A BILL FOR

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

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

DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

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

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

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

Sec. 4. Section 8A.201, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 5. Section 8A.201, Code 2009, is amended by adding the following new subsection:

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

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

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

c. Storage systems, including but not limited to disk, tape, optical, and other structured repositories for storing digital information.

d. Computer networks commonly referred to as local area networks.
networks.
e. Groupware applications used to facilitate collaboration, communication, and workflow, including electronic mail, directory services, calendaring and scheduling, and imaging systems.
f. Information technology help desk services.
g. Cyber security functions and equipment.
h. Digital printing and printing procurement services.
i. Data warehouses, including services that assist in managing and locating digital information.
j. Disaster recovery technology and services.
k. Other similar or related services as determined by the chief information officer.

Sec. 6. Section 8A.201, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

Sec. 7. Section 8A.201, subsection 5, Code 2009, is amended to read as follows:

Sec. 8. NEW SECTION. 8A.201A Chief information officer appointed.

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

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

Sec. 9. Section 8A.202, subsection 2, paragraph g, Code 2009, is amended to read as follows:

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

Sec. 10. Section 8A.202, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Waivers.
a. The department shall adopt rules allowing for participating agencies to seek a temporary or permanent waiver from any of the requirements of this subchapter concerning the acquisition of information technology. The rules shall
provide that a waiver may be granted upon a written request by a participating agency and approval of the chief information officer. A waiver shall only be approved if the participating agency shows that a waiver would be in the best interests of the state.

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

1. Whether the waiver would violate any state or federal law; or any published policy, standard, or requirement established by a governing body other than the department.
2. Whether the waiver would result in the duplication of existing services, resources, or support.
3. Whether the waiver would obstruct the state's information technology strategic plan, enterprise architecture, security plans, or any other information technology policy, standard, or requirement.
4. Whether the waiver would result in excessive expenditures or expenditures above market rates.
5. The life cycle of the system or application for which the waiver is requested.
6. Whether the participating agency can show that it can obtain or provide the information technology more economically than the information technology can be provided by the department. For purposes of determining if the participating agency can obtain or provide the information technology more economically, the chief information officer shall consider the impact on other participating agencies if the waiver is approved or denied.

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

1. The request shall be in writing and signed by the head of the participating agency seeking the waiver.
2. The request shall include a reference to the specific policy, standard, or requirement for which the waiver is submitted.
3. The request shall include a statement of facts including a description of the problem or issue prompting the request; the participating agency's preferred solution; an alternative approach to be implemented by the participating agency intended to satisfy the waived policy, standard, or requirement; the business case for the alternative approach; the economic justification for the waiver or a statement as to why the waiver is in the best interests of the state; the time period for which the waiver is requested; and any other information deemed appropriate.

Sec. 11. Section 8A.203, unnumbered paragraph 1, Code 2009, is amended to read as follows: The chief information officer, in consultation with the director, shall do all of the following as it relates to information technology services: Sec. 12.

Sec. 12. Section 8A.203, subsection 1, Code 2009, is amended to read as follows: Section 8A.203, Code 2009, is amended by adding the following new subsections:

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

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

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

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

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

8A.204 Technology advisory council.

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

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

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

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

2. Membership.

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

1. The chief information officer.

2. The director of the department of management, or the director's designee.

3. Eight members appointed by the governor as follows:

a. Three representatives from large agencies.

b. Two representatives from medium-sized agencies.

c. One representative from a small agency.

d. Two public members who are knowledgeable and have experience in information technology matters.

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

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

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

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

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

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

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

d. A majority of the members of the council shall constitute a quorum.
Meetings of the council shall be held at the call of the chairperson or at the request of three members.

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

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

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

1. Technology utility services to be implemented by the department or other agencies.

2. Improvements to information technology service levels and modifications to the business continuity plan for information technology operations developed by the department for agencies, and to maximize the value of information technology investments by the state.

3. Technology initiatives for the executive branch.

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

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

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

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

1. The department, in conjunction after consultation with the technology governance board advisory council, shall develop and adopt information technology standards applicable to the procurement of information technology by all participating agencies. Such standards, unless waived by the department pursuant to section 8A.202, subsection 4A, shall apply to all information technology procurements for participating agencies.

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

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

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

1. IowAccess == duties and responsibilities.

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

2. Duties. The department shall do all of the following:
a. Establish rates to be charged for access to and for value-added services performed through IowAccess.

b. Approve and establish the priority of projects associated with IowAccess. The determination may also include requirements concerning funding for a project proposed by a political subdivision of the state or an association, the membership of which is comprised solely of political subdivisions of the state. Prior to approving a project proposed by a political subdivision, the department shall verify that all of the following conditions are met:

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

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

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

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

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

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

f. Receive status and operations reports associated with IowAccess.

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

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

1. An IowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the department and shall consist of moneys collected by the department as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the department to maintain, develop, operate, and expand IowAccess consistent with this subchapter, and for the support of activities of the technology governance board advisory council pursuant to section 8A.204.

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

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

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

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

DIVISION II
ELECTRONIC RECORDS

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

7A.11A Reports to the general assembly.
All reports required to be filed with the general assembly by a state department or agency shall be filed by delivering one printed copy and one copy in electronic format as prescribed by the secretary of the senate and the chief clerk of the house.

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

DIVISION III
PUBLICATION MODERNIZATION

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

13. To establish policies with regard to the publishing of printed and electronic versions of legal publications as provided in chapters 2A and 2B, including the Iowa administrative code, the Iowa administrative bulletin, the Iowa Code, the Iowa Code Supplement, and the Iowa Acts, Iowa Code, Code Supplement, Iowa administrative bulletin, Iowa administrative code, and Iowa court rules, or any part of those publications. The publishing policies may include, but are not limited to: the style and format to be used; the frequency of publication; the contents of the publications; the numbering systems to be used in the Iowa Code, the Iowa Code Supplement, and the Iowa Acts; the preparation of editorial comments or notations; the correction of errors;
the type of print or electronic media and data processing software to be used; the number of printed volumes to be published; recommended revisions of the Iowa Code, the Iowa Code Supplement, and the Iowa Acts; the letting of contracts for the publication of the Iowa administrative code, the Iowa administrative bulletin, the Iowa court rules, the Iowa Code, the Iowa Code Supplement, and the Iowa Acts; the pricing of the publications to which section 22.3 does not apply; access to, and the use, reproduction, legal protection, sale or distribution, and pricing of related data processing software consistent with chapter 22; and any other matters deemed necessary to the publication of uniform and understandable publications.

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

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

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

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

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

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

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

b. The Iowa Code Supplement.

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

3. The legislative services agency shall in each odd-numbered year compile for publication and distribute in print and electronic version of the Iowa official register for distribution as soon as practicable. The register shall contain historical, political, and other information and statistics of general value but shall not contain information or statistics of a partisan character. The print and electronic versions of the register need not contain the same information and statistics but shall be published to provide the greatest access to such information and statistics at the most reasonable cost as determined by the
legislative services agency. The different versions of the
register may be distributed free of charge, may be distributed
free of charge except for postage and handling charges, or
may be sold at a price to be established by the legislative
services agency.
Sec. 31. Section 2A.6, Code 2009, is amended to read as
follows:
2A.6 Special distribution of legal publications
= restrictions on free distributions.
1. The legislative services agency shall make free
distribution of the available electronic or printed versions
of the official legal publications listed in section 2A.5,
subsection 2, subject to payment of any routine distribution
costs such as but not limited to mailing and handling costs, to
the three branches of state government, to elected county
officers, to county and city assessors, to Iowa’s congressional
delegation, to federal courts in Iowa and federal judges and
magistrates for Iowa, and to state and university depository
libraries, the library of Congress, and the library of the
United States supreme court. Only such officers, offices, and
agencies entitled to or receiving free copies during the fiscal
year beginning July 1, 2002, and ending June 30, 2003,* shall
be entitled to continue to receive free copies in subsequent
years, except that successor and new officers, offices, and
agencies shall receive a reasonable number of free copies as
determined by the legislative services agency. Such offices,
offices, and agencies shall annually review the number of
copies received in the prior year to determine if the number of
copies received can be reduced and shall submit the information
in a report to the legislative services agency. The number of
copies received, once reduced, shall not be increased to the
previous level without the express consent of the legislative
services agency.
2. Each officer, office, or agency receiving one or more
free copies of a publication under this section shall only
receive up to the number of copies indicated free at the time
of initial distribution. If an officer, office, or agency
receiving one or more free copies of a publication under
this section desires additional copies beyond the number
initially received, the officer, office, or agency must request
the additional copies and pay the normal charge for such
publication.
3. If a version of a publication provided under this
section is available in an electronic format, the legislative
services agency may establish policies providing for the
substitution of an electronic version for the printed version
of the publication, and for the amount of payment, if any,
required for the electronic publication. The payment amount
shall not be more than established pursuant to section 2A.5 for
the same publication. For the Iowa administrative code and
its supplements, the legislative services agency may provide
that the distribution requirement of this section is met by
distributing relevant portions of the Iowa administrative code
or its supplements in either a printed or electronic format.
4. Notwithstanding any provision of this section to the
contrary, the legislative services agency may review the
total publication costs and offsetting sales revenues relating to
total legal publications in electronic and printed formats, and may
If a legal publication is available in an electronic version,
the legislative services agency may provide the version free of charge or may charge a fee for any mailing or handling costs in the distribution of the electronic version or may charge a fee for an electronic version which includes programming not originally part of the stored information, including but not limited to search and retrieval functions. The legislative services agency shall establish policies requiring payment for any printed versions of the official legal publications from persons otherwise entitled to receive them at no cost or at a price covering distribution costs to whom the legislative services agency is obligated to make the legal publications available pursuant to subsection 1. The payment amount shall not be more than established pursuant to section 2A.5 for the same publication.

The roster of state officials shall include a correct list of state officers and deputies; members of boards and commissions; justices of the supreme court, judges of the court of appeals, and judges of the district courts including district associate judges and judicial magistrates; and members of the general assembly. The office of the governor shall cooperate in the preparation of the list.

NEW SECTION. 2B.5A Iowa administrative bulletin and Iowa administrative code.

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

2. In consultation with the administrative rules coordinator, the administrative code editor shall prescribe a uniform style and form required for a person filing a rulemaking document for publication in the Iowa administrative bulletin or the Iowa administrative code, including but not limited to a rulemaking document. A rulemaking document includes a notice of intended action as provided in section 17A.4 or an adopted rule for filing as provided in section 17A.5. The rulemaking document shall correlate each rule to the uniform numbering system established by the administrative code editor. The administrative code editor shall provide for electronic publication of the Iowa administrative bulletin and the Iowa administrative code. The administrative code editor shall review all submitted documents for style and form and notify the administrative rules coordinator if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form. The style and form prescribed shall require that a rulemaking document include a reference to the statute which the rules are intended to implement.

a. The administrative code editor may omit from the Iowa
17 2 administrative bulletin or the Iowa administrative code any
17 3 document for publication in the Iowa administrative bulletin or
17 4 the Iowa administrative code, if the administrative code editor
17 5 determines that its publication would be unduly cumbersome,
17 6 expensive, or otherwise inexpedient. The person filing the
17 7 document for publication shall provide the administrative
17 8 code editor with an electronic version of the document. The
17 9 administrative code editor shall publish the document on the
17 10 general assembly's internet site, and publish a notice in the
17 11 Iowa administrative bulletin or the Iowa administrative code
17 12 stating the specific subject matter of the omitted document and
17 13 how the omitted document may be accessed.
17 14 b. The administrative code editor shall omit or cause to be
17 15 omitted from the Iowa administrative code any rule or portion
17 16 of a rule nullified by the general assembly pursuant to Article
17 17 III, section 40, of the Constitution of the State of Iowa.
17 18 4. The administrative code editor who receives a
17 19 publication from an agency because the publication is
17 20 referenced in the Iowa administrative bulletin or Iowa
17 21 administrative code shall make the publication available to the
17 22 public pursuant to section 17A.6.
17 23 5. The administrative code editor shall publish the Iowa
17 24 administrative bulletin in accordance with section 2.42 at
17 25 least every other week, unless the administrative code editor
17 26 and the administrative rules review committee determine
17 27 that an alternative publication schedule is preferable. The
17 28 administrative code editor shall provide for the arrangement of
17 29 the contents of the Iowa administrative bulletin.
17 30 a. The Iowa administrative bulletin shall contain all of the
17 31 following:
17 32 (1) Rulemaking documents, including notices of intended
17 33 action as provided in section 17A.4, and rules adopted and
17 34 effective immediately upon filing and rules adopted and filed
17 35 as provided in section 17A.5.
17 36 (2) Resolutions nullifying administrative rules passed by
17 37 the general assembly pursuant to Article III, section 40 of the
17 38 Constitution of the State of Iowa.
17 39 (3) All proclamations and executive orders of the governor
17 40 which are general and permanent in nature.
17 41 (4) Other materials deemed fitting and proper by the
17 42 administrative rules review committee.
17 43 (5) Items required to be published by statute.
17 44 (6) A comprehensive method to search and identify its
17 45 contents. An electronic version may include search and
17 46 retrieval programming and index.
17 47 b. The Iowa administrative bulletin may contain all of the
17 48 following:
17 49 (1) A preface.
17 50 (2) A rulemaking schedule.
17 51 (3) The agenda for the next meeting of the administrative
17 52 rules review committee as provided in section 17A.8, if
17 53 available.
17 54 (4) A schedule of known public hearings.
17 55 (5) A list of agencies referenced by agency identification
17 56 number.
17 57 6. The administrative code editor shall publish the Iowa
17 58 administrative code in accordance with section 2.42 at least
17 59 every other week, unless the administrative code editor and
17 60 the administrative rules review committee determine that an
alternative publication schedule is preferable. However, the legislative services agency may publish supplements in lieu of the Iowa administrative code. The administrative code editor shall provide for the arrangement of the Iowa administrative code.

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

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

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

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

(b) A print edition may include an index.

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

(1) A preface.

Uniform rules on agency procedure.

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

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

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

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

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

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

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

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

(b) A print version shall include an index.

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

(1) A preface.

(2) Tables, including tables of corresponding rule numbers.
Sec. 36. Section 2B.6, subsections 2 and 3, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

2. Provide for the publication of all of the following:
   a. The Iowa Acts as provided in section 2B.10.
   b. The Iowa Code or Code Supplement, as provided in section 2B.12.

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

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

2. The legislative services agency shall publish the annual edition of the Iowa Acts as soon as possible after the final adjournment of a regular session of the general assembly. The legislative services agency may also publish an updated edition of the Iowa Acts or a supplement to the Iowa Acts after a special session of the general assembly.

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

b. Chapters of The bills and joint resolutions of the Iowa Acts may be arranged by chapter, numbered from one for the first regular session and numbered from one and thousand one for the second regular session.

4. The Iowa Acts shall include all of the following:
   a. A preface.
   b. A table of contents.
   c. A list of elective state officers and deputies
      supreme court justices, judges of the court of appeals, and members of the general assembly shall be published annually with the Iowa Acts, and members of Iowa's congressional delegation.
   d. A statement of the condition of the state treasury as provided by Article III, section 18, of the Constitution of the State of Iowa. The statement shall be furnished to the legislative services agency by the director of the department of administrative services.
   e. An analysis of its chapters.
   f. The text of bills that have been enacted and joint resolutions that have been enacted or passed by the general assembly, including text indicating items disapproved in appropriation bills.
   g. Messages transmitted by the governor disapproving items in appropriation bills.
   h. A notation of the filing of an estimate of a state mandate prepared by the legislative services agency pursuant to section 25B.5.
   i. Tables including any analysis of tables.
   j. A comprehensive method to search and identify its contents, including the text of bills that have been enacted and joint resolutions that have been enacted or passed by the general assembly.
An electronic version may include search and retrieval programming and an index and a summary index.

A print version may include an index and a summary index.

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

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

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

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

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

2. A new Iowa Code shall be issued. The legislative services agency shall publish an annual edition of the Iowa Code as soon as possible after the final adjournment of the second regular session of the general assembly. However, the legislative services agency may publish a new Code Supplement in lieu of the Iowa Code as soon as possible after the first final adjournment of a regular session of the general assembly. The legislative services agency may publish a new edition of the Iowa Code or Code Supplement as soon as possible after the final adjournment of a special session of the general assembly or as required by the legislative council.

The entire Iowa Code shall be maintained on a computer database which shall be updated as soon as possible after each session of the general assembly. The Iowa Code and Code Supplement shall be prepared and printed on a good quality of paper in one or more volumes, in the manner determined by the legislative council, as provided in section 2.42.

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

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

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

1. The arrangement of the Code into distinct units, as established by the legislative services agency, which may include titles, subunits of titles, chapters, subunits of chapters, and sections, and subunits of sections. The distinct units shall be numbered and may include names.

2. A comprehensive index and a summary index covering method to search and identify its contents, including the text of the
Constitution and statutes of the State of Iowa.

(1) An electronic version may include search and retrieval programming, analysis of titles and chapters, and an index and a summary index.

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

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

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

a. A preface.

b. A description of citations to statutes.

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

d. Appropriate historical references or source notes.

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

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

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

1. The Code Supplement published after the first regular session of the general assembly shall include all of the following:

a. All of the text of statutes of Iowa of a general and permanent nature that were enacted or amended during that the preceding regular or special session, except as provided in subsection 3, and: an indication of all sections repealed during that session and any amendments to the Constitution of the State of Iowa approved by the voters at the preceding general election since the adjournment of the previous regular session of the general assembly.

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

c. An index covering the material included in a comprehensive method to search and identify its contents, including the text of statutes and the Constitution of the State of Iowa.

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

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

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

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

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

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

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

Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code 2009, are amended to read as follows:
3. a. The Iowa Code editor may, in preparing the copy for an edition of the Iowa Code or Iowa Code Supplement, establish standards for and change capitalization, spelling, and punctuation in any Code provision for purposes of uniformity and consistency in Code language.

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

4. a. The Iowa Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary when making Iowa Code or Iowa Code Supplement changes, and the administrative code editor shall seek direction from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the authority granted in this section.

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

7. a. The effective date of all editorial changes in an edition of the Iowa Code or Code Supplement is the date of the Iowa Code editor's approval of the final press proofs for the statutory text contained within that publication. The effective date of all editorial changes for the Iowa administrative code is the publication date those changes are published in the Iowa administrative code. A publication date is the date the publication is conclusively presumed to be complete, incorporating all revisions or editorial changes.

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

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

(2) The publication date for the Iowa administrative code is the date that it is first available to the public accessing the general assembly's internet site according to a publication schedule provided in section 2B.5A.

c. A publication designated by the legislative services agency as unofficial shall not be used to establish a publication date.
27 6 and 2A.1, is the official and authoritative version of the
27 7 statutes, administrative rules, or court rules of the state of
27 8 Iowa.
27 9 2.  a. The codified version of the state's constitution
27 10 shall be known as the Constitution of the State of Iowa.
27 11 b. For statutes, the official versions of publications
27 12 shall be known as the Iowa Acts, the Iowa Code, and the Code
27 13 Supplement.
27 14 c. For administrative rules, the official versions of the
27 15 publications shall be known as the Iowa Administrative Bulletin
27 16 and the Iowa Administrative Code.
27 17 d. For court rules, the official version of the publication
27 18 shall be known as the Iowa Court Rules.
27 19 3. The legislative services agency may adopt a style manual
27 20 providing a uniform system of citing the codified Constitution
27 21 of the State of Iowa and the official versions of publications
27 22 listed in subsection 2, including by reference to commonly
27 23 accepted legal sources. The legislative services agency
27 24 style manual may provide for a different form of citation
27 25 for electronic and printed versions of the same publication.
27 26 Nothing in this section affects rules for style and format
27 27 adopted pursuant to section 2.42.
27 28 4. The codified Constitution of the State of Iowa, and
27 29 statutes enacted and joint resolutions enacted or passed by the
27 30 general assembly shall be cited as follows:
27 31 a. The codified Constitution of the State of Iowa shall
27 32 be cited as the Constitution of the State of Iowa, with a
27 33 reference identifying the preamble or boundaries, or article,
27 34 section, and subunit of a section. Subject to the legislative
27 35 services agency style manual, the Constitution of the State of
27 36 Iowa may be cited as the Iowa Constitution.
27 37 b. The Iowa Acts shall be cited as the Iowa Acts with
27 38 a reference identifying the year of the publication in
27 39 conformance with section 2.2, and the chapter of a bill
27 40 enacted or joint resolution enacted or passed during a regular
27 41 session, or in the alternative the bill or joint resolution
27 42 chamber designation, and the section of the chapter or bill
27 43 or subunit of a section. A bill or joint resolution enacted
27 44 or passed during a special session shall be cited by the
27 45 extraordinary session designation in conformance with section
27 46 2.2. If the Iowa Acts have not been published, a bill or joint
27 47 resolution may be cited by its bill or joint resolution chamber
27 48 designation.
27 49 c. The Iowa Code shall be cited as the Iowa Code. The Code
27 50 Supplement shall be cited as the Code Supplement. Subject
27 51 to the legislative services agency style manual, the Iowa
27 52 Code may be cited as the Code of Iowa or Code and the Code
27 53 Supplement may be cited as the Iowa Code Supplement, with
27 54 references identifying parts of the publication, including
27 55 but not limited to title or chapter, section, or subunit of a
27 56 section. If the citation refers to a past edition of the Iowa
27 57 Code or Code Supplement, the citation shall identify the year
27 58 of publication.
27 59 5. Administrative rules shall be cited as follows:
27 60 a. The Iowa Administrative Bulletin shall be cited as
27 61 the IAB, with references identifying the volume number which
27 62 may be based on a fiscal year cycle, the issue number, and
27 63 the ARC number assigned to the rulemaking document by the
27 64 administrative rules coordinator pursuant to section 17A.4.
Subject to the legislative services agency style manual, the citation may also include the publication's page number.

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

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

Sec. 50. NEW SECTION. 2B.18 Iowa Code editor and administrative code editor == custody and authentication.

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

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

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

Sec. 52. Section 17A.4, subsection 1, paragraph a, Code 2009, is amended to read as follows:

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

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

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

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

Sec. 54. Section 89.5, subsection 3, unnumbered paragraph
1, Code 2009, is amended to read as follows:
A rule adopted pursuant to this chapter which adopts
standards by reference to another publication shall be exempt
from the requirements of section 17A.6 2B.5A, subsection 4, if
the following conditions exist:

Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph
1, Code Supplement 2009, is amended to read as follows:
A rule adopted pursuant to this section which adopts
standards by reference to another publication shall be exempt
from the requirements of section 17A.6 2B.5A, subsection 4, if
the following conditions exist:

Sec. 56. Section 256.53, Code 2009, is amended to read as
follows:
256.53 State publications.
Upon issuance of a state publication in any format, a
state agency shall deposit with the division with
an electronic version of the publication at no cost to the
division, seventy-five copies of the publication or a lesser
number if specified by the division, except as provided in
section 2A.6.

Sec. 57. Section 267.6, Code 2009, is amended to read as
follows:
267.6 Iowa administrative procedure Act.
The provisions of chapter 17A shall not apply to the council
or any actions taken by it, except that any recommendations
adopted by the council pursuant to section 267.5, subsection
3, and any rules adopted by the council shall be adopted,
amended, or repealed only after compliance with the provisions
of sections 17A.4 and 17A.5, and the publication
requirements in section 2B.5A.

DIVISION IV
STATE BUDGETING AND PERSONNEL
Sec. 58. Section 8.36A, subsection 2, Code 2009, is amended
to read as follows:
2. a. If a department or establishment has reached or
anticipates reaching the full-time equivalent position level
authorized for the department but determines that conversion
of a contract position to a full-time equivalent position
would result in cost savings while providing comparable or
better services, the department or establishment may request
the director of the department of management to approve the
conversion and addition of the full-time equivalent position.
The request shall be accompanied by evidence demonstrating how
the cost savings and service quality will be achieved through
the conversion. If approved by the director of the department
of management, the department's or establishment's authorized
full-time equivalent position level shall be increased
accordingly and the revised level shall be reported to the
fiscal committee of the legislative council and the legislative
services agency.

b. A department or establishment shall not convert a
8 full-time equivalent position authorized for the department
9 or establishment to a contract position and shall not use
10 appropriated moneys for such a contract position unless the
11 department or establishment receives approval from the director
12 of the department of management to convert the full-time
13 equivalent position to a contract position. The director of
14 the department of management shall not approve the conversion
15 unless the department or establishment submits sufficient
16 evidence that the conversion would result in cost savings while
17 providing comparable or better services.
18 Sec. 59. Section 8.62, subsection 2, Code Supplement 2009,
19 is amended to read as follows:
20 2. Notwithstanding the provisions of section 8.33 or any
21 other provision of law to the contrary, if on June 30 of a
22 fiscal year, a balance of an operational appropriation remains
23 unexpended or unencumbered, not more than fifty percent of
24 the balance may be encumbered by the agency to which the
25 appropriation was made and used as provided in this section and
26 the remaining balance shall be deposited in the cash reserve
27 fund created in section 8.56. Moneys encumbered under this
28 section shall only be used by the agency during the succeeding
29 fiscal year for internet-based employee training, technology
30 enhancement, or purchases of goods and services from Iowa
31 prison industries. Unused moneys encumbered under this section
32 shall be deposited in the cash reserve fund on June 30 of the
33 succeeding fiscal year.
34 Sec. 60. Section 8A.413, Code Supplement 2009, is amended by
35 adding the following new subsection:
36 24. For the development and operation of
37 programs to promote job sharing, telecommuting, and flex-time
38 opportunities for employment within the executive branch.
39 4 Sec. 61. COMMUNITY-BASED CORRECTIONS == STATE ACCOUNTING
40 SYSTEM. Each judicial district department of correctional
41 services shall utilize the state accounting system for purposes
42 of tracking both appropriations and expenditures. Each
43 judicial district department shall coordinate its accounting
44 activities with the department of management for purposes of
45 implementing the requirements of this section.
46 1 Sec. 62. STATE AGENCY EFFICIENCY EFFORTS.
47 1. LEAN EFFORTS. State agencies shall budget for and plan
48 to conduct lean events as described in section 8.70. Each
49 state agency shall coordinate its activities with the office
50 of lean enterprise created in section 8.70 in developing plans
51 to conduct lean events.
52 2. SHARED RESOURCES. State agencies are encouraged to
53 share resources and services, including staff, training, and
54 educational services, to the greatest extent possible in order
55 to best fulfill the duties of each agency at the least cost.
56 22 Sec. 63. CONTRACT SERVICES == TRAINING.
57 1. Each department, as defined in section 8.2, shall
58 separately track the budget and actual expenditures for
59 contract services and for employee training for each
60 appropriation line item.
61 2. The terms of the contracts for contracted services
62 entered into or revised during the fiscal year shall
63 incorporate quality assurance and cost control measures.
64 3. The employee training tracking information shall be
65 further divided into training categories. Each department's
66 report on training tracking shall specifically address the use
33 32 of electronically based training.
33 33 4. Each department shall report to the legislative services
33 34 agency on January 15 and July 15 of each year concerning
33 35 the budget, expenditure, quality assurance, and cost control
33 36 1 information addressed by this section for the previous six
33 37 2 calendar months.
33 38 3 Sec. 64. FULL=TIME EQUIVALENT POSITIONS == VACANCIES ==
33 39 4 FUNDING. For the fiscal year beginning July 1, 2010, and
33 40 5 ending June 30, 2011, the following shall apply:
33 6 1. If a full=time equivalent position authorized for a
33 7 department or establishment remains vacant for a period of
33 8 at least six months, the department's or establishment's
33 9 authorized full=time equivalent position level shall
33 10 be decreased accordingly. However, the department or
33 11 establishment may request the director of the department of
33 12 management to reauthorize the full=time equivalent position if
33 13 the department or establishment can establish that the position
33 14 is difficult to fill and is critical for fulfilling the duties
33 15 of the department or establishment.
33 16 2. Moneys appropriated to a department or establishment
33 17 and designated by the department or establishment in the
33 18 department's or establishment's adopted budget in the state
33 19 accounting system for full=time equivalent positions shall only
33 20 be used for full=time equivalent positions and shall not be
33 21 used for other purposes.
33 22 22 Sec. 65. JOINT APPROPRIATIONS SUBCOMMITTEES == REVIEW OF
33 23 AGENCY FEES. Each joint appropriations subcommittee of the
33 24 general assembly shall examine and review on an annual basis
33 25 the fees charged by state agencies under the purview of that
33 26 joint appropriations subcommittee.
33 27                          DIVISION V
33 28 29 Sec. 66. Section 8A.402, subsection 2, paragraph g, Code
33 30 Supplement 2009, is amended to read as follows:
33 31  g. (1) (a) Consult with the department of management
33 32 and discuss and collaborate with executive branch agencies to
33 33 implement and maintain a policy for incrementally increasing
33 34 the aggregate ratio in the number of employees per
33 35 supervisory employee in executive branch agencies
33 36 1 to be fourteen employees for one supervisor. For purposes of
33 37 2 determining the effects of the policy on the state employee
33 38 workforce, the base date of July 1, 2008, shall be used and the
33 39 4 target date for full implementation shall be July 1, 2011 2016.
33 40 5 The target aggregate ratio of supervisory employees to other
33 41 6 employees shall be as follows:
33 42 7 (i) For the fiscal year beginning July 1, 2010, one to
33 43 8 fourteen.
33 44 9 (ii) For the fiscal year beginning July 1, 2011, one to
33 45 10 fifteen.
33 46 11 (iii) For the fiscal year beginning July 1, 2012, one to
33 47 12 sixteen.
33 48 13 (iv) For the fiscal year beginning July 1, 2013, one to
33 49 14 seventeen.
33 50 15 (v) For the fiscal year beginning July 1, 2014, one to
33 51 16 eighteen.
33 52 17 (vi) For the fiscal year beginning July 1, 2015, one to
33 53 18 nineteen.
33 54 19 (vii) For the fiscal year beginning July 1, 2016, one to
33 20 twenty.
(b) For the purposes of this paragraph "g", "supervisory employee" means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend any such action.

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

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

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

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

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

(h) The policy developed pursuant to this paragraph "g" shall not encompass employees under the state board of regents, the department of human services, or a judicial district department of correctional services. However, the department of administrative services shall work with the state board of regents, the department of human services, and the judicial district departments of correctional services to advance the policy as a goal for the supervisory staff of these units of state government.

(2) Evaluate the state's systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to a review of the classifications for all noncontract positions and providing options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.
2. The target span of control aggregate ratio of supervisory employees to other employees shall be one to fifteen. The target span of control ratio shall not apply to employees involved with direct patient care, faculty, and employees in other areas of the institutions that must maintain different span of control ratios due to federal or state regulations.

3. For the purposes of this section, "supervisory employee" means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to effectively adjust the grievances of such public employees, or to effectively recommend any such action.

4. The policy shall allow departments within an institution under the control of the state board of regents with twenty-eight or fewer full-time equivalent employee positions to be granted an exception to the policy by the board. Departments applying for an exception shall file a statement of need with the applicable institutional human resources office and the office shall make a recommendation to the state board of regents.

5. The state board of regents shall present an interim report to the governor and general assembly on or before April 1, 2010, with annual updates detailing the effects of the policy on the composition of the workforce, cost savings, efficiencies, and outcomes. In addition, the report and annual updates shall identify those departments within each institution under the control of the board granted an exception by the board to the policy as provided in this section.

Sec. 68. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI

BOARD OF REGENTS == COOPERATIVE PURCHASING

1. Overview. The state board of regents for institutions under its control shall coordinate interagency cooperation with state agencies, as defined in section 8A.101, in the area of purchasing and information technology with the goal of annually increasing the amount of joint purchasing. The board and the institutions shall engage the department of administrative services and other state agencies in pursuing mutually beneficial activities relating to purchasing items and acquiring information technology. The board and the institutions shall explore ways to leverage resources, identify cost savings, implement efficiencies, and improve effectiveness without compromising the mission of the board and the institutions under the control of the board relative to students and research commitments.

2. Purchasing.

a. The board shall direct the institutions under its control to cooperate with the department of administrative services and other state agencies in efforts to collaboratively purchase goods and services that result in mutual cost savings and efficiency improvements.

b. The board and the institutions under its control shall assist the department of administrative services by doing the
(1) Identifying best practices that produce cost savings and improve state government processes.

(2) Exploring joint purchases of general use items that result in mutual procurement of quality goods and services at the lowest reasonable cost.

(3) Exploring flexibility, administrative relief, and transformational changes through procurement technology.

c. The board shall convene at least quarterly an interagency purchasing group meeting including the institutions under its control, the department of administrative services, the department of transportation, and any other state agency, for the purposes of timely cooperation in purchasing goods and services and for the identification of practical measures that improve state agency performance of programs and operations, reduce total costs of state government operations, increase productivity, improve services and make state government more responsive and accountable to the public.

3. Information technology.

a. The board shall direct institutions under its control to cooperate with the chief information officer of the state in efforts to cooperatively obtain information technology and related services that result in mutual cost savings and efficiency improvements.

b. The board shall convene at least quarterly an interagency information technology group meeting including the institutions under its control, the state chief information officer and any other agency, for purposes of timely cooperation in obtaining information technology and related services.

4. Cooperative purchasing plan. The board shall, before July 1, of each year, prepare a plan that identifies specific areas of cooperation between the institutions under its control, the department of administrative services, and the chief information officer of the state, that will be addressed for the next fiscal year including timelines for implementing, analyzing, and evaluating each of the areas of cooperation. The plan shall also identify the potential for greater interinstitutional cooperation in areas that would result in a net cost savings.

