# House Amendment 8026

PAG LIN

1 1 Amend House File 2110 as follows:
1 2 #1. Page 1, line 9, after <5.> by inserting <Any
1 3 benefits paid pursuant to this paragraph out of the
1 4 unemployment compensation fund shall be reimbursed from
1 5 the general fund at the end of each fiscal year.>

HORBACH of Tama
LSB HSB538.218 (1) 83
ak/nh

# House Amendment 8027

PAG LIN

1 1 Amend House File 2110 as follows:
1 2 #1. Page 1, by striking lines 3 through 7 and
1 3 inserting:
1 4 <NEW PARAGRAPH. b. The individual's leaving was
1 5 caused by the individual's spouse being injured while
1 6 serving as a member of the military. The individual
1 7 shall provide a letter from the individual's spouse's
1 8 doctor stating that full=time care for the spouse is
1 9 necessary, in order for the individual to qualify
1 10 for benefits. The employer's account shall not be
1 11 charged for any benefits paid to an individual who
1 12 leaves to care for a spouse injured while serving in
1 13 the military. Relief of charges under this paragraph
1 14 applies to>
1 15 #2. Title page, by striking lines 2 through 3 and
1 16 inserting <who leave employment in order to care for a
1 17 spouse who is injured while serving as a member of the
1 18 military.>

TYMESON of Madison
LSB HF2110.246 (6) 83
ak/nh

# House Amendment 8028

PAG LIN

1 1 Amend House File 2110 as follows:
1 2 #1. Page 1, by striking lines 3 through 9 and
1 3 inserting:
1 4 <NEW PARAGRAPH. b. (1) The individual left
1 5 employment to accompany the individual's spouse who
1 6 was relocated due to a military assignment in another
1 7 area or the individual left employment to relocate more
1 8 than fifty miles away due to the individual's spouse's
1 9 military deployment to another state or country and the
1 10 individual's employer has no work available in the new
1 11 area.
1 12 (2) This exception for benefits only applies if the
1 13 individual's spouse is a member of the following:
1 14 (a) A member of the national guard or organized
1 15 reserves of the armed forces of the United States
1 16 ordered to temporary duty, as defined in section 29A.1,
1 17 subsection 3, 11, or 12, for any purpose.
1 18 (b) A member of the civil air patrol performing
1 19 duty pursuant to section 29A.3A.
1 20 (3) The employer's account shall not be charged
1 21 for any benefits paid to an individual who leaves
1 22 employment to accompany a spouse who was relocated due
1 23 to a military assignment. Relief of charges under
1 24 this subparagraph applies to both contributory and
1 25 reimbursable employers, notwithstanding section 96.8,
1 26 subsection 5.>

WINDSCHITL of Harrison
LSB HF2110.252 (4) 83
ak/nh

# House Concurrent Resolution 104 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.
BY COMMITTEE ON ADMINISTRATION AND RULES

1 1 A Concurrent Resolution amending the joint rules of
1 2 the Senate and House of Representatives relating to
1 3 compensation payable by the General Assembly.
1 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 5 THE SENATE CONCURRING, That paragraph 5 of the first
1 6 resolving clause of the joint rules of the Senate and
1 7 House of Representatives relating to compensation
1 8 payable by the General Assembly, as adopted by the
1 9 Senate and House of Representatives during the 2009
1 10 Session in Senate Concurrent Resolution 2, is amended
1 11 to read as follows:
1 12 All employees, other than those designated
1 13 "part=time", shall be compensated for 40 hours of work
1 14 in a one=week pay period. Secretaries to senators
1 15 and representatives are presumed to have ~~40~~ 32 hours
1 16 of work each week the legislature is in session and
1 17 shall be paid only on that basis. Full=time employees
1 18 who are required to work in excess of 80 hours in a
1 19 two=week pay period shall be allowed compensatory time
1 20 off at a rate of one hour for each hour of overtime
1 21 up to a maximum of 120 hours of compensatory time.
1 22 Joint security employees of the senate and house of
1 23 representatives may be compensated for each hour of
1 24 overtime at a rate of pay equal to one=and=one=half
1 25 times the hourly pay provided.
1 26 BE IT FURTHER RESOLVED, That the second resolving

House Concurrent Resolution 104 - Introduced continued

2 1 clause of the joint rules of the Senate and House of
2 2 Representatives relating to compensation payable by the
2 3 General Assembly, as adopted by the Senate and House
2 4 of Representatives during the 2009 Session in Senate
2 5 Concurrent Resolution 2, is amended to read as follows:
2 6 BE IT FURTHER RESOLVED, That part=time employees
2 7 shall be compensated at the scheduled hourly rate for
2 8 their pay grade and step. Session=only employees,
2 9 other than pages, are presumed to have 32 hours of work
2 10 each week the legislature is in session and shall be
2 11 paid only on that basis, unless required to work in
2 12 excess of 32 hours for a week. Pages are presumed to
2 13 have 40 hours of work each week the legislature is in
2 14 session and shall be paid only on that basis.
LSB 5730HV (5) 83
rj/nh

# House File 2127 - Introduced

HOUSE FILE
BY PETERSEN, KRESSIG, TAYLOR, HEDDENS, MASCHER, BERRY, THEDE, COHOON, GAYMAN, HANSON, GASKILL, D. OLSON, SMITH, ISENHART, BURT, WENDT, SCHUELLER, FICKEN, PALMER, ABDUL-SAMAD, WINCKLER, RUNNING-MARQUARDT, KEARNS, KUHN, STECKMAN, ZIRKELBACH, LENSING, BEARD, WESSEL-KROESCHELL, HUNTER, SWAIM, OLDSON, REICHERT, and T. OLSON

**A BILL FOR**

An Act modifying provisions relating to the regulation of delayed deposit services businesses, making penalties applicable, and including effective date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5700YH (11) 83
rn/sc

House File 2127 - Introduced continued

PAG LIN

1 1 Section 1. Section 533D.9, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. The annual percentage rate as computed pursuant to the
1 4 federal Truth in Lending Act. The annual percentage rate
1 5 shall not exceed thirty=six percent, as computed pursuant to
1 6 the federal Truth in Lending Act, unless a licensee makes
1 7 an election and submits to the indebtedness limitations and
1 8 electronic database reporting requirements specified in section
1 9 533D.10A.
1 10 Sec. 2. Section 533D.9, subsection 2, Code 2009, is amended
1 11 by adding the following new paragraph:
1 12 NEW PARAGRAPH. e. That the licensee cannot initiate debt
1 13 collection procedures, civil court proceedings, or arbitration
1 14 to collect an unpaid check unless the licensee has provided
1 15 the maker of the check the opportunity to repay the obligation
1 16 without any additional charges, other than the penalty provided
1 17 in paragraph "d" of this subsection, in biweekly payments of
1 18 not more than ten percent of the face of the check until the
1 19 debt is paid in full. Additionally, that during this repayment
1 20 period the licensee may not transfer or sell the debt owing on
1 21 the unpaid check, and the loan shall not be considered to be
1 22 in default. Further, that the maker of the check's failure
1 23 to make a biweekly payment under this paragraph shall place
1 24 the loan in default and the licensee may, after proper notice,
1 25 exercise rights against the maker under the law.
1 26 Sec. 3. Section 533D.10, subsection 1, Code 2009, is amended
1 27 to read as follows:
1 28 1. A licensee shall not do any of the following:
1 29 a. Hold from any one maker more than two checks at any one
1 30 time.
1 31 b. Hold from any one maker a check or checks in an aggregate
1 32 face amount of more than five hundred dollars at any one time.
1 33 c. Hold or agree to hold a check for ~~more~~ less than
1 34 ~~thirty=one~~ fourteen days.
1 35 d. Require the maker to receive payment by a method which

House File 2127 - Introduced continued

2 1 causes the maker to pay additional or further fees and charges
2 2 to the licensee or another person.
2 3 e. Repay, refinance, or otherwise consolidate a postdated
2 4 check transaction with the proceeds of another postdated check
2 5 transaction made by the same licensee. A licensee may not
2 6 enter into another transaction with the maker of a check if the
2 7 licensee presently has a transaction outstanding with the maker
2 8 or if the maker had a previous transaction with the licensee
2 9 within two days of the new transaction, unless the licensee has
2 10 provided the following notice both verbally and in writing,
2 11 and the maker has acknowledged receipt of the notice with a
2 12 signature and date:
2 13 Notice to Borrower
2 14 (1) The licensee may not repay, refinance, or otherwise
2 15 consolidate a postdated check transaction with the proceeds of
2 16 another postdated check transaction made by the same licensee.
2 17 (2) While a licensee may charge a penalty if a check is
2 18 not negotiable on the date agreed upon, the penalty shall not
2 19 exceed fifteen dollars. This penalty shall only be collected
2 20 by the licensee once on a check no matter how long that check
2 21 remains unpaid. This penalty is the only additional charge
2 22 a lender may charge you (the borrower) when a check is not
2 23 negotiable on the date agreed upon.
2 24 (3) If your check is not negotiable on the date agreed upon,
2 25 the licensee must provide you (the borrower) the opportunity
2 26 to repay the obligation without any additional charges, other
2 27 than the penalty described above, in biweekly payments of not
2 28 more than ten percent of the face of the check until the debt is
2 29 paid in full.
2 30 By signing and dating this notice, you acknowledge the
2 31 statements above, but yet still desire to obtain another loan
2 32 with the licensee.
2 33 Borrower(s) signature:Date:
2 34 Borrower(s) signature:Date:
2 35 f. Receive any other charges or fees in addition to the fees

House File 2127 - Introduced continued

3 1 listed in section 533D.9, subsections 1 and 2.
3 2 g. Initiate debt collection procedures, civil court
3 3 proceedings, or civil or private arbitration proceedings to
3 4 collect an unpaid check unless the licensee has provided the
3 5 maker the opportunity to repay the obligation without any
3 6 additional charges, other than the penalty provided in section
3 7 533D.9, subsection 2, paragraph "d", in biweekly payments of not
3 8 more than ten percent of the face of the check until the debt
3 9 is paid in full. During this repayment period the licensee
3 10 may not transfer or sell the debt owing on the unpaid check,
3 11 and the loan shall not be considered to be in default. The
3 12 failure of the maker of the check to make a biweekly payment as
3 13 required shall place the loan in default and the licensee may,
3 14 after proper notice, exercise rights against the maker under
3 15 the law.
3 16 Sec. 4. NEW SECTION. 533D.10A Alternative annual percentage
3 17 rate == indebtedness limitation == electronic database.
3 18 1. A licensee may elect to impose an annual percentage rate,
3 19 as computed pursuant to the federal Truth in Lending Act, which
3 20 exceeds thirty=six percent by filing with the superintendent
3 21 a written notice of intent. An election pursuant to this
3 22 section shall apply to all transactions entered into by the
3 23 licensee. A licensee having made an election pursuant to this
3 24 section who desires to discontinue imposition of an alternative
3 25 interest rate and consents to imposition of the thirty=six
3 26 percent annual percentage rate otherwise applicable under this
3 27 chapter, or a licensee previously imposing an annual percentage
3 28 rate not exceeding thirty=six percent who desires to make an
3 29 election pursuant to this subsection, may submit a request to
3 30 the superintendent, not more than once a year.
3 31 2. A licensee electing to impose an alternative annual
3 32 percentage rate pursuant to this section shall be prohibited
3 33 from entering into a delayed deposit service transaction which
3 34 will cause the maker of the check, when all other delayed
3 35 deposit services transactions entered into with any licensee

