Land Stewardship
- Iowa Department of Cultural Affairs
- Iowa Partnership for Economic Progress
- Iowa Homeland Security and Emergency Management Division
- Iowa Department of Human Services
- Iowa Department of Natural Resources
- Iowa Department of Transportation
- Iowa Workforce Development
- Iowa Finance Authority
- Iowa Department of Public Health
- Iowa Department of Education
- Iowa Utilities Board
- Iowa National Guard

Thank you.

Jeffrey Boeyink
Chief of Staff
Office of the Governor
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[REDACTED]

From: Huston, Shayne [IDPH] on behalf of Miller-Meeks, Mariannette [IDPH]
Sent: Wednesday, October 05, 2011 9:27 AM
Subject: Start Somewhere Walk

The "Start Somewhere" is Friday, October 7 beginning promptly at noon. The Capitol Complex walk is one kilometer (about 7-8 blocks) and begins at the west side of the Capitol. We are also arranging a shorter walk around the Capitol itself on "flat" or level ground to accommodate those who have difficulties with irregular terrain.

You and your staff are encouraged to go to www.iowahealthieststate.com and sign the pledge to walk, regardless of your geographic location. We can walk together, even if apart!

Please ask your staff to join us in the "Start Somewhere" Walk on October 7, as the Capitol Complex and the rest of the state begins its' journey toward healthier lifestyle choices. I look forward to walking with you all!

Dr. Miller-Meeks
Director, IDPH

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