5. Report. The board shall, on or before November 1, submit a report to the general assembly and the governor providing information on the cooperative purchasing plan prepared for that fiscal year by the board and on the results of the quarterly interagency meetings, including the specific cost savings or efficiency gains that have resulted from utilization of cooperative efforts and the implementation of identified best practices.

DIVISION VII

DEPARTMENT OF ADMINISTRATIVE SERVICES == PURCHASING

Sec. 70. Section 8A.302, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 71. Section 8A.311, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. The director shall adopt rules providing that any state agency may, upon request and approval by the department, purchase directly from a vendor if the direct purchasing is as economical or more economical than purchasing through the department, or upon a showing if the agency shows that direct purchasing by the state agency would be in the best interests of the state due to an immediate or emergency need. The rules shall include a provision permitting a state agency to purchase directly from a vendor, on the agency's own authority, or if the purchase will not exceed ten thousand dollars and the purchase will contribute to the agency complying with or exceeding the targeted small business procurement goals under sections 73.15 through 73.21.

Sec. 72. NEW SECTION. 8A.311A Centralized purchasing.

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

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

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

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

b. The agency is purchasing the good or service pursuant to another contract in effect on the effective date of the master contract. However, the agency shall terminate the other contract if the contract permits the termination of the contract without penalty and the agency shall not renew the other contract beyond the current term of the other contract.

Sec. 73. Section 8A.312, Code 2009, is amended to read as follows:

8A.312 Cooperative purchasing.

The director may purchase items through the state department of transportation, institutions under the control of the state board of regents, and any other agency specifically exempted by law from centralized purchasing as well as from other...
state and intergovernmental entities. These state agencies shall upon request furnish the director with a list of and specifications for all items of office equipment, furniture, fixtures, motor vehicles, heavy equipment, and other related items to be purchased during the next quarter and the date by which the director must file with the agency the quantity of items to be purchased by the state agency for the department. The department shall collaborate and cooperate with the state board of regents and institutions under the control of the state board of regents, as provided in section 262.9B, and any other state agency exempt from centralized purchasing to explore joint purchases of general use items that present opportunities to obtain quality goods and services at the lowest reasonable cost. The department shall be liable to the state agency for the proportionate costs the items purchased for the department bear to the total purchase price. When items purchased have been delivered, the state agency shall notify the director and after receipt of the purchase price shall release the items to the director or upon the director's order.

Sec. 74. Section 307.21, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

d. Provide centralized purchasing services for the department, in cooperation with the department of administrative services. The administrator shall, when intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the administrator need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section 455A.6, for purposes of recycling. For purposes of this section, "recycled content" means that the content of the product contains a minimum of thirty percent postconsumer material.

Sec. 75. STATE GOVERNMENT PURCHASING EFFORTS == DEPARTMENT OF ADMINISTRATIVE SERVICES. In order to facilitate efficient and cost-effective purchasing, the department of administrative services shall do the following:

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

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

3. Identify procurement compliance employees within the department.

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

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

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

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

DIVISION VIII
DEPARTMENT OF ADMINISTRATIVE SERVICES == OPERATIONS
Sec. 76. Section 8A.104, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 12A. Examine and develop best practices for the efficient operation of government and encourage state agencies to adopt and implement these practices.

Sec. 77. NEW SECTION. 8A.459 State employee pay and allowances == electronic funds transfer.
Effective July 1, 2011, notwithstanding any provision of law to the contrary, all pay and allowances to state employees shall be paid via electronic funds transfer, unless otherwise provided pursuant to a collective bargaining agreement. A state employee may elect to receive pay and allowances as paper warrants in lieu of electronic funds transfers, but the department shall charge an administrative fee for processing such paper warrants. However, the department may, for good cause shown, waive the administrative fee. The fee may be automatically deducted from the state employee's pay and allowances before the warrant is issued to the state employee.

Sec. 78. DEPARTMENT OF ADMINISTRATIVE SERVICES == STREAMLINED HIRING. The department of administrative services shall, in consultation with the department of management, examine the process by which state agencies hire personnel with the goal of simplifying and reducing the steps needed for state agencies to hire personnel. The department shall provide information to the general assembly concerning steps taken to implement a more streamlined hiring process and any recommendations for legislative action.

Sec. 79. DEPARTMENT OF ADMINISTRATIVE SERVICES == REAL ESTATE AND LEASE MANAGEMENT.
1. REAL ESTATE AUDIT. The department of administrative services shall complete an inventory of surplus and unused state properties, including properties owned or under the control of the department of transportation, and recommend which assets could be sold at a premium price. State historic buildings would not be eligible for sale and only those assets identified as being surplus and no longer related to their mission would be eligible for sale.

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

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

4. REPORT. The department shall submit a report to the general assembly by January 1, 2011, concerning the requirements of this section. The report shall, if applicable, identify any statutory barriers for pursuing efforts described in this section and shall include in the report its findings and any recommendations for legislative action. Sec. 80.
STATE BOARD OF REGENTS == REAL ESTATE AUDIT. The state board of regents shall complete an inventory of real estate property owned or leased by the state board of regents and institutions under the control of the state board of regents, including information regarding the current and intended use of the property. The board shall submit a report to the general assembly and governor by January 1, 2011, detailing the real estate property owned or leased by the state board of regents and institutions under the control of the state board of regents.

DEPARTMENT OF ADMINISTRATIVE SERVICES == SALE OF REAL PROPERTY.
1. During the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of administrative services, in collaboration with the department of human services and the department of corrections, shall identify and sell real property under the control of the departments that is not necessary to further the mission of the department of human services and the department of corrections and that will maximize the return to the state. Notwithstanding any provision of law to the contrary, moneys received for the sale of property pursuant to this subsection shall be deposited in the general fund of the state.

2. During the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of administrative services shall, pursuant to the real estate and lease management review conducted by the department as provided in this Act, identify and sell or sell and lease back real property under the control of the department that will maximize the return to the state. Notwithstanding any provision of law to the contrary, moneys received for the sale of property pursuant to this subsection shall be deposited in the general fund of the state.

ALCOHOLIC BEVERAGES DIVISION == REORGANIZATION
24. Records of purchases of alcoholic liquor from the alcoholic beverages division of the department of commerce revenue which would reveal purchases made by an individual class "E" liquor control licensee. However, the records may be revealed for law enforcement purposes or for the collection of payments due the division pursuant to section 123.24.

Sec. 82. Section 22.7, subsection 24, Code Supplement 2009, is amended to read as follows:
24. Records of purchases of alcoholic liquor from the alcoholic beverages division of the department of commerce revenue which would reveal purchases made by an individual class "E" liquor control licensee. However, the records may be revealed for law enforcement purposes or for the collection of payments due the division pursuant to section 123.24.

Sec. 83. Section 123.3, subsection 14, Code 2009, is amended to read as follows:
14. "Division" means the alcoholic beverages division of the department of commerce revenue established by this chapter.

Sec. 84. Section 123.4, Code 2009, is amended to read as follows:
123.4 Alcoholic beverages division created. An alcoholic beverages division is created within the department of commerce revenue to administer and enforce the laws of this state concerning beer, wine, and alcoholic liquor.

Sec. 85. Section 123.14, subsection 2, Code 2009, is amended to read as follows:
2. The county attorney, the county sheriff and the sheriff's deputies, and the police department of every city, and the alcoholic beverages division of the department of commerce revenue, shall be supplementary aids to the department
of public safety. Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section shall be sufficient cause for the peace officer's removal as provided by law. This section shall not be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement.

Sec. 86. Section 123.53, subsections 4, 5, and 6, Code Supplement 2009, are amended to read as follows:

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

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

6. After any transfers provided for in subsections 3 and 5, the department of commerce revenue shall transfer to the division from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the division for collecting and properly disposing of the liquor containers.

Sec. 87. Section 142A.3, subsection 5, paragraph e, Code Supplement 2009, is amended to read as follows:

e. The alcoholic beverages division of the department of commerce revenue.

Sec. 88. Section 142A.4, subsection 14, Code Supplement 2009, is amended to read as follows:

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

Sec. 89. Section 142A.5, subsection 1, paragraph e, Code Supplement 2009, is amended to read as follows:

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

Sec. 90. Section 321.19, subsection 1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word "official" and the department shall keep a separate record. Registration plates issued for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. However, the director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice, the alcoholic beverages division of the department of commerce revenue, disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates, persons in the department of economic development who are regularly assigned duties relating to existing industry expansion or business attraction, and any mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 91. Section 453A.2, subsection 7, Code 2009, is amended to read as follows:

7. A tobacco compliance employee training fund is created in the office of the treasurer of state. The fund shall consist of civil penalties assessed by the Iowa department of public health under section 453A.22 for violations of this section. Moneys in the fund are appropriated to the alcoholic beverages division of the department of commerce revenue and shall be used to develop and administer the tobacco compliance employee training program under section 453A.5. Moneys deposited in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the
Sec. 92. Section 453A.5, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 93. Section 455C.3, subsections 2 and 5, Code 2009, are amended to read as follows:

2. A distributor shall accept and pick up from a dealer served by the distributor or a redemption center for a dealer served by the distributor at least weekly, or when the distributor delivers the beverage product if deliveries are less frequent than weekly, any empty beverage container of the kind, size and brand sold by the distributor, and shall pay to the dealer or person operating a redemption center the refund value of a beverage container and the reimbursement as provided under section 455C.2 within one week following pickup of the containers or when the dealer or redemption center normally pays the distributor for the deposit on beverage products purchased from the distributor if less frequent than weekly. A distributor or employee or agent of a distributor is not in violation of this subsection if a redemption center is closed when the distributor attempts to make a regular delivery or a regular pickup of empty beverage containers. This subsection does not apply to a distributor selling alcoholic liquor to the alcoholic beverages division of the department of commerce revenue.

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

Sec. 94. Section 546.2, subsection 3, paragraph e, Code 2009, is amended by striking the paragraph.

Sec. 95. NEW SECTION. 421.2A Alcoholic beverages division. An alcoholic beverages division is created within the department of revenue. The alcoholic beverages division shall enforce and implement chapter 123. The division is headed by the administrator of alcoholic beverages who shall be appointed pursuant to section 123.10. The alcoholic beverages commission shall perform duties within the division pursuant to chapter 123.

Sec. 96. REPEAL. Section 546.9, Code 2009, is repealed.

Sec. 97. ALCOHOLIC BEVERAGES DIVISION == TRANSITION PROVISIONS.

1. In regard to updating references and format in the Iowa administrative code in order to correspond to the transferring of the division from the department of commerce to the department of revenue as established by this division of this Act, the administrative rules coordinator and the
administrative rules review committee, in consultation with the
administrative code editor, shall jointly develop a schedule
for the necessary updating of the Iowa administrative code.
2. Any replacement of signs, logos, stationery, insignia,
uniforms, and related items that is made due to the effect of
this division of this Act should be done as part of the normal
replacement cycle for such items.
DIVISION X
ALCOHOLIC BEVERAGES DIVISION == OPERATIONS
Sec. 98. ALCOHOLIC BEVERAGES DIVISION == STATE WAREHOUSE
FRIDAY CLOSURE. For the fiscal period beginning July 1, 2010,
and ending June 30, 2015, the administrator of the alcoholic
beverages division of the department of commerce as created
in chapter 123, shall, pursuant to the authority provided in
section 123.21, close the main state warehouse every Friday.
However, the administrator may keep the warehouse open on
designated Fridays if the administrator determines that
anticipated sales on that Friday justify keeping the state
warehouse open. The administrator may extend the closure
authorized pursuant to this section to the succeeding fiscal
year. The administrator shall submit a report to the general
assembly by January 1, 2015, concerning its recommendation
regarding extending the requirements of this section.
Sec. 99. TOBACCO RETAIL COMPLIANCE CHECKS. The terms
of a chapter 28D agreement entered into between the division
of public health and the alcoholic beverages division of the
department of commerce, governing compliance checks conducted
to ensure licensed retail tobacco outlet conformity with
tobacco laws, regulations, and ordinances relating to persons
under eighteen years of age, shall restrict the number of such
tobacco outlet found to be in violation during the first
tobacco outlet check to one check per retail outlet, and one additional check
for any retail outlet found to be in violation during the first
check, for the fiscal year beginning July 1, 2010, and ending
June 30, 2011.
DIVISION XI
ALCOHOLIC BEVERAGES DIVISION == DIRECT SHIPMENT OF WINE
Section 123.173, subsection 1, Code 2009, is
amended to read as follows:
1. Permits Except as provided in section 123.187,
permits exclusively for the sale or manufacture and sale of
wine shall be divided into four classes, and shall be known as
class "A", "B", "B" native, or "C" native wine permits.
Sec. 101. Section 123.187, Code 2009, is amended by striking
the section and inserting in lieu thereof the following:
123.187 Direct shipment of wine == licenses and requirements.
1. A wine manufacturer licensed or permitted pursuant to
laws regulating alcoholic beverages in another state may apply
for a wine direct shipper license, as provided in this section.
2. a. The administrator shall issue a wine direct
shipper license to a wine manufacturer who submits a written
application for the license on a form to be established by
the administrator by rule, accompanied by a true copy of the
manufacturer's current alcoholic beverage license or permit
issued in another state, and a copy of the manufacturer's
w inery license issued by the federal alcohol and tobacco tax
and trade bureau.
b. An application submitted pursuant to paragraph "a" shall
be accompanied by a license fee in the amount of twenty-five
c. A license issued pursuant to this section may be renewed annually by resubmitting the information required in paragraph "a", accompanied by the twenty-five dollar license fee.

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

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

b. Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and manufactured on the winery premises of the wine direct shipper licensee.

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

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

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

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

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

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

b. An alcohol carrier licensee shall not deliver wine to any person under twenty-one years of age, or to any person who either is or appears to be in an intoxicated state or condition. A licensee shall obtain valid proof of identity and age prior to delivery, and shall obtain the signature of an adult as a condition of delivery.

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

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

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

DIVISION XII
DEPARTMENT OF HUMAN RIGHTS == REORGANIZATION
Sec. 102. Section 216A.1, Code 2009, is amended to read as
follows:
216A.1 Department of human rights == purpose.
1. A department of human rights is created, with the
following divisions and offices:
  a. Division of community advocacy and services, with the
10 following offices:
    (1) Division Office of Latino affairs.
    (2) Division Office on the status of women.
    (3) Division Office of persons with disabilities.
    (4) Division of community action agencies.
    (5) Division Office of deaf services.
    (6) Division on the status of African Americans.
    (7) Division on the status of Iowans Office of Asian and
Pacific Islander heritage affairs.
    (8) Division on Office of Native American affairs.
  b. Division of community action agencies.
  c. Division of criminal and juvenile justice planning.
2. The purpose of the department is to ensure basic
rights, freedoms, and opportunities for all by empowering
underrepresented Iowans and eliminating economic, social, and
cultural barriers.
Sec. 103. Section 216A.2, Code 2009, is amended by striking
the section and inserting in lieu thereof the following:
216A.2 Appointment of department director, deputy director,
and administrators == duties.
1. The governor shall appoint a director of the department
of human rights, subject to confirmation by the senate pursuant
to section 2.32. The department director shall serve at the
pleasure of the governor and is exempt from the merit system
provisions of chapter 8A, subchapter IV. The governor shall
set the salary of the department director within the ranges set
by the general assembly.
2. The director is the chief administrative officer of
the department and in that capacity administers the programs
and services of the department in compliance with applicable
federal and state laws and regulations. The duties of the
director include preparing a budget, establishing an internal
administrative structure, and employing personnel.
3. The department director shall appoint the administrators
of the divisions within the department and all other personnel
deemed necessary for the administration of this chapter.
The department director shall establish the duties of the
administrators of the divisions within the department.
4. The department director shall do all of the following:
a. Manage the internal operations of the department and
establish guidelines and procedures to promote the orderly and
efficient administration of the department.

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

c. Coordinate and supervise personnel services and shared administrative support services to assure maximum support and assistance to the divisions.
d. Serve as an ex officio member of all commissions or councils within the department.
e. Serve as an ex officio, nonvoting member of the human rights board.
f. Solicit and accept gifts and grants on behalf of the department and each commission or council and administer such gifts and grants in accordance with the terms thereof.
g. Enter into contracts with public and private individuals and entities to conduct the business and achieve the objectives of the department and each commission or council.
h. Serve as an ex officio member of all commissions or councils.

Sec. 104. Section 216A.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

A human rights board is created within the department of human rights.

The board shall consist of fourteen members, including nine voting members and five nonvoting members and determined as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph "a", "permanent commissions" means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, criminal and juvenile justice planning advisory council, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs.
b. The nonvoting members shall consist of the department director, two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

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

d. The board shall have the following duties:

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

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

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

d. By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.

Sec. 105. Section 216A.4, Code 2009, is amended by adding the following new subsections:

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

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

Sec. 106. NEW SECTION. 216A.7 Access to information.

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

Sec. 107. Section 216A.11, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 108. Section 216A.11, subsection 3, Code 2009, is amended to read as follows:

3. "Division" "Office" means the division office of Latino affairs of the department of human rights.

Sec. 109. Section 216A.12, Code Supplement 2009, is amended to read as follows:

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

14 Commission members shall be appointed in compliance with sections 69.16 and 69.16A and with consideration given to geographic residence and density of Latino population represented by each member. Commission members shall reside in the state.

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

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

Sec. 110. Section 216A.13, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.13 Commission of Latino affairs == duties.

The commission shall have the following duties:

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

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

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

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

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

Sec. 111. Section 216A.14, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.14 Office of Latino affairs == duties.

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

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

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

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

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

Sec. 112. Section 216A.15, subsections 1 through 9, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

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

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

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

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

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

Sec. 113. Section 216A.51, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 114. Section 216A.51, subsection 3, Code 2009, is amended to read as follows:

"Division" "Office" means the division office on the status of women of the department of human rights.
Sec. 115. Section 216A.52, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.52  Office on the status of women.

The office on the status of women is established, and shall do the following:
1. Serve as the central permanent agency to advocate for women and girls.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of women and girls in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Serve as a clearinghouse on programs and agencies operating to assist women and girls.
4. Develop, coordinate, and assist other public or private organizations which serve women and girls.

Sec. 116. Section 216A.53, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

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

1. The commission on the status of women is established and shall consist of seven voting members who shall be appointed by the governor, subject to confirmation by the senate pursuant to section 2.32, and shall represent a cross section of the citizens of the state. All members shall reside in the state.
2. The term of office for voting members is four years. Terms shall be staggered. Members whose terms expire may be reappointed. Vacancies in voting membership positions on the commission shall be filled for the unexpired term in the same manner as the original appointment. Voting members of the commission may receive a per diem as specified in section 7E.6 and shall be reimbursed for actual expenses incurred while serving in their official capacity, subject to statutory limits.
3. Members of the commission shall appoint a chairperson and vice chairperson and any other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum of the members shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 117. Section 216A.54, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.54  Commission powers and duties.

The commission shall have the following powers and duties:
1. Study the opportunities for and changing needs of the women and girls of this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other
9 coalitions as appropriate.

Sec. 118. Section 216A.71, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 119. Section 216A.71, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 120. Section 216A.72, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.72 Office of persons with disabilities.

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

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

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

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

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

Sec. 121. Section 216A.74, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.74 Commission of persons with disabilities established.

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

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

3. Members of the commission shall appoint a chairperson. The commission shall meet at least quarterly during each fiscal year. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 122. Section 216A.75, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.75 Commission powers and duties.

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

2. Serve as liaisons between the office and the public,
Sec. 123. Section 216A.92, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.92 Division of community action agencies.
1. The division of community action agencies is established. The purpose of the division of community action agencies is to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

2. The division shall do all of the following:
   a. Provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant and subject to the funding made available for the program.
   b. Administer the community services block grant, the low-income energy assistance block grants, department of energy funds for weatherization, and other possible funding sources.
   c. If a political subdivision is the community action agency, the financial assistance shall be allocated to the political subdivision.
   d. Implement accountability measures for its programs and require regular reporting on the measures by the community action agencies.
   e. Issue an annual report to the governor and general assembly by July 1 of each year.

Sec. 124. Section 216A.92A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

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

Sec. 125. Section 216A.92A, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 126. Section 216A.92B, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.92B Commission powers and duties.
1. The commission shall have the following powers and duties:
   1. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and division.
   2. Supervise the collection of data regarding the scope of services provided by the community action agencies.
   3. Serve as liaisons between the division and the public, sharing information and gathering constituency input.
   4. Make recommendations to the governor and the general
assembly for executive and legislative action designed to improve the status of low-income persons in the state.

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

Sec. 127. Section 216A.93, Code 2009, is amended to read as follows:

216A.93 Establishment of community action agencies. The division shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include but not be limited to outreach, community services block grant, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If there is not a designated community action agency in the area a city council or county board of supervisors or any combination of one or more councils or boards may establish a community action agency and may apply to the division for recognition. The council or board of the combination may adopt an ordinance or resolution establishing a community action agency if a community action agency has not been designated. It is the purpose of the division of community action agencies to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and the continuation of certain community-based programs delivered by community action agencies. If any geographic area of the state ceases to be served by a designated community action agency, the division may solicit applications and assist the governor in designating a community action agency for that area in accordance with current community services block grant requirements.

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

Sec. 129. Section 216A.95, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

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

Sec. 130. Section 216A.96, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. Plan and implement strategies to alleviate the conditions of poverty and encourage self-sufficiency for citizens in its service area and in Iowa. In doing so, an agency shall plan for a community action program by establishing priorities among projects, activities, and areas to provide for the most efficient use of possible resources.
Sec. 131. Section 216A.96, subsection 4, Code 2009, is amended to read as follows:
4. Encourage and support self-help, volunteer, business, labor, and other groups and organizations to assist public officials and agencies in supporting a community action program which results in the additional use of private resources while developing new employment opportunities, encouraging investments which have an impact on reducing poverty among the poor, in areas of concentrated poverty, and providing methods by which low-income persons can work with private organizations, businesses, and institutions in seeking solutions to problems of common concern.

Sec. 132. Section 216A.97, Code 2009, is amended to read as follows:
216A.97 Administration.
A community action agency or a delegate agency may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program providing assistance to a plan to meet local needs.

Sec. 133. Section 216A.98, Code 2009, is amended to read as follows:
1. 216A.98 Audit.
Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division within three months following the annual audit in a manner prescribed by the division.

Sec. 134. Section 216A.102, subsection 3, Code 2009, is amended to read as follows:
3. Under rules developed by the division of community action agencies of the department of human rights and adopted by the board, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

Sec. 135. Section 216A.104, subsections 4 and 5, Code 2009, are amended by striking the subsections.

Sec. 136. Section 216A.107, subsection 2, Code Supplement 2009, is amended to read as follows:
2. Unless otherwise provided by law, terms of members, election of officers, and other procedural matters shall be as determined by the council. A quorum shall be required for the conduct of business of the council and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the council.

A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 137. Section 216A.111, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 138. Section 216A.111, subsection 3, Code 2009, is
amended to read as follows:

Sec. 139. Section 216A.112, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

216A.112 Office of deaf services.

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

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

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

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

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

Sec. 140. Section 216A.113, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

216A.113 Deaf services commission established.

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

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

1 Vacancies on the commission may be filled for the remainder
of the term in the same manner as the original appointment.

3 Members shall receive actual expenses incurred while serving in
their official capacity, subject to statutory limits. Members
may also be eligible to receive compensation as provided in
section 7E.6.

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

Sec. 141. Section 216A.114, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

216A.114 Commission powers and duties.

The commission shall have the following powers and duties:
1. Study the changing needs and opportunities for the deaf and hard-of-hearing people in this state.

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

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

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

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

Sec. 142. NEW SECTION. 216A.131A Division of criminal and juvenile justice planning.

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

Sec. 143. Section 216A.132, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 144. Section 216A.132, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The departments of human services, corrections, and public safety, the division office on the status of African Americans, the Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, the governor's office of drug control policy, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.

Sec. 145. Section 216A.132, Code 2009, is amended by adding the following new subsection:

3. Members of the council shall appoint a chairperson and vice chairperson and other officers as the council deems necessary. A majority of the voting members currently appointed to the council shall constitute a quorum. A quorum shall be required for the conduct of business of the council and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the council. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 146. Section 216A.133, subsection 5, Code 2009, is amended to read as follows:

5. Administer federal funds and funds appropriated by the state or that are otherwise available in compliance with purposes of study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

Sec. 147. Section 216A.133, Code 2009, is amended by adding the following new subsections:

8. Provide input to the department director in the development of budget recommendations for the division.

9. Serve as liaison between the division
and the public, sharing information and gathering constituency
input.

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

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

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

Sec. 148.  Section 216A.138, subsection 8, Code 2009, is
amended by striking the subsection.

Sec. 149.  Section 216A.141, subsection 1, Code 2009, is
amended by striking the subsection.

Sec. 150.  Section 216A.141, subsection 3, Code 2009, is
amended to read as follows:

3.  "Division" "Office" means the division office on the
status of African Americans of the department of
human rights.

Sec. 151.  Section 216A.142, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

Commission on the status of African Americans
established.

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

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

3 3.  Members of the commission shall appoint a chairperson
and vice chairperson and other officers as the commission
deems necessary.  A majority of members of the commission
shall constitute a quorum.  A quorum shall be required for the
conduct of business of the commission and the affirmative vote
of a majority of the currently appointed members is necessary
for any substantive action taken by the commission.  A member
shall not vote on any action if the member has a conflict of
interest on the matter and a statement by the member of a
conflict of interest shall be conclusive for this purpose.

Sec. 152.  Section 216A.143, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

Commission powers and duties.

The commission shall have the following powers and duties:

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

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

3.  Recommend to the board for adoption rules pursuant
to chapter 17A as it deems necessary for the commission and
office.
4. Recommend executive and legislative action to the
governor and general assembly.
5. Establish advisory committees, work groups, or other
c coalitions as appropriate.
Sec. 153. Section 216A.146, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:
216A.146 Office on the status of African Americans.
The office on the status of African Americans is established
and shall do the following:
1. Serve as the central permanent agency to advocate for
African Americans.
2. Coordinate and cooperate with the efforts of state
departments and agencies to serve the needs of African
Americans in participating fully in the economic, social, and
cultural life of the state, and provide direct assistance to
individuals who request it.
3. Develop, coordinate, and assist other public or private
organizations which serve African Americans.
4. Serve as an information clearinghouse on programs and
agencies operating to assist African Americans.
Sec. 154. Section 216A.151, subsection 1, Code 2009, is
amended by striking the subsection.
Sec. 155. Section 216A.151, subsection 3, Code 2009, is
amended to read as follows:
3. "Commission" means the commission on the status of
Iowans of Asian and Pacific Islander heritage affairs.
Sec. 156. Section 216A.151, subsection 4, Code 2009, is
amended to read as follows:
4. "Division" "Office" means the division on the status of
Iowans office of Asian and Pacific Islander heritage affairs of
the department of human rights.
Sec. 157. Section 216A.152, Code 2009, is amended by
striking the section and inserting in lieu thereof the
1 following:
216A.152 Commission of Asian and Pacific Islander affairs
established.
1. The commission of Asian and Pacific Islander affairs is
established and shall consist of seven members appointed by the
governor, subject to confirmation by the senate. Members shall
be appointed representing every geographical area of the state
and ethnic groups of Asian and Pacific Islander heritage. All
members shall reside in Iowa.
2. Terms of office are four years and shall begin and end
pursuant to section 69.19. Members whose terms expire may be
reappointed. Vacancies on the commission may be filled for the
remainder of the term of and in the same manner as the original
appointment. Members shall receive actual expenses incurred
while serving in their official capacity, subject to statutory
limits. Members may also be eligible to receive compensation
as provided in section 7E.6.
3. Members of the commission shall appoint a chairperson
and vice chairperson and other officers as the commission deems
necessary. The commission shall meet at least quarterly during
each fiscal year. A majority of the members of the commission
shall constitute a quorum. A quorum shall be required for the
conduct of business of the commission and the affirmative vote
of a majority of the currently appointed members is necessary
for any substantive action taken by the commission. A member
shall not vote on any action if the member has a conflict of
interest on the matter and a statement by the member of a
conflict of interest shall be conclusive for this purpose.

Sec. 158.  Section 216A.153, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

216A.153  Commission powers and duties.

The commission shall have the following powers and duties:

1.  Study the opportunities for and changing needs of the

Asian and Pacific Islander persons in this state.

2.  Serve as liaison between the office and the public,

sharing information and gathering constituency input.

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

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

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

Sec. 159.  Section 216A.154, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:

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

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

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

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

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

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

Sec. 160.  Section 216A.161, subsection 1, Code 2009, is
amended by striking the subsection.

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

216A.161  Commission.

"Commission" means the commission
on
of
Native American
affairs.

Sec. 162.  Section 216A.161, subsection 3, Code 2009, is
amended to read as follows:

216A.161  Office.

"Office" means the division on
Office
of
Native American affairs of the department of human rights.

Sec. 163.  Section 216A.162, subsection 1, Code 2009, is
amended to read as follows:

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

Sec. 164.  Section 216A.162, Code 2009, is amended by adding
the following new subsection:

NEW SUBSECTION.  4.  Members of the commission shall appoint
one of their members to serve as chairperson and may
such other officers as the commission deems necessary. The
commission shall meet at least four times per year and shall
hold special meetings on the call of the chairperson. The
members of the commission shall be reimbursed for actual
expenses while engaged in their official duties. A member
may also be eligible to receive compensation as provided in
section 7E.6. A majority of the members of the commission
shall constitute a quorum. A quorum shall be required for the
conduct of business of the commission and the affirmative vote
of a majority of the currently appointed members is necessary
for any substantive action taken by the commission. A member
shall not vote on any action if the member has a conflict of
interest on the matter and a statement by the member of a
conflict of interest shall be conclusive for this purpose.
Sec. 165. Section 216A.165, subsections 1 through 9, Code
2009, are amended by striking the subsections and inserting in
lieu thereof the following:
1. Study the opportunities for and changing needs of Native
American persons in this state.
2. Serve as a liaison between the department and the public,
sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant
to chapter 17A as it deems necessary for the commission and
office.
4. Recommend legislative and executive action to the
governor and general assembly.
5. Establish advisory committees, work groups, or other
coalitions as appropriate.
Sec. 166. Section 216A.166, Code 2009, is amended by
striking the section and inserting in lieu thereof the
following:
1. Office of Native American affairs.
The office of Native American affairs is established and
shall do the following:
1. Serve as the central permanent agency to advocate for
Native Americans.
2. Coordinate and cooperate with the efforts of state
departments and agencies to serve the needs of Native Americans
in participating fully in the economic, social, and cultural
life of the state, and provide direct assistance to individuals
who request it.
3. Develop, coordinate, and assist other public or private
organizations which serve Native Americans.
4. Serve as an information clearinghouse on programs and
agencies operating to assist Native Americans.
Sec. 167. Section 216A.167, subsections 1 and 2, Code 2009,
are amended by striking the subsections.
Sec. 168. Section 216A.167, unnumbered paragraph 1, Code 2009,
is amended to read as follows:
The commission and office shall not have the authority to do
any of the following:
Sec. 169. REPEAL. Sections 216A.16, 216A.17, 216A.55,
216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73, 216A.76,
216A.77, 216A.78, 216A.79, 216A.101, 216A.103, 216A.115,
216A.116, 216A.117, 216A.134, 216A.144, 216A.145, 216A.147,
216A.148, 216A.149, 216A.155, 216A.156, 216A.157, 216A.158,
216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and 216A.170,
Code 2009, are repealed.
Sec. 170. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION ==
TRANSITION PROVISIONS.

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

2. Through December 31, 2010, the department director shall be granted reasonable flexibility within the department's appropriation and allotted full-time equivalent positions to reassign, retrain, or reclassify personnel as deemed necessary in order to most effectively and efficiently carry out the department's mission. Any personnel in the state merit system of employment who are transferred from one work unit to another due to the effect of this division of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

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

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

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

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

7. The governor, in consultation with the director of the department of human rights, shall establish a process to implement the requirements of this division of this Act and shall have the authority to terminate and modify the terms of office of voting members of the commissions and the council within the department of human rights in order to effectuate the requirements of this division of this Act. New appointments or reappointments to the commissions and the council as required by this division of this Act shall be made to effectuate the requirement, if applicable, that members shall serve for staggered four-year terms.

Sec. 171. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIII

GAMBLING SETOFFS

Sec. 172. Section 99D.28, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 173. Section 99F.19, subsection 1, Code 2009, is
amended to read as follows:
1. A licensee or a person acting on behalf of a licensee
shall be provided electronic access to the names of the
persons indebted to a claimant agency pursuant to the process
established pursuant to section 99F.4, subsection 26. The
electronic access provided by the claimant agency shall include
access to the names of the debtors, their social security
numbers, and any other information that assists the licensee
in identifying the debtors. If the name of a debtor provided
to the licensee through electronic access is retrieved by
the licensee and the winnings are equal to or greater than
ten one thousand two hundred dollars per occurrence, the
retrieval of such a name shall constitute a valid lien upon and
claim of lien against the winnings of the debtor whose name
is electronically retrieved from the claimant agency. If a
debtor's winnings are equal to or greater than ten one thousand
two hundred dollars per occurrence, the full amount of the debt
shall be collectible from any winnings due the debtor without
regard to limitations on the amounts that may be collectible in
increments through setoff or other proceedings.