House File 2127 - Introduced continued

4 1 involving the maker of the check are accounted for, and when
4 2 the term of the transaction is aggregated with the other
4 3 transactions, to be indebted for a period exceeding ninety
4 4 days during the preceding twelve=month period. For purposes
4 5 of this paragraph, if the maker of the check has entered
4 6 into more than one delayed deposit service transaction with
4 7 the same or another licensee, and the periods during which
4 8 the transactions are outstanding overlap, each day of each
4 9 respective transaction shall be counted in satisfying the
4 10 ninety=day restriction. For purposes of this subsection, if a
4 11 maker of a check is making biweekly payments during a repayment
4 12 period as provided in section 533D.9, subsection 2, paragraph
4 13 "e", the repayment period shall not be counted in satisfying the
4 14 ninety=day restriction.
4 15 3. a. Each licensee making an election pursuant to this
4 16 section shall, by October 1, 2010, subscribe to, report to, and
4 17 utilize an electronic database tracking service to be developed
4 18 or selected pursuant to rules adopted by the banking division
4 19 of the department of commerce, that permits the licensee to
4 20 determine whether a maker of a check has an outstanding unpaid
4 21 check or debit authorization that is, or reasonably appears to
4 22 be, connected to a delayed deposit service transaction. Each
4 23 licensee shall require a maker of a check to sign a written
4 24 declaration confirming that, pursuant to section 533D.10A,
4 25 subsection 2, the maker of the check is eligible to enter into
4 26 a delayed deposit service transaction.
4 27 b. Records of a licensee and the electronic database
4 28 tracking service shall be subject to review and examination by
4 29 the division to determine whether the licensee is in compliance
4 30 with this section and other applicable provisions of this
4 31 chapter.
4 32 c. Information, records, and documents obtained in the
4 33 performance of the review and examination, including the amount
4 34 of any outstanding unpaid check or debit authorization and
4 35 the identity of the maker of the check, are confidential and

House File 2127 - Introduced continued

5 1 shall not be disclosed by the division and are not subject
5 2 to subpoena. Such information, records, and documents
5 3 do not constitute a public record under chapter 22. The
5 4 superintendent may disclose such information to representatives
5 5 of other state or federal regulatory authorities and
5 6 may release summary complaint information so long as the
5 7 information does not specifically identify the complainant.
5 8 The superintendent may also provide this information to the
5 9 attorney general for purposes of enforcing this chapter.
5 10 Sec. 5. EFFECTIVE DATE. Section 533D.10A, subsection 2, as
5 11 enacted in this Act, takes effect October 1, 2010.
5 12 EXPLANATION
5 13 This bill relates to specified aspects of the regulation of
5 14 delayed deposit service businesses.
5 15 The bill provides that the annual percentage rate applicable
5 16 to delayed deposit service transactions shall not exceed 36
5 17 percent, as computed pursuant to the federal Truth in Lending
5 18 Act, unless a licensee elects to impose an alternative higher
5 19 rate. This is the same percentage rate limitation imposed as
5 20 a restriction or safeguard for military personnel pursuant to
5 21 10 U.S.C. 49 { 987. Such an election shall make requirements
5 22 regarding indebtedness limitations and electronic database
5 23 reporting requirements specified in a subsequent section of the
5 24 bill applicable.
5 25 The bill provides that a licensee must disclose to the maker
5 26 of a check that the licensee cannot initiate debt collection
5 27 procedures, civil court proceedings, or arbitration to collect
5 28 an unpaid check unless the licensee has provided the maker
5 29 of a check the opportunity to repay the obligation without
5 30 any charges, other than the current $15 penalty, in biweekly
5 31 payments of not more than 10 percent of the face of the check
5 32 until the debt is paid in full. The bill adds that during this
5 33 repayment period the licensee cannot sell or transfer the debt
5 34 owing on the unpaid check and the loan shall not be considered
5 35 to be in default. However, if the maker of the check fails

House File 2127 - Introduced continued

6 1 to honor the repayment obligation, the bill provides that the
6 2 loan shall be placed in default. The bill makes the failure to
6 3 conform with these provisions a prohibited act on the part of
6 4 the licensee, which could subject the licensee to disciplinary
6 5 action as specified in Code section 533D.12.
6 6 Additionally, the bill changes a current provision that
6 7 prohibits a licensee from holding or agreeing to hold a
6 8 check for more than 31 days to a modified provision that the
6 9 licensee cannot hold or agree to hold a check for less than 14
6 10 days. The bill also prohibits a licensee from entering into
6 11 another transaction with the maker of a check who already has
6 12 a transaction outstanding with the licensee or from entering
6 13 into a new transaction within two days of the conclusion
6 14 of the previous transaction, unless the maker acknowledges
6 15 in writing specified restrictions relating to successive
6 16 transactions, applicable penalties, and the opportunity to
6 17 repay the obligation in installments in the event the check is
6 18 not negotiable.
6 19 As previously indicated, the bill authorizes a licensee to
6 20 impose an annual percentage rate which exceeds 36 percent by
6 21 filing with the superintendent of banking a written notice
6 22 of intent. If this election is made, it shall apply to all
6 23 transactions entered into by the licensee. The bill provides
6 24 that a licensee may discontinue imposition of an alternative
6 25 interest rate and consent to imposition of the 36 percent rate
6 26 otherwise applicable, and a licensee previously imposing the
6 27 36 percent rate may elect to impose the alternative rate, by
6 28 submitting a request to the superintendent no more often than
6 29 annually.
6 30 The bill provides that a licensee electing to impose
6 31 an alternative annual percentage rate shall be prohibited
6 32 from entering into a delayed deposit service transaction
6 33 that results in the maker of the check being indebted to
6 34 the licensee, or when aggregated with other delayed deposit
6 35 service business licensees, for longer than a 90=day period

House File 2127 - Introduced continued

7 1 during the preceding 12 months. This provision of the bill
7 2 takes effect October 1, 2010. Further, the bill requires a
7 3 licensee making the election, by October 1, 2010, to subscribe
7 4 to, report to, and utilize an electronic database tracking
7 5 service developed or selected by the banking division of the
7 6 department of commerce to monitor the number of transactions
7 7 entered into by a maker of a check for purposes of complying
7 8 with this provision. The bill states that licensee records and
7 9 the database shall be subject to review and examination by the
7 10 division, and provides that information, records, and documents
7 11 obtained by the division in the performance of such a review or
7 12 examination shall be considered confidential.
7 13 A violation of the bill's provisions will subject a licensee
7 14 to existing penalty provisions in Code chapter 533D, including
7 15 possible license suspension or revocation, a civil penalty in
7 16 an amount not to exceed $5,000, an administrative fine in an
7 17 amount not to exceed $5,000, and the criminal penalty of a
7 18 serious misdemeanor punishable by confinement for no more than
7 19 one year and a fine of at least $315 but not more than $1,875.
LSB 5700YH (11) 83
rn/sc

# House File 2128 - Introduced

HOUSE FILE
BY ALONS, KOESTER, DE
BOEF, and CHAMBERS

**A BILL FOR**

An Act relating to intentional distracted driving and providing a penalty.

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

TLSB 5447YH (7) 83
dea/nh

House File 2128 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.276 Intentional distracted
1 2 driving.
1 3 1. A person operating a motor vehicle shall not
1 4 intentionally engage in an activity that distracts the person
1 5 from the safe operation of the motor vehicle.
1 6 2. This section does not apply to a member of a public
1 7 safety agency, as defined in section 34.1, engaged in the
1 8 performance of the member's official duties.
1 9 3. A person convicted of a violation of this section commits
1 10 a simple misdemeanor punishable as a scheduled violation under
1 11 section 805.8A, subsection 6, paragraph "e".
1 12 Sec. 2. Section 805.8A, subsection 6, Code Supplement 2009,
1 13 is amended by adding the following new paragraph:
1 14 NEW PARAGRAPH. e. For a violation under section 321.276,
1 15 the scheduled fine is one hundred dollars.
1 16 EXPLANATION
1 17 This bill prohibits a person from operating a motor vehicle
1 18 while intentionally engaging in an activity that distracts the
1 19 person from the safe operation of the motor vehicle. Members
1 20 of public safety agencies are exempt from the provisions in the
1 21 bill when performing their official duties.
1 22 A violation of the bill is a simple misdemeanor punishable by
1 23 a scheduled fine of $100.
LSB 5447YH (7) 83
dea/nh

# House File 2129 - Introduced

HOUSE FILE
BY T. OLSON

**A BILL FOR**

An Act relating to measuring and improving the quality of care for stroke patients.

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

TLSB 5740HH (7) 83
pf/nh

House File 2129 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 147A.30 Definitions.
1 2 As used in this subchapter, unless the context otherwise
1 3 requires:
1 4 1. "Categorization" means a determination by the department
1 5 that a hospital is capable of acting as a level 1, level 2,
1 6 or level 3 stroke center in accordance with criteria adopted
1 7 pursuant to chapter 17A for level 1, level 2, or level 3 stroke
1 8 care capabilities.
1 9 2. "Department" means the department of public health.
1 10 3. "Hospital" means a facility licensed under chapter 135B.
1 11 4. "Stroke center" means a hospital which provides stroke
1 12 care and has been verified by the department as having level 1,
1 13 level 2, or level 3 care capabilities and issued a certificate
1 14 of verification pursuant to this subchapter.
1 15 5. "Stroke triage system" means an organized approach to
1 16 providing personnel, facilities, and equipment for effective
1 17 and coordinated stroke care.
1 18 6. "Verification" means a formal process by which the
1 19 department certifies a hospital to provide stroke care in
1 20 accordance with criteria established for a level 1, level 2, or
1 21 level 3 stroke center.
1 22 Sec. 2. NEW SECTION. 147A.31 Stroke triage plan and system
1 23 development.
1 24 1. The department is designated as the lead agency in this
1 25 state responsible for the development of a statewide stroke
1 26 triage system.
1 27 2. The department, in consultation with the EMS advisory
1 28 council, shall develop, coordinate, and monitor a statewide
1 29 stroke triage plan and system.
1 30 a. The plan shall provide for a statewide prehospital
1 31 and interhospital stroke triage strategy to promote rapid
1 32 access for stroke patients to appropriate organized stroke
1 33 care through publication and regular updating of information
1 34 on resources for stroke care, and publication of generally
1 35 accepted criteria for stroke triage and appropriate transfer.