DIVISION XIV
DEPARTMENT OF MANAGEMENT == FINANCIAL ADMINISTRATION
REORGANIZATION
Sec. 174. NEW SECTION. 8.71 Definitions.
As used in this section and sections 8.72 through 8.89,
unless the context otherwise requires:
1. "Agency" or "state agency" means a unit of state
government, which is an authority, board, commission,
committee, council, department, or independent agency as
defined in section 7E.4, including but not limited to each
principal central department enumerated in section 7E.5.
However, "agency" or "state agency" does not mean any of the
following:
a. The office of the governor or the office of an elective
constitutional or statutory officer.
b. The general assembly, or any office or unit under its
administrative authority.
c. The judicial branch, as provided in section 602.1102.
d. A political subdivision of the state or its offices
or units, including but not limited to a county, city, or
community college.

2. "Department" means the department of management.

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

Sec. 175. NEW SECTION. 8.72 Financial administration duties.

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

1. Centralized accounting and payroll system. To assume the responsibilities related to a centralized accounting system for state government and to establish a centralized payroll system for all state agencies. However, the state board of regents and institutions under the control of the state board of regents shall not be required to utilize the centralized payroll system.

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

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

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

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

a. Institutions under the control of the state board of regents.

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

c. The Iowa dairy industry commission as established in chapter 179, the Iowa beef cattle producers association as established in chapter 181, the Iowa pork producers council as established in chapter 183A, the Iowa egg council as established in chapter 184, the Iowa turkey marketing council as established in chapter 184A, the Iowa soybean association as established in chapter 185, and the Iowa corn promotion board as established in chapter 185C.

6. Audit of claims. To set rules and procedures for the preaudit of claims by individual agencies or organizations.

5 The director reserves the right to refuse to accept incomplete
or incorrect claims and to review, preaudit, or audit claims as determined by the director.

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

8. Accounts. To keep the central budget and proprietary control accounts of the general fund of the state and special funds, as defined in section 8.2, of the state government.

Upon elimination of the state deficit under generally accepted accounting principles, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year, the recognition of revenues received and expenditures paid and transfers received and paid within the time period required pursuant to section 8.33 shall be in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense. For each fiscal year, the financial position and results of operations of the state shall be reported in a comprehensive annual financial report prepared in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

8A. Budget database. To develop and make available to the public a searchable budget database.

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

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

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

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

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

10. Entities representing agricultural producers. To control the financial operations of the Iowa dairy industry commission as provided in chapter 179, the Iowa beef cattle producers association as provided in chapter 181, the Iowa pork producers council as provided in chapter 183A, the Iowa egg council as provided in chapter 184, the Iowa turkey marketing council provided in chapter 184A, the Iowa soybean association as provided in chapter 185, and the Iowa corn promotion board as provided in chapter 185C.

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

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

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


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

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

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

b. There is annually appropriated from the general fund of the state to the department an amount sufficient to pay interest costs that may be due the federal government as a result of implementation of the federal law. This paragraph does not authorize the payment of interest from the general fund of the state for any department of administrative services' revolving, trust, or special fund of the department of administrative services where monthly interest earnings accrue to the credit of the department of administrative services' revolving, trust, or special fund. For any special fund where monthly interest is accrued to the credit of the fund, the director may authorize a supplemental expenditure to pay interest costs from the individual fund which are due to the federal government as a result of implementation of the federal law.

Sec. 176. NEW SECTION. 8.73 Rules == deposit of departmental moneys.

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

Sec. 177. NEW SECTION. 8.74 Setoff procedures.

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

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

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

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

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

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

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

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

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

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

b. Before setoff, the state agency shall obtain and forward
to the collection entity the full name and social security
number of the person liable to it or to whom a claim is owing
who is a natural person. If the person is not a natural person,
before setoff, the state agency shall forward to the collection
entity the information concerning the person as the collection
t entity shall, by rule, require. The collection entity
shall cooperate with other state agencies in the exchange of
information relevant to the identification of persons liable
to or of claimants of state agencies. However, the collection
entity shall provide only relevant information required by a
state agency. The information shall be held in confidence
and used for the purpose of setoff only. Section 422.72,
subsection 1, does not apply to this paragraph.

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

d. Before setoff, the amount of a person's claim on a state
agency and the amount of a person's liability to a state agency
91 shall constitute a minimum amount set by rule of the collection
91 entity.
91 e. Upon submission of an allegation of liability by a state
91 agency, the collection entity shall notify the state agency
91 whether the person allegedly liable is entitled to payment from
91 a state agency, and, if so entitled, shall notify the state
91 agency of the amount of the person's entitlement and of the
91 person's last address known to the collection entity. Section
91 422.72, subsection 1, does not apply to this paragraph.
91 f. (1) Upon notice of entitlement to a payment, the state
91 agency shall send written notification to that person of the
91 state agency's assertion of its rights to all or a portion of
91 the payment and of the state agency's entitlement to recover
91 the liability through the setoff procedure, the basis of
91 the assertion, the opportunity to request that a jointly or
91 commonly owned right to payment be divided among owners, and
91 the person's opportunity to give written notice of intent
91 to contest the amount of the allegation. The state agency
91 shall send a copy of the notice to the collection entity. A
91 state agency subject to chapter 17A shall give notice, conduct
91 hearings, and allow appeals in conformity with chapter 17A.
91 (2) However, upon submission of an allegation of the
91 liability of a person which is owing and payable to the
91 clerk of the district court and upon the determination by
91 the collection entity that the person allegedly liable is
91 entitled to payment from a state agency, the collection entity
92 shall send written notification to the person which states the
92 assertion by the clerk of the district court of rights to all
92 or a portion of the payment, the clerk's entitlement to recover
92 the liability through the setoff procedure, the basis of the
92 assertions, the person's opportunity to request within fifteen
92 days of the mailing of the notice that the collection entity
92 divide a jointly or commonly owned right to payment between
92 owners, the opportunity to contest the liability to the clerk
92 by written application to the clerk within fifteen days of the
92 mailing of the notice, and the person's opportunity to contest
92 the collection entity's setoff procedure.
92 g. Upon the timely request of a person liable to a state
92 agency or of the spouse of that person and upon receipt of the
92 full name and social security number of the person's spouse,
92 a state agency shall notify the collection entity of the
92 request to divide a jointly or commonly owned right to payment.
92 Any jointly or commonly owned right to payment is rebuttably
92 presumed to be owned in equal portions by its joint or common
92 owners.
92 h. The collection entity shall, after the state agency has
92 sent notice to the person liable or, if the liability is owing
92 and payable to the clerk of the district court, the collection
92 entity has sent notice to the person liable, set off the amount
92 owed to the agency against any amount which a state agency owes
92 that person. The collection entity shall refund any balance
92 of the amount to the person. The collection entity shall
92 periodically transfer amounts set off to the state agencies
92 entitled to them. If a person liable to a state agency gives
92 written notice of intent to contest an allegation, a state
92 agency shall hold a refund or rebate until final disposition
92 of the allegation. Upon completion of the setoff, a state
92 agency shall notify in writing the person who was liable or,
district court, shall comply with the procedures as provided in paragraph "j".

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

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

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

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

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

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

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

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

Sec. 178. NEW SECTION. 8.75 Cost allocation system ==
The department shall develop and administer an indirect
cost allocation system for state agencies. The system shall
be based upon standard cost accounting methodologies and shall
be used to allocate both direct and indirect costs of state
agencies or state agency functions in providing centralized
services to other state agencies. A cost that is allocated to
a state agency pursuant to this system shall be billed to the
state agency and the cost is payable to the general fund of the
state. The source of payment for the billed cost shall be any
revenue source except for the general fund of the state. If a
state agency is authorized by law to bill and recover direct
expenses, the state agency shall recover indirect costs in the
same manner.

Sec. 179. NEW SECTION. 8.76 Accounting.
The director may at any time require any person receiving
money, securities, or property belonging to the state, or
having the management, disbursement, or other disposition of
them, an account of which is kept in the department, to render
statements of them and information in reference to them.

Sec. 180. NEW SECTION. 8.77 Stating account.
If an officer who is accountable to the state treasury for
any money or property neglects to render an account to the
director within the time prescribed by law, or if no time is so
prescribed, within twenty days after being required to do so by
the director, the director shall state an account against the
officer from the books of the officer's office, charging ten
percent damages on the whole sum appearing due, and interest
at the rate of six percent per annum on the aggregate from the
time when the account should have been rendered; all of which
may be recovered by action brought on the account, or on the
official bond of the officer.

Sec. 181. NEW SECTION. 8.78 Compelling payment.
If an officer fails to pay into the state treasury the amount
received by the officer within the time prescribed by law, or
having settled with the director, fails to pay the amount found
due, the director shall charge the officer with twenty percent
damages on the amount due, with interest on the aggregate from
the time the amount became due at the rate of six percent per
annum, and the whole may be recovered by an action brought on
the account, or on the official bond of the officer, and the
officer shall forfeit the officer's commission.

Sec. 182. NEW SECTION. 8.79 Defense to claim.
The penal provisions in sections 8.77 and 8.78 are subject
to any legal defense which the officer may have against the
account as stated by the director, but judgment for costs shall
be rendered against the officer in the action, whatever its
result, unless the officer rendered an account within the time
named in those sections.

Sec. 183. NEW SECTION. 8.80 Requested credits == oath
required.
When a county treasurer or other receiver of public moneys
seeks to obtain credit on the books of the department for
payment made to the county treasurer, before giving such credit
the director shall require that person to take and subscribe an
oath that the person has not used, loaned, or appropriated any
of the public moneys for the person's private benefit or for
the benefit of any other person.

Sec. 184. NEW SECTION. 8.81 Requisition for information.
In those cases where the director is authorized to call
96 10 upon persons or officers for information, or statements,
96 11 or accounts, the director may issue a requisition therefor
96 12 in writing to the person or officer called upon, allowing
96 13 reasonable time, which, having been served and return made to
96 14 the director, as a notice in a civil action, is evidence of the
96 15 making of the requisition.
96 16 Sec. 185. NEW SECTION. 8.82 Limits on claims.
96 17 The director is limited in authorizing the payment of
96 18 claims, as follows:
96 19 1. Funding limit.
96 20 a. A claim shall not be allowed by the department if the
96 21 appropriation or fund of certification available for paying the
96 22 claim has been exhausted or proves insufficient.
96 23 b. The authority of the director is subject to the following
96 24 exceptions:
96 25 (1) Claims by state employees for benefits pursuant to
96 26 chapters 85, 85A, 85B, and 86 are subject to limitations
96 27 provided in those chapters.
96 28 (2) Claims for medical assistance payments authorized under
96 29 chapter 249A are subject to the time limits imposed by rule
96 30 adopted by the department of human services.
96 31 (3) Claims approved by an agency according to the provisions
96 32 of section 25.2.
96 33 2. Convention expenses. Claims for expenses in attending
96 34 conventions, meetings, conferences, or gatherings of members
96 35 of an association or society organized and existing as a
96 36 quasi-public association or society outside the state of Iowa
96 37 shall not be allowed at public expense, unless authorized by
96 38 the executive council; and claims for these expenses outside
96 39 of the state shall not be allowed unless the voucher is
96 40 accompanied by the portion of the minutes of the executive
96 41 council, certified to by its secretary, showing that the
96 42 expense was authorized by the council. This section does not
96 43 apply to claims in favor of the governor, attorney general,
96 44 utilities board members, or to trips referred to in sections
96 45 97B.7A and 217.20.
96 46 3. Payment from fees. Claims for per diem and expenses
96 47 payable from fees shall not be approved for payment in excess
96 48 of those fees if the law provides that such expenditures are
96 49 limited to the special funds collected and deposited in the
96 50 state treasury.
96 51 Sec. 186. NEW SECTION. 8.83 Claims == approval.
96 52 The director before approving a claim on behalf of the
96 53 department shall determine:
96 54 1. That the creation of the claim is clearly authorized by
96 55 law. Statutes authorizing the expenditure may be referenced
96 56 through account coding authorized by the director.
96 57 2. That the claim has been authorized by an officer or
96 58 official body having legal authority to so authorize and that
96 59 the fact of authorization has been certified to the director by
96 60 such officer or official body.
96 61 3. That all legal requirements have been observed,
96 62 including notice and opportunity for competition, if required
96 63 by law.
96 64 4. That the claim is in proper form as the director may
96 65 provide.
96 66 5. That the charges are reasonable, proper, and correct and
96 67 no part of the claim has been paid.
97 33 Sec. 187. NEW SECTION. 8.84 Vouchers == interest == payment
1. Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, item furnished, or contract for which payment is sought. However, the director may authorize the prepayment of claims when the best interests of the state are served under rules adopted by the director. The claimant's original invoice shall be attached to a department's approved voucher. The director shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

2. Vouchers for postage, stamped envelopes, and postal cards may be audited as soon as an order for them is entered.

3. The departments, the general assembly, and the courts shall pay their claims in a timely manner. If a claim for services, supplies, materials, or a contract which is payable from the state treasury remains unpaid after sixty days following the receipt of the claim or the satisfactory delivery, furnishing, or performance of the services, supplies, materials, or contract, whichever date is later, the state shall pay interest at the rate of one percent per month on the unpaid amount of the claim. This subsection does not apply to claims against the state under chapters 25 and 669 or to claims paid by federal funds. The interest shall be charged to the appropriation or fund to which the claim is certified. Departments may enter into contracts for goods or services on payment terms of less than sixty days if the state may obtain a financial benefit or incentive which would not otherwise be available from the vendor. The department, in consultation with other affected departments, shall develop policies to promote consistency and fiscal responsibility relating to payment terms authorized under this subsection.

4. The director shall adopt rules under chapter 17A relating to the administration of this subsection.

Sec. 188. NEW SECTION. 8.85 Warrants == form.

A warrant shall bear on its face the signature of the director or its facsimile, or the signature of an assistant or its facsimile in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from what office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer of state.

Sec. 189. NEW SECTION. 8.86 Required payee.

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or materials are purchased in foreign countries, warrants may
be drawn upon the treasurer of state, payable to the bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.

Sec. 190. NEW SECTION. 8.87 Prohibited payee.

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee, except for personal service rendered or expense incurred by the employee, unless express statutory authority exists therefor.

Sec. 191. NEW SECTION. 8.88 Claims exceeding appropriations.

A claim shall not be allowed when the claim will exceed the amount specifically appropriated for the claim.

Sec. 192. NEW SECTION. 8.89 Cancellation of state warrants.

On the last business day of each month, the director shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the treasurer of state for six months or longer.

Sec. 193. Section 8.9, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.

Sec. 194. Section 8.31, subsection 4, Code 2009, is amended to read as follows:

1. The procedure to be employed in controlling the expenditures and receipts of the state fair board and the institutions under the state board of regents, whose collections are not deposited in the state treasury, is that outlined in section 8A.502, subsection 9.

Sec. 195. Section 8A.102, subsection 2, Code 2009, is amended to read as follows:

2. The person appointed as director shall be professionally qualified by education and have no less than five years' experience in the field of management, public or private sector personnel administration including the application of merit principles in employment, financial management, and policy development and implementation. The appointment shall be made without regard for political affiliation. The director shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The director is subject to the restrictions on political activity provided in section 8A.416. The governor shall set the salary of the director within pay grade nine.

Sec. 196. Section 8A.103, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department is created for the purpose of managing and coordinating the major resources of state government including
the human, financial, physical, and information resources of state government.

Sec. 197. Section 8A.104, subsection 12, Code 2009, is amended to read as follows:

12. Serve as the chief information officer for the state. However, the director may designate a person in the department to serve in this capacity at the discretion of the director. If the director designates a person to serve as chief information officer, the person designated shall be professionally qualified by education and have no less than five years' experience in the fields of information technology and financial management.

Sec. 198. Section 8A.111, subsection 11, Code 2009, is amended by striking the subsection.

Sec. 199. Section 8A.204, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Work with the department of management and the state accounting enterprise of the department, pursuant to section 8A.502, to maintain the relevancy of the central budget and proprietary control accounts of the general fund of the state and special funds to information technology, as those terms are defined in section 8.2, of state government.

Sec. 200. Section 8A.323, subsection 5, Code 2009, is amended to read as follows:

5. Any fine that remains unpaid upon becoming delinquent may be collected by the department pursuant to the setoff procedures provided for in section 8A.504. For purposes of this subsection, a fine becomes delinquent if it has not been paid within thirty days of the date of the issuance of the parking citation, unless a written request for a hearing is filed as provided pursuant to the rules of the department. If an appeal is filed and the citation is upheld, the fine becomes delinquent ten days after the issuance of the final decision on the appeal or thirty-one days after the date of the issuance of the parking citation, whichever is later.

Sec. 201. Section 11.2, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Provided further, that a preliminary audit of the educational institutions and the state fair board shall be made periodically, at least quarterly, to check the monthly reports submitted to the director of the department of administrative services as required by section 8A.502, subsection 9, and that a final audit of such state agencies shall be made at the close of each fiscal year.

Sec. 202. Section 25.2, subsection 5, Code 2009, is amended to read as follows:

5. Outstanding state warrants that have been canceled pursuant to section 8A.519 and were charged to the general fund of the state or another state funding source shall be addressed as provided in section 556.2C.

Sec. 203. Section 96.11, subsection 16, Code 2009, is amended to read as follows:

16. Reimbursement of setoff costs. The department shall include in the amount set off in accordance with section 8A.504, for the collection of an overpayment created pursuant to section 96.3, subsection 7, or section 96.16, subsection 4, an additional amount for the reimbursement of setoff costs incurred by the department of administrative services.
Sec. 204. Section 97B.7A, subsection 5, Code 2009, is amended to read as follows:

5. Travel. In the administration of the investment of moneys in the retirement fund, employees of the system and members of the board may travel outside the state for the purpose of meeting with investment firms and consultants and attending conferences and meetings to fulfill their fiduciary responsibilities. This travel is not subject to section 8A.510 8.82, subsection 2.

Sec. 205. Section 99D.2, subsection 3, Code 2009, is amended to read as follows:

3. "Claimant agency" means a state agency as defined in section 8A.504 8.74, subsection 1, or the state court administrator as defined in section 602.1101.

Sec. 206. Section 99D.28, subsection 2, Code 2009, is amended to read as follows:

2. The licensee is authorized and directed to withhold any winnings of a debtor which are paid out directly by the licensee subject to the lien created by this section and provide notice of such withholding to the winner when the winner appears and claims winnings in person. The licensee shall pay the funds over to the collection entity which administers the setoff program pursuant to section 8A.504 8.74.

Sec. 207. Section 99F.1, subsection 4, Code 2009, is amended to read as follows:

4. "Claimant agency" means a state agency as defined in section 8A.504 8.74, subsection 1, or the state court administrator as defined in section 602.1101.

Sec. 208. Section 99F.19, subsection 2, Code 2009, is amended to read as follows:

2. The licensee is authorized and directed to withhold any winnings of a debtor which are paid out directly by the licensee subject to the lien created by this section and provide notice of such withholding to the winner when the winner appears and claims winnings in person. The licensee shall pay the funds over to the collection entity which administers the setoff program pursuant to section 8A.504 8.74.

Sec. 209. Section 99G.38, subsection 3, Code 2009, is amended to read as follows:

3. The state of Iowa offset program, as provided in section 8A.504 8.74, shall be available to the authority to facilitate receipt of funds owed to the authority.

Sec. 210. Section 217.34, Code 2009, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections and appeals and the department of human services shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of human services. The department of inspections and appeals, with approval of the department of human services, shall adopt rules under chapter 17A necessary to assist the department of administrative services management in the implementation of the setoff under section 8A.504 8.74 in regard to money owed to the state for public assistance overpayments. The department of human services shall adopt rules under chapter 17A necessary to
assist the department of administrative services management in the implementation of the setoff under section 8A.504 8.74, in regard to collections by the child support recovery unit and the foster care recovery unit.

Sec. 211. Section 218.58, subsection 5, Code 2009, is amended to read as follows:

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section 8A.514 8.84, certified by the claimant and the architect or engineer in charge, and audited and approved by the department of administrative services management. Upon approval by the department of administrative services management, the director shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

Sec. 212. Section 218.85, Code 2009, is amended to read as follows:

218.85 Uniform system of accounts. The director of human services through the administrators in control of the institutions shall install in all the institutions the most modern, complete, and uniform system of accounts, records, and reports possible. The system shall be prescribed by the director of the department of administrative services management as authorized in section 8A.502 8.72, subsection 13, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

Sec. 213. Section 234.8, Code 2009, is amended to read as follows:

234.8 Fees for child welfare services. The department of human services may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section 8A.504 8.74. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to section 234.39.

Sec. 214. Section 252B.5, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Assistance to set off against a debtor's income tax refund or rebate any support debt, which is assigned to the department of human services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due...
and owing for the care, support, or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21C apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor's federal income tax refund or other federal nontax payment. The department of human services shall adopt rules pursuant to chapter 17A necessary to assist the department of administrative services in the implementation of the child support setoff as established under section 8A.504.8.74.

Sec. 215. Section 261.37, subsection 7, Code 2009, is amended to read as follows:

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of administrative services management to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a guaranteed or parental loan made under this division. The commission shall adopt rules under chapter 17A necessary to assist the department of administrative services management in the implementation of the student loan setoff program as established under section 8A.504.8.74. The commission shall apply administrative wage garnishment procedures authorized under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. 1071 et seq., for all delinquent loans, including loans authorized under section 261.38, when a defaulter who is financially capable of paying fails to voluntarily enter into a reasonable payment agreement. In no case shall the commission garnish more than the amount authorized by federal law for all loans being collected by the commission, including those authorized under section 261.38.

Sec. 216. Section 321.11A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. The department of administrative services management for the purpose of administering the setoff program pursuant to section 8A.504.8.74.

Sec. 217. Section 321.31, subsection 1, unnumbered paragraph 3, Code 2009, is amended to read as follows:

The director shall maintain a records system of delinquent accounts owed to the state using information provided through the computerized data bank established in section 421.17. The department and county treasurers shall use the information maintained in the records system to determine if applicants for renewal of registration have delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state as provided pursuant to section 8A.504.8.74. The director, the director of the department of administrative services management, and the director of revenue shall establish procedures for updating the delinquent accounts records to add and remove accounts, as applicable.

Sec. 218. Section 321.40, subsection 6, Code Supplement 2009, is amended to read as follows:

6. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant 1 if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes,
or other indebtedness owed to or being collected by the state, from information provided pursuant to sections 8A.504, 8.74, and 421.17. An applicant may contest this action by requesting a contested case proceeding from the agency that referred the debt for collection pursuant to section 8A.504, 8.74.

Sec. 219. Section 331.552, subsection 5, Code 2009, is amended to read as follows:

5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections 8A.506 to 8A.508, 8.76 to 8.78.

Sec. 220. Section 422.12D, subsection 4, Code 2009, is amended to read as follows:

4. The department shall adopt rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504, 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 221. Section 422.12K, subsection 2, Code Supplement 2009, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund.

However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504, 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 222. Section 422.12L, subsection 2, Code 2009, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund.

However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504, 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 223. Section 422.20, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, 8.74, section 421.17, subsections 22, 23, and 26, sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 224. Section 422.72, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, 8.74, section 421.17, subsections 22, 23, and 26, sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.
Sec. 225.  Section 456A.16, unnumbered paragraph 7, Code 2009, is amended to read as follows:

1. The department shall adopt rules to implement this section.
2. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services management and accounts identified as owing under section 8A.504 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 226.  Section 556.2C, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. An unpaid, outdated warrant that is canceled pursuant to section 8A.519 8.89 shall be included in a list of outstanding state warrants maintained by the director of the department of administrative services management. On or before July 1 of each year, the director of the department of administrative services management shall provide the office of the treasurer of state with a consolidated list of such outstanding warrants that have not been previously reported to the office.

Sec. 227.  Section 602.8102, subsection 58A, Code 2009, is amended to read as follows:

58A.  Assist the department of administrative services management in setting off against debtors' income tax refunds or rebates under section 8A.504 8.74, debts which are due, owing, and payable to the clerk of the district court as criminal fines, civil penalties, surcharges, or court costs.

Sec. 228.  Section 602.8107, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504 8.74, or fees charged pursuant to section 356.7.

Sec. 229.  Section 642.2, subsection 4, Code 2009, is amended to read as follows:

4. Notwithstanding subsections 2, 3, 6, and 7, any moneys owed to the child support obligor by the state, with the exception of unclaimed property held by the treasurer of state pursuant to chapter 556, and payments owed to the child support obligor through the Iowa public employees' retirement system are subject to garnishment, attachment, execution, or assignment by the child support recovery unit if the child support recovery unit is providing enforcement services pursuant to chapter 252B. Any moneys that are determined payable by the treasurer pursuant to section 556.20, subsection 2, to the child support obligor shall be subject to setoff pursuant to section 8A.504 8.74, notwithstanding any administrative rule pertaining to the child support recovery unit limiting the amount of the offset.

Sec. 230.  REPEAL.  Sections 8A.502, 8A.503, 8A.504, 8A.506, 8A.507, 8A.508, 8A.509, 8A.510, 8A.511, 8A.512, 8A.513, 8A.514,
Sec. 231. REPEAL. Section 8A.505, Code Supplement 2009, is repealed.

Sec. 232. DEPARTMENT OF MANAGEMENT == CENTRALIZED PAYROLL SYSTEM. The department of management shall examine the possibility of merging all state payroll systems into the centralized payroll system operated by the department. The department shall consult with those entities of state government not utilizing the centralized payroll system, including but not limited to the state department of transportation, about strategies for encouraging utilization of the state's centralized payroll system and by identifying those barriers preventing merging of the payroll systems. The department shall provide information to the joint appropriations subcommittee on administration and regulation concerning efforts by the department to merge payroll systems and any recommendations for legislative action to encourage, or eliminate barriers to, the provision of payroll services by the department to other state agencies.

Sec. 233. DEPARTMENT OF MANAGEMENT == PAYROLL FREQUENCY. The department of management shall implement to the greatest extent possible a reduction in the frequency of paying state employees by paying employees through the payroll system on a semimonthly instead of a biweekly basis.

DIVISION XV

ADMINISTRATION AND REGULATION APPROPRIATIONS

Sec. 234. DEPARTMENT OF REVENUE == EXAMINERS. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

<table>
<thead>
<tr>
<th>$</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>325,000</td>
<td>5.00</td>
</tr>
</tbody>
</table>

The moneys appropriated in this section shall be utilized by the department to hire five additional examiners.

Sec. 235. DEPARTMENT OF MANAGEMENT == GRANTS ENTERPRISE MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the office of grants enterprise management, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:

<table>
<thead>
<tr>
<th>$</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>175,000</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Of the moneys appropriated in this section, $50,000 shall be used by the department of management to create and fill an additional position in the office of grants enterprise management.

DIVISION XVI

ELIMINATION OF STATE ENTITIES

ENTITIES ASSOCIATED WITH THE DEPARTMENT OF AGRICULTURE AND

LAND STEWARDSHIP
Sec. 236. Section 159.20, subsection 1, paragraph j, Code Supplement 2009, is amended to read as follows:

j. Assist the office of renewable fuels and coproducts and the renewable fuels and coproducts advisory committee in administering the provisions of chapter 159A.

Sec. 237. Section 159A.1, subsection 3, Code 2009, is amended to read as follows:

3. This state adopts a policy of enhancing agricultural production by encouraging the development and use of fuels and coproducts derived from agricultural commodities, as provided in this chapter, including rules adopted by the office of renewable fuels and coproducts and the renewable fuels and coproducts advisory committee.

Sec. 238. Section 159A.2, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 239. Section 159A.3, subsection 2, paragraph h, Code Supplement 2009, is amended by striking the paragraph.

Sec. 240. Section 159A.3, subsection 2, paragraph i, Code Supplement 2009, is amended by striking the paragraph.

Sec. 241. Section 159A.3, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The office and state entities, including the department, the committee, the Iowa department of economic development, the state department of transportation, the office of energy independence, and the state board of regents institutions, shall cooperate to implement this section.

Sec. 242. Section 159A.6, Code Supplement 2009, is amended to read as follows:

159A.6 Education, promotion, and advertising.

1. The office shall support do all of the following:

a. Support education regarding, and promotion and advertising of, renewable fuels and coproducts. The office shall consult with the Iowa corn growers association and the Iowa soybean association.

b. The office shall promote the advantages related to the use of renewable fuels as an alternative to nonrenewable fuels. Promotions shall be designed to inform the ultimate consumer of advantages associated with using renewable fuels, and emphasize the benefits to the natural environment. The promotion shall inform consumers at the businesses of retail dealers of motor vehicle fuels.

c. The committee shall develop standards for decals required pursuant to section 214A.16, which shall be designed to promote the advantages of using renewable fuels. The standards may be incorporated within a model decal adopted by the committee and approved by the office.

d. The office shall promote the advantages related to the use of coproducts derived from the production of renewable fuels, including the use of coproducts used as livestock feed or meal. Promotions shall be designed to inform the potential purchasers of the advantages associated with using coproducts. The office shall promote advantages associated with using coproducts of ethanol production as livestock feed or meal to cattle producers in this state.

e. The office may contract to provide all or part of these services described in subsection l.

Sec. 243. Section 159A.7, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Moneys in the fund shall be used only to carry out
the provisions of this section and sections 159A.3, 159A.4, 159A.5, 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

Sec. 244. Section 190C.1, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 245. Section 190C.2B, subsection 1, Code 2009, is amended to read as follows:

1. The department shall implement and administer the provisions of this chapter for agricultural products that have been produced and handled within this state using organic methods as provided in this chapter. The department may consult with the council in implementing and administering this chapter. The department may certify agricultural products that have been produced and handled outside this state using an organic method as provided in this chapter.

Sec. 246. Section 190C.3, subsection 2, Code 2009, is amended to read as follows:

2. The department may request assistance from the council as provided in section 190C.2A or from one or more regional organic associations as provided in section 190C.6.

Sec. 247. Section 214A.1, subsection 7, Code 2009, is amended by striking the subsection.

Sec. 248. Section 214A.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION 17A. "Office" means the office of renewable fuels and coproducts created pursuant to section 159A.3.

Sec. 249. Section 214A.2, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The department shall adopt rules pursuant to chapter 17A for carrying out this chapter. The rules may include, but are not limited to specifications relating to motor fuel, including but not limited to renewable fuel such as ethanol blended gasoline, biodiesel, biodiesel blended fuel, and motor fuel components such as an oxygenate. In the interest of uniformity, the department shall adopt by reference other specifications relating to tests and standards for motor fuel including renewable fuel and motor fuel components, established by the United States environmental protection agency and A.S.T.M. international. In adopting standards for a renewable fuel, the department shall consult with the committee.

Sec. 250. Section 422.11N, subsection 4, paragraph b, unnumbered paragraph 2, Code 2009, is amended to read as follows:

If the governor finds that exigent circumstances exist, the governor may reduce the applicable biofuel threshold percentage by replacing it with an adjusted biofuel threshold percentage. The governor shall consult with the department of revenue and the office of renewable fuels and coproducts advisory committee established pursuant to section 159A.4. The governor shall make the adjustment by giving notice of intent to issue a proclamation which shall take effect not earlier than thirty-five days after publication in the Iowa administrative bulletin of a notice to issue the proclamation. The governor shall provide a period of notice and comment in the same manner as provided in section 17A.4, subsection 1. The adjusted biofuel threshold percentage shall be effective for the following determination period.

Sec. 251. Section 469.3, subsection 2, paragraph m, Code Supplement 2009, is amended to read as follows:

m. Coordinate with other state agencies regarding
implementation of the office of renewable fuels and coproducts
pursuant to section 159A.3, serve on the renewable fuels
and coproducts advisory committee, and assist in providing
technical assistance to new or existing renewable fuel
production facilities.

Sec. 252. REPEAL. Section 159A.4, Code Supplement 2009, is
repealed.

Sec. 253. REPEAL. Sections 159A.5, 190C.2, and 190C.2A,
Code 2009, are repealed. Sec. 254.

REPEAL. Chapter 175A, Code 2009, is repealed. Sec. 255.

GRAPE AND WINE DEVELOPMENT FUND. This division
of this Act does not affect the expenditure of moneys by the
department of agriculture and land stewardship to satisfy any
obligations or encumbrances of moneys in the grape and wine
development fund created in section 175A.5, if the obligations
were incurred prior to the effective date of
this division of this Act. Moneys credited to the grape and
wine development fund that are unobligated or unencumbered at
the close of the fiscal year ending June 30, 2010, shall be
transferred to the wine gallonage tax fund created in section
123.183 in the same manner as a reversion.

DIVISION XVII

ELIMINATION OF STATE ENTITIES
ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES'
CONTROL OF THE NATURAL HABITAT
Sec. 256. 2008 Iowa Acts, chapter 1080, section 1,
subsection 6, is amended to read as follows:
6. This section is repealed on July 1, 2010 the effective
date of this section of this division of this Act.

Sec. 257. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
is repealed.

EFFECTIVE UPON ENACTMENT. The following
provisions of this division of this Act, being deemed of
immediate importance, take effect upon enactment:
The section of this Act amending 2008 Iowa Acts, chapter
1080, section 1, concerning the sustainable natural resource
funding advisory committee.
The sections of this Act repealing 2009 Iowa Acts, chapter
144, section 49, establishing an upland game bird study
advisory committee.

DIVISION XVIII

ELIMINATION OF STATE ENTITIES
ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES ==
IOWA CLIMATE CHANGE ADVISORY COUNCIL Sec. 259.

Section 455B.104, Code Supplement 2009, is
amended by adding the following new subsections:
3. The department may periodically forward
recommendations to the commission designed to encourage the
reduction of statewide greenhouse gas emissions.
4. By September 1 of each year, the
department shall submit a report to the governor and the
state during the previous calendar year and forecasting trends
in such emissions. The first submission by the department
shall be filed by September 1, 2011, for the calendar year

Section 455B.851, Code 2009, is amended by adding
the following new subsection:
10. This section is repealed July 1, 2011. Sec. 261.
Section 473.7, subsection 12, paragraph b, Code Supplement 2009, is amended by striking the paragraph.

DIVISION XIX

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

Sec. 262. Section 15G.201, subsection 10, Code 2009, is amended by striking the subsection.

Sec. 263. Section 15G.202, subsection 6, Code 2009, is amended to read as follows:

6. The infrastructure board shall meet with three board members of the underground storage tank fund board who shall represent the underground storage tank fund board the department of natural resources. The representatives of the department of natural resources shall be available to advise the infrastructure board when the infrastructure board makes decisions regarding the awarding of financial incentives to a person under a renewable fuel infrastructure program provided in section 15G.203 or 15G.204. Sec. 264.

Section 15G.203, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A person may apply to the department to receive financial incentives on a cost-share basis. The department shall forward the applications to the underground storage tank fund board as required by that board for evaluation and recommendation. The underground storage tank fund board may rank the applications with comments and shall, make recommendations, and forward them to the infrastructure board for approval or disapproval. The department shall award financial incentives on a cost-share basis to an eligible person whose application was approved by the infrastructure board.

Sec. 265. Section 15G.204, subsection 1, Code 2009, is amended to read as follows:

1. A person may apply to the department to receive financial incentives on a cost-share basis. The department shall forward the applications to the underground storage tank fund board as required by that board for evaluation and recommendation. The underground storage tank fund board may rank the applications with comments and shall, make recommendations, and forward them to the infrastructure board for approval or disapproval. The department shall award financial incentives on a cost-share basis to an eligible person whose application was approved by the infrastructure board.

Sec. 266. Section 16.1, subsection 1, paragraph ad, subparagraph (12), Code Supplement 2009, is amended by striking the subparagraph.

Sec. 267. Section 68B.35, subsection 2, paragraph e, Code Supplement 2009, is amended to read as follows:

e. Members of the state banking council, the ethics and campaign disclosure board, the credit union review board, the economic development board, the employment appeal board, the environmental protection commission, the health facilities council, the Iowa finance authority, the Iowa public employees' retirement system investment board, the board of the Iowa lottery authority, the natural resource commission, the board of parole, the petroleum underground storage tank fund board, the public employment relations board, the state racing and gaming commission, the state board of regents, the tax review board, the transportation commission, the office of consumer advocate, the utilities board, the Iowa
telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. The Iowa ethics and campaign disclosure board shall conduct an annual review to determine if members of any other board, commission, or authority should file a statement and shall require the filing of a statement pursuant to rules adopted pursuant to chapter 17A. Sec. 268. Section 424.1, subsections 3 through 5, Code 2009, are amended to read as follows:

3. The director of revenue shall enter into a contract or agreement with the board department of natural resources to provide assistance requested by the board department of natural resources. Policy issues arising under this chapter or chapter 455G shall be determined by the board department of natural resources, and the board department of natural resources shall be joined as a real party in interest when a policy issue is raised.

4. The board environmental protection commission shall retain rulemaking authority, but may contract with the department of revenue for assistance in drafting rules. The board commission shall retain contested case jurisdiction over any challenge to the diminution rate or cost factor. The department of revenue shall conduct all other contested cases and be responsible for other agency action in connection with the environmental protection charge imposed under this chapter.

5. The board department of natural resources shall reimburse the department of revenue by contract for the reasonable cost of administration of the environmental protection charge imposed under this chapter and for other duties delegated to the department of revenue or to the director of revenue by the board department of natural resources.

Sec. 269. Section 424.2, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 270. Section 424.3, subsection 5, Code Supplement 2009, is amended to read as follows:

5. The cost factor is an amount per gallon of diminution determined by the board department of natural resources pursuant to this subsection. The board department of natural resources, after public hearing, shall determine, or shall adjust, the cost factor to the greater of either an amount reasonably calculated to generate an annual average revenue, year to year, of seventeen million dollars from the charge, excluding penalties and interest, or ten dollars. The board department of natural resources may determine or adjust the cost factor at any time but shall at minimum determine the cost factor at least once each fiscal year.

Sec. 271. Section 424.5, subsections 1 and 5, Code 2009, are amended to read as follows:

1. It is unlawful for any person to deposit petroleum into a tank in this state, unless a depositor permit has been issued to that person under this section. A depositor shall file with the department an application for a permit. An application for a permit shall be made upon a form prescribed by the board department of natural resources and shall set forth the name under which the applicant transacts or intends to transact business, the location or locations of the applicant's place of business, and any other information as the board department...
of natural resources may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of the person's authority.

5. If the holder of a permit fails to comply with any of the provisions of this chapter or any order or rule of the department, or rule of the environmental protection commission, or order of the department of natural resources pursuant to this chapter, or is substantially delinquent in the payment of a tax or charge administered by the department or the interest or penalty on the tax or charge, the director may revoke the permit.

Sec. 272. Section 424.6, subsection 1, unnumbered paragraph 122 2, Code 2009, is amended to read as follows:

The department shall permit a credit against the charge due from a person operating an eligible underground bulk storage facility equal to the total volume of petroleum transferred or sold from a tank in bulk quantities and delivered to a person for deposit in a tank which is exempt, deferred, or excluded pursuant to this subsection, multiplied by the diminution rate multiplied by the cost factor, subject to rules adopted by the board environmental protection commission. "Bulk quantities" as used in this paragraph means at least a portion of a standard tanker truck load. "Eligible underground bulk storage facility" means an underground bulk storage facility in operation on or before January 1, 1990.

Sec. 273. Section 424.6, subsection 6, Code 2009, is amended to read as follows:

6. The board department of natural resources may waive the requirement for an exemption certificate for one or more classes of exempt, deferred, or excluded tanks, if in the board's department of natural resources' judgment an exemption certificate is not required for effective and efficient collection of the charge. If an exemption certificate is not required for a class pursuant to this subsection, the depositor shall maintain and file such records and information as may be required by the director regarding deposits into a tank subject to the waiver.

Sec. 274. Section 424.11, subsection 1, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The environmental protection charge lien shall attach at the time the charge becomes due and payable and shall continue for ten years from the time the lien attaches unless sooner released or otherwise discharged. The lien may be extended, within ten years from the date the lien attaches, by filing for record a notice with the appropriate county official of the appropriate county and from the time of such filing, the lien shall be extended to the property in such county for ten years, unless sooner released or otherwise discharged, with no limit on the number of extensions. The director shall charge off any account whose lien is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the director determines under uniform rules adopted by the board environmental protection commission that the account is uncollectible or collection costs involved would not warrant collection of the amount due.
Sec. 275. Section 424.15, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Refunds may be made only from the unallocated or uncommitted moneys in the road use tax fund, and are limited by the total amount budgeted by the board department of natural resources for charge refunds.

Sec. 276. Section 424.16, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. a. The board department of natural resources shall notify each person who has previously filed an environmental protection charge return, and any other person known to the board department of natural resources who will owe the charge at any address obtainable for that person, at least thirty days in advance of the start of any calendar quarter during which an administrative change in the cost factor, pursuant to section 424.3, subsection 5, becomes effective.

b. Notice shall be provided by mailing a notice of the change to the address listed on the person's last return. The mailing of the notice is presumptive evidence of the receipt of the notice by the person to whom addressed. The board department of natural resources shall also publish the same notice at least twice in a paper of general circulation within the state at least thirty days in advance of the first day of the calendar quarter during which a change in paragraph "a" becomes effective.

2. A notice authorized or required under this section may be given by mailing the notice to the person for whom it is intended, addressed to that person at the address given in the last return filed by the person pursuant to this chapter, or if no return has been filed, then to any address obtainable. The mailing of the notice is presumptive evidence of the receipt of the notice by the person to whom addressed. Any period of time which is determined according to this chapter by the giving of notice commences to run from the date of mailing of the notice. Neither mailed notice or notice by publication is required for the initial determination and imposition of the charge. The board department of natural resources shall undertake to provide reasonable notice of the environmental protection charge and procedures, as in the board's department of natural resources' sole discretion it deems appropriate, provided that the actual charge and procedures are published in the Iowa administrative bulletin prior to the effective date of the charge.

Sec. 277. Section 427B.20, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

"Actual portion of the costs paid by the owner or operator of an underground storage tank in connection with a remedial action for which the Iowa comprehensive petroleum underground storage tank fund shares in the cost of corrective action" means the amount determined by the fund's board department of natural resources, or the board's designee of the department of natural resources, as the administrator of the Iowa comprehensive petroleum underground storage tank fund, and for which the owner or operator was not reimbursed from any other source.

Sec. 278. Section 455B.471, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 279. Section 455B.474, subsection 1, paragraph f, subparagraphs (9) and (10), Code Supplement 2009, are amended to read as follows:
(9) Replacement or upgrade of a tank on a site classified as a high or low risk site shall be equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures or other board department approved tank system or methodology.

(10) The commission and the board shall cooperate to ensure that remedial measures required by the corrective action rules adopted pursuant to this paragraph are reasonably cost-effective and shall, to the fullest extent possible, avoid duplicating and conflicting requirements.

Sec. 280. Section 455B.474, subsection 9, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The certification of groundwater professionals shall not impose liability on the board, the department, or the fund for any claim or cause of action of any nature, based on the action or inaction of a groundwater professional certified pursuant to this subsection.

Sec. 281. Section 455B.477, subsection 7, Code 2009, is amended to read as follows:

7. The civil penalties or other damages or moneys recovered by the state or the petroleum underground storage tank fund in connection with a petroleum underground storage tank under this part of this division or chapter 455G shall be credited to the fund created in section 455G.3 and allocated between fund accounts according to the fund budget. Any federal moneys, including but not limited to federal underground storage tank trust fund moneys, received by the state or the department of natural resources in connection with a release occurring on or after May 5, 1989, or received generally for underground storage tank programs on or after May 5, 1989, shall be credited to the fund created in section 455G.3 and allocated between fund accounts according to the fund budget, unless such use would be contrary to federal law. The department shall cooperate with the board of the Iowa comprehensive petroleum underground storage tank fund to maximize the state's eligibility for and receipt of federal funds for underground storage tank related purposes. Sec. 282.

Sec. 282. Section 455B.479, Code 2009, is amended to read as follows:

455B.479 Storage tank management fee.

An owner or operator of an underground storage tank shall pay an annual storage tank management fee of sixty-five dollars per tank of over one thousand one hundred gallons capacity. Twenty-three percent of the fees collected shall be deposited in the storage tank management account of the groundwater protection fund. Seventy-seven percent of the fees collected shall be deposited in the Iowa comprehensive petroleum underground storage tank fund created in chapter 455G. Sec. 283.

Sec. 283. Section 455E.11, subsection 2, paragraph d, Code Supplement 2009, is amended to read as follows:

d. A storage tank management account. All fees collected pursuant to section 455B.473, subsection 5, and section 455B.479, shall be deposited in the storage tank management account, except those moneys deposited into the Iowa comprehensive petroleum underground storage tank fund pursuant to section 455B.479. Moneys deposited in the account shall be expended for the following purposes:

(1) One thousand dollars is appropriated annually to the
Iowa department of public health to carry out departmental duties under section 135.11, subsections 19 and 20, and section 139A.21.

(2) Twenty-three percent of the proceeds of the fees imposed pursuant to section 455B.473, subsection 5, and section 455B.479 shall be deposited in the account annually, up to a maximum of three hundred fifty thousand dollars. If twenty-three percent of the proceeds exceeds three hundred fifty thousand dollars, the excess shall be deposited into the fund created in section 455G.3. Three hundred fifty thousand dollars is the moneys remaining in the account after the appropriation in subparagraph (1) are appropriated from the storage tank management account to the department of natural resources for the administration of a state storage tank program pursuant to chapter 455B, division IV, part 8, and for programs which reduce the potential for harm to the environment and the public health from storage tanks.

(3) The remaining funds in the account are appropriated annually to the Iowa comprehensive petroleum underground storage tank fund.

Sec. 284. Section 455G.1, subsection 2, paragraph c, Code Supplement 2009, is amended to read as follows:

c. If and when federal law changes, the department of natural resources commission shall adopt by rule such additional requirements, exemptions, deferrals, or exclusions as required by federal law. It is expected that certain classes of tanks currently exempted or excluded by federal regulation will be regulated by the United States environmental protection agency in the future. A tank which is not required by federal law to maintain proof of financial responsibility shall not be subject to department rules on proof of financial responsibility.

Sec. 285. Section 455G.2, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 286. Section 455G.2, subsections 2, 5, 6, and 12, Code 2009, are amended to read as follows:

2. "Board" means the Iowa comprehensive petroleum underground storage tank fund board.

5. "Community remediation" means a program of coordinated testing, planning, or remediation, involving two or more tank sites potentially connected with a continuous contaminated area, pursuant to rules adopted by the board. A community remediation does not expand the scope of coverage otherwise available or relieve liability otherwise imposed under state or federal law.

6. "Corrective action" means an action taken to minimize, eliminate, or clean up a release to protect the public health and welfare or the environment. Corrective action includes, but is not limited to, excavation of an underground storage tank for the purposes of repairing a leak or removal of a tank, removal of contaminated soil, and cleansing of groundwaters or surface waters. Corrective action does not include replacement of an underground storage tank or other capital improvements to the tank. Corrective action specifically excludes third-party liability. Corrective action includes the expenses incurred to prepare a site cleanup report for approval by the department of natural resources detailing the planned response to a release or suspected release, but not
necessarily all actions proposed to be taken by a site cleanup

12. "Insurance" includes any form of financial assistance or showing of financial responsibility sufficient to comply with the Federal Resource Conservation and Recovery Act or the [Iowa department of natural resources'] underground storage tank financial responsibility rules.

Sec. 287. Section 455G.2, subsection 3, Code 2009, is amended to read as follows:

3. "Bond" means a bond, note, or other obligation issued by the authority [treasurer of state] for the fund and the purposes of this chapter.

Sec. 288. Section 455G.2, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "Commission" means the environmental protection commission created pursuant to section 455A.6.

NEW SUBSECTION. 6A. "Department" means the department of natural resources created pursuant to section 455A.2.

Sec. 289. Section 455G.3, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. The Iowa comprehensive petroleum underground storage tank fund is created as a separate fund in the state treasury, and any funds remaining in the fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Iowa comprehensive petroleum underground storage tank fund. Interest or other income earned by the fund shall be deposited in the fund. The fund shall include moneys credited to the fund under this section, section 321.145, subsection 2, paragraph "a", and sections 455G.8 and 455G.9, and section 455G.11, Code 2003, and other funds which by law may be credited to the fund. The moneys in the fund are appropriated to and for the purposes of the board [department] as provided in this chapter. Amounts in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes set forth in this chapter. The [treasurer of state] shall act as custodian of the fund and disburse amounts contained in it as directed by the board [department] including automatic disbursements of funds as received pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The [treasurer of state] is authorized to invest the funds deposited in the fund at the direction of the board [department] and subject to any limitations contained in any applicable bond proceedings. The income from such investment shall be credited to and deposited in the fund. The fund shall be administered by the [board] which shall make expenditures from the fund consistent with the purposes of the programs set out in this chapter without further appropriation. The fund may be divided into different accounts with different depositories as determined by the [board] and to fulfill the purposes of this chapter.

2. The [board] shall assist Iowa's owners and operators of petroleum underground storage tanks in complying with federal environmental protection agency technical and financial responsibility regulations by establishment of the [Iowa comprehensive petroleum underground storage tank fund]. The [authority] [treasurer of state] may issue its bonds, or series of bonds, to assist the [board] as provided in this
5. For purposes of payment of refunds of the environmental protection charge under section 424.15 by the department of revenue, the treasurer of state department of natural resources shall allocate to the department of administrative services the total amount budgeted by the fund's board department of natural resources for environmental protection charge refunds. Any unused funds shall be remitted to the treasurer of state department of natural resources.

Sec. 290. Section 455G.4, Code Supplement 2009, is amended to read as follows:

455G.4 Governing board Duties.

1. Members of the board.

a. The Iowa comprehensive petroleum underground storage tank fund board is established consisting of the following members:

(1) The director of the department of natural resources, or the director's designee.

(2) The treasurer of state, or the treasurer's designee.

(3) The commissioner of insurance, or the commissioner's designee.

(4) Two public members appointed by the governor and confirmed by the senate to staggered four-year terms, except that, of the first members appointed, one public member shall be appointed for a term of two years and one for a term of four years. A public member shall have experience, knowledge, and expertise of the subject matter embraced within this chapter. Two public members shall be appointed with experience in either, or both, financial markets or insurance.

(5) Two owners or operators appointed by the governor. One of the owners or operators appointed pursuant to this subparagraph shall have been a petroleum systems insured through the underground storage tank insurance fund as it existed on June 30, 2004, or a successor to the underground storage tank insurance fund and shall have been an insured through the insurance account of the comprehensive petroleum underground storage tank fund on or before October 26, 1990.

One of the owners or operators appointed pursuant to this subparagraph shall be self-insured.

(6) The director of the legislative services agency, or the director's designee. The director under this subparagraph shall not participate as a voting member of the board.

b. A public member appointed pursuant to paragraph "a", subparagraph (4), shall not have a conflict of interest. For purposes of this section, a "conflict of interest" means an affiliation, within the twelve months before the member's appointment, with the regulated tank community, or with a person or property and casualty insurer offering competitive insurance or other means of financial assurance or which previously offered environmental hazard insurance for a member of the regulated tank community.

c. The filling of positions reserved for public representatives, vacancies, membership terms, payment of compensation and expenses, and removal of members are governed by chapter 69. Members of the board are entitled to receive reimbursement of actual expenses incurred in the discharge of their duties within the limits of funds appropriated to the board or made available to the fund. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The members shall elect a voting chairperson of
the board from among the members of the board.

2. Department cooperation with board. The director of
the department of natural resources shall cooperate with the
board in the implementation of this part so as to minimize
unnecessary duplication of effort, reporting, or paperwork and
maximize environmental protection.

   a. The board commission shall adopt rules regarding
      its practice and procedures, develop underwriting standards,
establish procedures for investigating and settling claims made
against the fund, and otherwise implement and administer this
chapter.
   b. Rules necessary for the implementation and collection of
the environmental protection charge shall be adopted.
   c. Rules to facilitate and encourage the use of community
remediation whenever possible shall be adopted.
   d. The board commission shall adopt rules relating to
appeal procedures which shall require the administrator to
deliver notice of appeal to be delivered to the affected
parties within fifteen days of receipt of notice, require
that the hearing be held within one hundred eighty days of
the filing of the petition unless good cause is shown for
the delay, and require that a final decision be issued no
later than one hundred twenty days following the close of the
hearing. The time restrictions in this paragraph may be waived
by mutual agreement of the parties.

4. Public bid.
   a. All contracts entered into by the board department,
including contracts relating to community remediation, shall be
awarded on a competitive basis to the maximum extent practical.
   b. In those situations where it is determined that public
bidding is not practical, the basis for the determination of
impracticability shall be documented by the board department or
its designee. This subsection applies only to contracts
entered into on or after July 1, 1992.

5. Contract approval.
   a. The board commission shall approve any contract
entered into pursuant to this chapter if the cost of the
contract exceeds seventy-five thousand dollars.
   b. A listing of all contracts entered into pursuant to this
chapter shall be presented at each board commission meeting
and shall be made available to the public. The listing shall
state the interested parties to the contract, the amount of the
contract, and the subject matter of the contract.
   c. The board commission shall be required to review and
approve or disapprove the administrator's department's failure
to approve a contract under section 455G.12A. Review by the
board commission shall not be required for cancellation or
replacement of a contract for a site included in a community
remediation project or when an emergency situation exists.

6. Reporting.
   a. Beginning July 2003, the board department shall submit
a written report quarterly to the legislative council, the
chairperson and ranking member of the committee on environment
and energy independence in the senate, and the chairperson
and ranking member of the committee on environmental
protection in the house of representatives regarding changes
in the status of the program including but not limited to
the number of open claims by claim type; the number of new
claims submitted and the eligibility status of each claim;
13 a summary of the risk classification of open claims; the
15 status of all claims at high-risk sites including the number
16 of corrective action design reports submitted, approved, and
17 implemented during the reporting period; total moneys reserved
18 on open claims and total moneys paid on open claims; and a
19 summary of budgets approved and invoices paid for high-risk
20 site activities including a breakdown by corrective action
21 design report, construction and equipment, implementation,
22 operation and maintenance, monitoring, over excavation, free
23 product recovery, site reclassification, reporting and other
24 expenses, or a similar breakdown. In each report submitted
25 by the board, the board shall include
26 an estimated timeline to complete corrective action at all
27 currently eligible high-risk sites where a corrective action
28 design report has been submitted by a claimant and approved
29 during the reporting period. The timeline shall include the
30 projected year when a no further action designation will be
31 obtained based upon the corrective action activities approved
32 or anticipated at each claimant site. The timeline shall be
33 broken down in annual increments with the number or percentage
34 of sites projected to be completed for each time period. The
35 report shall identify and report steps taken to expedite
1 corrective action and eliminate the state's liability for open
2 claims.
3 Sec. 291. Section 455G.5, Code 2009, is amended to read as
4 follows:
5 455G.5 Independent contractors to be retained by
6 board.
7 The board may enter into a contract or an
8 agreement authorized under chapter 28E with a private agency
9 or person, the department of natural resources, the Iowa
10 finance authority, the department of administrative services,
11 the department of revenue, other departments, agencies, or
12 governmental subdivisions of this state, another state, or
13 the United States, in connection with its administration and
14 implementation of this chapter or chapter 424 or 455B.
15 The board may reimburse a contractor, public
16 or private, retained pursuant to this section for expenses
17 incurred in the execution of a contract or agreement.
18 Reimbursable expenses include, by way of example, but not
19 exclusion, the costs of collecting the environmental protection
20 charge or administering specific delegated duties or powers of
21 the board.
22 Sec. 292. Section 455G.6, unnumbered paragraph 1, Code
23 Supplement 2009, is amended to read as follows:
24 In administering the fund, the board has all of
25 its purposes and duties and may do any of the following,
26 subject to express limitations contained in this chapter:
27 Sec. 293. Section 455G.6, subsections 1, 7, 8, 9, 10, 12,
15, 16, and 17, Code Supplement 2009, are amended to read as
1 follows:
1 Guarantee secured and unsecured loans, and enter into agreements for corrective action, acquisition and construction of tank improvements, and provide for the insurance program. The loan guarantees may be made to a person or entity owning or operating a tank. The board department may take any action which is reasonable and lawful to protect its security and to avoid losses from its loan guarantees.

7. The board department may contract with the authority treasurer of state for the authority treasurer of state to issue bonds and do all things necessary with respect to the purposes of the fund, as set out in the contract between the board department and the authority treasurer of state. The board department may delegate to the authority treasurer of state and the authority treasurer of state shall then have all of the powers of the board department which are necessary to issue and secure bonds and carry out the purposes of the fund, to the extent provided in the contract between the board department and the authority treasurer of state. The authority treasurer of state may issue the authority's treasurer of state's bonds in principal amounts which, in the opinion of the board department, are necessary to provide sufficient funds for the fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the authority treasurer of state incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the board department necessary or convenient to administer the fund. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554.

8. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged by the board department to the payment thereof, and are not an indebtedness of this state or the authority, or a charge against the general credit or general fund of the state or the authority, and the state shall not be liable for any financial undertakings with respect to the fund. Bonds issued under this chapter shall contain on their face a statement that the bonds do not constitute an indebtedness of the state or the authority.

9. The proceeds of bonds issued by the authority treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested in any investment approved by the authority treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued without regard to any limitation otherwise provided by law.

10. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the authority treasurer of state.
Chapters 73A, 74, 74A and 75 do not apply to their sale or issuance of the bonds.

Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

12. Bonds must be authorized by a trust indenture, resolution, or other instrument of the authority treasurer of the state, approved by the board department. However, a trust indenture, resolution, or other instrument authorizing the issuance of bonds may delegate to an officer of the issuer the power to negotiate and fix the details of an issue of bonds.

15. a. Subject to the terms of any bond documents, moneys in the fund or fund accounts may be expended for administration expenses, civil penalties, moneys paid under an agreement, stipulation, or settlement, for the costs associated with sites within a community remediation project, for costs related to contracts entered into with a state agency or university, costs for activities relating to litigation, or for the costs of any other activities as the board department may determine are necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this chapter. For purposes of this chapter, administration expenses include expenses incurred by the underground storage tank section of the department of natural resources in relation to tanks regulated under this chapter. Moneys in the fund or fund accounts shall not be expended by the department for administrative expenses.

b. The authority granted under this subsection which allows the board department to expend fund moneys on an activity the board department determines is necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this chapter, shall only be used in accordance with the following:

1. Prior board department approval shall be required before expenditure of moneys pursuant to this authority shall be made.

2. If the expenditure of fund moneys pursuant to this authority would result in the board department establishing a policy which would substantially affect the operation of the program, rules shall be adopted by the commission pursuant to chapter 17A prior to the board or the administrator department taking any action pursuant to this proposed policy.

16. The board shall cooperate with the department of natural resources, in the implementation and administration of this chapter to, shall assure that in combination with existing state statutes and rules governing underground storage tanks, the state will be, and continue to be, recognized by the federal government as having an "approved state account" under the federal Resource Conservation and Recovery Act, especially by compliance with the Act's subtitle I financial responsibility requirements as enacted in the federal Superfund Amendments and Reauthorization Act of 1986 and the financial responsibility regulations adopted by the United States environmental protection agency at 40 C.F.R. pts. 280 and 281. Whenever possible this chapter shall be interpreted to further
the purposes of, and to comply, and not to conflict, with such 
federal requirements.

17. The board commission may adopt rules pursuant to 
chapter 17A providing for the transfer of all or a portion 
of the liabilities of the board department under this 
chapter. Notwithstanding other provisions to the contrary, 
the board department, upon such transfer, shall not maintain 
yany duty to reimburse claimants under this chapter for those 
liabilities transferred.

Sec. 294. Section 455G.7, Code Supplement 2009, is amended 
to read as follows:

455G.7 Security for bonds == capital reserve fund == 
irrevocable contracts.

1. For the purpose of securing one or more issues of 
bonds for the fund, the authority treasurer of state, with 
the approval of the board department, may authorize the 
establishment of one or more special funds, called "capital 
reserve funds". The authority treasurer of state may pay 
into the capital reserve funds the proceeds of the sale of 
its bonds and other money which may be made available to 
the authority treasurer of state from other sources for the 
purposes of the capital reserve funds. Except as provided in 
this section, money in a capital reserve fund shall be used 
only as required for any of the following:

a. The payment of the principal of and interest on bonds or 
   of the sinking fund payments with respect to those bonds.

b. The purchase or redemption of the bonds.

c. The payment of a redemption premium required to be paid 
   when the bonds are redeemed before maturity.

However, money in a capital reserve fund shall not be 
withdrawn if the withdrawal would reduce the amount in the 
capital reserve fund to less than the capital reserve fund 
requirement, except for the purpose of making payment, when 
due, of principal, interest, redemption premiums on the bonds, 
and making sinking fund payments when other money pledged to 
the payment of the bonds is not available for the payments.

Income or interest earned by, or increment to, a capital 
reserve fund from the investment of all or part of the capital 
reserve fund may be transferred by the authority treasurer of 
state to other accounts of the fund if the transfer does not 
reduce the amount of the capital reserve fund below the capital 
reserve fund requirement.

2. If the authority treasurer of state decides to issue 
bonds secured by a capital reserve fund, the bonds shall not be 
issued if the amount in the capital reserve fund is less than 
the capital reserve fund requirement, unless at the time of 
issuance of the bonds the authority treasurer of state deposits 
in the capital reserve fund from the proceeds of the bonds to 
be issued or from other sources, an amount which, together with 
the amount then in the capital reserve fund, is not less than 
the capital reserve fund requirement.

3. In computing the amount of a capital reserve fund for the 
purpose of this section, securities in which all or a portion 
of the capital reserve fund is invested shall be valued by a 
reasonable method established by the authority treasurer of 
state. Valuation shall include the amount of interest earned 
or accrued as of the date of valuation.

4. In this section, "capital reserve fund requirement" means 
the amount required to be on deposit in the capital reserve
5. To assure maintenance of the capital reserve funds, the authority treasurer of state shall, on or before July 1 of each calendar year, make and deliver to the governor the authority’s treasurer of state’s certificate stating the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the authority treasurer of state pursuant to this section shall be deposited in the applicable capital reserve fund.

6. All amounts paid by the state pursuant to this section shall be considered advances by the state and, subject to the rights of the holders of any bonds of the authority treasurer of state that have previously been issued or will be issued, shall be repaid to the state without interest from all available revenues of the fund in excess of amounts required for the payment of bonds of the authority treasurer of state, the capital reserve fund, and operating expenses.

7. If any amount deposited in a capital reserve fund is withdrawn for payment of principal, premium, or interest on the bonds or sinking fund payments with respect to bonds thus reducing the amount of that fund to less than the capital reserve fund requirement, the authority treasurer of state shall immediately notify the governor and the general assembly of this event and shall take steps to restore the capital reserve fund to the capital reserve fund requirement for that fund from any amounts designated as being available for such purpose.

Sec. 295. Section 455G.8, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Revenue for the fund shall include, but is not limited to, the following, which shall be deposited with the board department or its designee as provided by any bond or security documents and credited to the fund:

Sec. 296. Section 455G.8, subsection 2, Code 2009, is amended to read as follows:

2. Statutory allocations fund. The moneys credited from the statutory allocations fund under section 321.145, subsection 2, paragraph "a", shall be allocated, consistent with this chapter, among the fund's accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board department or authority treasurer of state under direction of the board department. Sec. 297.

Sec. 297. Section 455G.8, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 298. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2009, is amended to read as follows:

Corrective action for an eligible release reported to the department of natural resources on or after July 1, 1987, but prior to May 5, 1989. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay
in accordance with subsection 4. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

Sec. 299. Section 455G.9, subsection 1, paragraph a, subparagraph (i), subparagraph division (c), Code 2009, is amended to read as follows:

(c) The claim for coverage pursuant to this subparagraph must have been filed with the board department prior to January 31, 1990, except that cities and counties must have filed their claim with the board by September 1, 1990.

Sec. 300. Section 455G.9, subsection 1, paragraph a, subparagraph (i), subparagraph division (d), Code 2009, is amended to read as follows:

(d) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 301. Section 455G.9, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Corrective action, up to one million dollars total, and subject to prioritization rules as established pursuant to section 455G.12A, for a release reported to the department of natural resources after May 5, 1989, and on or before October 26, 1990. Third-party liability is specifically excluded from remedial account coverage. Corrective action coverage provided pursuant to this paragraph may be aggregated with other financial assurance mechanisms as permitted by federal law to satisfy required aggregate and per occurrence limits of financial responsibility for both corrective action and third-party liability, if the owner's or operator's effective financial responsibility compliance date is prior to October 26, 1990. School districts who reported a release to the department of natural resources prior to December 1, 1990, shall have until July 1, 1991, to report a claim to the board for remedial coverage under this subparagraph.

Sec. 302. Section 455G.9, subsection 1, paragraph a, subparagraph (3), unnumbered paragraph 1, Code 2009, is amended to read as follows:

Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1984, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay in accordance with subsection 4. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

Sec. 303. Section 455G.9, subsection 1, paragraph a, subparagraph (3), subparagraph division (d), Code 2009, is amended to read as follows:

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

Sec. 304. Section 455G.9, subsection 1, paragraph a, subparagraph (3), subparagraph division (e), Code 2009, is amended to read as follows:

(e) The owner or operator at the time the release was reported to the department of natural resources must have been
in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 305. Section 455G.9, subsection 1, paragraph a, subparagraph (4), Code 2009, is amended to read as follows:

(4) One hundred percent of the costs of corrective action for a release reported to the department of natural resources on or before July 1, 1991, if the owner or operator is not a governmental entity and is a not-for-profit organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code with a net annual income of twenty-five thousand dollars or less for the year 1990, and if the tank which is the subject of the corrective action is a registered tank and is under one thousand one hundred gallons capacity.