House File 2129 - Introduced continued

2 1 b. The system shall include but is not limited to the
2 2 following:
2 3 (1) The categorization of all hospitals as stroke centers
2 4 by the department in accordance with their capacity to provide
2 5 stroke care.
2 6 (2) The issuance of a certificate of verification for
2 7 each categorized hospital from the department at the level
2 8 demonstrated by the hospital. The standards and verification
2 9 process shall be established by rule and may vary as
2 10 appropriate by level of stroke care capability. To the extent
2 11 possible, the standards and verification process shall be
2 12 coordinated with other applicable accreditation and licensing
2 13 standards.
2 14 (3) Upon verification and the issuance of a certificate of
2 15 verification, a hospital shall agree to maintain a level of
2 16 commitment and resources sufficient to meet responsibilities
2 17 and standards as required by the stroke care criteria
2 18 established by rule under this subchapter. Verifications are
2 19 valid for a period of three years or as determined by the
2 20 department and are renewable. As part of the verification and
2 21 renewal process, the department may conduct periodic on=site
2 22 reviews of the services and facilities of the hospital.
2 23 Sec. 3. NEW SECTION. 147A.32 Statewide stroke registry.
2 24 1. The department shall maintain a statewide stroke
2 25 registry to compile information and statistics on stroke care
2 26 including prevalence, mortality, and performance metrics for
2 27 acute stroke patients. The purposes of the statewide stroke
2 28 registry are to monitor, evaluate, and provide guidance to
2 29 health care quality improvement efforts for the education,
2 30 diagnosis, and treatment of acute stroke; to facilitate the
2 31 implementation of quality of stroke care improvements in Iowa
2 32 hospitals; and to track the progress of Iowa hospitals in
2 33 meeting national benchmarks for stroke care.
2 34 2. The data collected by and furnished to the department
2 35 pursuant to this section are confidential records of the

House File 2129 - Introduced continued

3 1 condition, diagnosis, care, or treatment of patients or former
3 2 patients, including outpatients, pursuant to section 22.7,
3 3 subsection 2. Compilations of information prepared for release
3 4 or dissemination from the data collected are not confidential
3 5 under section 22.7, subsection 2. However, information which
3 6 individually identifies patients shall not be disclosed and
3 7 state and federal law regarding patient confidentiality shall
3 8 apply.
3 9 3. To the extent possible, activities under this section
3 10 shall be coordinated with other health data collection methods.
3 11 Sec. 4. NEW SECTION. 147A.33 Adoption of rules.
3 12 The department shall adopt rules to implement the stroke
3 13 triage system and statewide stroke registry under this
3 14 subchapter. The rules shall include designating stroke as a
3 15 reportable disease pursuant to chapter 139A.
3 16 Sec. 5. DIRECTIVE TO CODE EDITOR. The Code editor shall
3 17 codify sections 147A.30, 147A.31, 147A.32, and 147A.33, as
3 18 enacted in this Act, in a new subchapter in chapter 147A
3 19 entitled the "stroke triage plan and system".
3 20 EXPLANATION
3 21 This bill creates a new subchapter in Code chapter 147A
3 22 relating to the establishment by the department of public
3 23 health (DPH) of a stroke triage plan and system. The
3 24 department is designated as the lead agency responsible
3 25 for the development of a statewide stroke triage plan and
3 26 system. The plan is to provide for a statewide prehospital
3 27 and interhospital stroke triage strategy to promote rapid
3 28 access for stroke patients to appropriate organized stroke
3 29 care. The system is to include the categorization of all
3 30 hospitals as stroke centers by the department in accordance
3 31 with their capacity to provide stroke care, certification of
3 32 verification of all categorized hospitals by the department
3 33 at the level demonstrated by the hospital; and, upon issuance
3 34 of a certificate of verification, agreement of a hospital to
3 35 maintain a level of commitment and resources sufficient to meet

House File 2129 - Introduced continued

4 1 responsibilities and standards as required by the stroke care
4 2 criteria.
4 3 The bill also directs DPH to maintain a statewide stroke
4 4 registry to compile information and statistics on stroke care
4 5 including prevalence, mortality, and performance metrics for
4 6 acute stroke patients. The purposes of the statewide stroke
4 7 registry are to monitor, evaluate, and provide guidance to
4 8 health care quality improvement efforts for the education,
4 9 diagnosis, and treatment of acute stroke; to facilitate the
4 10 implementation of quality of stroke care improvements in Iowa
4 11 hospitals; and to track the progress of Iowa hospitals in
4 12 meeting national benchmarks for stroke care.
4 13 The bill directs DPH to adopt rules to implement the stroke
4 14 triage plan and system and the statewide stroke registry. The
4 15 rules shall include designating stroke as a reportable disease
4 16 pursuant to Code chapter 139A.
LSB 5740HH (7) 83
pf/nh

# House File 2130 - Introduced

HOUSE FILE
BY FREVERT

**A BILL FOR**

1 An Act relating to the grounds for termination of parental
2 rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5963HH (2) 83
pf/nh

House File 2130 - Introduced continued

PAG LIN

1 1 Section 1. Section 600A.8, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 11. For a period of at least three years,
1 4 a noncustodial parent does either of the following and the
1 5 noncustodial parent has been previously cited for contempt
1 6 pursuant to section 598.23 or 598.23A:
1 7 a. Fails to make payments or provide medical support
1 8 pursuant to an order or decree for support entered pursuant
1 9 to chapter 598 or chapter 234, 252A, 252C, 252F, 600B, or any
1 10 other support chapter, or a comparable chapter of a foreign
1 11 jurisdiction.
1 12 b. Does not comply with a custody order or decree.
1 13 EXPLANATION
1 14 This bill provides that grounds for termination of parental
1 15 rights includes that for a period of at least three years,
1 16 a noncustodial parent against whom an order or decree for
1 17 support has been entered, fails to make payments or provide
1 18 medical support pursuant to that order or decree, or that the
1 19 noncustodial parent does not comply with a custody order or
1 20 decree, and the noncustodial parent has been previously cited
1 21 for contempt for noncompliance.

LSB 5963HH (2) 83
pf/nh

# House File 2131 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 522)

**A BILL FOR**

An Act updating references to the federal Truth in Lending Act.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5389HV (6) 83
rn/nh

House File 2131 - Introduced continued

PAG LIN

1 1 Section 1. Section 537.1302, Code 2009, is amended to read
1 2 as follows:
1 3 537.1302 Definition == Truth in Lending Act.
1 4 As used in this chapter, "Truth in Lending Act" means Title
1 5 1 of the Consumer Credit Protection Act, in subchapter 1 of
1 6 15 U.S.C. ch. 41, as amended to and including ~~January~~ July 1,
1 7 ~~2008~~ 2010, and includes regulations issued pursuant to that Act
1 8 prior to ~~January~~ July 1, ~~2008~~ 2010.
1 9 EXPLANATION
1 10 This bill changes dates referenced in the definition of
1 11 "Truth in Lending Act" contained in Code chapter 537, the
1 12 consumer credit code, to conform to the July 1, 2010,
1 13 amended version of that Act, and regulations issued pursuant to
1 14 the Act prior to July 1, 2010. Currently, the definition
1 15 contained in Code section 537.1302 references January 1, 2008.
1 16 This change will update references to the Act throughout the
1 17 consumer credit code, and in several other Code chapters where
1 18 the Act is cited.
LSB 5389HV (6) 83
rn/nh

# House File 2132 - Introduced

HOUSE FILE
BY WINDSCHITL

**A BILL FOR**

An Act relating to the use of public moneys by nongovernmental entities for lobbying purposes and making a penalty applicable.

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

TLSB 5692YH (4) 83
tm/sc

House File 2132 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.38, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 1A. If a client of a lobbyist receives
1 4 state or federal moneys, the client shall file an affidavit
1 5 with the general assembly or the board within thirty days of
1 6 receipt of the moneys. The affidavit shall identify the entity
1 7 from which the state or federal moneys were received, the date
1 8 of receipt of the moneys, and a statement that the moneys
1 9 will not be expended for purposes of encouraging the passage,
1 10 defeat, approval, veto, or modification of legislation, a rule,
1 11 or an executive order before the general assembly, a state
1 12 agency, or any statewide elected official. This subsection
1 13 shall not apply to a client that is a state, federal, or local
1 14 government entity.
1 15 Sec. 2. Section 68B.38, subsection 2, Code 2009, is amended
1 16 to read as follows:
1 17 2. Reports and affidavits by a lobbyist's clients shall be
1 18 filed with the same entity with which the lobbyist filed the
1 19 lobbyist's registration.
1 20 EXPLANATION
1 21 This bill relates to the use of public moneys by
1 22 nongovernmental entities for lobbying purposes.
1 23 The bill provides that if a client of a lobbyist receives
1 24 state or federal moneys, the client shall file an affidavit
1 25 with the general assembly or the board within 30 days of
1 26 receipt of the moneys. The affidavit shall identify the entity
1 27 from which the state or federal moneys were received, the date
1 28 of receipt of the moneys, and a statement that the moneys
1 29 will not be expended for purposes of encouraging the passage,
1 30 defeat, approval, veto, or modification of legislation, a rule,
1 31 or an executive order before the general assembly, a state
1 32 agency, or any statewide elected official.
1 33 The bill does not apply to a client that is a state, federal,
1 34 or local government entity.
1 35 A person knowingly and intentionally violating a provision

House File 2132 - Introduced continued

2 1 of this bill is guilty of a serious misdemeanor pursuant to
2 2 Code section 68B.34.
LSB 5692YH (4) 83
tm/sc

# House File 2133 - Introduced

HOUSE FILE
BY WINDSCHITL

**A BILL FOR**

An Act relating to the definition and regulation of outpatient surgical facilities or ambulatory surgical centers and providing for fees.

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

TLSB 5687YH (1) 83
pf/nh

House File 2133 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.61, subsection 21, Code 2009, is
1 2 amended to read as follows:
1 3 21. "Outpatient surgical facility" means ~~a~~ all of the
1 4 following:
1 5 a. A facility which as its primary function provides,
1 6 through an organized medical staff and on an outpatient basis
1 7 to patients who are generally ambulatory, surgical procedures
1 8 not ordinarily performed in a private physician's office, but
1 9 not requiring twenty=four hour hospitalization, and which is
1 10 ~~neither~~ not a part of a hospital nor is owned wholly or in part
1 11 by a hospital, nor is it the private office of a health care
1 12 provider who there engages in the lawful practice of surgery.
1 13 ~~"Outpatient surgical facility" includes a~~
1 14 b. A facility certified or seeking certification as an
1 15 ambulatory surgical center, under the federal Medicare program
1 16 or under the medical assistance program established pursuant to
1 17 chapter 249A.
1 18 c. A facility that provides for the performing or inducing
1 19 of any second or third trimester abortions or five or more
1 20 first trimester abortions per month.
1 21 Sec. 2. NEW SECTION. 135P.1 Definitions.
1 22 As used in this chapter, unless the context otherwise
1 23 requires:
1 24 1. "Ambulatory surgical center" means an outpatient surgical
1 25 facility as defined in section 135.61 or an ambulatory surgical
1 26 facility as defined in section 514.5.
1 27 2. "Department" means the department of inspections and
1 28 appeals.
1 29 Sec. 3. NEW SECTION. 135P.2 Licenses == fees == criteria.
1 30 1. A person shall not operate an ambulatory surgical center
1 31 in this state without first obtaining a license from the
1 32 department after meeting the requirements of this chapter. The
1 33 application shall be on a form prescribed by the department and
1 34 shall require information the department deems necessary. Each
1 35 application for license shall be accompanied by a nonrefundable

House File 2133 - Introduced continued

2 1 biennial license fee determined by the department.
2 2 2. The ambulatory surgical center shall meet the
2 3 requirements of 42 C.F.R. { 416 before a license is issued.
2 4 The department of inspections and appeals shall provide the
2 5 necessary personnel to inspect the ambulatory surgical center
2 6 to determine if the ambulatory surgical center complies with
2 7 necessary requirements before a license is issued. Ambulatory
2 8 surgical centers that are certified under the federal Medicare
2 9 program and thereby meet the requirements of 42 C.F.R. { 416
2 10 shall be licensed without inspection by the department of
2 11 inspections and appeals.
2 12 Sec. 4. NEW SECTION. 135P.3 Denial, suspension, or
2 13 revocation of license.
2 14 The department may deny, suspend, or revoke a license if
2 15 the department determines an ambulatory surgical center fails
2 16 to comply with this chapter or the rules adopted under this
2 17 chapter. A denial, suspension, or revocation may be appealed
2 18 under chapter 17A. The department may reissue a license
2 19 following a suspension or revocation after the ambulatory
2 20 surgical center corrects the conditions upon which the
2 21 suspension or revocation was based.
2 22 Sec. 5. NEW SECTION. 135P.4 Limitation, expiration, and
2 23 renewal of license.
2 24 A license for an ambulatory surgical center shall be issued
2 25 only for the premises, person, or facility named in the
2 26 application and is not transferable or assignable. A license,
2 27 unless sooner suspended or revoked, shall expire two years
2 28 after the date of issuance and shall be renewed biennially
2 29 upon an application by the licensee. Application for renewal
2 30 shall be made in writing to the department at least thirty days
2 31 prior to the expiration of the license. The fee for a license
2 32 renewal shall be determined by the department.
2 33 Sec. 6. NEW SECTION. 135P.5 Rules.
2 34 Except as otherwise provided in this chapter, the department
2 35 shall adopt rules pursuant to chapter 17A necessary to

House File 2133 - Introduced continued

3 1 implement this chapter, subject to approval of the state board
3 2 of health. Formulation of the rules shall include consultation
3 3 with persons affected by this chapter.
3 4 Sec. 7. Section 514.5, Code 2009, is amended to read as
3 5 follows:
3 6 514.5 Contracts for service.
3 7 1. A hospital service corporation organized under
3 8 chapter 504, Code 1989, or current chapter 504 may enter
3 9 into contracts for the rendering of hospital service to any
3 10 of its subscribers with hospitals maintained and operated by
3 11 the state or any of its political subdivisions, or by any
3 12 corporation, association, or individual. Such hospital service
3 13 corporation may also contract with an ambulatory surgical
3 14 facility to provide surgical services to the corporation's
3 15 subscribers. Hospital service is meant to include bed and
3 16 board, general nursing care, use of the operating room, use of
3 17 the delivery room, ordinary medications and dressings and other
3 18 customary routine care. "Ambulatory surgical facility" means
3 19 a facility constructed and operated for the specific purpose
3 20 of providing surgery to patients admitted to and discharged
3 21 from the facility within the same day or an "outpatient surgical
3 22 facility" as defined in section 135.61.
3 23 2. A medical service corporation organized under this
3 24 chapter may enter into contracts with subscribers to furnish
3 25 health care service through physicians and surgeons, dentists,
3 26 podiatric physicians, osteopathic physicians, osteopathic
3 27 physicians and surgeons, or chiropractors.
3 28 3. Any pharmaceutical or optometric service corporation
3 29 organized under the provisions of said chapter may enter
3 30 into contracts for the rendering of pharmaceutical or
3 31 optometric service to any of its subscribers. Membership in
3 32 any pharmaceutical service corporation shall be open to all
3 33 pharmacies licensed under chapter 155A.
3 34 4. A hospital service corporation or medical service
3 35 corporation organized under this chapter may enter into

House File 2133 - Introduced continued

4 1 contracts with subscribers and providers to furnish health care
4 2 services not otherwise allocated by this section.
4 3 EXPLANATION
4 4 This bill defines an outpatient surgical facility or
4 5 ambulatory surgical center to include any facility that
4 6 provides for performing or inducing any second or third
4 7 trimester abortions or five or more first trimester abortions
4 8 per month, thereby making these establishments subject
4 9 to certificate of need requirements and other regulatory
4 10 provisions to which outpatient surgical facilities or
4 11 ambulatory surgical centers are subject. The bill also amends
4 12 the definition of an outpatient surgical facility to exclude
4 13 facilities that are owned wholly or in part by a hospital.
4 14 The bill also requires that ambulatory surgical centers be
4 15 licensed and meet the requirements of the centers for Medicare
4 16 and Medicaid services of the United States department of health
4 17 and human services for ambulatory surgical centers.
LSB 5687YH (1) 83
pf/nh

# House File 2134 - Introduced

HOUSE FILE
BY WINDSCHITL, BAUDLER,
DE BOEF, HUSEMAN,
CHAMBERS, ALONS,
SCHULTZ, SODERBERG,
and HAGENOW

**A BILL FOR**

An Act relating to protocol for medically induced abortions, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5693YH (2) 83
pf/nh

House File 2134 - Introduced continued

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1 1 Section 1. NEW SECTION. 146A.1 Medically induced abortion
1 2 == protocol == penalties.
1 3 1. A person shall not knowingly give, sell, dispense,
1 4 administer, otherwise provide, or prescribe mifepristone to
1 5 another person for the purpose of inducing an abortion in the
1 6 person or enabling the other person to induce an abortion
1 7 in another person, unless the person who gives, sells,
1 8 dispenses, administers, or otherwise provides or prescribes the
1 9 mifepristone meets all of the following requirements:
1 10 a. Is a licensed physician.
1 11 b. The physician satisfies all the criteria established by
1 12 federal law that a physician must satisfy in order to provide
1 13 mifepristone for inducing abortions.
1 14 c. The physician provides the mifepristone to the other
1 15 person for the purpose of inducing an abortion in accordance
1 16 with all provisions of federal law that govern the use of
1 17 mifepristone for inducing abortions.
1 18 2. A person who gives, sells, dispenses, administers,
1 19 otherwise provides, or prescribes mifepristone to another
1 20 person as described in subsection 1 shall not be prosecuted
1 21 based on a violation of the criteria contained in this section
1 22 unless the person knows that the person is not a licensed
1 23 physician, that the person did not satisfy all the specified
1 24 criteria established by federal law, or that the person did
1 25 not provide the mifepristone in accordance with the specified
1 26 provisions of federal law, whichever is applicable.
1 27 3. A physician who provides mifepristone to another for
1 28 the purpose of inducing an abortion as authorized under
1 29 subsection 1 shall not knowingly fail to comply with the
1 30 applicable requirements of any federal law that pertain to
1 31 follow=up examinations or care for persons to whom or for
1 32 whom mifepristone is provided for the purpose of inducing an
1 33 abortion.
1 34 4. a. If a physician provides mifepristone to another
1 35 person for the purpose of inducing an abortion as authorized

House File 2134 - Introduced continued

2 1 under subsection 1, and the physician knows that the person who
2 2 uses the mifepristone for the purpose of inducing an abortion
2 3 experiences during or after the use an incomplete abortion,
2 4 severe bleeding, or an adverse reaction to the mifepristone,
2 5 or is hospitalized, receives a transfusion, or experiences any
2 6 other serious event, the physician shall provide a written
2 7 report of the incomplete abortion, severe bleeding, adverse
2 8 reaction, hospitalization, transfusion, or serious event to
2 9 the department. The department shall compile and retain all
2 10 reports the department receives under this section. Except as
2 11 otherwise provided in this section, all reports the department
2 12 receives under this section are public records. However, the
2 13 department shall not release to any person the name or any
2 14 other personal identifying information regarding a person who
2 15 uses mifepristone for the purpose of inducing an abortion and
2 16 who is the subject of a report the department receives under
2 17 this section.
2 18 b. A physician who provides mifepristone to another for the
2 19 purpose of inducing an abortion as authorized under subsection
2 20 1 shall not knowingly fail to file a report required under
2 21 paragraph "a".
2 22 5. A physician shall only diagnose and prescribe a medically
2 23 induced abortion in person, and shall not utilize other means,
2 24 such as an internet web camera, to do so.
2 25 6. If a physician prescribes mifepristone after the
2 26 gestational limit of forty=nine days recommended by the United
2 27 States food and drug administration, the physician shall ensure
2 28 that the woman has access to emergency care that is available
2 29 twenty=four hours per day, seven days per week, and shall
2 30 report any emergency care provided from complications arising
2 31 from such prescription to the department.
2 32 7. a. A person who violates this section is guilty of a
2 33 class "D" felony.
2 34 b. If a person who violates this section is professionally
2 35 licensed in this state, in addition to any other sanction