Sec. 306. Section 455G.9, subsection 1, paragraphs b, c, e, and f, Code 2009, are amended to read as follows:

b. Corrective action and third-party liability for a release discovered on or after January 24, 1989, for which a responsible owner or operator able to pay cannot be found and for which the federal underground storage tank trust fund or other federal moneys do not provide coverage. For the purposes of this section property shall not be deeded or quitclaimed to the state or board department in lieu of cleanup. Additionally, the ability to pay shall be determined after a claim has been filed. The board department is not liable for any cost where either the responsible owner or operator, or both, have a net worth greater than fifteen thousand dollars, or where the responsible party can be determined. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution.

c. Corrective action and third-party liability for a tank owned or operated by a financial institution eligible to participate in the remedial account under section 455G.16 if the prior owner or operator is unable to pay, if so authorized by the board department as part of a condition or incentive for financial institution participation in the fund pursuant to section 455G.16. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution.

e. Corrective action for a release reported to the department of natural resources after May 5, 1989, and on or before October 26, 1990, in connection with a tank owned or operated by a state agency or department which elects to participate in the remedial account pursuant to this paragraph. A state agency or department which does not receive a standing unlimited appropriation which may be used to pay for the costs of a corrective action may opt, with the approval of the board department, to participate in the remedial account. As a condition of opting to participate in the remedial account, the agency or department shall pay all registration...
fees, storage tank management fees, environmental protection charges, and all other charges and fees upon all tanks owned or operated by the agency or department in the same manner as if the agency or department were a person required to maintain financial responsibility. Once an agency has opted to participate in the remedial program, it cannot opt out, and shall continue to pay all charges and fees upon all tanks owned or operated by the agency or department so long as the charges or fees are imposed on similarly situated tanks of a person required to maintain financial responsibility. The board commission shall by rule adopted pursuant to chapter 17A provide the terms and conditions for a state agency or department to opt to participate in the remedial account. A state agency or department which opts to participate in the remedial account shall be subject to the minimum copayment schedule of subsection 4, as if the state agency or department were a person required to maintain financial responsibility.

f. One hundred percent of the costs up to twenty thousand dollars incurred by the board department under section 455G.12A, subsection 2, unnumbered paragraph 2, for site cleanup reports. Costs of a site cleanup report which exceed twenty thousand dollars shall be considered a cost of corrective action and the amount shall be included in the calculations for corrective action cost copayments under subsection 4. The board department shall have the discretion to authorize a site cleanup report payment in excess of twenty thousand dollars if the site is participating in community remediation.

Sec. 307. Section 455G.9, subsection 1, paragraph g, subparagraph (4), Code 2009, is amended to read as follows:

1. The release was reported to the board by October 26, 1991.

Sec. 308. Section 455G.9, subsection 1, paragraphs i, k, and l, Code 2009, are amended to read as follows:

i. Notwithstanding section 455G.1, subsection 2, corrective action, for a release which was tested prior to October 26, 1990, and for which the site was issued a no-further-action letter by the department of natural resources and which was later determined, due to sale of the property or removal of a nonoperating tank, to require remediation which was reported to the administrator by October 26, 1992, in an amount as specified in subsection 4. In order to qualify for benefits under this paragraph, the applicant must not have operated a tank on the property during the period of time for which the applicant owned the property and the applicant must not be a financial institution.

k. Pursuant to an agreement between the board and the department of natural resources, assessment and corrective action arising out of releases at sites for which a no further action certificate has been issued pursuant to section 455B.474, when the department determines that an unreasonable risk to public health and safety may still exist. At a minimum, the agreement shall address eligible costs, contracting for services, and conditions under which sites may be reevaluated.

l. Costs for the permanent closure of an underground storage tank system that was in place on the date an eligible claim was submitted under paragraph "a". Reimbursement is limited to costs approved by the board department prior to the closure
activities.

Sec. 309. Section 455G.9, subsections 2, 3, 5, 7, and 10, Code 2009, are amended to read as follows:

2. Remedial account funding. The remedial account shall be funded by that portion of the proceeds of the use tax imposed under chapter 423, subchapter III, and other moneys and revenues budgeted to the remedial account by the department.

3. Trust fund to be established. When the remedial account has accumulated sufficient capital to provide dependable income to cover the expenses of expected future releases or expected future losses for which no responsible owner is available, the excess capital shall be transferred to a trust fund administered by the department and created for that purpose.

5. Recovery of gain on sale of property. If an owner or operator ceases to own or operate a tank site for which remedial account benefits were received within ten years of the receipt of any account benefit and sells or transfers a property interest in the tank site for an amount which exceeds one hundred twenty percent of the precorrective action value, adjusted for equipment and capital improvements, the owner or operator shall refund to the remedial account an amount equal to ninety percent of the amount in excess of one hundred twenty percent of the precorrective action value up to a maximum of the expenses incurred by the remedial account associated with the tank site plus interest, equal to the interest for the most recent twelve-month period for the most recent bond issue for the fund, on the expenses incurred, compounded annually. An owner or operator under this subsection shall notify the department of the sale or transfer of the property interest in the tank site. Expenses incurred by the fund are a lien upon the property recordable and collectible in the same manner as the lien provided for in section 424.11 at the time of sale or transfer, subject to the terms of this section. This subsection shall not apply if the sale or transfer is pursuant to a power of eminent domain, or benefits. When federal cleanup funds are recovered, the funds are to be deposited to the remedial account of the fund and used solely for the purpose of future cleanup activities.

7. Expenses of cleanup not required. When an owner or operator who is eligible for benefits under this chapter is allowed by the department of natural resources to monitor in place, the expenses incurred for cleanup beyond the level required by the department of natural resources are not covered under any of the accounts established under the fund. The cleanup expenses incurred for work completed beyond what is required is the responsibility of the person contracting for the excess cleanup.

10. Expenses incurred by governmental subdivisions. The board may adopt rules for reimbursement for reasonable expenses incurred by a governmental subdivision for treating, handling, or disposing, as required by the department, of petroleum-contaminated soil and groundwater encountered in a public right-of-way during installation, maintenance, or repair of a public improvement. The department may seek full recovery from a responsible party liable for the release for such expenses and for all other costs and reasonable attorney fees and costs of
litigation for which moneys are expended by the fund. Any
expense described in this subsection incurred by the fund
constitutes a lien upon the property from which the release
occurred. A lien shall be recorded and an expense shall be
collected in the same manner as provided in section 424.11.
Sec. 310. Section 455G.12, Code 2009, is amended to read as
follows:
455G.12 Board Commission authority for prioritization.
If the board commission determines that, within the realm
of sound business judgment and practice, prioritization of
assistance is necessary in light of funds available for loan
guarantees or insurance coverage, the board commission may
develop rules for assistance or coverage prioritization based
upon adherence or planned adherence of the owner or operator
to higher than minimum environmental protection and safety
compliance considerations.

Prior to the adoption of prioritization rules, the
board commission shall at minimum review the following issues:
1. The positive environmental impact of assistance
prioritization.
2. The economic feasibility, including the availability of
private financing, for an owner or operator to obtain priority
status.
3. Any negative impact on Iowa's rural petroleum
distribution network which could result from prioritization.
4. Any similar prioritization systems in use by the private
financing or insurance markets in this state, including terms,
conditions, or exclusions.
5. The intent of this chapter that the board commission
shall maximize the availability of reasonably priced,
financially sound insurance coverage or loan guarantee
assistance.

Sec. 311. Section 455G.12A, Code 2009, is amended to read
as follows:
455G.12A Cost containment authority.
1. Validity of contracts. A contract in which one of the
parties to the contract is an owner or operator of a petroleum
underground storage tank, for goods or services which may be
payable or reimbursable from the fund, is invalid unless and
until the administrator department has approved the contract
as fair and equitable to the tank owner or operator, and found
that the contract terms are within the range of usual and
customary rates for similar or equivalent goods or services
within the state, and found that the goods or services are
necessary for the owner or operator to comply with fund or
regulatory standards. An owner or operator may appoint the
administrator department as an agent for the purposes of
negotiating contracts with suppliers of goods or services
compensable by the fund. The administrator department may
select another contractor for goods or services other than
the one offered by the owner or operator, if the scope of the
proposed work or actual work of the offered contractor does not
reflect the quality of workmanship required, or the costs are
determined to be excessive.
2. Contract approval. In the course of review and
approval of a contract pursuant to this section, the
administrator department may require an owner or operator
6 to obtain and submit three bids, provided that the
administrator department coordinates bid submission with the
The administrator department may require specific terms and conditions in a contract subject to approval.

The board department shall have authority to contract for site cleanup reports. The board’s department’s responsibility for site cleanup reports is limited to those site cleanup reports subject to approval by the department of natural resources and required in connection with the remediation of a release which is eligible for benefits under section 455G.9.

The site cleanup report shall address existing and available remedial technologies and the costs associated with the use of each technology. The board department shall not have the authority to affect a contract which has been given written approval under this section.

3. Exclusive contracts. The administrator department may enter into a contract or an exclusive contract with the supplier of goods or services required by a class of tank owners or operators in connection with an expense payable or reimbursable from the fund, to supply a specified good or service for a gross maximum price, fixed rate, on an exclusive basis, or subject to another contract term or condition reasonably calculated to obtain goods or services for the fund or for tank owners and operators at a reasonable cost.

A contract may provide for direct payment from the fund to a supplier.

The administrator department may retain, subject to board approval, an independent person to assist in the review of work required in connection with a release or tank system for which goods and services needed. Nothing in this section is intended to preempt the regulatory authority of the department.

4. Prior approval by administrator department. Unless emergency conditions exist, a contractor performing services pursuant to this section shall have the budget for the work approved by the administrator department prior to commencement of the work. No expense incurred which is above the budgeted amount shall be paid unless the administrator department approves such expense prior to its being incurred. All invoices or bills shall be submitted with appropriate documentation as deemed necessary by the board department, no later than thirty days after the work has been performed. Neither the board department nor an owner or operator is responsible for payment for work incurred which has not been previously approved by the board department.

Sec. 312. Section 455G.13, subsection 1, Code 2009, is amended to read as follows:

1. Full recovery sought from owner. The board department shall seek full recovery from the owner, operator, or other potentially responsible party liable for the released petroleum which is the subject of a corrective action, for which the fund expends moneys for corrective action or third-party liability, and for all other costs, including reasonable attorney fees and costs of litigation for which moneys are expended by the fund in connection with the release. When federal cleanup funds are recovered, the funds are to be deposited to the remedial account of the fund and used solely for the purpose of future cleanup activities.

Sec. 313. Section 455G.13, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The board or the department of natural resources shall
not seek recovery for expenses in connection with corrective
action for a release from an owner or operator eligible for
assistance under the remedial account except for any unpaid
portion of the deductible or copayment. This section does
not affect any authorization of the department of natural
resources to impose or collect civil or administrative fines
or penalties or fees. The remedial account shall not be held
liable for any third-party liability.

Sec. 314. Section 455G.13, subsection 3, Code 2009, is
amended to read as follows:
3. Owner or operator not in compliance, subject to full
and total cost recovery. Notwithstanding subsection 2, the
liability of an owner or operator shall be the full and total
costs of corrective action and bodily injury or property damage
11 to third parties, as specified in subsection 1, if the owner
12 or operator has not complied with the financial responsibility
13 or other underground storage tank rules requirements of the
department of natural resources or with this chapter and rules
adopted under this chapter.

Sec. 315. Section 455G.13, subsection 4, paragraph a, Code
2009, is amended to read as follows:
a. Failed, without sufficient cause, to respond to a release
of petroleum from the tank upon, or in accordance with, a
notice issued by the director of the department of natural
resources.

Sec. 316. Section 455G.13, subsections 5, 6, 8, 9, 10, and
12, Code 2009, are amended to read as follows:
5. Lien on tank site. Any amount for which an owner or
operator is liable to the fund, if not paid when due, by
statute, rule, or contract, or determination of liability by
the board or department of natural resources after hearing,
shall constitute a lien upon the real property where the tank,
which was the subject of corrective action, is situated, and
the liability shall be collected in the same manner as the
environmental protection charge pursuant to section 424.11.
6. Joinder of parties. The department of natural
resources has standing in any case or contested action related
to the fund or a tank to assert any claim that the department
may have regarding the tank at issue in the case or contested
action, upon motion and sufficient showing by a party to a cost
recovery or subrogation action provided for under this section,
the court or the administrative law judge shall join to the
action any potentially responsible party who may be liable for
costs and expenditures of the type recoverable pursuant to this
section.
8. Third-party contracts not binding on board department,
proceedings against responsible party. An insurance,
indemnification, hold harmless, conveyance, or similar
risk-sharing or risk-shifting agreement shall not be effective
to transfer any liability for costs recoverable under
this section. The fund, board, or department of natural
resources may proceed directly against the owner or operator or
other allegedly responsible party. This section does not bar
any agreement to insure, hold harmless, or indemnify a party to
the agreement for any costs or expenditures under this chapter,
and does not modify rights between the parties to an agreement,
except to the extent the agreement shifts liability to an
owner or operator eligible for assistance under the remedial
account for any damages or other expenses in connection with
153 21 a corrective action for which another potentially responsible
153 22 party is or may be liable. Any such provision is null and void
153 23 and of no force or effect.
153 24 9. Later proceedings permitted against other parties. The
153 25 entry of judgment against a party to the action does not bar
153 26 a future action by the board or the department of natural
153 27 resources against another person who is later alleged to be
153 28 or discovered to be liable for costs and expenditures paid by
153 29 the fund. Notwithstanding section 668.5 no other potentially
153 30 responsible party may seek contribution or any other recovery
153 31 from an owner or operator eligible for assistance under the
153 32 remedial account for damages or other expenses in connection
153 33 with corrective action for a release for which the potentially
153 34 responsible party is or may be liable. Subsequent successful
153 35 proceedings against another party shall not modify or reduce
153 1 the liability of a party against whom judgment has been
153 2 previously entered.
153 5 10. Claims against potentially responsible parties. Upon
153 6 payment by the fund for corrective action or third-party
153 7 liability pursuant to this chapter, the rights of the claimant
153 8 to recover payment from any potentially responsible party, are
153 9 assumed by the board department to the extent paid by the fund.
153 10 A claimant is precluded from receiving double compensation for
153 11 the same injury.
154 7 In an action brought pursuant to this chapter seeking
154 8 damages for corrective action or third-party liability, the
154 9 court shall permit evidence and argument as to the replacement
154 10 or indemnification of actual economic losses incurred or to be
154 11 incurred in the future by the claimant by reason of insurance
154 12 benefits, governmental benefits or programs, or from any other
154 13 source.
154 14 A claimant may elect to permit the board department to pursue
154 15 the claimant's cause of action for any injury not compensated
154 16 by the fund against any potentially responsible party, provided
154 17 the attorney general determines such representation would
154 18 not be a conflict of interest. If a claimant so elects, the
154 19 board's department's litigation expenses shall be shared on a
154 12 pro rata basis with the claimant, but the claimant's share of
154 14 litigation expenses is payable exclusively from any share of
154 15 the settlement or judgment payable to the claimant.
154 16 12. Recovery or subrogation == installers and
154 17 inspectors. Notwithstanding any other provision contained in
154 18 this chapter, the board department or a person insured under
154 19 the underground storage tank insurance fund established in
154 20 section 455G.11, Code 2003, has no right of recovery or right
154 21 of subrogation against an installer or an inspector who was
154 22 insured by the underground storage tank insurance fund for the
154 23 tank giving rise to the liability other than for recovery of
154 24 any deductibles paid.
154 25 Sec. 317. Section 455G.16, unnumbered paragraph 1, Code
154 1 2009, is amended to read as follows:
154 2 The board department may impose conditions on the
154 3 participation of a financial institution in the fund.
154 4 Conditions shall be reasonably intended to increase the
154 5 quantity of private capital available for loans to tank owners
154 6 or operators who are small businesses within the meaning of
154 7 section 455G.2. Additionally, the board department may offer
154 8 incentives to financial institutions meeting conditions imposed
154 9 by the board department. Incentives may include extended
fund coverage of corrective action or third-party liability, expenses, waiver of copayment or deductible requirements, or other benefits not offered to other participants, if reasonably intended to increase the quantity of private capital available for loans by an amount greater than the increased costs of the incentives to the fund.

Sec. 318. Section 455G.20, Code 2009, is amended to read as follows:

455G.20 Final approval.

Notwithstanding any other provision to the contrary, the department of natural resources shall have final approval for a determination as to when remediation shall begin on a site.

Sec. 319. Section 455G.21, subsection 1, Code 2009, is amended to read as follows:

1. A marketability fund is created as a separate fund in the state treasury under the control of the department. The department shall administer the marketability fund. Notwithstanding section 8.33, moneys remaining in the marketability fund at the end of each fiscal year shall not revert to the general fund but shall remain in the marketability fund. The marketability fund shall include, notwithstanding section 12C.7, interest earned by the marketability fund or other income specifically allocated to the marketability fund.

Sec. 320. Section 455G.21, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The innocent landowners fund shall be established as a separate fund in the state treasury under the control of the department. The innocent landowners fund shall include any moneys recovered pursuant to cost recovery enforcement under section 455G.13. Notwithstanding section 455G.1, subsection 2, benefits for the costs of corrective action may be provided to the owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, who is not otherwise eligible to receive benefits under section 455G.9 due to the date on which the release causing the contamination was reported or the date the claim was filed. An owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, shall be eligible for payment of corrective action costs subject to copayment requirements under section 455G.9, subsection 4. The board of commission may adopt rules conditioning receipt of benefits under this paragraph to those petroleum-contaminated properties which present a higher degree of risk to the public health and safety or the environment and may adopt rules providing for denial of benefits under this paragraph to a person who did not make a good faith attempt to comply with the provisions of this chapter. This paragraph does not confer a legal right to an owner of petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, for receipt of benefits under this paragraph.

Sec. 321. REPEAL. Section 16.151, Code 2009, is repealed.

Sec. 322. REPEAL. 1989 Iowa Acts, chapter 131, section 63, is repealed.

Sec. 323. REPEAL. 2009 Iowa Acts, chapter 184, section 39, is repealed.

Sec. 324. APPROPRIATION == GENERAL FUND. There is appropriated from the Iowa comprehensive petroleum underground...
storage tank fund to the general fund of the state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount:

$ 800,000

Sec. 325. APPROPRIATION == DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administering the Iowa comprehensive petroleum underground storage tank fund, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

$ 700,000

FTEs 8.00

Sec. 326. TRANSITION PROVISIONS.

1. This division of this Act and the transfer of administrative duties to the department of natural resources shall not constitute grounds for rescission or modification of any contracts entered into by or on behalf of the Iowa comprehensive petroleum underground storage tank fund board.

2. Any rule, regulation, form, order, or directive promulgated by the Iowa comprehensive petroleum underground storage tank fund board and in effect on the effective date of this division of this Act shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the environmental protection commission under the duties and powers of the commission as established in this division of this Act and under the procedure established in subsection 3.

Any license or permit issued by Iowa comprehensive petroleum underground storage tank fund board and in effect on the effective date of this division of this Act shall continue in full force and effect until expiration or renewal.

3. In regard to updating references and format in the Iowa administrative code in order to correspond to the restructuring as established in this division of this Act, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

4. Any cause of action or statute of limitation relating to the Iowa comprehensive petroleum underground storage tank fund board shall not be affected as a result of the transfer and such cause or statute of limitation shall apply to the successor department or commission.

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

DIVISION XX

ECONOMIC DEVELOPMENT == COMMITTEES AND COUNCILS

Sec. 327. Section 15.108, subsection 7, paragraph h, Code 2009, is amended by striking the paragraph.

Sec. 328. Section 15G.115, subsections 2 and 3, Code Supplement 2009, are amended to read as follows:

2. a. Each application from a business for financial
assistance under the grow Iowa values financial assistance program shall be reviewed by the due diligence committee established by the board pursuant to section 15.103, subsection 6. The due diligence committee shall make a recommendation on each application to the board.

Each application from a business for financial assistance under the value-added agriculture component of the grow Iowa values financial assistance program shall be reviewed by the agricultural products advisory council established in section 15.203, which shall make a recommendation on each application to the board.

each application for financial assistance from funds allocated by the department for deposit in the innovation and commercialization development fund pursuant to section 15G.111, subsection 10, shall be reviewed by the technology commercialization committee established in section 15.116, which shall make a recommendation on each application to the board.

In overseeing the administration of the grow Iowa values fund and grow Iowa values financial assistance program pursuant to this chapter, the board shall do all of the following:

At the first scheduled meeting of the board after the start of a new fiscal year, take final action on all of the following:

(1) The department's recommendations for the annual fiscal year allocation of moneys in the fund, as provided in section 15G.111, subsection 4. The board may adjust the allocation of moneys during the fiscal year as necessary.

(2) The department's recommendations for the allocation of moneys among the program components referred to in section 15G.112, subsection 1, paragraph "b". The board may adjust the allocation of moneys during the fiscal year as necessary.

b. Consider the recommendation of the due diligence committee and the agricultural products advisory council on each application for financial assistance, as described in subsection 2, and take final action on each application.

c. Take final action on the required plans for proposed expenditures submitted by the entities receiving moneys allocated under section 15G.111, subsections 5 through 8.

d. Take final action on any rules recommended by the department for the implementation of the provisions of this chapter.

Sec. 329. REPEAL. Section 15.114, Code 2009, is repealed.

Sec. 330. REPEAL. Section 15.203, Code Supplement 2009, is repealed.

DIVISION XXI

CONSOLIDATION OF HOUSING PROGRAMS

Sec. 331. NEW SECTION. 16.41 Shelter assistance fund.

1. A shelter assistance fund is created as a revolving fund in the state treasury under the control of the authority consisting of any moneys appropriated by the general assembly and received under section 428A.8 for purposes of the rehabilitation, expansion, or costs of operations of group home shelters for the homeless and domestic violence shelters.

2. Of the moneys in the fund, not less than five hundred forty-six thousand dollars shall be spent annually on homeless shelter projects.

3. Notwithstanding section 8.33, all moneys in the shelter assistance fund which remain unexpended or unobligated at the
160 close of the fiscal year shall not revert to the general fund
161 of the state but shall remain available for expenditure for
162 subsequent fiscal years.
163 Sec. 332. Section 428A.8, subsection 2, unnumbered
164 paragraph 1, Code 2009, is amended to read as follows:
165 The treasurer of state shall deposit or transfer the
166 receipts paid the treasurer of state pursuant to subsection
167 1 to either the general fund of the state, the housing trust
168 fund created in section 16.181, or the shelter assistance fund
169 created in section 15.349 16.41 as follows:
170 Sec. 333. REPEAL. Section 15.349, Code 2009, is repealed.
171 Sec. 334. DEPARTMENTAL PROGRAM REVIEW == HOUSING PROGRAMS.
172 1. The department of economic development and the Iowa
173 finance authority shall conduct a joint review of programs
174 administered by the agencies that relate to housing, including
175 all such federal programs. The joint review of programs shall
176 include a review of all federal moneys received and spent on
177 housing programs. The agencies shall identify all programs
178 that are duplicative of another program and all programs that
179 have purposes similar to that of another program.
180 2. The agencies shall produce a report on how best to
181 transfer all responsibilities for housing-related programs from
182 the department of economic development to the Iowa finance
183 authority.
184 3. By September 1, 2010, the agencies shall submit a joint
185 written report to the governor, the department of management,
186 and the general assembly consisting of the information required
187 under this section, a complete list of programs reviewed
188 pursuant to this section, and any other relevant information.
189 DIVISION XXII
190 AREA EDUCATION AGENCIES
191 Sec. 335. Section 256.9, Code Supplement 2009, is amended by
192 adding the following new subsection:
193 NEW SUBSECTION. 59. Provide guidance and standards to area
194 education agencies for federal and state education initiatives
195 which the area education agencies must implement statewide. Sec. 336.
196 Section 273.2, Code Supplement 2009, is amended by
197 adding the following new subsections:
198 NEW SUBSECTION. 8. The area education agency board shall
199 collaborate with the department of education to provide a
200 statewide infrastructure for educational data to create cost
201 efficiencies, provide storage and disaster mitigation, and
202 improve interconnectivity between schools and school districts.
203 In addition, the area education agency boards shall work
204 with the department to provide systemwide coordination in
205 the implementation of the statewide longitudinal data system
206 consistent with the federal American Recovery and Reinvestment
207 Act of 2009. The area education agencies shall provide support
208 to school districts' information technology infrastructure
209 that is consistent with the statewide infrastructure for the
210 educational data collaborative.
211 NEW SUBSECTION. 9. The area education agency boards shall
212 jointly develop a three-year statewide strategic plan that
213 supports goals adopted by the state board of education pursuant
214 to section 256.7, subsection 4, and the accreditation standards
215 established pursuant to section 256.11; establish performance
216 goals; and clearly identify the statewide efforts to improve
217 student learning and create efficiencies in management
218 operations for area education agencies and school districts.
The statewide strategic plan shall be approved by the state board of education. The area education agency boards shall jointly provide the state board with annual updates on the performance measures.

Sec. 337. Section 273.8, subsection 1, Code Supplement 2009, is amended to read as follows:

1. Board of directors. The board of directors of an area education agency shall consist of not less than five nor more than nine members, each a resident of and elected in the manner provided in this section from a director district that is approximately equal in population to the other director districts in the area education agency. An area education agency shall consist of five director districts. Each director shall serve a four-year term which commences at the organization meeting.

Sec. 338. Section 273.8, subsection 2, paragraphs b and c, Code Supplement 2009, are amended to read as follows:

b. A candidate for election to the area education agency board shall be nominated by the boards of directors of the school districts located within the boundaries of the area education agency. Each school district board shall file a statement of candidacy for each candidate nominated with the area education agency secretary not later than August 15 of the odd-numbered year, on forms prescribed by the department of education. The statement of candidacy shall include the candidate's name, address, and school district. The list of candidates shall be sent by the secretary of the area education agency in ballot form by certified mail to the presidents of the boards of directors of all school districts within the director district not later than September 1. In order for the ballot to be counted, the ballot must be received in the secretary's office by the end of the normal business day on September 30 or be clearly postmarked by an officially authorized postal service not later than September 29 and received by the secretary not later than noon on the first Monday following September 30.

c. The board of each separate school district that is located entirely or partially inside an area education agency director district shall cast a vote for director of the area education agency board based upon the ratio that the population of the school district, or portion of the school district, in the director district bears to the total population in the director district. The population of each school district or portion shall be determined by the department of education. The member of the area education agency board to be elected may be a member of a local school district board of directors and shall be an elector and a resident of the director district, but shall not be a school district employee.

(1) The school district boards of each director district shall jointly elect two members to the eleven-member board of directors of the area education agency. One of the two members elected in each director district shall meet one of the following criteria, on a rotating basis with all of the other director districts, as coordinated by the department:

(a) A superintendent.

(b) A principal.

(c) A teacher who does not hold a special education license or endorsement.

(d) A special education teacher.
(e) A parent or guardian of a child requiring special education who has an individualized education program and is receiving special education services from an area education agency.

(2) The eleventh member of the board of directors of the area education agency shall be elected by the authorities in charge of the accredited nonpublic schools located within the boundaries of the area education agency.

(3) Notwithstanding paragraph "b", the initial terms of the directors shall be determined by lot, one for two years, and two for four years.

Sec. 339. Section 273.8, subsection 3, Code Supplement 2009, is amended to read as follows:

3. Director district convention. If no candidate files statement of candidacy is filed with the area education agency secretary by the deadline specified in subsection 2, or a vacancy occurs, or the statements of candidacy filed do not meet the specifications of subsection 2, paragraph "c", or if otherwise required as provided in section 273.23, subsection 3, a director district convention, attended by members of the boards of directors of the local school districts located within the director district, shall be called to elect a board member for that director district in accordance with the intent of this section. The convention location shall be determined by the area education agency administrator.

Notice of the time, date, and place of a director district convention shall be published by the area education agency administrator in at least one newspaper of general circulation in the director district at least thirty days prior to the day of the convention. The cost of publication shall be paid by the area education agency. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary at least ten days prior to the date of the director district convention on forms prescribed by the department of education, or nominations may be made at the convention by a delegate from a board of directors of a school district located within the director district. A statement of candidacy shall include the candidate's name, address, and school district. Delegates to director district conventions shall not be bound by a school board or any school board member to pledge their votes to any candidate prior to the date of the convention. Sec. 340.

Sec. 341. Section 273.10, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Prior to a visit to an area education agency, the accreditation team shall have access to that area education agency's program audit report filed with the department. After a visit to an area education agency, the accreditation team shall determine whether the accreditation standards for a program, including but not limited to standards established pursuant to section 256.9, subsection 59, have been met and shall make a report to the director and the state board, together with a recommendation as to whether the programs of the area education agency should receive initial accreditation or remain accredited. The accreditation team shall report strengths and weaknesses, if any, for each accreditation
standard and shall advise the area education agency of
available resources and technical assistance to further enhance
the strengths and improve areas of weakness. An area education
agency may respond to the accreditation team's report. Sec. 342.
Section 273.11, subsection 2, Code 2009, is
amended by adding the following new paragraph:
NEW PARAGRAPH. j. Support for early childhood service
coordination for families and children to meet health, safety,
and learning needs.
Sec. 343. Section 273.23, subsection 1, Code 2009, is
amended to read as follows:
1. A petition filed under section 273.21 shall state the
number of directors on the initial board which shall be either
seven or eleven directors. The petition shall specify
the number of directors to be retained from each area, and
those numbers shall be proportionate to the populations of the
agencies. If the proportionate balance of directors among the
affected agencies specified in the plan is affected by school
districts petitioning to be excluded from the reorganization,
or if the proposal specified in the plan does not comply with
the requirement for proportionate representation, the state
board shall modify the proposal. However, all area education
1 agencies affected shall retain at least one member.
Sec. 344. Section 280.20, subsection 3, Code 2009, is
amended by striking the subsection. Sec. 345.
REPEAL. Chapter 280A, Code and Code Supplement
2009, is repealed.
Sec. 346. REPEAL. Section 256.32, Code 2009, is repealed.
Sec. 347. DEPARTMENT OF EDUCATION STUDY OF AREA EDUCATION
AGENCY FUNDING AND SERVICES. The department of education shall
conduct a study of the current area education agency funding
system and develop alternative proposals for funding the area
education agency system, including but not limited to proposals
for a line item appropriation and funding that does not rely
on per pupil allocations based on school district enrollments,
and for a change in the process by which state and property
tax-generated funds flow to the area education agencies. The
department shall submit its findings and recommendations in a
report to the general assembly by December 15, 2010. Sec. 348.
EFFECTIVE AND APPLICABILITY DATE PROVISIONS. The
sections of this division of this Act amending sections 273.8,
273.10, and 273.23 take effect January 1, 2011, and apply to
elections for the boards of directors of area education agency
boards in which the boundaries for the director districts are
drawn using official population figures from the 2010 federal
decennial census.
DIVISION XXIII
EARLY CHILDHOOD IOWA INITIATIVE
Sec. 349. NEW SECTION. 256I.1 Definitions.
For the purposes of this chapter, unless the context
otherwise requires:
1. "Department" means the department of education.
2. "Desired results" means the set of desired results for
improving the quality of life in this state for young children
and their families identified in section 256I.2.
3. "Early care", "early care services", or "early care
system" means the programs, services, support, or other
assistance made available to a parent or other person who is
involved with addressing the education, health, and human
services needs of a child from zero through age five. "Early care", "early care services", or "early care system" includes but is not limited to public and private efforts and formal and informal settings.

4. "Early childhood Iowa area" means a geographic area designated in accordance with this chapter.

5. "Early childhood Iowa area board" or "area board" means the board for an early childhood Iowa area created in accordance with this chapter.

6. "Early childhood Iowa state council" or "state council" means the early childhood Iowa state council created in section 256I.3.

7. "State board" means the state board of education established in section 256.3.

Sec. 350. NEW SECTION. 256I.2 Desired results == purpose and scope.

1. The early childhood Iowa initiative is intended to implement a comprehensive system providing statewide early care services and other support for young children from zero through age five. It is intended that through the early childhood Iowa initiative every community and school district in Iowa will develop the capacity and commitment for using local, informed decision making to achieve the following set of desired results for improving the quality of life in this state for young children and their families:

   a. Healthy children.
   b. Children ready to succeed in school.
   c. Safe and supportive communities.
   d. Secure and nurturing families.
   e. Secure and nurturing early learning environments.

2. The purpose of creating the early childhood Iowa initiative is to empower individuals, communities, and state level partners to achieve the desired results. The desired results will be achieved as private and public entities work collaboratively. This initiative creates a partnership between communities and state level partners to support children zero through age five and their families. The role of the the state board and the department, in collaboration with area boards, and other state and local government agencies is to provide support, leadership, and facilitation of the growth of individual, community, and state responsibility in addressing the desired results.

3. To achieve the desired results, the initiative's primary focus shall be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of early care, education, health, and human services provided to families with children from zero through age five.

4. The state board shall adopt rules in accordance with chapter 17A as necessary to implement this chapter.

Sec. 351. NEW SECTION. 256I.3 Early childhood Iowa state council created.

1. The early childhood Iowa state council is created to promote the provision of early care, education, health, and human services to families with children from zero through age five. The state council shall serve as an advisory body to the state board and the department.

2. a. The state council shall consist of nine voting members with three citizen members and six state agency members. A citizen member shall not be an elected official,
b. The governor's citizen member appointees shall be selected from individuals nominated by early childhood Iowa area boards, school boards, or area education agencies. The term of office of the citizen members is three years. A citizen member vacancy on the state council shall be filled in the same manner as the original appointment for the balance of the unexpired term.

3. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6.

4. In addition to the voting members, the state council shall include four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives and by the minority leader of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

5. The governor shall select a chairperson from the state council's voting members. The state council may select other officers from the voting members as determined to be necessary by the state council. The state council shall meet regularly as determined by the state council, upon the call of the state council's chairperson, or upon the call of a majority of voting members. The council shall meet at least quarterly.

6. Staffing for the state council shall be provided by the department.

Sec. 352. NEW SECTION. 256I.4 Early childhood Iowa state council, department, and state board of education duties.