House File 2134 - Introduced continued

3 1 imposed by law for the offense, the person is subject to
3 2 sanctioning as provided by law by the regulatory or licensing
3 3 board or agency that has the administrative authority to
3 4 suspend or revoke the person's professional license.
3 5 8. As used in this section unless the context otherwise
3 6 requires:
3 7 a. "Department" means the department of public health.
3 8 b. "Federal law" means any law, rule, or regulation of the
3 9 United States or any drug approval letter of the food and drug
3 10 administration of the United States that governs or regulates
3 11 the use of mifepristone for the purpose of inducing abortions.
3 12 EXPLANATION
3 13 This bill provides protocol related to medically induced
3 14 abortions.
3 15 The bill prohibits a person from knowingly giving, selling,
3 16 dispensing, administering, or otherwise providing, or
3 17 prescribing mifepristone to another person for the purpose
3 18 of inducing an abortion in the person or enabling the other
3 19 person to induce an abortion in another person, unless the
3 20 person who gives, sells, dispenses, administers, or otherwise
3 21 provides or prescribes the mifepristone meets all of the
3 22 following requirements: is a licensed physician; satisfies
3 23 all the criteria established by federal law that a physician
3 24 must satisfy in order to provide mifepristone for inducing
3 25 abortions; and provides the mifepristone to the other person
3 26 for the purpose of inducing an abortion in accordance with all
3 27 provisions of federal law that govern the use of mifepristone
3 28 for inducing abortions. However, the bill provides that a
3 29 person who gives, sells, dispenses, administers, otherwise
3 30 provides, or prescribes mifepristone to another person
3 31 shall not be prosecuted based on a violation of the criteria
3 32 specified unless the person knows that the person is not
3 33 a licensed physician, that the person did not satisfy all
3 34 the specified criteria established by federal law, or that
3 35 the person did not provide the mifepristone in accordance

House File 2134 - Introduced continued

4 1 with the specified provisions of federal law, whichever is
4 2 applicable. The bill also provides that a physician who
4 3 provides mifepristone to another for the purpose of inducing
4 4 an abortion shall not knowingly fail to comply with the
4 5 applicable requirements of any federal law that pertain to
4 6 follow=up examinations or care for persons to whom or for
4 7 whom mifepristone is provided for the purpose of inducing an
4 8 abortion.
4 9 If a physician provides mifepristone to induce an
4 10 abortion, and if the physician knows that the person who uses
4 11 the mifepristone for the purpose of inducing an abortion
4 12 experiences during or after the use an incomplete abortion,
4 13 severe bleeding, or an adverse reaction to the mifepristone or
4 14 is hospitalized, receives a transfusion, or experiences any
4 15 other serious event, the physician is required to provide a
4 16 written report of the incomplete abortion of such result to
4 17 the department of public health. The department is directed
4 18 to compile and retain all reports the department receives, and
4 19 such reports, unless otherwise provided, are public records.
4 20 However, the department is prohibited from releasing the name
4 21 or any other personal identifying information regarding a
4 22 person who uses mifepristone for the purpose of inducing an
4 23 abortion and who is the subject of a report the department
4 24 receives. A physician who provides mifepristone to another
4 25 for the purpose of inducing an abortion is prohibited from
4 26 knowingly failing to file such a report.
4 27 The bill requires that a physician only prescribe a
4 28 medically induced abortion in person, and not utilize other
4 29 means, such as an internet web camera, to do so. Additionally,
4 30 if a physician prescribes mifepristone after the United States
4 31 food and drug administration recommended 49 days of pregnancy,
4 32 the physician shall ensure that the woman has access to
4 33 emergency care that is available 24 hours per day, seven days
4 34 per week, and shall report any emergency care provided from
4 35 complications arising from such prescription to the department.

House File 2134 - Introduced continued

5 1 A person who violates a provision of the bill is guilty
5 2 of a class "D" felony. A class "D" felony is punishable by
5 3 confinement for no more than five years and a fine of at least
5 4 $750 but not more than $7,500. Additionally, if a person
5 5 who violates the provisions of the bill is professionally
5 6 licensed, the person is subject to sanctioning as provided by
5 7 law by the regulatory or licensing board or agency that has
5 8 the administrative authority to suspend or revoke the person's
5 9 professional license.

LSB 5693YH (2) 83
pf/nh

# House File 2135 - Introduced

HOUSE FILE
BY WILLEMS

**A BILL FOR**

An Act relating to employee leave by providing for time off and sick leave, and including effective date and applicability provisions.

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

TLSB 5451YH (8) 83
ak/rj

House File 2135 - Introduced continued

PAG LIN

1 1 Section 1. Section 91.4, subsection 5, Code 2009, is amended
1 2 to read as follows:
1 3 5. The director of the department of workforce development,
1 4 in consultation with the labor commissioner, shall, at the time
1 5 provided by law, make an annual report to the governor setting
1 6 forth in appropriate form the business and expense of the
1 7 division of labor services for the preceding year, the number
1 8 of disputes or violations processed by the division and the
1 9 disposition of the disputes or violations, and other matters
1 10 pertaining to the division which are of public interest,
1 11 together with recommendations for change or amendment of the
1 12 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
1 13 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
1 14 and the recommendations, if any, shall be transmitted by the
1 15 governor to the first general assembly in session after the
1 16 report is filed.
1 17 Sec. 2. Section 91A.2, Code 2009, is amended by adding the
1 18 following new subsection:
1 19 NEW SUBSECTION. 6A. "Paid time off" means a benefit
1 20 provided by an employer that allows an employee to take time
1 21 off from work with pay without regard to the reason the
1 22 employee chooses to take the time off.
1 23 Sec. 3. Section 91A.2, subsection 7, paragraph b, Code 2009,
1 24 is amended to read as follows:
1 25 b. Vacation, holiday, paid time off, sick leave, and
1 26 severance payments which are due an employee under an agreement
1 27 with the employer or under a policy or practice of the
1 28 employer.
1 29 Sec. 4. Section 91A.4, Code 2009, is amended by striking the
1 30 section and inserting in lieu thereof the following:
1 31 91A.4 Employment suspension or termination == how wages are
1 32 paid.
1 33 1. An employee's employer shall pay all wages earned by the
1 34 employee up to the time of the suspension or termination, less
1 35 any lawful deductions specified in section 91A.5, no later than

House File 2135 - Introduced continued

2 1 the next regular payday after suspension or termination, except
2 2 as follows:
2 3 a. Earned wages that are the difference between a credit
2 4 paid against wages determined on a commission basis and the
2 5 wages actually earned on a commission basis shall be paid
2 6 by the employer not more than thirty days after the date of
2 7 suspension or termination.
2 8 b. If while employed, an employee earned paid time off
2 9 but did not earn vacation, an employer may reduce pay for
2 10 accumulated paid time off by up to one=third.
2 11 c. If while employed, an employee earned both vacation pay
2 12 and paid time off, no payment for accrued paid time off is
2 13 required.
2 14 2. An employer shall not adopt a policy or practice of
2 15 denying payment for vacation or for paid time off upon the
2 16 suspension or termination of an employee's employment unless
2 17 the employee's employment was terminated by the employer for
2 18 misconduct as defined in 871 IAC 24.32(1)"a", as set forth in
2 19 section 96.5, subsection 2.
2 20 3. Except as provided in subsection 1, upon suspension or
2 21 termination of an employee's employment, the amount of pay owed
2 22 for accrued paid time off or accrued vacation shall be the
2 23 amount of pay the employee would have received if the employee
2 24 had not been suspended or terminated and had begun taking the
2 25 total amount of accrued paid time off or accrued vacation on
2 26 the date the suspension or termination occurred.
2 27 Sec. 5. NEW SECTION. 91F.1 Definitions.
2 28 1. "Employee" means as defined in the federal Fair Labor
2 29 Standards Act of 1938, 29 U.S.C. ch. 8, as amended to January
2 30 1, 2007.
2 31 2. "Employer" is defined as in the federal Fair Labor
2 32 Standards Act of 1938, 29 U.S.C. ch. 8, as amended to January
2 33 1, 2007.
2 34 3. "Family member" means any of the following:
2 35 a. An employee's spouse or domestic partner.

House File 2135 - Introduced continued

3 1 b. A child, foster child, stepchild, legal ward, a child of
3 2 a domestic partner, or a child to whom the employee stands in
3 3 loco parentis.
3 4 c. A parent, foster parent, stepparent, legal guardian of
3 5 an employee, or a person who stood in loco parentis when the
3 6 employee was a minor child.
3 7 d. A sibling, foster sibling, stepsibling, or spouse or
3 8 domestic partner of a sibling, foster sibling, or stepsibling.
3 9 Sec. 6. NEW SECTION. 91F.2 Paid sick leave and paid time
3 10 off == additional uses.
3 11 1. An employer who provides employees with paid sick leave
3 12 or paid time off, as defined in section 91A.2, shall permit
3 13 employees to use the accrued paid sick leave or paid time off
3 14 for the following nonexclusive purposes:
3 15 a. For prenatal care and maternity leave.
3 16 b. To care for a family member with mental or physical
3 17 illness, injury, or health condition who needs medical
3 18 diagnosis, care, or treatment for the mental or physical
3 19 illness, injury, or health condition, or who needs preventative
3 20 medical care.
3 21 2. This chapter shall not be construed to discourage or
3 22 prohibit an employer from adopting or maintaining a paid sick
3 23 leave or paid time off policy that permits employees to use
3 24 accrued paid sick leave or paid time off for purposes other
3 25 than enumerated in subsection 1.
3 26 3. This chapter shall not be construed as diminishing
3 27 the obligation of an employer to comply with any contract,
3 28 collective bargaining agreement, employment benefit plan, or
3 29 other agreement that permits employees to use accrued paid sick
3 30 leave or paid time off for purposes other than enumerated in
3 31 subsection 1.
3 32 4. This chapter shall not be construed as diminishing the
3 33 rights of public employees regarding paid sick leave or paid
3 34 time off or use of paid sick leave or paid time off as provided
3 35 by law.

House File 2135 - Introduced continued

4 1 Sec. 7. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
4 2 Act takes effect upon enactment. The sections of this
4 3 Act amending chapter 91A apply only to the suspension or
4 4 termination of an employee's employment that takes place on or
4 5 after the effective date of this Act.
4 6 EXPLANATION
4 7 This bill provides employee leave by providing for time off
4 8 and sick leave.
4 9 The bill relates to payments for accrued vacation time and
4 10 for accrued paid time off for all employees who are terminated
4 11 or suspended.
4 12 Current law requires an employer to pay accrued vacation pay
4 13 to a terminated or suspended employee only if the employer has
4 14 a policy, procedure, or contract that requires the employer to
4 15 do so.
4 16 The bill defines "paid time off" as a benefit allowing an
4 17 employee to take time off from work with pay without regard to
4 18 the reason the employee chooses to take the time off. "Paid
4 19 time off" is also added to the definition of "wages".
4 20 The bill provides that if an employee is suspended or
4 21 terminated upon request the employer must pay all wages, now
4 22 including paid time off, earned by the next regular payday.
4 23 The bill provides an exception for when an employee who earned
4 24 paid time off while employed but not vacation, the employer
4 25 may reduce the pay for the accrued paid time off by one=third.
4 26 Finally, there is an exception for when an employee earned both
4 27 vacation and paid time off while employed, the employer is not
4 28 required to make payment for the paid time off.
4 29 An employer shall not adopt a policy or practice to deny
4 30 payment for accrued vacation or accrued paid time off upon the
4 31 suspension or termination of an employee unless the employee's
4 32 employment ended due to misconduct. Misconduct is not defined
4 33 in statute but is defined in the department of workforce
4 34 development's administrative rules.
4 35 The bill provides a formula to calculate the payment for an

House File 2135 - Introduced continued

5 1 employee's accrued paid time off or vacation if the employee is
5 2 suspended or terminated. Except as otherwise provided by the
5 3 formula, the amount of pay owed to an employee is the amount of
5 4 pay equal to the accrued vacation or paid time off as if the
5 5 employee began taking the vacation or paid time off the day the
5 6 suspension or termination took place. This formula substitutes
5 7 the pro rata policy for how accrued vacation is currently paid
5 8 out if an employee's policy or practice required it.
5 9 The bill includes new Code chapter 91F, which provides that
5 10 employers who provide paid sick leave and paid time off to
5 11 employees shall allow sick leave or paid time off to be used
5 12 for prenatal care and maternity leave and to care for family
5 13 members. "Family member" is defined in the new Code chapter.
5 14 The new Code chapter does not prohibit an employer from
5 15 providing a more generous paid sick leave or paid time off
5 16 policy; it does not diminish an employer's previous contractual
5 17 obligations for more generous paid sick leave or paid time off;
5 18 and it does not diminish public employees' rights to paid sick
5 19 leave or paid time off as provided by law.
5 20 The bill takes effect upon enactment. The sections of the
5 21 bill that would affect chapter 91A are made applicable only to
5 22 the suspension or termination of an employee's employment that
5 23 occurs on or after that date.
LSB 5451YH (8) 83
ak/rj

# House Resolution 105 - Introduced

PAG LIN

HOUSE RESOLUTION NO.
BY COMMITTEE ON ADMINISTRATION AND RULES

1 1 A Resolution amending the permanent rules of the House
1 2 of Representatives relating to admittance to the
1 3 floor of the house, the issuance of certificates of
1 4 recognition or condolence, and the requirements for
1 5 consideration of amendments.
1 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 7 That Rule 20, unnumbered paragraph 7, of the Rules of
1 8 the House, as adopted by the House of Representatives
1 9 during the 2009 Session in House Resolution 8, is
1 10 amended to read as follows:
1 11 A registered lobbyist shall not be admitted to
1 12 the floor of the house on any legislative day except
1 13 for ceremonial purposes <u>or for attendance at public</u>
1 14 <u>hearings</u>.
1 15 BE IT FURTHER RESOLVED BY THE HOUSE OF
1 16 REPRESENTATIVES, That Rule 23 of the Rules of
1 17 the House, as adopted by the House of Representatives
1 18 during the 2009 Session in House Resolution 8, is
1 19 amended to read as follows:
1 20 Rule 23
1 21 Documents Signed by the Speaker
1 22 All acts and joint resolutions shall be signed by
1 23 the speaker, and all writs, warrants, and subpoenas
1 24 issued by order of the house, shall be signed by the
1 25 speaker and attested by the chief clerk. The speaker
1 26 shall cause certificates of recognition or condolence

House Resolution 105 - Introduced continued

2 1 to be issued by the house which shall be signed by
2 2 the speaker and the chief clerk. The chief clerk
2 3 shall maintain a list of certificates issued including
2 4 the name of the requesting member of the house, the
2 5 name of the recipient, the reason for recognition or
2 6 condolence, and the date of issuance.
2 7 BE IT FURTHER RESOLVED BY THE HOUSE OF
2 8 REPRESENTATIVES, That Rule 31, subsection 8, of
2 9 the Rules of the House, as adopted by the House of
2 10 Representatives during the 2009 Session in House
2 11 Resolution 8, is amended to read as follows:
2 12 8. No amendment to the rules of the house, to any
2 13 resolution or bill, except technical amendments and
2 14 amendments to bills substituted for by senate files
2 15 containing substantially identical title, language,
2 16 subject matter, purpose and intrasectional arrangement,
2 17 shall be considered by the membership of the house
2 18 without a copy of the amendment having been filed
2 19 with the chief clerk by 4:00 p.m. or within one=half
2 20 hour of adjournment, whichever is later, on the day
2 21 preceding floor debate on the amendment. If the
2 22 house adjourns prior to 2:00 p.m. on Friday, the final
2 23 deadline is two hours after adjournment. However,
2 24 committee amendments filed pursuant to the submission
2 25 of the committee report may be accepted after this
2 26 deadline. This provision shall not apply to any
2 27 proposal debated on the floor of the house after
2 28 the fourteenth week of the first session and the
2 29 twelfth week of the second session. No amendment or
2 30 amendment to an amendment to a bill, rule of the house,

House Resolution 105 - Introduced continued

3 1 or resolution shall be considered by the membership of
3 2 the house without a copy of the amendment being on the
3 3 desks of the entire membership of the house prior to
3 4 consideration. However, ~~after the fourteenth week of~~
~~3 5 the first session and the twelfth week of the second~~
~~3 6 session,~~ the membership of the house may consider an
3 7 amendment or an amendment to an amendment to a bill,
3 8 rule of the house, or resolution without a copy of the
3 9 amendment being on the desks of the entire membership
3 10 of the house prior to consideration if a copy of the
3 11 amendment is made available to the entire membership of
3 12 the house electronically.
LSB 5731HV (5) 83
rj/nh

# House Study Bill 618

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

**A BILL FOR**

An Act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5226YC (3) 83
av/sc

House Study Bill 618 continued

PAG LIN

1 1 Section 1. NEW SECTION. 272C.2B Continuing education
1 2 minimum requirements == mortuary science.
1 3 1. The board of mortuary science, created pursuant to
1 4 chapter 147, shall require, as a condition of license renewal,
1 5 a minimum of twenty=four hours of continuing education in the
1 6 two years immediately prior to a licensee's license renewal.
1 7 The board of mortuary science may notify funeral director
1 8 licensees on a quarterly basis regarding continuing education
1 9 opportunities.
1 10 2. A person licensed to practice mortuary science in this
1 11 state shall be deemed to have complied with the continuing
1 12 education requirements of this state during periods that
1 13 the person serves honorably on active duty in the military
1 14 services, or for periods that the person is a government
1 15 employee working in the person's licensed specialty and
1 16 assigned to duty outside of the United States, or for other
1 17 periods of active practice and absence from the state approved
1 18 by the board of mortuary science.
1 19 Sec. 2. Section 523A.201, subsections 2, 3, 5, and 8, Code
1 20 2009, are amended to read as follows:
1 21 2. If a seller agrees to furnish cemetery merchandise,
1 22 funeral merchandise, funeral services, or a combination thereof
1 23 and performance or delivery may be more than one hundred twenty
1 24 days following the initial payment on the account, ~~a minimum~~
~~1 25 of eighty percent of~~ all payments made under the purchase
1 26 agreement shall be placed and remain in trust until the person
1 27 for whose benefit the funds were paid dies.
1 28 3. If a purchase agreement for cemetery merchandise,
1 29 funeral merchandise, funeral services, or a combination
1 30 thereof provides that payments are to be made in installments,
1 31 the seller shall deposit ~~eighty percent of each payment~~ all
1 32 payments made under the purchase agreement in the trust fund
1 33 until the full amount required to be placed in trust has been
1 34 deposited. If the purchase agreement is financed with or sold
1 35 to a financial institution, the purchase agreement shall be

House Study Bill 618 continued

2 1 considered paid in full and the trust requirements shall be
2 2 satisfied within fifteen days after the seller receives funds
2 3 from the financial institution.
2 4 5. ~~Unless a seller deposits all of each payment in a~~
~~2 5 trust fund that meets the requirements of this section and~~
~~2 6 section 523A.202~~ For purchase agreements entered into prior to
2 7 July 1, 2010, where the seller deposited an amount less than
2 8 one hundred percent of each payment made under the purchase
2 9 agreement in trust, the seller shall have a fidelity bond or
2 10 similar insurance in an amount of not less than fifty thousand
2 11 dollars to protect against the loss of purchaser payments
2 12 not placed in trust within the time period required by this
2 13 section and section 523A.202. The commissioner may require a
2 14 greater amount as the commissioner determines is necessary.
2 15 If the seller changes ownership, the fidelity bond or similar
2 16 insurance shall continue in force for at least one year after
2 17 the transfer of ownership.
2 18 8. Interest or income earned on amounts deposited in trust
2 19 shall remain in trust under the same terms and conditions
2 20 as payments made under the purchase agreement~~, except that~~
~~2 21 a limited liability corporation that was formed in 2002 for~~
~~2 22 the purpose of purchasing a cemetery from a foreign entity~~
~~2 23 reorganizing under bankruptcy and such corporation is comprised~~
~~2 24 of six establishments all located within the same county may~~
~~2 25 withdraw so much of the interest or income as represents the~~
~~2 26 difference between the amount needed to adjust the trust~~
~~2 27 funds for inflation as set by the commissioner based on the~~
~~2 28 consumer price index and the interest or income earned during~~
~~2 29 the preceding year not to exceed fifty percent of the total~~
~~2 30 interest or income on a calendar=year basis~~. ~~The early~~
~~2 31 withdrawal of interest or income under this provision does~~
~~2 32 not affect the purchaser's right to a credit of such interest~~
~~2 33 or income in the event of a nonguaranteed price agreement,~~
~~2 34 cancellation, or nonperformance by such limited liability~~
~~2 35 corporation.~~

House Study Bill 618 continued

3 1 Sec. 3. Section 523A.202, subsections 1 and 4, Code
3 2 Supplement 2009, are amended to read as follows:
3 3 1. All funds held in trust pursuant to section 523A.201
3 4 shall be deposited in a financial institution located in this
3 5 state within fifteen days following receipt of the funds. The
3 6 financial institution shall hold the funds for the designated
3 7 beneficiary until released.
3 8 4. This section does not prohibit moving trust funds from
3 9 one financial institution to another financial institution
3 10 located in this state if the commissioner is notified of the
3 11 change within thirty days of the transfer of the trust funds.
3 12 Sec. 4. Section 523A.207, Code 2009, is amended to read as
3 13 follows:
3 14 523A.207 Audits by certified public accountants == penalties.
3 15 A purchase agreement shall not be sold or transferred, as
3 16 part of the sale of a business or the assets of a business,
3 17 until an audit has been performed by a certified public
3 18 accountant and filed with the commissioner that expresses the
3 19 auditor's opinion of the adequacy of funding related to the
3 20 purchase agreements to be sold or transferred. If the buyer of
3 21 a purchase agreement sold or transferred as part of the sale
3 22 of a business or the assets of a business, fails to file such
3 23 an audit, the commissioner shall suspend the preneed seller's
3 24 license of the buyer and the preneed sales license of any sales
3 25 agent in the employ of the buyer until the audit is filed. In
3 26 addition, the commissioner shall assess a penalty against the
3 27 buyer in an amount up to one hundred dollars for each day that
3 28 the audit remains unfiled.
3 29 Sec. 5. Section 523A.405, subsection 8, Code 2009, is
3 30 amended to read as follows:
3 31 8. The amount of the surety bond shall equal ~~eighty~~
3 32 ~~percent~~ the amount of the payments received pursuant to
3 33 purchase agreements, or the applicable portion thereof, for
3 34 cemetery merchandise, funeral merchandise, funeral services,
3 35 or a combination thereof, and the amount needed to adjust

House Study Bill 618 continued

the amount of the surety bond for inflation as set by the commissioner based on the consumer price index. The seller shall review the amount of the surety bond no less than annually and shall increase the bond as necessary to reflect additional payments. The amount needed to adjust for inflation shall be added annually to the surety bond during the first quarter of the seller's fiscal year.