The state council shall perform the following duties:

1. Assist the department in providing oversight of early childhood Iowa areas.

2. Assist the department in managing and coordinating the provision of grant funding and other moneys made available to early childhood Iowa areas by combining all or portions of appropriations or other revenues as authorized by law.

3. Provide recommendations for use by the state board in approving the boundaries for the early childhood Iowa areas throughout the state and any proposed changes to the boundaries.

4. Assist the state board and department in developing a strategic plan for a comprehensive system of early childhood services and other support. The strategic plan shall be annually updated and disseminated to the public. Specific items to be addressed in the strategic plan shall include but are not limited to all of the following:
a. Provisions to strengthen the state structure including interagency levels of collaboration, coordination, and integration.


c. Provisions to support consolidating, blending, and redistributing state-administered funding streams and the coordination of federal funding streams. The strategic plan shall also address integration of services provided through area boards, school districts, other state and local commissions, committees, and other bodies with overlapping and similar purposes which contribute to redundancy and fragmentation in early childhood services and other support programs provided to the public.

d. Provisions for improving the efficiency of working with federally mandated bodies.

e. Identification of indicators that measure the success of the various strategies that impact communities, families, and children. The indicators shall be developed with input from area boards and early childhood stakeholders.

5. Provide input for use by the state board in adopting common performance measures and data for services, programs, and activities provided by area boards. Data from common performance measures shall be incorporated in the annual reporting required of the state board and the department.

6. Provide input for use by the department and by the state board in adopting a levels of excellence rating system. The rating system shall be incorporated in the review and approval process utilized for area boards and the areas being served. The rating system and process shall allow for flexibility and creativity of area boards in implementing area board responsibilities and provide authority for the area boards to support the communities in the areas served. The levels of excellence rating system shall utilize a tiered approach for recognizing the performance of an area board. The system shall provide for action to address poor performing areas as well as higher performing areas. If an area board achieves the highest rating level, the state board shall allow special flexibility provisions in regard to the funding appropriated or allocated for that area board. The state board may determine how often area boards are reviewed under the system.

7. Develop guidelines for recommended insurance or other liability coverage and take other actions to assist area boards in acquiring such coverage at a reasonable cost. Moneys expended by an area board to acquire necessary insurance or other liability coverage shall be considered an administrative cost.

8. Promote the alignment of state agencies involved with early childhood services with the strategic plan for a comprehensive system of early childhood services and other support.

9. Work with the bureau of early childhood services in building public-private partnerships for promoting the comprehensive system of early childhood services and other support.

10. Support the coordination of information concerning early childhood services and other support on the department’s internet site. Sec. 353.

NEW SECTION. 2561.5 Bureau of early childhood services.
In consultation with the state council, the department shall establish a bureau of early childhood services. The functions of the bureau shall include but are not limited to all of the following:

1. Develop a definition of at-risk children for the purposes of this chapter. The definition shall include income, family structure, the child's level of development, and availability or accessibility for the child of a head start or other child care program as criteria.

2. Establish minimum guidelines for comprehensive early care and early child development services for at-risk children from zero through age five. The guidelines shall reflect current research findings on the necessary components for cost-effective child development services.

3. At least biennially, develop an inventory of child development services provided to at-risk children from zero through age five in this state and identify the number of programs under which the services are received, the degree to which each program meets the department's minimum guidelines for a comprehensive program, and the reasons children not receiving the services are not being served. The bureau is not required to conduct independent research in developing the inventory, but shall determine information needs necessary to provide a more complete inventory.

4. a. Subject to the availability of funds appropriated or otherwise available for the purpose of providing child development services, award grants for programs that provide new or additional child development services to at-risk children.

   b. In awarding program grants to an agency or individual, the bureau shall consider the following:

      (1) The quality of the staff and staff background in child development services.

      (2) The degree to which the program is or will be integrated with existing community resources and has the support of the local community.

      (3) The ability of the program to provide for child care in addition to child development services for families needing full-day child care.

      (4) A staff-to-children ratio within the guidelines established under subsection 2, but not less than one staff member per eight children.

      (5) The degree to which the program involves and works with the parents, and includes home visits, instruction for parents on parenting skills, on enhancement of skills in providing for their children's learning and development, and the physical, mental, and emotional development of children, and experiential education.

      (6) The manner in which health, medical, dental, and nutrition services are incorporated into the program.

      (7) The degree to which the program complements existing programs and services for at-risk children from zero through age five available in the area, including other child care services, services provided through the school district, and services available through area education agencies and early childhood Iowa areas.

      (8) The degree to which the program can be monitored and evaluated to determine its ability to meet its goals.
(9) The provision of transportation or other auxiliary services that may be necessary for families to participate in the program.

(10) The provision of staff training and development, and staff compensation sufficient to assure continuity.

c. Program grants funded under this subsection may integrate children not meeting at-risk criteria into the program and shall establish a fee for participation in the program in the manner provided in section 279.49, but grant funds shall not be used to pay the costs for those children.

5. a. Encourage the submission of grant requests from all potential providers of early care and early childhood services and shall be flexible in evaluating grants, recognizing that different types of programs may be suitable for different locations in the state. However, requests for grants must contain a procedure for evaluating the effectiveness of the program and accounting procedures for monitoring the expenditure of grant moneys.

b. The bureau shall seek to use performance-based measures to evaluate programs. Not more than five percent of any state funds appropriated for child development purposes may be used for administration and evaluation.

6. Subject to a decision by the state board to initiate the programs, develop criteria for and award grants under section 279.51, subsection 2.

7. Work to align the early childhood programs and other support addressed by this chapter with the federally funded early childhood programs and the statewide preschool program for four-year-old children implemented pursuant to chapter 256C.

8. Work with area boards, school districts, area education agencies, and other state agencies to provide leadership for development of the comprehensive early childhood system. The leadership functions shall include but are not limited to all of the following:

a. Develop and keep current memoranda of understanding between the state agencies represented on the state council to promote development and integration of the comprehensive early childhood system and to clarify the roles and responsibilities of those agencies.

9. The center shall work with the state and area boards to provide leadership for comprehensive system development. The center shall also do all of the following:

a. Enter into memoranda of agreement with the departments of economic development, education, human rights, human services, public health, and workforce development to formalize the respective departments' commitments to collaborating with and integrating a comprehensive early care, education, health, and human services system. Items addressed in the memoranda shall include but are not limited to data sharing and providing staffing to the technical assistance team.

b. Work with private businesses, foundations, and nonprofit organizations to develop sustained funding.

c. Maintain the internet site in accordance with section 256I.10.

d. Provide technical support to the state and area boards and to the early childhood Iowa areas through staffing services made available through the state agencies that serve on the state council.
e. Develop, collect, disseminate, and provide guidance for common performance measures for the programs receiving funding under the auspices of the area boards.

f. If a disagreement arises within an early childhood Iowa area regarding the interests represented on the area's board, board decisions, or other disputes that cannot be locally resolved, upon request, provide technical assistance to assist the area in resolving the disagreement.

g. Adopt a system of program and fiscal accountability and transparency for early childhood services programming. The bureau shall ensure that early childhood Iowa areas and boards are accountable for the expectations and requirements of this chapter and any administrative rules adopted to support the implementation of this chapter.

h. In collaboration with the state council, develop a resource directory of parent involvement programs to assist district and early childhood Iowa areas in planning family support programs.

Sec. 354. NEW SECTION. 256I.6 Early childhood Iowa areas.

1. The purpose of an early childhood Iowa area is to enable local citizens to lead collaborative efforts involving early care, education, health, and human services on behalf of the children, families, and other citizens residing in the area. Leadership functions may include but are not limited to strategic planning for and oversight and managing of such programs and the funding made available to the early childhood Iowa area for such programs from federal, state, local, and private sources. The focus of the area shall be to achieve the desired results and to improve other results for families with young children.

2. An early childhood Iowa area shall be designated by using existing county boundaries to the extent possible.

3. The designation of an early childhood Iowa area boundaries and the creation of an area board are both subject to the approval of the department. The department shall determine if a proposed area board can efficiently and effectively administer the responsibilities and authority of the area to be served. The department may apply additional criteria for designating areas and approving area boards, but shall apply all of the following minimum criteria:

a. An area cannot encompass more than four counties.

b. The counties encompassing a multicounty area must have contiguous borders.

c. A single county area shall have a minimum population of children zero through age five in excess of five thousand, based on the most recent population estimates issued by the United States bureau of the census.

4. If the department determines exceptional circumstances exist, the department may waive any of the criteria otherwise specified in subsection 3.

Sec. 355. NEW SECTION. 256I.7 Early childhood Iowa area boards created.

1. a. The early childhood Iowa functions for an area shall be performed under the authority of an early childhood Iowa area board. The membership of an area board shall consist of elected officials in the area and citizen members who reside in the area. A citizen member shall not be an employee of or otherwise represent education, health, or human services agencies or be a paid staff member of an
agency receiving funding through the early childhood Iowa initiative. In addition, the membership of an area board shall
include representation from education, health, human services, business, and faith interests, and at least one parent,
grandparent, or guardian of a child from zero through age five. The education, health, and human services agencies represented
on an area board may receive funding from the area board.

b. Terms of office of area board members shall be not more than three years and the terms shall be staggered.

2. An area board may designate an advisory council consisting of persons employed by or otherwise paid to represent an entity listed in subsection 1 or other provider of service.

3. An area board shall elect a chairperson from among the members who are citizens or elected officials.

4. An area board is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. For purposes of implementing a formal organizational structure, an area board may utilize recommended guidelines and bylaws established for this purpose by the state board or the department.

5. All meetings of an area board or any committee or other body established by an area board at which public business is discussed or formal action taken shall comply with the requirements of chapter 21. An area board shall maintain its records in accordance with chapter 22.

Sec. 356. NEW SECTION. 256I.8 Early childhood Iowa area board duties.

1. An early childhood Iowa area board shall do all of the following:

a. Designate an area education agency to be the fiscal agent for grant moneys or other moneys administered by the area board.

b. Administer early childhood Iowa grant moneys available from the state to the area board as provided by law and other federal, state, local, and private moneys made available to the area board. Eligibility for receipt of early childhood Iowa grant moneys shall be limited to those early childhood area boards that have developed an approved community plan in accordance with this chapter. An early childhood area board may apply to the department for any private moneys received by the early childhood Iowa initiative outside of a state appropriation.

c. Develop a comprehensive community plan for providing services for children from zero through age five. At a minimum, the plan shall do all of the following:

(1) Describe community and area needs for children from zero through age five as identified through ongoing assessments.

(2) Describe the current and desired levels of community and area coordination of services for children from zero through age five, including the involvement and specific responsibilities of all related organizations and entities.

(3) Identify all federal, state, local, and private funding sources including funding estimates available in the early childhood Iowa area that will be used to provide services to children from zero through age five.

(4) Describe how funding sources will be used collaboratively and the degree to which the sources can be combined to provide necessary services to young children and
their families.

(5) Identify the desired results and the community-wide indicators the area board expects to address through implementation of the comprehensive community plan. The plan shall identify community-specific and state-specific, quantifiable performance measures to be reported in the area board’s annual report and how the community plan integrates with the strategic plan developed by the state board and the department.

(6) Describe the current status of support services to prevent the spread of infectious diseases, prevent child injuries, develop health emergency protocols, help with medication, and care for children with special health needs that are being provided to child care facilities registered or licensed under chapter 237A within the early childhood Iowa area.

d. Submit an annual report on the effectiveness of the community plan in addressing school readiness and children's health and safety needs to the department and to the local stakeholders. The annual report shall indicate the effectiveness of the area board in addressing state and locally determined goals and performance indicators.

e. Function as a coordinating body for services offered by different entities directed to similar purposes within the area.

f. Assume other responsibilities established by law or administrative rule.

2. An area board may do any of the following:

a. Designate one or more committees to assist with area board functions.

b. Utilize community bodies for input to the area board and implementation of services. Sec. 357.

NEW SECTION. 256I.9 Family support programs.

1. a. The board of directors of each school district may develop, offer, and promote a program which provides outreach and incentives for the voluntary participation of expectant parents and parents of children in the period of life from zero through age five, who reside within district boundaries, in educational family support and parent education experiences designed to assist parents in learning about the health needs and physical, mental, social, and emotional development of their children. The program shall be offered in a flexible manner to accommodate the varying schedules, meeting place requirements, and other needs of working parents. The program shall include home visitation. A board may contract with another school district or public or private nonprofit agency for provision of the approved program or program site.

b. A family support program shall meet multicultural gender fair guidelines. The program shall encourage parents to be aware of practices that may affect equitable development of children. The program shall include parents in the planning, implementation, and evaluation of the program. A program shall be designed to meet the needs of the residents of the participating district and may use unique approaches to provide for those needs. The goals of a family support program shall include but are not limited to the following:

(1) Family involvement as a key component of school improvement with an emphasis on communication and active family participation in family support programming.
(2) Family participation in the planning and decision-making process for the program and encouragement of long-term parental involvement in their children's education.

(3) Meeting the educational and developmental needs of expectant parents and parents of young children.

(4) Developmentally appropriate activities for children that include those skills necessary for adaptation to both the home and school environments.

(5) Addressing the health needs and social development of young children.

2. The department shall develop guidelines for family support programs. Program components may include but are not limited to all of the following:

a. Instruction, techniques, and materials designed to educate parents about the physical, mental, character, and emotional development of children.

b. Instruction, techniques, and materials designed to enhance the skills of parents in assisting in their children's learning and development.

c. Assistance to parents about learning experiences for both children and parents.

d. Activities, such as developmental screenings, designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems and referrals to appropriate agencies, authorities, or service providers.

e. Activities and materials designed to encourage parents' and children's self-esteem and to enhance parenting skills and both parents' and children's appreciation of the benefits of education.

f. Information on related community resources, programs, or activities.

g. Role modeling and mentoring techniques for families of children who meet one or more of the criteria established for the definition of at-risk children by the bureau of early childhood services.

3. Family support programs shall be provided by family support program educators who have completed a minimum of thirty clock hours of an approved family support preservice or in-service training program and meet one of the following requirements:

a. The family support program educator is licensed in elementary education, early childhood education, early childhood special education, home economics, or consumer and homemaking education, or is licensed or certified in occupational child care services and has demonstrated an ability to work with young children and their parents.

b. The family support program educator has achieved child development associate recognition in early childhood education, has completed programming in child development and nursing, and has demonstrated an ability to work with young children and their parents.

c. The family support program educator has completed sixty college credit hours and possesses two years of experience in a program working with young children and their parents.

d. The family support program educator possesses five years of experience in a program working with young children and their parents.

4. Each district shall maintain a separate account within the district budget for moneys allocated for family support with the department.
programs. A district may receive moneys from state and federal
sources, and may solicit funds from private sources, for
deposit into the account.

5. A district shall coordinate a family support program with
district special education and vocational education programs
and with any related services or programs provided by other
state, federal, or private nonprofit agencies.

Sec. 358. NEW SECTION. 256I.10 School ready children grant
program.

1. The department shall develop and promote a school ready
children grant program which shall provide for all of the
following components:
   a. Identify the performance measures that will be used to
   assess the effectiveness of the school ready children grants.
   b. Identify guidelines and a process to be used for
determining the readiness of an early childhood Iowa area board
   for administering a school ready children grant.
   c. Provide for technical assistance concerning funding
   sources, program design, and other pertinent areas.

2. The department shall provide maximum flexibility to
grantees for the use of the grant moneys included in a school
ready children grant.

3. A school ready children grant shall, to the extent
possible, be used to support programs that meet quality
standards identified in administrative rule adopted by the
state board. At a minimum, a grant shall be used to provide all
of the following:
   a. Preschool services provided on a voluntary basis to
   children deemed at risk.
   b. Family support services and parent education programs
   promoted to parents of children from zero through age five.
   Family support services shall include but are not limited to
   home visitation.
   c. Other services to support the strategic plan developed by
   the state board and department.

4. a. A school ready children grant shall be awarded to
an area board annually, as funding is available. Receipt of
continued funding is subject to submission of the required
annual report and the department's determination that the area
board is measuring, through the use of performance measures
and community-wide indicators developed by the department with
input from area boards, progress toward and is achieving the
desired results and other results identified in the community
plan. Each area board shall participate in the levels of
excellence rating system to measure the area's success. If the
use of performance measures and community-wide indicators does
not show that an area board has made progress toward achieving
the results identified in the community plan, the department
can request a plan of corrective action, withhold any increase
in funding, or withdraw grant funding.

b. The department shall distribute school ready children
grant moneys to area boards with approved comprehensive
community plans based upon a determination of an early
childhood Iowa area's readiness to effectively utilize the
grant moneys. The grant moneys shall be adjusted for other
federal and state grant moneys to be received by the area for
services to children from zero through age five.

c. An area board's readiness shall be determined by
evidence of successful collaboration among public and private
183 early care, education, health, and human services interests
184 in the area or a documented program design that supports a
185 strong likelihood of a successful collaboration between these
186 interests. Other criteria which may be used by the department
187 to determine readiness and evaluate the funding flexibility for
188 an area include one or more of the following:
189 (1) The levels of excellence rating received by the area.
190 (2) Experience or other evidence of the area's capacity to
191 successfully implement the services in the area's community
192 plan.
193 (3) Local public and private funding and other resources
194 committed to implementation of the community plan.
195 (4) The adequacy of plans for commitment of local funding
196 and other resources for implementation of the community plan.
197 d. The provisions for distribution of school ready children
198 grant moneys shall be determined by the department.
199 e. The amount of school ready children grant funding an area
200 board may carry forward from one fiscal year to the succeeding
201 fiscal year shall not exceed twenty percent of the grant amount
202 for the fiscal year. All of the school ready children grant
203 funds received by an area board for a fiscal year which remain
204 unencumbered or unobligated at the close of a fiscal year shall
205 be carried forward to the succeeding fiscal year. However, the
206 grant amount for the succeeding fiscal year shall be reduced
207 by the amount in excess of twenty percent of the grant amount
208 received for the fiscal year.
209 Sec. 359. NEW SECTION. 256I.11 Early childhood Iowa
210 internet site.
211 1. The department shall provide for the operation of an
212 internet site for purposes of widely distributing information
213 regarding early care, education, health, and human services
214 and other information provided by the departments represented
215 on the state council and the public and private agencies
216 addressing the comprehensive system for such services.
217 2. Information provided on the internet site shall include
218 but is not limited to all of the following:
219 a. Information about the early childhood Iowa initiative for
220 state and local use.
221 b. A link to a special internet site directed to parents,
222 including parent-specific information on early care, education,
223 health, and human services and links to other resources
224 available on the internet and from other sources.
225 c. Program standards for early care, education, health, and
226 human services that have been approved by state agencies.
227 3. The department shall provide information regarding the
228 extent and frequency of usage of the internet site or sites in
229 the department's annual reporting to the governor and general
230 assembly.
231 Sec. 360. NEW SECTION. 256I.12 Early childhood Iowa fund.
232 1. An early childhood Iowa fund is created in the state
233 treasury. The moneys credited to the fund are not subject to
234 section 8.33 and moneys in the fund shall not be transferred,
235 used, obligated, appropriated, or otherwise encumbered except
236 as provided by law. Notwithstanding section 12C.7, subsection
237 2, interest or earnings on moneys deposited in the fund shall
238 be credited to the fund.
239 2. A school ready children grants account is created in the
240 fund under the authority of the director of the department of
241 education. Moneys credited to the account shall be distributed
by the department in the form of grants to early childhood Iowa areas pursuant to criteria established by the department in accordance with law.

3. Unless a different amount is authorized by law, up to five percent of the school ready children grant moneys distributed to an area board may be used by the area board for administrative costs.

4. a. An early childhood programs grants account is created in the fund under the authority of the director of the department of education. Moneys credited to the account under the auspices of the department of human services are appropriated to and shall be distributed by the department of education in the form of grants to early childhood Iowa areas pursuant to criteria established by the department in accordance with law. The criteria shall include but are not limited to a requirement that an early childhood Iowa area must be designated by the department in order to be eligible to receive an early childhood programs grant.

b. The maximum funding amount an early childhood Iowa area is eligible to receive from the early childhood programs grant account for a fiscal year shall be determined by applying the area's percentage of the state's average monthly family investment program population in the preceding fiscal year to the total amount credited to the account for the fiscal year.

c. An early childhood Iowa area receiving funding from the early childhood programs grant account shall comply with any federal reporting requirements associated with the use of that funding and other results and reporting requirements established by the department. The bureau on early childhood services shall provide technical assistance in identifying and meeting the federal requirements. The availability of funding provided from the account is subject to changes in federal requirements and amendments to Iowa law.

d. The moneys distributed from the early childhood programs grant account shall be used by early childhood Iowa areas for the purposes of enhancing quality child care capacity in support of parent capability to obtain or retain employment. The moneys shall be provided in a flexible manner and shall be used to implement strategies identified by the early childhood Iowa area to achieve such purposes. The department of education may use a portion of the funding appropriated to the department under this subsection for provision of technical assistance and other support to the early childhood Iowa areas developing and implementing strategies with grant moneys distributed from the account.

e. Moneys from a federal block grant that are credited to the early childhood programs grant account but are not distributed to an early childhood Iowa area or otherwise remain unobligated or unexpended at the end of the fiscal year shall revert to the fund created in section 8.41 to be available for appropriation by the general assembly in a subsequent fiscal year.

5. A first years first account is created in the fund under the authority of the department of education. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the account are appropriated to the department to
NEW SECTION. 256I.13 Annual reporting.

By January 30 of each year, the department shall submit an annual report to the governor and general assembly that includes but is not limited to all of the following:

1. Any updates to the strategic plan developed under this chapter.

2. The status and results of the early childhood Iowa initiative's efforts to engage the public regarding early childhood services, and other needs of children zero through age five.

3. The status and results of the efforts to develop and promote private sector involvement with the early childhood services system.

4. The status of the early childhood Iowa initiative and the overall early childhood services system in achieving the set of desired results.

5. The data and common performance measures addressed by the strategic plan, which shall include but is not limited to funding amounts.

6. The indicators addressed by the strategic plan along with associated data trends and their sources.

Sec. 362. Section 135.106, subsection 3, Code 2009, is amended to read as follows:

It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The Iowa department of public health, department of human services, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to the Iowa department of public health, department of human services, and department of education, and are subject to the approval of the Iowa empowerment board in consultation with the departments, based on the practices utilized with community empowerment early childhood Iowa areas under chapter 28 256I.

Sec. 363. Section 135.119, subsection 2, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The program plan shall incorporate a multiyear, collaborative approach for implementation of the plan. The plan shall address how to involve those who regularly work with parents and persons responsible for the care of a child, including but not limited to child abuse prevention programs, child care resource and referral programs, child care providers, family support programs, programs receiving funding through the community empowerment early childhood Iowa initiative, public and private schools, health care
providers, local health departments, birth centers, and birthing hospitals.

Sec. 364. Section 135.159, subsection 3, paragraph i, Code Supplement 2009, is amended to read as follows:

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy families Iowa program, the community empowerment program early childhood Iowa initiative, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

Sec. 365. Section 142A.4, subsection 8, Code Supplement 2009, is amended to read as follows:

8. Assist with the linkage of the initiative with child welfare and juvenile justice decategorization projects, education programming, community empowerment early childhood Iowa areas, and other programs and services directed to youth at the state and community level.

Sec. 366. Section 142A.8, subsection 2, Code 2009, is amended to read as follows:

2. A community partnership area shall encompass a county or multicounty area, school district or multischool district area, economic development enterprise zone that meets the requirements of an urban or rural enterprise community under Title XIII of the federal Omnibus Budget Reconciliation Act of 1993, or community empowerment early childhood Iowa area, in accordance with criteria adopted by the commission for appropriate population levels and size of geographic areas.

Sec. 367. Section 216A.140, subsection 5, paragraph j, Code Supplement 2009, is amended to read as follows:

j. Office of community empowerment in the department of management Bureau on early childhood services in the department of education.

Sec. 368. Section 217.42, subsection 1, Code 2009, is amended to read as follows:

1. The organizational structure to deliver the department's field services shall be based upon service areas. The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area. The service areas shall be those designated by the department effective January 1, 2002. In determining the service areas, the department shall consider other geographic service areas including but not limited to judicial districts and community empowerment early childhood Iowa areas. The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify
190 its field operations or the composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.

Sec. 369. Section 232.188, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. A decategorization governance board shall coordinate the project's planning and budgeting activities with the departmental service area manager for the county or counties comprising the project area and the community empowerment early childhood Iowa area board or boards for the community empowerment early childhood Iowa area or areas within which the decategorization project is located.

Sec. 370. Section 237A.21, subsection 3, paragraph n, Code 4 Supplement 2009, is amended to read as follows:

n. One designee of the community empowerment office of the department of management bureau on early childhood services in the department of education.

Sec. 371. Section 237A.21, subsection 3, paragraph q, Code 9 Supplement 2009, is amended to read as follows:

q. One person who represents the early childhood Iowa state council created in section 28.3 256I.3.

Sec. 372. Section 237A.22, subsection 1, paragraph j, Code 10 Supplement 2009, is amended to read as follows:

j. Advise and assist the early childhood Iowa council state board of education and department of education in developing the strategic plan required pursuant to section 235.173 256I.4.

Sec. 373. Section 237A.26, subsection 8, Code 11 amended to read as follows:

8. For purposes of improving the quality and consistency of data collection, consultation, and other support to child care home and child development home providers, a resource and referral services agency grantee shall coordinate and assist with publicly and privately funded efforts administered at the community level to provide the support. The support and efforts addressed by a grantee may include but are not limited to community-funded child care home and child development home consultants. Community members involved with the assistance may include but are not limited to the efforts of a community empowerment early childhood Iowa area board under chapter 28 256I, and of community representatives of education, health, human services, business, faith, and public interests.

Sec. 374. Section 237A.30, subsection 1, Code 12 amended to read as follows:

1. The department shall work with the community empowerment office of the department of management bureau on early childhood services in the department of education established in section 28.3 256I.5 and the state child care advisory council in designing and implementing a voluntary quality rating system for each provider type of child care facility. Sec. 375. Section 256.9, subsection 29, Code Supplement 2009, is amended to read as follows:

29. Develop, in conjunction with the child development coordinating early childhood Iowa state council or other similar agency, child-to-staff ratio recommendations and standards for at-risk programs based on national literature and test results and Iowa longitudinal test results. Sec. 376. Section 256.9, subsection 32, paragraph b, Code
Supplement 2009, is amended to read as follows:

b. Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating early childhood Iowa state council, the state child care advisory council, the department of human services, the state board of regents center for early developmental education, the area education agencies, the department of child development in the college of family and consumer sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

Sec. 377. Section 256C.3, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Collaboration with participating families, early care providers, and community partners including but not limited to community empowerment early childhood Iowa area boards, head start programs, shared visions and other programs provided under the auspices of the child development coordinating early childhood Iowa state council chapter 256I, licensed child care centers, registered child development homes, area education agencies, child care resource and referral services provided under section 237A.26, early childhood special education programs, services funded by Title I of the federal Elementary and Secondary Education Act of 1965, and family support programs.

Sec. 378. Section 256C.3, subsection 4, paragraph a, Code 2009, is amended to read as follows:
a. Methods of demonstrating community readiness to implement high-quality instruction in a local program shall be identified. The potential provider shall submit a collaborative program proposal that demonstrates the involvement of multiple community stakeholders including but not limited to, and only as applicable, parents, the school district, accredited nonpublic schools and faith-based representatives, the area education agency, the community empowerment early childhood Iowa area board, representatives of business, head start programs, shared visions and other programs provided under the auspices of the child development coordinating early childhood Iowa state council chapter 256I, center-based and home-based providers of child care services, human services, public health, and economic development programs. The methods may include but are not limited to a school district providing evidence of a public hearing on the proposed programming and written documentation of collaboration agreements between the school district, existing community providers, and other community stakeholders addressing operational procedures and other critical measures.

Sec. 379. Section 256C.4, subsection 2, paragraph b, Code 2009, is amended to read as follows:
b. The enrollment count of eligible students shall not include a child who is included in the enrollment count determined under section 257.6 or a child who is served by a program already receiving state or federal funds for the
purpose of the provision of four-year-old preschool programming while the child is being served by the program. Such preschool programming includes but is not limited to child development assistance programs provided under chapter 256A, special education programs provided under section 256B.9, school ready children grant programs and other programs provided under chapter 256I, and federal head start programs and the services funded by Title I of the federal Elementary and Secondary Education Act of 1965. Sec. 380.

Section 262.71, subsection 10, Code 2009, is amended to read as follows:

The child development coordinating early childhood Iowa state council. Sec. 381.

Section 273.2, subsection 5, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The area education agency board may provide for the following programs and services to local school districts, and at the request of local school districts to providers of child development early childhood services who have received grants under chapter 256A from the child development coordinating council 256I, within the limits of funds available: Sec. 382.

Section 279.51, subsection 1, paragraphs b and d, Code 2009, are amended to read as follows:

b. For the fiscal year beginning July 1, 2007, and for each succeeding fiscal year, eight million five hundred thirty-six thousand seven hundred forty dollars of the funds appropriated shall be allocated to the child development coordinating council 256I, for the purposes set out in subsection 2 of this section and early care and child development programs under section 256A.3 256I.5. Sec. 383.

d. Notwithstanding section 256A.3, subsection 6, any provision to the contrary, of the amount appropriated in this subsection for the fiscal year beginning July 1, 2007, and for each succeeding fiscal year, up to two hundred eighty-two thousand six hundred dollars may be used for administrative costs. Sec. 383.

Section 279.51, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. To continue funding for programs previously funded by grants awarded under section 256A.3, Code 2009, and to provide additional early care and child development grants under section 256A.3 chapter 256I. The council department of education shall seek to provide grants on the basis of the location within the state of children meeting at-risk definitions. Sec. 384.

Section 279.51, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

At the discretion of the child development coordinating council department of education, award grants for the following:

Sec. 385. Section 279.60, Code 2009, is amended to read as follows:

279.60 Kindergarten assessment = access to data = reports. Each school district shall administer the dynamic indicators of basic early literacy skills kindergarten benchmark assessment or other kindergarten benchmark assessment adopted by the department of education in consultation with the Iowa empowerment board to every kindergarten student enrolled in
the district not later than the date specified in section
257.6, subsection 1. The school district shall also collect
information from each parent, guardian, or legal custodian of a
kindergarten student enrolled in the district, including but
not limited to whether the student attended preschool, factors
identified by the early care staff bureau on early childhood
services pursuant to section 28.3, and other demographic
factors. Each school district shall report the results
of the assessment and the preschool information collected
to the department of education in the manner prescribed
by the department not later than January 1 of that school
year. The early care staff designated pursuant to section
28.3 bureau on early childhood services in the department of
education shall have access to the raw data. The department
shall review the information submitted pursuant to this section
and shall submit its findings and recommendations annually
in a report to the governor, the general assembly, the early
childhood Iowa empowerment state board council, and the
community empowerment early childhood Iowa area boards.

Sec. 386. Section 915.35, subsection 4, paragraph b, Code
Supplement 2009, is amended to read as follows:
b. A child protection assistance team may also consult
with or include juvenile court officers, medical and mental
health professionals, physicians or other hospital-based health
professionals, court-appointed special advocates, guardians ad
litem, and members of a multidisciplinary team created by the
department of human services for child abuse investigations. A
child protection assistance team may work cooperatively with
the local community empowerment early childhood Iowa area
board established under section 28.6 chapter 256I. The child
protection assistance team shall work with the department
of human services in accordance with section 232.71B,
subsection 3, in developing the protocols for prioritizing
the actions taken in response to child abuse reports and for
law enforcement agencies working jointly with the department
at the local level in processes for child abuse reports. The
department of justice may provide training and other assistance
to support the activities of a child protection assistance
team.

Sec. 387. REPEALS.
Sec. 388. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1, shall not apply to this division of this Act.
Sec. 389. TRANSITION.
1. Effective on or after July 1, 2010, as determined by
the department of education in consultation with the early
childhood Iowa state council created pursuant to this division
of this Act, the designations granted by the Iowa empowerment
board to community empowerment areas and community empowerment
area boards under chapter 28, Code 2009, are withdrawn.
However, subject to the approval of the department of education
in accordance with the area board designation criteria
established by this division of this Act, all or a portion of
the membership of a community empowerment area board may be
redesignated to serve as the membership of the initial early
community Iowa area board for the relevant early childhood
Iowa area to be served. Subject to rules to be adopted by the state board of education addressing redesignation of community empowerment areas as early childhood Iowa areas, existing multicounty community empowerment area boards may choose to be redefined as early childhood Iowa area boards.

2. Effective on or after July 1, 2010, as determined by the department of education in consultation with the early childhood Iowa state council, any school ready children grant or other state or federal funds in the possession of a community empowerment area remaining unobligated or unexpended shall be returned to the department of education. The department shall credit funds received to the school ready children grant account or other corresponding account of the early childhood Iowa fund. The moneys credited shall be redisseminated to an early childhood Iowa area or areas that correspond geographically to the boundaries of the community empowerment area that returned the funds.

3. Until the state board of education has adopted administrative rules to implement the provisions of chapter 256I, as enacted by this division of this Act, the department of education shall apply the relevant rules adopted to implement the community empowerment initiative under chapter 256, Code 2009, in place of the state agency or agencies designated to administer the relevant rules. The state board shall also adopt rules addressing transition of contracts entered into by community empowerment area boards that include provisions in effect on or after July 1, 2010.