Sec. 6. Section 523A.601, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. State ~~the percentage of money to~~ that all payments made under the purchase agreement will be placed in trust.

Sec. 7. Section 523A.601, subsection 6, paragraph a, Code 2009, is amended to read as follows:

a. A purchase agreement that is funded by a trust shall include a conspicuous statement in language substantially similar to the following language:

"For your prearranged funeral agreement, we will deposit ~~not less than eighty percent~~ all of your payments in trust at (name of financial institution), (street address), (city), (state) (zip code) within fifteen days following receipt of the funds. For your protection, you will ~~be notified~~ receive notification within sixty days from the date of deposit from the financial institution, if acting as a trustee of trust funds under this chapter, to confirm that the deposit of these funds has been made establishing a trust fund as required by law. If you do not receive this notification, you may contact the Iowa insurance division for assistance by calling the insurance division at (telephone number) or by mail at (street address), (city), Iowa (zip code), or you may contact the financial institution by calling the financial institution at (telephone number) or by mail at the address indicated above."

EXPLANATION

This bill relates to licensing requirements for funeral directors and to certain trust requirements for payments to purchase cemetery and funeral merchandise and funeral services.

House Study Bill 618 continued

5 1 New Code section 272C.2B codifies a requirement currently
5 2 contained in administrative rules that a funeral director must
5 3 fulfill a minimum of 24 hours of continuing education in the
5 4 two years immediately prior to that person's license renewal.
5 5 The provision also provides that the requirement is deemed
5 6 fulfilled for a funeral director during periods of active duty
5 7 military service, while the funeral director is a government
5 8 employee working in the person's specialty and assigned to duty
5 9 outside the United States, and for other periods of active
5 10 practice and absence from the state approved by the board of
5 11 mortuary science.
5 12 Code section 523A.201 is amended to require that if cemetery
5 13 merchandise, funeral merchandise, funeral services, or a
5 14 combination thereof is sold pursuant to a purchase agreement
5 15 entered into on or after July 1, 2010, for performance or
5 16 delivery more than 120 days following initial payment, all
5 17 payments made by the buyer pursuant to that purchase agreement
5 18 must be placed in trust. Currently, only 80 percent of such
5 19 payments must be deposited in trust. For purchase agreements
5 20 entered into prior to July 1, 2010, where the seller deposited
5 21 less than 100 percent of the payments made under the purchase
5 22 agreement, the seller is still required to have a fidelity
5 23 bond or similar insurance of not less than $50,000, or more as
5 24 determined necessary by the commissioner of insurance.
5 25 Code section 523A.201 is also amended to delete a provision
5 26 that allows certain described limited liability corporations to
5 27 remove interest or income earned on amounts deposited in trust.
5 28 Code section 523A.202 is amended to provide that funds held
5 29 in trust pursuant to purchase agreements must be deposited in a
5 30 financial institution located in the state.
5 31 Code section 523A.207 is amended to require that if a
5 32 preneed seller buys purchase agreements as part of the sale of
5 33 a business or the assets of a business and fails to file an
5 34 audit by a certified public accountant regarding the adequacy
5 35 of funding of those purchase agreements, the licenses of

House Study Bill 618 continued

6 1 that preneed seller and sales agents of that preneed seller
6 2 are suspended until the audit is filed. In addition, the
6 3 commissioner of insurance is required to assess a penalty
6 4 against that buyer of up to $100 for each day that the audit
6 5 remains unfiled.
6 6 Code section 523A.405 is amended to require that a surety
6 7 bond filed in lieu of meeting trust requirements for payments
6 8 made pursuant to a purchase agreement must also equal all,
6 9 instead of 80 percent, of the amount of the payments made.
6 10 Code section 523A.601 is amended to coordinate with the
6 11 other provisions of the bill requiring that all payments made
6 12 under a purchase agreement must be placed in trust.

LSB 5226YC (3) 83
av/sc

# House Study Bill 619

HOUSE FILE
BY ALONS, CHAMBERS,
QUIRK, and SODERBERG

**A BILL FOR**

An Act concerning choice of automobile repair facilities under automobile liability insurance policies.

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

TLSB 5190YH (4) 83
av/nh

House Study Bill 619 continued

PAG LIN

1 1 Section 1. NEW SECTION. 516B.4 Choice of automobile repair
1 2 facilities.
1 3 1. An insurer transacting business in this state,
1 4 including its producers and adjusters, that issues or renews an
1 5 automobile liability policy shall not do any of the following:
1 6 a. Require that a claimant under the policy use a particular
1 7 automobile repair business or location for an estimate or a
1 8 repair.
1 9 b. Engage in any act or practice that intimidates, coerces,
1 10 or threatens a claimant or that provides an incentive or
1 11 inducement for a claimant to use a particular automobile repair
1 12 business or location.
1 13 2. An insurer transacting business in this state,
1 14 including its producers and adjusters, that issues or renews
1 15 an automobile liability policy is entitled to have access
1 16 to a claimant's automobile for the purpose of preparing a
1 17 competitive repair estimate.
1 18 3. If an insurer has a direct repair program with automobile
1 19 repair businesses or locations, the insurer shall not limit the
1 20 number of automobile repair businesses or locations with whom
1 21 it maintains a direct repair program except that an insurer may
1 22 limit the number of automobile repair businesses or locations
1 23 participating in the insurer's direct repair program to
1 24 those automobile repair businesses or locations that meet the
1 25 requirements of subsection 4. An insurer is not required to
1 26 establish a direct repair program in a particular market area
1 27 where the insurer's number of policyholders does not support
1 28 establishing a direct repair program in that area.
1 29 4. If an insurer has a direct repair program, the insurer,
1 30 upon request, shall provide to a claimant, without prejudice or
1 31 bias, a list of all automobile repair businesses or locations
1 32 that are reasonably close or convenient to the claimant
1 33 and willing to provide services and that meet the insurer's
1 34 criteria for participation in its direct repair program by:
1 35 a. Possessing the equipment necessary to undertake repairs.

House Study Bill 619 continued

2 1 b. Undertaking training of management and technical
2 2 personnel with respect to repair information and the claims
2 3 process.
2 4 c. Agreeing to perform quality repairs at market price and
2 5 that meet industry quality repair standards.
2 6 d. Agreeing to warrant the quality of work including
2 7 refinishing, in writing, to the claimant or insured, for a
2 8 period of not less than one year from the date of repair.
2 9 e. Agreeing to inspection of their repairs and services by
2 10 the insurer and agreeing that the insurer may terminate the
2 11 direct repair program with the automobile repair business or
2 12 location if the repair and services provided are below the
2 13 standards of quality required by the automotive industry.
2 14 f. If requested, agreeing to execute an agreement with
2 15 the insurer that may contain additional criteria that are not
2 16 designed to unfairly limit the number of automobile repair
2 17 businesses or locations with whom the insurer maintains direct
2 18 repair programs. The additional criteria may include criteria
2 19 determined to be necessary by the insurer and designed to
2 20 ensure that the automobile repair business or location has
2 21 the necessary estimating systems and programs and equipment
2 22 to communicate electronically with the insurer and that the
2 23 automobile repair business or location has taken steps to
2 24 ensure the privacy of the insurer and the claimant. However,
2 25 the insurer shall not abrogate the right of an automobile
2 26 repair business or location to purchase parts or supplies from
2 27 any vendor, at the sole discretion of the automobile repair
2 28 business or location.
2 29 5. An insurer transacting business in this state,
2 30 including its producers and adjusters, that issues or renews
2 31 an automobile liability policy shall not abrogate the right of
2 32 a claimant to use any automobile repair business or location
2 33 at the claimant's sole discretion, and the insurer shall pay
2 34 for the reasonable and necessary cost of the automobile repair
2 35 services for covered damages, less any deductible under the

House Study Bill 619 continued

3 1 terms of the policy. This section does not require an insurer
3 2 to pay more for automobile repair services than the market
3 3 price.
3 4 6. For the purposes of this section:
3 5 a. "Automobile repair business or location" does not include
3 6 a business or location that exclusively provides automobile
3 7 glass replacement, glass repair services, or glass products.
3 8 b. "Claimant" means a person seeking repair of an automobile
3 9 whether that person is the insured person or a third party
3 10 making a claim against the insurer.
3 11 c. (1) "Market price" means either of the following:
3 12 (a) The price agreed upon between the insurer and the
3 13 policyholder or the service provider.
3 14 (b) The price that is reasonable within the market of the
3 15 local area where the repair or replacement is being performed.
3 16 (2) The market price shall not be less than the cost of the
3 17 repair or replacement work to the service provider.
3 18 Sec. 2. NEW SECTION. 516B.5 Automobile glass repair ==
3 19 prohibited activities.
3 20 1. An insurer transacting business in this state,
3 21 including its producers and adjusters, that issues or renews
3 22 an automobile liability policy shall not, individually or with
3 23 others, directly or indirectly, do any of the following:
3 24 a. Establish an agreement with any person to act as a glass
3 25 broker for the insurer under which the glass broker sets a
3 26 price that must be met by a glass repair shop as a condition for
3 27 doing glass replacement or glass repair work for the insurer.
3 28 b. Establish an agreement with a glass broker that requires
3 29 a glass repair shop to bill through a glass broker as a
3 30 condition of doing glass replacement or glass repair work for
3 31 the insurer.
3 32 c. Establish a price that must be met by a glass repair
3 33 shop as a condition for doing glass replacement or glass repair
3 34 work for the insurer that is below the market price as defined
3 35 in section 516B.4.