DIVISION XXIV
REGISTRATION OF POSTSECONDARY SCHOOLS

Section 261.2, subsection 7, paragraph b, Code 2009, is amended to read as follows:

b. The commission may require a school seeking registration under chapter 261B to provide copies of its application to the Iowa coordinating council for post-high school education. The commission may consider comments from the council that are received by the commission within ninety days of the filing of the application. However, if the council meets to consider comments for submission to the commission, the meeting shall be open to the public and subject to the provisions of chapter 21. The commission shall post an application on the commission’s internet site and shall render a decision on an application for registration within one hundred eighty days of the filing of the application. Sec. 391.

REPEAL. Section 261B.10, Code Supplement 2009, is repealed.

DIVISION XXV
HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES
Sec. 392. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN SERVICES PROGRAMS. The department of human services shall develop and implement strategies to increase efficiencies by reducing paperwork, decreasing staff time, and providing more streamlined services to the public relative to programs under the purview of the department. Such strategies may include but are not limited to simplifying and reducing duplication in eligibility determinations among programs by utilizing the same eligibility processes across programs to the extent allowed by federal law. The department shall provide a progress report to the joint appropriations subcommittee on health and human services on an annual basis.
Sec. 393. PHARMACEUTICAL IMPROVEMENTS. The department of human services, department of public health, department of corrections, department of management, and any other appropriate agency shall review the provision of pharmaceuticals to populations they serve and programs under their respective purview to determine efficiencies in the purchase of pharmaceuticals. The departments shall develop strategies to implement efficiencies and reduce costs to the state, and shall determine any changes in state law or approval from the federal government necessary to implement any strategy identified.

DIVISION XXVI
HOSPITAL LICENSING BOARD

Sec. 394. Section 135B.5, subsection 1, Code 2009, is amended to read as follows:
1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter and the rules of the department. Each licensee shall receive annual reapproval upon payment of five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals licensed under this chapter in consultation with the hospital licensing board. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department.

Sec. 395. Section 135B.7, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:
a. The department, with the advice and approval of the hospital licensing board and approval of the state board of health, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

Sec. 396. REPEAL. Section 135B.10, Code 2009, is repealed.

Sec. 397. REPEAL. Section 135B.11, Code Supplement 2009, is repealed.

DIVISION XXVII

CHILD SUPPORT

Sec. 398. Section 252D.17, Code 2009, is amended by adding the following new subsection:
13. The department shall establish criteria and a phased-in schedule to require, no later than June 30, 2015, payors of income to electronically transmit the amounts withheld under an income withholding order. The department shall assist payors of income in complying with the required electronic transmission, and shall adopt rules setting forth procedures for use in electronic transmission of funds, and exemption from use of electronic transmission taking into consideration any undue hardship electronic transmission creates for payors of income.

DIVISION XXVIII

FALSE CLAIMS ACT

Sec. 399. NEW SECTION. 685.1 Definitions.

As used in this chapter, unless the context otherwise
1. "Claim" means any request or demand for money, property, or services made to any employee, officer, or agent of the state, or to any contractor, grantee, or other recipient, whether under contract or not, if any portion of the money, property, or services requested or demanded issued from, or was provided by, the state, or if the state will reimburse the contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

2. "Employer" means any natural person, corporation, firm, association, organization, partnership, business, trust, or state-affiliated entity involved in a nongovernmental function, including state universities and state hospitals.

3. a. "Knowing" or "knowingly" means that a person, with respect to information, does any of the following:
   (1) Has actual knowledge of the information.
   (2) Acts in deliberate ignorance of the truth or falsity of the information.
   (3) Acts in reckless disregard of the truth or falsity of the information.
   b. "Knowing" or "knowingly" with respect to information does not require proof of specific intent to defraud.

4. "Qui tam plaintiff" means a private plaintiff who brings an action under this chapter on behalf of the state.

Sec. 400.

NEW SECTION. 685.2 Acts subjecting person to treble damages, costs, and civil penalties == exceptions.

1. A person who commits any of the following acts is liable to the state for three times the amount of damages which the state sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the state for the costs of a civil action brought to recover any of those penalties or damages, and shall be liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each violation:

a. Knowingly presents or causes to be presented to any employee, officer, or agent of the state, or to any contractor, grantee, or other recipient of state funds, a false or fraudulent claim for payment or approval.

b. Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved.

c. Conspires to defraud the state by getting a false claim allowed or paid, or conspires to defraud the state by knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay money or property to the state.

d. Has possession, custody, or control of public property or money used or to be used by the state and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt.

e. Is authorized to make or deliver a document certifying receipt of property used or to be used by the state and knowingly makes or delivers a receipt that falsely represents the property used or to be used.

f. Knowingly buys, or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property.

g. Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an
h. Is a beneficiary of an inadvertent submission of a false claim to any employee, officer, or agent of the state, or to any contractor, grantee, or other recipient of state funds, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the attorney general within a reasonable time after discovery of the false claim.

2. Notwithstanding subsection 1, the court may assess not less than two times the amount of damages which the state sustains because of the act of the person described in subsection 1, and no civil penalty, if the court finds all of the following:

a. The person committing the violation furnished the attorney general with all information known to that person about the violation within thirty days after the date on which the person first obtained the information.

b. The person fully cooperated with any investigation by the attorney general.

c. At the time the person furnished the attorney general with information about the violation, a criminal prosecution, civil action, or administrative action had not commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

3. This section shall not apply to claims, records, or statements made under Title X relating to state revenue and taxation.

Sec. 401. NEW SECTION. 685.3 Investigations and prosecutions == powers of prosecuting authority == civil actions by individuals as qui tam plaintiffs and as private citizens == jurisdiction of courts.

1. The attorney general shall diligently investigate a violation under section 685.2. If the attorney general finds that a person has violated or is violating section 685.2, the attorney general may bring a civil action under this section against that person.

2. a. A person may bring a civil action for a violation of this chapter for the person and for the state in the name of the state. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action may be dismissed only with the written consent of the court, taking into account the best interest of the parties involved and the public purposes behind this chapter.

b. A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the attorney general. The complaint shall also be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The attorney general may elect to intervene and proceed with the action within sixty days after the attorney general receives both the complaint and the material evidence and the information.

c. The attorney general may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph "b". Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until after the complaint is unsealed and served upon the defendant pursuant to rules of civil


204 d. Before the expiration of the sixty-day period or any
204 extensions obtained under paragraph "c", the attorney general
204 shall do one of the following:
204 (1) Proceed with the action, in which case the action shall
204 be conducted by the attorney general.
204 (2) Notify the court that the attorney general declines to
204 take over the action, in which case the person bringing the
204 action shall have the right to conduct the action.
204 e. When a person brings a valid action under this section,
204 no person other than the attorney general may intervene or
204 bring a related action based on the facts underlying the
204 pending action.
204 3. a. If the attorney general proceeds with the action,
204 the attorney general shall have the primary responsibility for
204 prosecuting the action, and shall not be bound by an act of
204 the person bringing the action. Such person shall have the
204 right to continue as a party to the action, subject to the
204 limitations specified in paragraph "b".
204 b. (1) The attorney general may move to dismiss the action
204 for good cause notwithstanding the objections of the qui tam
204 plaintiff if the qui tam plaintiff has been notified by the
204 attorney general of the filing of the motion and the court has
204 provided the qui tam plaintiff with an opportunity to oppose
204 the motion and present evidence at a hearing.
204 (2) The attorney general may settle the action with the
204 defendant notwithstanding the objections of the qui tam
204 plaintiff if the court determines, after a hearing providing
204 the qui tam plaintiff an opportunity to present evidence, that
204 the proposed settlement is fair, adequate, and reasonable under
204 all of the circumstances.
204 (3) Upon a showing by the attorney general that unrestricted
204 participation during the course of the litigation by the
204 person initiating the action would interfere with or unduly
204 delay the attorney general's prosecution of the case, or would
204 be repetitious, irrelevant, or for purposes of harassment,
204 the court may, in its discretion, impose limitations on the
204 person's participation, including but not limited to any of the
204 following:
205 (a) Limiting the number of witnesses the person may call.
205 (b) Limiting the length of the testimony of such witnesses.
205 (c) Limiting the person's cross-examination of witnesses.
205 (d) Otherwise limiting the participation by the person in
205 the litigation.
205 (4) Upon a showing by the defendant that unrestricted
205 participation during the course of the litigation by the person
205 initiating the action would be for purposes of harassment or
205 would cause the defendant undue burden or unnecessary expense,
205 the court may limit the participation by the person in the
205 litigation.
205 c. If the attorney general elects not to proceed with the
205 action, the person who initiated the action shall have the
205 right to conduct the action. If the attorney general requests,
205 the attorney general shall be served with copies of all
205 pleadings filed in the action and shall be supplied with copies
205 of all deposition transcripts at the state's expense. When a
205 person proceeds with the action, the court, without limiting
205 the status and rights of the person initiating the action, may
205 permit the attorney general to intervene at a later date upon a
d. Whether or not the attorney general proceeds with the action, upon a showing by the attorney general that certain actions of discovery by the person initiating the action would interfere with the attorney general's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the attorney general has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

e. Notwithstanding subsection 2, the attorney general may elect to pursue the state's claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final with respect to a party who is also a party to an action under this section, shall be conclusive as to all such parties to an action under this section. For purposes of this paragraph, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the state, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

4. a. (1) If the attorney general proceeds with an action brought by a person under subsection 2, the person shall, subject to subparagraph (2), receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, which includes damages, civil penalties, payments for costs of compliance, and any other economic benefit realized by the state or federal government as a result of the action, depending upon the extent to which the person substantially contributed to the prosecution of the action.

(2) If the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions specifically in a criminal, civil, or administrative hearing, or in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award an amount the court considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.

(3) Any payment to a person under subparagraph (1) or (2) shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the appropriate court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

b. If the attorney general does not proceed with an action
under this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds, which includes damages, civil penalties, payments for costs of compliance, and any other economic benefit realized by the state or federal government as a result of the action. Such person shall also receive an amount for reasonable expenses which the appropriate court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

c. Whether or not the attorney general proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 685.2 upon which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under paragraph "a" or "b", taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of section 685.2, the person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the attorney general to continue the action.

d. If the attorney general does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant reasonable attorney fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

5. a. A court shall not have jurisdiction over an action brought under subsection 2 against a member of the general assembly, a member of the judiciary, or an executive branch official if the action is based on evidence or information known to the attorney general when the action was brought.

b. A person shall not bring an action under subsection 2 which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party.

c. Upon motion of the attorney general, the court may in consideration of all the equities, dismiss a qui tam plaintiff if the elements of the actionable false claims alleged in the qui tam complaint have been publicly disclosed specifically in the news media or in a publicly disseminated governmental report, at the time the complaint is filed.

d. The state is not liable for expenses which a person incurs in bringing an action under this section.

6. Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by the person's employer because of lawful acts performed by the employee on behalf of the employee or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed
or to be filed under this section, shall be entitled to all
relief necessary to make the employee whole. Such relief
shall include reinstatement with the same seniority status
such employee would have had but for the discrimination, two
times the amount of back pay, interest on the back pay, and
compensation for any special damages sustained as a result of
the discrimination, including litigation costs and reasonable
attorney fees. An employee may bring an action in the
appropriate court of the state for the relief provided in this
subsection.

Sec. 402.  NEW SECTION. 685.4 Limitation of actions ==
burden of proof.
1. A civil action under section 685.3 shall not be brought
more than ten years after the date on which the violation was
committed.
2. A civil action under section 685.3 may be brought based
on activity prior to January 1, 2007, if the limitations period
pursuant to subsection 1 has not lapsed.
3. In any action brought under section 685.3, the attorney
general or the qui tam plaintiff shall be required to prove all
esential elements of the cause of action, including damages,
by a preponderance of the evidence.
4. Notwithstanding any other provision of law, a guilty
verdict rendered in a criminal proceeding charging false
statements or fraud, whether upon a verdict after trial or upon
a plea of guilty or nolo contendere, shall estop the defendant
from denying the essential elements of the offense in any
action which involves the same transaction as in the criminal
proceeding and which is brought under section 685.3, subsection
1, 2, or 3.

Sec. 403.  NEW SECTION. 685.5 Remedies under other laws ==
application.
1. The provisions of this chapter are not exclusive, and the
remedies provided for in this chapter shall be in addition to
any other remedies provided for in any other law or available
under common law.
2. This chapter shall be liberally construed and applied
to promote the public interest. This chapter shall also
be construed and applied in a manner that reflects the
Congressional intent behind the federal False Claims Act,
31 U.S.C. § 3729-3733, including the legislative history
underlying the 1986 amendments to the federal False Claims Act.

Sec. 404.  NEW SECTION. 685.6 Venue.
An action brought under this chapter may be brought in any
judicial district in which the defendant or, in the case of
multiple defendants, any one defendant can be found, resides,
transacts business, or in which any act proscribed under this
chapter occurred. A summons as required by the rules of civil
procedure shall be issued by the appropriate district court and
service at any place within or outside the United States. Sec. 405.

DEPARTMENT OF JUSTICE = FALSE CLAIMS ACT
ENFORCEMENT. There is appropriated from the general fund of
the state to the department of justice for the fiscal year
beginning July 1, 2010, and ending June 30, 2011, the following
amount, or so much thereof as is necessary, to be used for the
purposes designated:
For the general office of the attorney general, including
salaries, support, maintenance, miscellaneous purposes, and for
not more than the following full-time equivalent positions:
The moneys appropriated in this section shall be utilized by the department to perform the duties required of the department under chapter 685, the false claims act, as enacted by this division of this Act.

Sec. 406. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2007.

DIVISION XXIX

MEDICAID PRESCRIPTION DRUGS

Sec. 407. Section 249A.20A, subsection 4, Code 2009, is amended to read as follows:

4. With the exception of drugs prescribed for the treatment of human immunodeficiency virus or acquired immune deficiency syndrome, transplantation, or cancer and drugs prescribed for mental illness with the exception of drugs and drug compounds that do not have a significant variation in a therapeutic profile or side effect profile within a therapeutic class, prescribing and dispensing of prescription drugs not included on the preferred drug list shall be subject to prior authorization.

Sec. 408. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

1. The department shall adopt rules pursuant to chapter 17A to restrict physicians and other prescribers to prescribing not more than a 72-hour or three-day supply of a prescription drug not included on the medical assistance preferred drug list while seeking approval to continue prescribing the medication.

2. Notwithstanding subsection 1, the department shall adopt rules pursuant to chapter 17A to restrict a physician or other prescriber prescribing a chemically unique mental health prescription drug to prescribing not more than a seven-day supply of the prescription drug while requesting approval to continue to prescribe the medication. The rules shall provide that if an approval or disapproval is not received by the physician or other prescriber within 48 hours of the request, the request is deemed approved.

Sec. 409. MEDICAID MENTAL HEALTH MEDICATIONS. The department shall adopt rules pursuant to chapter 17A to require that unless the manufacturer of a chemically unique mental health prescription drug enters into a contract to provide the state with a supplemental rebate, the drug may be placed on the nonpreferred drug list and subject to prior authorization before a medical assistance program recipient is able to obtain the drug. The department shall consult with the national alliance on mental illness, Iowa chapter, and other mental health patient organizations in the development of the rules and the development of associated formularies. The rules shall provide that a medical assistance program recipient whose drug regimen is established prior to January 1, 2011, on a chemically unique mental health prescription drug that would otherwise be placed on the nonpreferred drug list and subject to prior authorization under this section, shall be exempt from the restrictions of this section. The department shall not adopt rules under this section by emergency rulemaking pursuant to section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b". The rules adopted pursuant to this section shall not take effect prior to January 1, 2011.
DIVISION XXX

MEDICAID DISEASE MANAGEMENT

Sec. 410. MEDICAID DISEASE MANAGEMENT FOR CHILDREN. The department of human services shall design and implement a disease management program for children to address the most prevalent chronic diseases among children in Iowa. The program may include technology-based disease management, in-person or telephonic care management, self-management strategies, and health literacy education and training.

DIVISION XXXI

MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PAYMENTS

Sec. 411. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PAYMENTS == REVIEW. The department of human services shall evaluate payment records and determine the proper mechanism to trigger a review of payments for services provided under a home and community-based services waiver that are in excess of the median amount for payments through the waivers. Following development of the trigger mechanism, the department shall require advance approval for services for which payment is projected to exceed the median.

DIVISION XXXII

DIVESTITURE == MEDICAID PROGRAM

Sec. 412. Section 249F.1, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. "Transfer of assets" means any transfer or assignment of a legal or equitable interest in property, as defined in section 702.14, from a transferor to a transferee for less than fair consideration, made while the transferor is receiving medical assistance or within five years prior to application for medical assistance by the transferor. Any such transfer or assignment is presumed to be made with the intent, on the part of the transferee; transferor; or another person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary, of enabling the transferor to obtain or maintain eligibility for medical assistance or of impacting the recovery or payment of a medical assistance debt. This presumption is rebuttable only by clear and convincing evidence that the transferor's eligibility or potential eligibility for medical assistance or the impact on the recovery or payment of a medical assistance debt was no part of the transferee's reason for the transfer to the transferee; transferor; or other person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary for making or accepting the transfer or assignment. A transfer of assets includes a transfer of an interest in the transferor's home, domicile, or land appertaining to such home or domicile while the transferor is receiving medical assistance, unless otherwise exempt under paragraph "b".

Sec. 413. Section 249F.1, subsection 2, paragraph b, subparagraph (6), Code 2009, is amended to read as follows:

(6) Transfers of assets that would, at the time of the transferor's application for medical assistance, have been exempt from consideration as a resource if retained by the transferor, pursuant to 42 U.S.C. § 1382b(a), as implemented by regulations adopted by the secretary of the United States department of health and human services, excluding the home and land appertaining to the home.

DIVISION XXXIII
214 10  CHILfD CARE ADVISORY COMMITTEE
214 11  Sec. 414.  NEW SECTION.  135.173A  Child care advisory
214 12  committee.
214 13  1.  The early childhood Iowa council shall establish a state
214 14  child care advisory committee as part of the council.  The
214 15  advisory committee shall advise and make recommendations to the
214 16  governor, general assembly, department of human services, and
214 17  other state agencies concerning child care.
214 18  2.  The membership of the advisory committee shall consist of
214 19  a broad spectrum of parents and other persons from across the
214 20  state with an interest in or involvement with child care.
214 21  3.  Except as otherwise provided, the voting members of
214 22  the advisory committee shall be appointed by the council
214 23  from a list of names submitted by a nominating committee to
214 24  consist of one member of the advisory committee, one member
214 25  of the department of human services' child care staff, three
214 26  consumers of child care, and one member of a professional child
214 27  care organization.  Two names shall be submitted for each
214 28  appointment.  The voting members shall be appointed for terms
214 29  of three years.
214 30  4.  The voting membership of the advisory committee shall be
214 31  appointed in a manner so as to provide equitable representation
214 32  of persons with an interest in child care and shall include all
214 33  of the following:
214 34   a.  Two parents of children served by a registered child
214 35  development home.
215  1   b.  Two parents of children served by a licensed center.
215  2   c.  Two not-for-profit child care providers.
215  3   d.  Two for-profit child care providers.
215  4   e.  One child care home provider.
215  5   f.  Three child development home providers.
215  6   g.  One child care resource and referral service grantee.
215  7   h.  One nongovernmental child advocacy group representative.
215  8   i.  One designee of the department of human services.
215  9   j.  One designee of the Iowa department of public health.
215 10   k.  One designee of the department of education.
215 11   l.  One head start program provider.
215 12   m.  One person who is a business owner or executive officer
215 13  from nominees submitted by the Iowa chamber of commerce
215 14  executives.
215 15   n.  One designee of the community empowerment office of the
215 16  department of management.
215 17   o.  One person who is a member of the Iowa afterschool
215 18  alliance.
215 19   p.  One person who is part of a local program implementing
215 20  the statewide preschool program for four-year-old children
215 21  under chapter 256C.
215 22   q.  One person who represents the early childhood Iowa
215 23  council.
215 24   5.  In addition to the voting members of the advisory
215 25  committee, the membership shall include four legislators as
215 26  ex officio, nonvoting members.  The four legislators shall
215 27  be appointed one each by the majority leader of the senate, the
215 28  minority leader of the senate, the speaker of the house
215 29  of representatives, and the minority leader of the house of
215 30  representatives for terms as provided in section 69.16B.
215 31   6.  In fulfilling the advisory committee's role, the
215 32  committee shall do all of the following:
215 33   a.  Consult with the department of human services and make
recommendations concerning policy issues relating to child
care.

b. Advise the department of human services concerning
services relating to child care, including but not limited to
any of the following:
(1) Resource and referral services.
(2) Provider training.
(3) Quality improvement.
(4) Public-private partnerships.
(5) Standards review and development.
(6) The federal child care and development block grant,
state funding, grants, and other funding sources for child
care.

c. Assist the department of human services in developing an
implementation plan to provide seamless service to recipients
of public assistance, which includes child care services.
For the purposes of this subsection, "seamless service"
means coordination, where possible, of the federal and state
requirements which apply to child care.

d. Advise and provide technical services to the director of
the department of education or the director's designee relating
to prekindergarten, kindergarten, and before and after school
programming and facilities.

e. Make recommendations concerning child care expansion
programs that meet the needs of children attending a core
education program by providing child care before and after the
core program hours and during times when the core program does
not operate.

f. Make recommendations for improving collaborations
between the child care programs involving the department of
human services and programs supporting the education and
development of young children including but not limited to the
federal head start program, the statewide preschool program for
four-year-old children and the early childhood, at-risk, and
other early education programs administered by the department
of education.

g. Make recommendations for eliminating duplication and
otherwise improving the eligibility determination processes
used for the state child care assistance program and other
programs supporting low-income families, including but not
limited to the federal head start, early head start, and even
start programs; the early childhood, at-risk, and preschool
programs administered by the department of education; the
family and self-sufficiency grant program; and the family
investment program.

h. Make recommendations as to the most effective and
efficient means of managing the state and federal funding
available for the state child care assistance program.
i. Review program data from the department of human services
and other departments concerning child care as deemed to be
necessary by the advisory committee, although a department
shall not provide personally identifiable data or information.
j. Advise and assist the early childhood Iowa council in
developing the strategic plan required pursuant to section
135.173.

7. The department of human services shall provide
information to the advisory committee semiannually on all of
the following:
a. Federal, state, local, and private revenues and
expenditures for child care, including but not limited to updates on the current and future status of the revenues and expenditures.

b. Financial information and data relating to regulation of child care by the department of human services and the usage of the state child care assistance program.

c. Utilization and availability data relating to child care regulation, quantity, and quality from consumer and provider perspectives.

d. Statistical and demographic data regarding child care providers and the families utilizing child care.

e. Statistical data regarding the processing time for issuing notices of decision to state child care assistance applicants and for issuing payments to child care providers.

8. The advisory committee shall coordinate with the early childhood Iowa council its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly's standing committees on human resources by a representative of the advisory committee.

Sec. 415. Section 237A.1, subsection 16, Code 2009, is amended to read as follows:

16. "State child care advisory council" means the state child care advisory council established pursuant to sections 237A.21 and 237A.22 section 135.173A.

Sec. 416. Section 237A.12, subsection 3, Code 2009, is amended to read as follows:

3. Rules relating to fire safety for child care centers shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100.

Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child care advisory council. The state fire marshal shall inspect the facilities.

Sec. 417. Section 237A.25, subsection 1, Code 2009, is amended to read as follows:

1. The department shall work with the community empowerment office of the department of management established in section 28.3 and the state child care advisory council in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 418. Section 237A.30, subsection 1, Code 2009, is amended to read as follows:

1. The department shall develop consumer information material to assist parents in selecting a child care provider. In developing the material, the department shall consult with department of human services staff, department of education staff, the state child care advisory council, the Iowa empowerment board, and child care resource and referral services. In addition, the department may consult with other entities at the local, state, and national level.

Sec. 419. Section 256.9, subsection 32, paragraph b, Code Supplement 2009, is amended to read as follows:
b. Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating council, the state child care advisory council established pursuant to section 135.173A, the department of human services, the state board of regents center for early developmental education, the area education agencies, the department of child human development and family studies in the college of family and consumer sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

Sec. 420. REPEAL. Sections 237A.21 and 237A.22, Code Supplement 2009, are repealed.

Sec. 421. IMPLEMENTATION == EFFECTIVE DATE.
1. The early childhood Iowa council shall develop a legislation proposal identifying memberships slots for the state child care advisory committee as created by this division of this Act. The proposal shall ensure that there is appropriate representation for the various types of child care arrangements available in the state and for expertise. The proposal shall be submitted to the governor and general assembly on or before December 15, 2010.
2. If a provision of this Act or another enactment of the Eighty-third General Assembly repeals section 135.173 and creates the early childhood Iowa state board in new Code chapter 256I, the early childhood Iowa state board shall fulfill the responsibilities assigned to the early childhood Iowa council in subsection 1 and the department of education shall propose corrective legislation for the provisions of this division of this Act in accordance with section 2.16 for consideration by the Eighty-fourth General Assembly, 2011 Regular Session.
3. The provisions of this division of this Act other than this section take effect July 1, 2011.

DIVISION XXXIV
STATE MENTAL HEALTH INSTITUTES Sec. 422.

SHIFTING OF PROGRAMS AT STATE MENTAL HEALTH INSTITUTES.
1. The department of human services shall commence all of the following during the fiscal year beginning July 1, 2010:
   a. Shifting the program for juveniles from the Cherokee state mental health institute to the Independence state mental health institute.
   b. Shifting the adult psychiatric program from the Clarinda state mental health institute to one or more other locations where quality services can be provided under the program in a cost-effective manner. In implementing this paragraph, the department shall consider all of the following:
      (1) Developing the program to operate in smaller separate units and taking other measures to enable the program to
1 qualify for medical assistance program funding. 
2  (2) Possible program locations at the Glenwood state 
3 resource center, a local hospital or health care facility with 
4 suitable available space, or the Iowa veterans home. 
5  2. The department of human services shall work with the 
6 affected patients and their families and advocates, the 
7 department of corrections and other state agencies involved, 
8 affected state employees, counties and other units of local 
9 government, and other stakeholders in order to minimize any 
10 adverse impacts that could result from the shifting of programs 
11 in accordance with subsection 1. 
12  3. The department of human services may adopt 
13 administrative rules under section 17A.4, subsection 2, and 
14 section 17A.5, subsection 2, paragraph "b", to implement the 
15 provisions of this section and the rules shall become effective 
16 immediately upon filing or on a later effective date specified 
17 in the rules, unless the effective date is delayed by the 
18 administrative rules review committee. Any rules adopted in 
19 accordance with this subsection shall not take effect before 
20 the rules are reviewed by the administrative rules review 
21 committee. The delay authority provided to the administrative 
22 rules review committee under section 17A.4, subsection 5, and 
23 section 17A.8, subsection 9, shall be applicable to a delay 
24 imposed under this subsection, notwithstanding a provision 
25 in those sections making them inapplicable to section 17A.5, 
26 subsection 2, paragraph "b". Any rules adopted in accordance 
27 with the provisions of this subsection shall also be published 
28 as notice of intended action as provided in section 17A.4. 
29  4. The department of human services shall propose 
30 legislation in accordance with section 2.16 to provide any 
31 amendments to permanent law necessary to reflect the program 
32 changes made pursuant to this section. 
33    Sec. 423. IMPLEMENTATION. Section 25B.2, subsection 3, 
34 shall not apply to this division of this Act. 
35    Sec. 424. EFFECTIVE UPON ENACTMENT. This division of this 
36 Act, being deemed of immediate importance, takes effect upon 
37 enactment.
38     DIVISION XXXV 
39 MH/MR/DD/BI COMMISSION DUTIES 
40 Sec. 425. Section 135C.23, subsection 2, paragraph b, Code 
41 Supplement 2009, is amended to read as follows: 
42 b. This section does not prohibit the admission of a 
43 patient with a history of dangerous or disturbing behavior to 
44 an intermediate care facility for persons with mental illness, 
45 intermediate care facility for persons with mental retardation, 
46 nursing facility, or county care facility when the intermediate 
47 care facility for persons with mental illness, intermediate 
48 care facility for persons with mental retardation, nursing 
49 facility, or county care facility has a program which has 
50 received prior approval from the department to properly care 
51 for and manage the patient. An intermediate care facility for 
52 persons with mental illness, intermediate care facility for 
53 persons with mental retardation, nursing facility, or county 
54 care facility is required to transfer or discharge a resident 
55 with dangerous or disturbing behavior when the intermediate 
56 care facility for persons with mental illness, intermediate 
57 care facility for persons with mental retardation, nursing 
58 facility, or county care facility cannot control the resident's 
59 dangerous or disturbing behavior. The department
coordination with the state mental health, mental retardation, developmental disabilities, and brain injury commission created in section 225C.5, shall adopt rules pursuant to chapter 17A for programs to be required in intermediate care facilities for persons with mental illness, intermediate care facilities for persons with mental retardation, nursing facilities, and county care facilities that admit patients or have residents with histories of dangerous or disturbing behavior.

Sec. 426. Section 229.24, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of legal settlement, the clerk of the district court shall provide to the county of legal settlement and to the county in which the hospitalization order is entered, in a form prescribed by the mental health, mental retardation, developmental disabilities, and brain injury commission, the following information pertaining to the individual which would be confidential under subsection 1:

Sec. 427. Section 230A.2, Code 2009, is amended to read as follows:

230A.2 Services offered.

A community mental health center established or operating as authorized by section 230A.1 may offer to residents of the county or counties it serves any or all of the mental health services defined by the mental health, mental retardation, developmental disabilities, and brain injury commission in the comprehensive state mental health and disability services plan under section 225C.6B.

Sec. 428. Section 230A.15, Code 2009, is amended to read as follows:

230A.15 Comprehensive community mental health program.

A community mental health center established or operating as authorized by section 230A.1, or which a county or group of counties has agreed to establish or support pursuant to that section, may with approval of the board or boards of supervisors of the county or counties supporting or establishing the center, undertake to provide a comprehensive community mental health program for the county or counties.

A center providing a comprehensive community mental health program shall, at a minimum, make available to residents of the county or counties it serves all of the mental health services described in the comprehensive state mental health and disability services plan under section 225C.6B.

Sec. 429. Section 331.424A, subsection 1, Code Supplement 2009, is amended to read as follows:

1. For the purposes of this chapter, unless the context otherwise requires, "services fund" means the county mental health, mental retardation, and developmental disabilities services fund created in subsection 2. The county finance committee created in section 333A.2 shall consult with the state commission in adopting and prescribing forms for administering the services fund. The county finance committee created in section 333A.2 shall prescribe forms in accordance with the rules adopted by the state commission. The forms shall allow for reporting of services funded through a services fund.

Sec. 430. Section 331.438, subsection 1, paragraph b, Code
b. "Qualified mental health, mental retardation, and
developmental disabilities services" means the services
specified on forms issued in the rules adopted by the county
finance committee following consultation with the state
commission for administering the services fund, pursuant to
section 331.424A.

Sec. 431. Section 331.438, subsection 4, paragraph b, Code
2009, is amended to read as follows:

b. The state commission shall do all of the following:

(1) Identify, Receive and review reports from the department
of human services identifying characteristics of the
service county services system, including amounts expended,
equity of funding among counties, funding sources, provider
types, service availability, and equity of service availability
among counties and among persons served.

(2) Assess the accuracy and uniformity of recordkeeping and
reporting in the service system.

(3) Identify for each county the factors associated with
inflationary growth of the service system.

(4) Identify opportunities for containing service system
growth.

(5) Consider proposals for revising service county
services system administrative rules.

(6) Consider provisions and adopt rules for counties to
implement a central point of coordination to plan, budget,
and monitor county expenditures for the service system. The
provisions shall provide options for counties to implement
the central point of coordination in collaboration with other
counties.

(7) Develop criteria for annual county mental health,
mental retardation, and developmental disabilities plans.

(8) Adopt administrative rules identifying qualified
mental health, mental retardation, and developmental
disabilities service expenditures for purposes of state payment
pursuant to subsection 1 relating to county management plans.

(9) Adopt rules for the county central point of coordination
and clinical assessment processes required under section
331.440 and other rules necessary for the implementation of
county management plans and expenditure reports required for
state payment pursuant to section 331.439.

(10) Consider recommendations to improve the programs and
cost-effectiveness of state and county contracting processes
and procedures, including strategies for negotiations relating
to managed care. The recommendations implemented by the
commision for the state and county regarding managed care
shall include but are not limited to standards for limiting
excess costs and profits, and for restricting cost shifting
under a managed care system.

(11) Provide input, when appropriate, to the director
of human services in any decision involving administrative
rules which were adopted by the department of human services
pertaining to the mental illness, mental retardation, and
developmental disabilities services system administered by
the counties.

(12) Identify the fiscal impact of existing or proposed
legislation and administrative rules on state and county
expenditures.

(13) Adopt administrative rules providing statewide
standards and a monitoring methodology to determine whether
cost-effective individualized services are available as
required pursuant to section 331.439, subsection 1, paragraph
"b".

(14) (5) Consider recommendations for and adopt
administrative rules establishing statewide minimum standards
for services and other support required to be available to
persons covered by a county management plan under section
331.439.

(15) (6) Consider recommendations for measuring and
improving the quality of state and county mental health, mental
retardation, and developmental disabilities services and other
support.

(16) Develop a procedure for each county to disclose to
the department of human services information approved by the
commission concerning the mental health, mental retardation,
developmental disabilities, and brain injury services provided
to the individuals served through the county central point
of coordination process. The procedure shall incorporate
protections to ensure that if individually identified
information is disclosed, it is disclosed and maintained in
compliance with applicable Iowa and federal confidentiality
laws, including but not limited to federal Health Insurance
Portability and Accountability Act, Pub. L. No. 104-191,
requirements.

Sec. 432. Section 331.439, subsection 1, unnumbered
paragraph 1, Code 2009, is amended to read as follows:
The state payment to eligible counties under this section
shall be made as provided in sections 331.438 and 426B.2. A
county is eligible for the state payment, as defined in section
331.438, for a fiscal year if the director of human services,
in consultation with the state commission, determines for a
specific fiscal year that all of the following conditions are
met:

Sec. 433. Section 331.439, subsection 1, paragraph a, Code
2009, is amended to read as follows:

a. The county accurately reported by December 1 the
county's expenditures for mental health, mental retardation,
and developmental disabilities services and the information
required under section 225C.6A, subsection 2, paragraph
"c", for the previous fiscal year on forms prescribed by in
accordance with rules adopted by the state commission. If
the department determines good cause exists, the department
may extend a deadline otherwise imposed under this chapter,
chapter 225C, or chapter 426B for a county's reporting
concerning mental health, mental retardation, or developmental
disabilities services or related revenues and expenditures.

Sec. 434. Section 331.439, subsection 1, paragraph b,
unnumbered paragraph 1, Code 2009, is amended to read as
follows:
The county developed and implemented a county management
plan for the county's mental health, mental retardation, and
developmental disabilities services system in accordance with
the provisions of this paragraph "b". The plan shall comply
with the administrative rules adopted for this purpose by the
state commission and is subject to the approval of the director
of human services in consultation with the state commission.
The plan shall include a description of the county's service
management provision for mental health, mental retardation, and
developmental disabilities services. For mental retardation and developmental disabilities service management, the plan shall describe the county's development and implementation of a managed system of cost-effective individualized services and shall comply with the provisions of paragraph "f". The goal of this part of the plan shall be to assist the individuals served to be as independent, productive, and integrated into the community as possible. The service management provisions for mental health shall comply with the provisions of paragraph "e". A county is subject to all of the following provisions in regard to the county's services system management plan and planning process:

Sec. 435. Section 331.439, subsection 1, paragraph b, subparagraphs (2) and (3), Code 2009, are amended to read as follows:

(2) For informational purposes, the county shall submit a management plan review to the department of human services by December 1 of each year. The annual review shall incorporate an analysis of the data associated with the services managed during the preceding fiscal year by the county or by a managed care private entity on behalf of the county. The annual review shall also identify measurable outcomes and results showing the county's progress in fulfilling the purposes listed in paragraph "c", and in achieving the disability services outcomes and indicators identified by the commission pursuant to section 225C.6.

(3) For informational purposes, every three years the county shall submit to the department of human services a three-year strategic plan. The strategic plan shall describe how the county will proceed to attain the plan's goals and objectives, and the measurable outcomes and results necessary for moving the county's service system toward an individualized, community-based focus in accordance with paragraph "c". The three-year strategic plan shall be submitted by April 1, 2000, and by April 1 of every third year thereafter.

Sec. 436. Section 331.439, subsection 1, paragraphs c, e, and f, Code 2009, are amended to read as follows:

c. The county implements its county management plan under paragraph "b" and other service management functions in a manner that seeks to achieve all of the following purposes identified in section 225C.1 for persons who are covered by the plan or are otherwise subject to the county's services system management functions:

(1) The services system seeks to empower persons to exercise their own choices about the amounts and types of services and other support received.

(2) The services system seeks to empower the persons to accept responsibility, exercise choices, and take risks.

(3) The services system seeks to provide services and other support that are individualized, provided to produce results, flexible, and cost-effective.

(4) The services system seeks to provide services and other supports in a manner which supports the ability of the persons to live, learn, work, and recreate in communities of their choice.

e. (1) For mental health service management, the county may either directly implement a system of service management and contract with service providers, or contract with a
private entity to manage the county services system, provided all requirements of this lettered paragraph are met by the private entity. The mental health service management system shall incorporate a central point of coordination and clinical assessment process developed in accordance with the provisions of section 331.440.

(2) A managed care The county services system for mental health proposed by a county shall include but is not limited to all of the following elements which shall be specified in administrative rules adopted by the state commission:

(a) The enrollment and eligibility process.
(b) The scope of services included.
(c) The method of plan administration.
(d) The process for managing utilization and access to services and other assistance.
(e) The quality assurance process.
(f) The risk management provisions and fiscal viability of the provisions, if the county contracts with a private managed care entity.

f. For mental retardation and developmental disabilities services management, the county must either develop and implement a managed system of care which addresses a full array of appropriate services and cost-effective delivery of services by contracting directly with service providers or contract by contracting with a state-approved managed care private entity to manage the county services system. Any system or contract implemented under this paragraph The county services system shall incorporate a central point of coordination and clinical assessment process developed in accordance with the provisions of section 331.440. The elements of the county managed system of care a county services system shall be specified in rules developed by the department of human services in consultation with and adopted by the state commission.

Sec. 437. Section 331.439, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Based upon information contained in county management plans and budgets and proposals made by representatives of counties, the state commission shall recommend an allowed growth factor adjustment to the governor by November 15 for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the recommendation is made. The allowed growth factor adjustment may address various costs including but not limited to the costs associated with new consumers of service, service cost inflation, and investments for economy and efficiency. In developing the service cost inflation recommendation, the state commission shall consider the cost trends indicated by the gross expenditure amount reported in the expenditure reports submitted by counties pursuant to subsection 1, paragraph "a". The governor shall consider the state commission's recommendation in developing the governor's recommendation for an allowed growth factor adjustment for such fiscal year. The governor's recommendation shall be submitted at the time the governor's proposed budget for the succeeding fiscal year is submitted in accordance with chapter 8.

Sec. 438. Section 331.439, subsection 7, Code 2009, is amended to read as follows:

7. A county shall annually report data concerning the
county's services system managed by in accordance with the
county management plan. At a minimum, the data reported shall
indicate the number of different individuals who utilized
services in a fiscal year and the various types of services.
Data reported under this subsection shall be submitted with
the county's expenditure report required under subsection 1,
paragraph "a".

DIVISION XXXVI
MH/MR/DD/BI SERVICES
Sec. 439. Section 225C.4, subsection 1, paragraph a, Code
2009, is amended to read as follows:

a. Prepare and administer the comprehensive mental health
disability services plan as provided in section 225C.6B,
including state mental health and mental retardation plans
for the provision of disability services within the state and
prepare and administer the state developmental disabilities
plan. The administrator shall consult with the Iowa department
of public health, the state board of regents or a body
designated by the board for that purpose, the department
of management or a body designated by the director of the
department for that purpose, the department of education, the
department of workforce development and any other appropriate
governmental body, in order to facilitate coordination of
disability services provided in this state. The state mental
health and mental retardation plans shall be consistent with
the state health plan, and shall incorporate county disability
services plans.

Sec. 440. Section 225C.6, subsections 1 and 3, Code 2009,
amended to read as follows:

1. To the extent funding is available, the commission shall
perform the following duties:

a. Advise the administrator on the administration of the
overall state disability services system.

b. Adopt necessary rules pursuant to chapter 17A which
relate to disability programs and services, including but not
limited to definitions of each disability included within the
term "disability services" as necessary for purposes of state,
county, and regional planning, programs, and services.

c. Adopt standards for community mental health centers,
services, and programs as recommended under section 230A.16.
The commission administrator shall determine whether to grant,
deny, or revoke the accreditation of the centers, services, and
programs.

d. Adopt standards for the care of and services to persons
with mental illness and mental retardation residing in county
care facilities recommended under section 227.4 the provision
under medical assistance of individual case management
services.

e. Unless another governmental body sets standards for a
service available to persons with disabilities, adopt state
standards for that service. The commission shall provide that
a service provider's compliance with standards for a service
set by a nationally recognized body shall be deemed to be in
compliance with the state standards adopted by the commission
for that service. The commission shall adopt state standards
for those residential and community-based providers of services
to persons with mental illness or developmental disabilities
that are not otherwise subject to licensure by the department
of human services or department of inspections and appeals,
including but not limited to remedial services payable under the medical assistance program and other services payable from funds credited to a county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A. In addition, the commission shall review the licensing standards used by the department of human services or department of inspections and appeals for those facilities providing disability services to persons with mental illness or developmental disabilities.

f. Assure that proper reconsideration and appeal procedures are available to persons aggrieved by decisions, actions, or circumstances relating to accreditation.

g. Adopt necessary rules for awarding grants from the state and federal government as well as other moneys that become available to the division for grant purposes.

h. Annually submit to the governor and the general assembly:

(1) A report concerning the activities of the commission.

(2) Recommendations formulated by the commission for changes in law.

i. By January 1 of each odd-numbered year, submit to the governor and the general assembly an evaluation of:

(1) The extent to which services to persons with disabilities are actually available to persons in each county in the state and the quality of those services.

(2) The effectiveness of the services being provided by disability service providers in this state and by each of the state mental health institutes established under chapter 226 and by each of the state resource centers established under chapter 222.

j. Advise the administrator, the council on human services, the governor, and the general assembly on budgets and appropriations concerning disability services.

k. Coordinate activities with the governor's developmental disabilities council and the mental health planning council, created pursuant to federal law. Work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

l. Establish standards for the provision under medical assistance of individual case management services. The commission shall determine whether to grant, deny, or revoke the accreditation of the services.

Identify basic financial eligibility standards for disability services. The standards shall include but are not limited to the following:

(1) A financial eligibility standard providing that a person with an income equal to or less than one hundred fifty percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, is eligible for disability services paid with public funding. However, a county may apply a copayment requirement for a particular disability service to a person with an income equal to or less than one hundred fifty percent of the federal poverty level, provided the disability service and the copayment amount both comply with rules adopted by the commission applying uniform standards with respect to copayment requirements. A person with an income above one hundred fifty percent of the federal poverty level may be eligible subject to a copayment or other cost-sharing arrangement subject to
limitations adopted in rule by the commission.

(2) A requirement that a person who is eligible for federally funded services and other support must apply for the services and support.

(3) Resource limitations that are derived from the federal supplemental security income program limitations. A person with resources above the federal supplemental security income program limitations may be eligible subject to limitations adopted in rule by the commission. If a person does not qualify for federally funded services and other support but meets income, resource, and functional eligibility requirements, the following types of resources shall be disregarded:

(a) A retirement account that is in the accumulation stage.

(b) A burial, medical savings, or assistive technology account.

Identify disability services outcomes and indicators to support the ability of eligible persons with a disability to live, learn, work, and recreate in communities of the persons' choice. The identification duty includes but is not limited to responsibility for identifying, collecting, and analyzing data as necessary to issue reports on outcomes and indicators at the county and state levels.

e. Prepare five-year plans based upon the county management plans developed pursuant to section 331.439.

f. Work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

g. Perform analyses and other functions associated with a redesign of the mental health and developmental disability services systems for adults and for children.

3. If the executive branch creates a committee, task force, council, or other advisory body to consider mental health services, or program options involving children or adult consumers, the commission is designated to receive and consider any report, findings, recommendations, or other work product issued by such body. The commission may address the report, findings, recommendations, or other work product in fulfilling the commission's functions and to advise the department, council on human services, governor, and general assembly concerning disability services.

Sec. 441. Section 225C.6A, Code 2009, is amended to read as follows:

1. Purpose. It is the intent of the general assembly to implement a redesign of the mental health, developmental disability, and brain injury service system over a period of years in order to transition to a coordinated system for Iowans with mental illness, mental retardation or other developmental disabilities, or brain injury. Because of the significance of the redesign to the persons who may be affected by it and the degree of uncertainty regarding the extent of funding changes necessary for implementation, the department and the commission shall not implement a redesign provision through rulemaking or other means unless specific statutory authority provides for the provision's implementation.

2. Initial activities. For the fiscal years beginning
The commission shall do the following relating to redesign of the disability services system in the state:

1. Identify sources of revenue to support statewide delivery of core disability services to eligible disability populations.

2. Further develop adult disability services system redesign proposals and propose a redesign of the children's disability service system. The redesign of the children's system shall address issues associated with an individual's transition between the two systems.

2. Ensure there is a continuous improvement process for development and maintenance of the disability services system for adults and children. The process shall include but is not limited to data collection and reporting provisions.

3. Plan, collect, and analyze data as necessary to issue cost estimates for serving additional populations and providing core disability services statewide. The department shall maintain compliance with applicable federal and state privacy laws to ensure the confidentiality and integrity of individually identifiable disability services data. The department shall regularly assess the status of the compliance in order to assure that data security is protected.

4. In implementing a system under this paragraph subsection for collecting and analyzing state, county, and private contractor data, the department shall establish a client identifier for the individuals receiving services. The client identifier shall be used in lieu of the individual's name or social security number. The client identifier shall consist of the last four digits of an individual's social security number, the first three letters of the individual's last name, the individual's date of birth, and the individual's gender in an order determined by the department.

5. Each county shall report to the department annually on or before December 1, for the preceding fiscal year the following information for each individual served: demographic information, expenditure data, and data concerning the services and other support provided to each individual, as specified in administrative rule adopted by the commission.

6. With consumer input, identify and propose standardized functional assessment tools and processes for use in the eligibility determination process when eligibility for a particular disability population group is implemented. The tools and processes shall be integrated with those utilized for the medical assistance program under chapter 249A. For the initial diagnostic criteria, the commission shall consider identifying a qualifying functional assessment score and any of the following diagnoses: mental illness, chronic mental illness, mental retardation, developmental disability, or brain injury.

7. The commission shall adopt a multiyear plan for developing and providing the data, cost projections, revenue requirements, and other information needed to support decision making concerning redesign provisions. The information shall be provided as part of the commission's regular reports to the governor and general assembly or more often as determined to be appropriate by the commission.

8. Propose case rates for disability services.

9. Work with county representatives and other qualified
persons to develop an implementation plan for replacing the county of legal settlement approach to determining service system funding responsibilities with an approach based upon residency. The plan shall address a statewide standard for proof of residency, outline a plan for establishing a data system for identifying residency of eligible individuals, address residency issues for individuals who began residing in a county due to a court order or criminal sentence or to obtain services in that county, recommend an approach for contesting a residency determination, and address other implementation issues.

Sec. 442. Section 225C.6B, subsection 1, Code 2009, is amended to read as follows:

1. Intent.

a. The general assembly intends for the state to implement a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with the requirements of sections 225C.4 and 225C.6 and other provisions of this chapter, by increasing the department's responsibilities in the development, funding, oversight, and ongoing leadership of mental health and disability services in this state.

b. In order to further the purposes listed in sections section 225C.1 and 225C.27 and in other provisions of this chapter, the general assembly intends that efforts focus on the goal of making available a comprehensive array of high-quality, evidence-based consumer and family-centered mental health and disability services and other support in the least restrictive, community-based setting appropriate for a consumer.

c. In addition, it is the intent of the general assembly to promote policies and practices that achieve for consumers the earliest possible detection of mental health problems and the need for disability services and for early intervention; to stress that all health care programs address mental disorders with the same urgency as physical health disorders; to promote the policies of all public programs that serve adults and children with mental disorders or with a need for disability services, including but not limited to child welfare, Medicaid, education, housing, criminal and juvenile justice, substance abuse treatment, and employment services; to consider the special mental health and disability services needs of adults and children; and to promote recovery and resiliency as expected outcomes for all consumers.

2. Comprehensive plan. The division shall develop a comprehensive written five-year state mental health and disability services plan with annual updates and readopt the plan every five years. The plan shall describe the key components of the state's mental health and disability services system, including the services that are community-based, state institution-based, or regional or state-based. The five-year plan and each update shall be submitted annually to the commission on or before October 30 for review and approval.

Sec. 444. Section 225C.21, subsection 2, Code 2009, is amended to read as follows:

2. The commission shall adopt rules pursuant to chapter 17A
establishing minimum standards for supported community living services. The commission administrator shall determine whether to grant, deny, or revoke approval for any supported community living service.

Sec. 445. Section 225C.52, subsection 1, Code 2009, is amended to read as follows:

1. Establishing a comprehensive community-based mental health services system for children and youth is part of fulfilling the requirements of the division and the commission to facilitate a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with sections 225C.4, 225C.6, and 225C.6A, and other provisions of this chapter. The purpose of establishing the children's system is to improve access for children and youth with serious emotional disturbances and youth with other qualifying mental health disorders to mental health treatment, services, and other support in the least restrictive setting possible so the children and youth can live with their families and remain in their communities. The children's system is also intended to meet the needs of children and youth who have mental health disorders that co-occur with substance abuse, mental retardation, developmental disabilities, or other disabilities. The children's system shall emphasize community-level collaborative efforts between children and youth, and the families and the state's systems of education, child welfare, juvenile justice, health care, substance abuse, and mental health.

Sec. 446. REPEAL. Section 225C.27, Code 2009, is repealed.

DIVISION XXXVII

MH/MR/DD/BI COMMISSION AND WAIVER NAME CHANGE

Sec. 447. Section 225C.2, subsection 3, Code 2009, is amended to read as follows:

3. "Commission" means the mental health, mental retardation, developmental disabilities, and brain injury services commission.

Sec. 448. Section 225C.5, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A mental health, mental retardation, developmental disabilities, and brain injury services commission is created as the state policy-making body for the provision of services to persons with mental illness, mental retardation or other developmental disabilities, or brain injury. The commission's voting members shall be appointed to three-year staggered terms by the governor and are subject to confirmation by the senate. Commission members shall be appointed on the basis of interest and experience in the fields of mental health, mental retardation, and other developmental disabilities, and brain injury, in a manner so as to ensure adequate representation from persons with disabilities and individuals knowledgeable concerning disability services. The department shall provide staff support to the commission, and the commission may utilize staff support and other assistance provided to the commission by other persons. The commission shall meet at least four times per year. The membership of the commission shall consist of the following persons who, at the time of appointment to the commission, are active members of the indicated groups:

Sec. 449. Section 249A.12, subsection 4, paragraph b, Code
b. Effective July 1, 1995, the state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with mental retardation intellectual disabilities services provided to minors and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

Sec. 450. Section 249A.12, subsection 5, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The mental health, mental retardation, developmental disabilities, and brain injury commission shall recommend to the department the actions necessary to assist in the transition of individuals being served in an intermediate care facility for persons with mental retardation, who are appropriate for the transition, to services funded under a medical assistance home and community-based services waiver for persons with mental retardation intellectual disabilities in a manner which maximizes the use of existing public and private facilities. The actions may include but are not limited to submitting any of the following or a combination of any of the following as a request for a revision of the medical assistance home and community-based services waiver for persons with mental retardation intellectual disabilities in effect as of June 30, 1996:

1. Sec. 451. Section 249A.12, subsection 5, subparagraph (1), Code 2009, is amended to read as follows:

1) Allow for the transition of intermediate care facilities for persons with mental retardation licensed under chapter 135C as of June 30, 1996, to services funded under the medical assistance home and community-based services waiver for persons with mental retardation intellectual disabilities. The request shall be for inclusion of additional persons under the waiver associated with the transition.

2. Sec. 452. Section 249A.12, subsection 6, paragraphs a and b, Code 2009, are amended to read as follows:

1. a. Effective July 1, 2003, the provisions of the home and community-based services waiver for persons with mental retardation intellectual disabilities shall include adult day care, prevocational, and transportation services. Transportation shall be included as a separately payable service.

b. The department of human services shall seek federal approval to amend the home and community-based services waiver for persons with mental retardation intellectual disabilities to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval and no later than July 1, 2004.

Sec. 453. Section 423.3, subsection 18, paragraph f, subparagraph (6), Code Supplement 2009, is amended to read as follows:

(6) MR Intellectual disabilities waiver service providers, described in 441 IAC 77.37.

Sec. 454. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES ==

CODE EDITOR'S DIRECTIVE.

2. This division of this Act changes the name of the mental health, mental retardation, developmental disabilities, and brain injury commission to the mental health and disability services commission. The Code editor shall correct any references to the term "mental health, mental retardation, developmental disabilities, and brain injury commission" anywhere else in the Iowa Code or Iowa Code Supplement, in any bills awaiting codification, in this Act, and in any bills enacted by the Eighty-third General Assembly, 2010 Regular Session, or any extraordinary session.

Sec. 455. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES ==

1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009, are amended by striking the term "waiver for persons with mental retardation" and inserting in lieu thereof the term "waiver for persons with intellectual disabilities".

2. This division of this Act changes the name of the home and community-based services waiver for persons with mental retardation under the medical assistance program to the waiver for persons with intellectual disabilities. The Code editor shall correct any references to the term "waiver for persons with mental retardation" or other forms of the term anywhere else in the Iowa Code or Iowa Code Supplement, in any bills awaiting codification, in this Act, and in any bills enacted by the Eighty-third General Assembly, 2010 Regular Session, or any extraordinary session.

DIVISION XXXVIII
CONSOLIDATION OF ADVISORY BODIES == COUNCIL ON HUMAN SERVICES

1. General. The council on human services shall establish and utilize the advisory committees identified in this section and may establish and utilize other advisory committees. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

2. Child abuse prevention. The council shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:

a. Advise the director of human services and the administrator of the division of the department of human services responsible for child and family programs regarding expenditures of funds received for the child abuse prevention program.

b. Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.

c. Recommend changes in legislation and administrative rules to the general assembly and the appropriate administrative officials.
d. Require reports from state agencies and other entities as necessary to perform its duties.

e. Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.

f. Approve grant proposals.

3. a. The council shall establish a child support advisory committee.

   (1) Members of the advisory committee shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of citizens' aide, the Iowa state bar association, the Iowa county attorneys association, and other constituencies which have an interest in child support enforcement issues, appointed by the respective entity.

   (2) The legislative members of the advisory committee shall be appointed as follows: one senator each by the majority leader of the senate, after consultation with the president of the Senate, and by the minority leader of the senate, and one member of the house of representatives each by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

   b. The legislative members of the advisory committee shall serve for terms as provided in section 69.16B. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

   c. The child support advisory committee shall assist the department in all of the following activities:

      (1) Review of existing child support guidelines and recommendations for revision.

      (2) Examination of the operation of the child support system to identify program improvements or enhancements which would increase the effectiveness of securing parental support and parental involvement.

      (3) Recommendation of legislation which would clarify and improve state law regarding support for children.

   d. The committee shall receive input from the public regarding any child support issues.


   a. The council shall establish a child welfare advisory committee to advise the department of human services on programmatic and budgetary matters related to the provision or purchase of child welfare services. The committee shall meet to review departmental budgets, policies, and programs, and proposed budgets, policies, and programs, and to make recommendations and suggestions to make the state child welfare budget, programs, and policies more effective in serving families and children.

   b. The membership of the advisory committee shall include representatives of child welfare service providers, juvenile court services, the Iowa foster and adoptive parent association, the child advocacy board, the coalition for family and children's services in Iowa, children's advocates, service consumers, and others who have training or knowledge related to child welfare services. In addition, four members shall be legislators, all serving as ex officio, nonvoting members, with one each appointed by the speaker of the house.
of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate. The director of human services and the administrator of the division of the department of human services responsible for child welfare services, or their designees, shall also be ex officio, nonvoting members, and shall serve as resource persons to the advisory committee. Sec. 457. Section 235A.1, subsections 3 and 4, Code Supplement 2009, are amended by striking the subsections. Sec. 458. REPEAL. Sections 234.3 and 252B.18, Code 2009, are repealed. Sec. 459. IMPLEMENTATION. In establishing the child abuse prevention program, child support, and child welfare advisory committees and appointing members, the council on human services shall consider reappointing those individuals who were serving as members of the child abuse prevention advisory council, the child support advisory committee, and the child welfare advisory committee as of June 30, 2009. Sec. 460. Section 135.29, subsection 3, Code 2009, is amended to read as follows:

3. The local substitute medical decision-making board and its members shall not be held liable, jointly or severally, for any actions or omissions taken or made in the official discharge of their duties, except those acts or omissions constituting willful or wanton misconduct. A physician or other health care provider who acts on a decision or directive of the local substitute medical decision-making board shall not be held liable for any damages resulting from that act, unless such physician's or other health care provider's actions or omissions constitute negligence in the practice of the profession or occupation, or willful or wanton misconduct. Sec. 461. Section 136C.3, subsection 2, paragraph b, Code Supplement 2009, is amended by striking the paragraph. Sec. 462. Section 691.6, subsection 3, Code Supplement 2009, is amended to read as follows:

3. To adopt rules pursuant to chapter 17A, and subject to the approval of the director of public health and the state medical examiner advisory council. Sec. 463. REPEAL. Section 135.28, Code 2009, is repealed. Sec. 464. ELIMINATION OF SWIMMING POOL ADVISORY COMMITTEE. On or before July 1, 2010, the department of public health shall no longer operate any advisory committee on swimming pools created by the department for purposes of chapter 135I.

DEPARTMENT OF HUMAN SERVICES == FIELD SERVICES ORGANIZATION

Sec. 465. Section 217.42, subsection 1, Code 2009, is amended to read as follows:

1. The organizational structure to deliver the department's field services shall be based upon service areas designated by the department. The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area. The service areas shall be those designated by the department effective January 1, 2002, in determining the service areas, the department shall consider other geographic service areas including but not limited to...
The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify its field operations or the composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.

Sec. 466. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XLI
DEPARTMENT OF HUMAN SERVICES == FAMILY SUPPORT SUBSIDY

Sec. 467. Section 225C.37, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION 3. Effective July 1, 2010, the department shall not accept new applications for the family support subsidy program and shall not approve pending applications for the program. Subsidy termination or application denial relating to family members enrolled in the family support subsidy program as of July 1, 2010, is subject to section 225C.40.

DIVISION XLII
DEPARTMENT OF HUMAN SERVICES == ELECTRONIC FUNDS TRANSFER PAYMENTS

Sec. 468. NEW SECTION. 217.24 Payment by electronic funds transfer.

The department of human services shall continue expanding the practice of making payments to program participants and vendors by means of electronic funds transfer. The department shall seek the capacity for making payment by such means for all programs administered by the department.

DIVISION XLIII
DEPARTMENT OF HUMAN SERVICES == ADOPTION SUBSIDY PROGRAM

Sec. 469. ADOPTION SUBSIDY PROGRAM RATES. For the fiscal year beginning July 1, 2010, the maximum payment for nonrecurring expenses shall be limited to $500 and additional amounts for court costs and other related legal expenses shall no longer be allowed.

DIVISION XLIV
GUARDIAN AD LITEM

Sec. 470. Section 232.2, subsection 22, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include all of the following:
   (1) Conducting in-person interviews with the child, if the child’s age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by counsel.
(2) Conducting interviews with the child, if the child's age is appropriate for the interview, prior to any court-ordered hearing.

(3) Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.

(4) Interviewing any person providing medical, mental health, social, educational, or other services to the child before any hearing referred to in subparagraph (2).

(5) Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.

(6) Attending any court hearings in the matter in which the person is appointed as the guardian ad litem.

(7) If the child is required to have a transition plan developed in accordance with the child's case permanency plan and subject to review and approval of a transition committee under section 235.7, assisting the transition committee in development of the transition plan.

DIVISION XLV

COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND

Sec. 471. Section 35A.16, subsection 3, paragraph a, Code Supplement 2009, is amended to read as follows:

a. If sufficient moneys are available, the department shall annually allocate ten thousand dollars to each county commission of veteran affairs, or to each county sharing the services of an executive director or administrator pursuant to chapter 28E, to be used to provide services to veterans pursuant to section 35B.6. Each county receiving an allocation shall annually report on expenditure of the allocation in a form agreed to by the department and county representatives.

DIVISION XLVI

DEPARTMENT OF CORRECTIONS

Sec. 472. Section 904.106, Code 2009, is amended to read as follows:

904.106 Meetings == expenses.

The board shall meet at least twelve times a quarterly throughout the year. Special meetings may be called by the chairperson or upon written request of any three members of the board. The chairperson shall preside at all meetings or in the chairperson’s absence, the vice chairperson shall preside. The members of the board shall be paid their actual expenses while attending the meetings. Each member of the board may also be able to receive compensation as provided in section 7E.6.

Sec. 473. Section 904.505, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The disciplinary rules may impose a reasonable administrative fee for the filing of a report of a major disciplinary rule infraction for which an inmate is found guilty. A fee charged pursuant to this subsection shall be deposited in the general fund of the state.

Sec. 474. CORRECTIONAL FACILITY CLOSURE. The department of corrections shall close by October 1, 2010, farm 1 and farm 3, which are satellite facilities of the Iowa state penitentiary, and shall transfer the inmates confined at such facilities to other institutions under the control of the department of corrections.

DIVISION XLVII

STATE PUBLIC DEFENDER
Sec. 475. Section 13B.2A, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

13B.2A Indigent defense == report == court-appointed counsel fees.

1. The state public defender shall file a written report every three years with the governor and the general assembly by January 1 of a year in which a report is due relating to the recommendations and activities of the state public defender relating to the state indigent defense system. The first such report shall be due on January 1, 2012.

2. The report shall contain recommendations to the general assembly regarding the hourly rates paid to court-appointed counsel and per case fee limitations. These recommendations shall be consistent with the constitutional requirement to provide effective assistance of counsel to those indigent persons for whom the state is required to provide counsel.

Sec. 476. PUBLIC DEFENDERS. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For additional public defender positions and staff,
1 including salaries, support, maintenance, and miscellaneous purposes: $ 1,140,000
FTEs 16.00

DIVISION XLVIII
IOWA LAW ENFORCEMENT ACADEMY

Section 80.13, Code 2009, is amended to read as follows:

80.13 Training schools.

The commissioner may hold a training school for peace officer candidates or for peace officers of the department, and may send to recognized training schools peace officers of the department as the commissioner may deem advisable. The candidate shall pay one-third of the costs of such school of training, and the remaining costs shall be paid in the same manner as other expenses paid by the department. The department may pay for all or a portion of the candidate's share of the costs.

Section 80B.11B, subsection 2, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. The Iowa law enforcement academy shall charge to the following entities the following costs to provide the basic training course which is designed to meet the minimum basic training requirements for a law enforcement officer:

a. To the department of natural resources and the department of transportation, the total cost.

b. To a candidate from any other state agency or department of the state, one-third of the total cost, and to the agency or department the remaining cost. The agency or department may pay for all or a portion of the candidate's share of the costs.

c. For a candidate sponsored by a political subdivision, to the political subdivision, one-third of the total cost; to the candidate, one-third of the total cost; and to the state, the remainder of the total cost. The political subdivision may pay 1 for all or a portion of the candidate's share of the costs.
Sec. 479. IOWA LAW ENFORCEMENT ACADEMY == PILOT TRAINING PROGRAM == PRIVATE SECURITY PERSONNEL. The Iowa law enforcement academy, subject to the approval of the Iowa law enforcement academy council, shall develop and administer a pilot program consisting of training seminars for private security personnel. The pilot program shall consist of fifty hours of training for each of ten trainees at a cost of fifty dollars per hour of training. All moneys received from the training seminars shall be deposited in the general fund of the state.

DIVISION XLIX
STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

Sec. 480. NEW SECTION. 2.69 State government efficiency review committee established.
1. A state government efficiency review committee is established which shall meet at least every four years to review the operations of state government. The committee shall meet as directed by the legislative council.
2. a. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the speaker of the house of representatives, and two members of the house of representatives appointed by the minority leader of the house of representatives.

b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

c. The committee shall elect a chairperson and vice chairperson.

3. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid a per diem as specified in section 7E.6 for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

4. The committee shall do the following:

a. Review and consider options for reorganizing state government to improve efficiency, modernize processes, eliminate duplication and outdated processes, reduce costs, and increase accountability. The review shall address the expanded use of the internet and other technology, and the incorporation of productivity improvement measures.

b. Review recommendations received through a process to receive state government efficiency suggestions offered by the public and public employees.

c. Issue a report, including its findings and recommendations, to the general assembly.

5. The first report required by this section shall be submitted to the general assembly no later than January 1,
254 26 2014, with subsequent reports developed and submitted by
254 27 January 1 at least every fourth year thereafter.
254 28 6. Administrative assistance shall be provided by the
254 29 legislative services agency.
254 30 DIVISION L
254 31 BOARDS AND COMMISSIONS == ESTABLISHMENT CRITERIA
254 32 Sec. 481. NEW SECTION. 69.16D Boards and commissions ==
254 33 criteria for establishing.
254 34 1. Prior to establishing a new appointive board,
254 35 commission, committee, or council of the state, the general
255 1 assembly shall consider all of the following:
255 2 a. Whether there is an existing board or commission
255 3 that would be able to perform the duties of the new board,
255 4 commission, committee, or council.
255 5 b. The estimated annual cost of the new board, commission,
255 6 committee, or council, including any additional personnel costs
255 7 arising out of the creation of the new board, commission,
255 8 committee, or council.
255 9 c. Whether a repeal date is needed for the new board,
255 10 commission, committee, or council. Whenever possible, an
255 11 appropriate repeal date should be included.
255 12 2. This section shall apply to appointive boards,
255 13 commissions, committees, and councils of the state established
255 14 by the Code on or after July 1, 2010.
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