House Study Bill 619 continued

4 1 d. Require that an insured under the policy use a particular
4 2 company or location for providing automobile glass replacement,
4 3 glass repair services, or glass products insured, in whole or
4 4 in part, under the terms of the policy.
4 5 e. Engage in any act or practice of intimidation, coercion,
4 6 or threat for or against an insured to use a particular company
4 7 or location to provide automobile glass replacement, glass
4 8 repair services, or glass products insured, in whole or in
4 9 part, under the terms of the policy.
4 10 2. An insurer shall not establish an agreement with a
4 11 glass broker that has any affiliation or relation to or with
4 12 manufacturing, distribution, wholesaling, or retailing of
4 13 automobile glass, including windshield repair resin and tool
4 14 manufacturers, distributors, wholesalers, and retailers.
4 15 3. This section does not require an insurer to pay more for
4 16 automobile glass replacement, glass repair services, or glass
4 17 products than the market price as defined in section 516B.4.
4 18 4. This section does not prohibit an insurer from agreeing
4 19 to pay the full cost of glass replacement or repair, less any
4 20 deductible under the terms of the policy.
4 21 5. As used in this section, "glass broker" means an
4 22 automobile glass company that acts as a third=party agent for
4 23 the insurer whenever the automobile glass company enters into
4 24 agreements with other automobile glass dealers to provide glass
4 25 replacement, glass repair services, or glass products for the
4 26 insurer.
4 27 EXPLANATION
4 28 This bill relates to choice of automobile repair and glass
4 29 repair facilities under automobile liability policies issued or
4 30 renewed in this state.
4 31 New Code section 516B.4 prohibits an automobile liability
4 32 insurer from requiring that a claimant under the policy use
4 33 a particular automobile repair business or location for an
4 34 estimate or repair. A claimant may use any automobile repair
4 35 business or location of the claimant's choice and the insurer

House Study Bill 619 continued

5 1 must pay the reasonable and necessary cost of the repair
5 2 service for covered damages, less any deductible under the
5 3 terms of the policy. This section does not require an insurer
5 4 to pay more for repairs than the market price.
5 5 An insurer may have a direct repair program and provide to a
5 6 claimant, upon request, a list of participants in the direct
5 7 repair program that are reasonably close or convenient to the
5 8 claimant and that meet criteria, as specified in the bill, for
5 9 participation in the program.
5 10 An insurer is prohibited from infringing on the right of an
5 11 automobile repair business or location to purchase parts or
5 12 supplies from a vendor of its choice.
5 13 New Code section 516B.5 prohibits an automobile liability
5 14 insurer from establishing an agreement with any person to
5 15 act as a glass broker for the insurer under which the glass
5 16 broker sets a price that must be met by a glass repair shop
5 17 as a condition for doing glass repair or replacement work
5 18 for the insurer, that requires a glass repair shop to bill
5 19 through a glass broker as a condition of doing glass repair or
5 20 replacement work for the insurer, or that establishes a price
5 21 that must be met by a glass repair shop that is below the market
5 22 price as a condition of doing business with the insurer. An
5 23 insurer is prohibited from establishing an agreement with a
5 24 glass broker that has any affiliation or relation to or with
5 25 manufacturing, distribution, wholesaling, or retailing of
5 26 automobile glass, including windshield repair resin and tool
5 27 manufacturers, distributors, wholesalers, and retailers.
5 28 An automobile liability insurer is also prohibited from
5 29 requiring an insured to use a particular company or location
5 30 for providing automobile glass replacement, glass repair
5 31 services, or glass products pursuant to the policy. An insurer
5 32 is not required to pay more than the market price for such
5 33 services.
5 34 For the purposes of Code section 516B.5, a "glass broker"
5 35 means an automobile glass company that acts as a third=party

House Study Bill 619 continued

6 1 agent for an automobile liability insurer whenever the company
6 2 enters into agreements with other automobile glass dealers to
6 3 provide glass replacement or repair services or glass products
6 4 for the insurer.
6 5 For the purposes of the bill, "market price" means either the
6 6 price agreed upon between the insurer and the policyholder or
6 7 the service provider, or the price that is reasonable within
6 8 the market of the local area where the repair or replacement is
6 9 being performed. The market price cannot be less than the cost
6 10 of the repair or replacement to the service provider.

LSB 5190YH (4) 83
av/nh

# House Study Bill 620

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

**A BILL FOR**

An Act relating to certain employer=owned life insurance contracts on the lives of employees and making penalties applicable.

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

TLSB 5545HC (3) 83
av/nh

House Study Bill 620 continued

PAG LIN

1 1 Section 1. Section 507B.4, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 19. Employer=owned life insurance
1 4 contracts. Issuing an employer=owned life insurance contract
1 5 on the life of an employee for which the employer is the named
1 6 beneficiary, unless an equivalent employer=owned life insurance
1 7 policy is issued at the same time on the life of the employee
1 8 with the employee's dependents named as beneficiaries. If an
1 9 employer=owned life insurance contract is issued on the life
1 10 of an employee in violation of this subsection, the employee's
1 11 dependents shall be treated as beneficiaries under the life
1 12 insurance contract by operation of law.
1 13 EXPLANATION
1 14 This bill creates new Code section 507B.4(19) which
1 15 establishes as an unfair or deceptive act or practice in the
1 16 business of insurance the purchase of certain employer=owned
1 17 life insurance contracts on the lives of employees.
1 18 The bill provides that it is an unfair or deceptive
1 19 act or practice for a life insurance company to issue an
1 20 employer=owned life insurance contract on the life of an
1 21 employee for which the employer is the named beneficiary unless
1 22 an equivalent employer=owned life insurance policy is issued at
1 23 the same time on the life of the employee with the employee's
1 24 dependents named as beneficiaries. If an employer=owned life
1 25 insurance contract is issued on the life of an employee in
1 26 violation of the new provision, the employee's dependents shall
1 27 be treated as beneficiaries under the employer=owned life
1 28 insurance contract by operation of law, regardless of who is
1 29 named as the beneficiary under the contract.
1 30 A person who violates the new provision may be subject to
1 31 cease and desist orders, license suspension or revocation, and
1 32 civil penalties.
LSB 5545HC (3) 83
av/nh

# House Study Bill 621

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
ON AGING BILL)

**A BILL FOR**

An Act relating to the office of the long=term care resident's advocate, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5280XD (6) 83
pf/nh

House Study Bill 621 continued

PAG LIN

1 1 Section 1. Section 135C.37, Code 2009, is amended to read
1 2 as follows:
1 3 135C.37 Complaints alleging violations == confidentiality.
1 4 A person may request an inspection of a health care facility
1 5 by filing with the department, resident advocate committee
1 6 of the facility, or the office of long=term care resident's
1 7 advocate as established pursuant to section 231.42, a complaint
1 8 of an alleged violation of applicable requirements of this
1 9 chapter or the rules adopted pursuant to this chapter. A
1 10 person alleging abuse or neglect of a resident with a
1 11 developmental disability or with mental illness may also file a
1 12 complaint with the protection and advocacy agency designated
1 13 pursuant to section 135B.9 or section 135C.2. A copy of a
1 14 complaint filed with the resident advocate committee or the
1 15 office of long=term care resident's advocate shall be forwarded
1 16 to the department. The complaint shall state in a reasonably
1 17 specific manner the basis of the complaint, and a statement
1 18 of the nature of the complaint shall be delivered to the
1 19 facility involved at the time of the inspection. The name of
1 20 the person who files a complaint with the department, resident
1 21 advocate committee, or the office of long=term care resident's
1 22 advocate shall be kept confidential and shall not be subject to
1 23 discovery, subpoena, or other means of legal compulsion for its
1 24 release to a person other than department employees involved in
1 25 the investigation of the complaint.
1 26 Sec. 2. Section 135C.38, subsection 2, paragraph d, Code
1 27 2009, is amended to read as follows:
1 28 d. A person who is dissatisfied with any aspect of the
1 29 department's handling of the complaint may contact the office
1 30 of long=term care resident's advocate, established pursuant
1 31 to section 231.42, or may contact the protection and advocacy
1 32 agency designated pursuant to section 135C.2 if the complaint
1 33 relates to a resident with a developmental disability or a
1 34 mental illness.

House Study Bill 621 continued

2 1 Sec. 3. Section 231.4, Code Supplement 2009, is amended by
2 2 adding the following new subsections:
2 3 NEW SUBSECTION. 1A. "Assisted living program" means a
2 4 program which provides assisted living as defined pursuant to
2 5 section 231C.2 and which is certified under chapter 231C.
2 6 NEW SUBSECTION. 4A. "Elder group home" means elder group
2 7 home as defined in section 231B.1 which is certified under
2 8 chapter 231B.
2 9 NEW SUBSECTION. 9A. "Resident" means a resident or tenant
2 10 of a long=term care facility, assisted living program, or elder
2 11 group home, excluding facilities licensed primarily to serve
2 12 persons with mental retardation or mental illness.
2 13 Sec. 4. Section 231.4, subsection 10, Code Supplement 2009,
2 14 is amended by striking the subsection.
2 15 Sec. 5. Section 231.23A, subsection 7, Code Supplement
2 16 2009, is amended to read as follows:
2 17 7. Administration relating to the office of long=term care
2 18 resident's advocate ~~program~~ and training for resident advocate
2 19 committees.
2 20 Sec. 6. Section 231.41, Code Supplement 2009, is amended to
2 21 read as follows:
2 22 231.41 Purpose.
2 23 The purpose of this subchapter is to establish the office
2 24 of long=term care resident's advocate ~~program operated~~
~~2 25 by~~ within the ~~Iowa commission on aging~~ department in accordance
2 26 with the requirements of the federal Act, and to adopt
2 27 the supporting federal regulations and guidelines for its
2 28 ~~implementation~~ operation. ~~In accordance with chapter 17A,~~
~~2 29 the commission on aging shall adopt and enforce rules for the~~
~~2 30 implementation of this subchapter.~~
2 31 Sec. 7. Section 231.42, Code Supplement 2009, is amended
2 32 by striking the section and inserting in lieu thereof the
2 33 following:
2 34 231.42 Office of long=term care resident's advocate == duties
2 35 == penalties for violations.

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3 1 1. Office established. The office of long=term care
3 2 resident's advocate is established within the department, in
3 3 accordance with section 712 of the federal Act, as codified
3 4 at 42 U.S.C. { 3058g. The office shall consist of the state
3 5 long=term care resident's advocate and any local long=term care
3 6 resident's advocates.
3 7 2. State long=term care resident's advocate. The director
3 8 of the department shall appoint the state long=term care
3 9 resident's advocate who shall do all of the following:
3 10 a. Establish and implement a statewide confidential
3 11 uniform reporting system for receiving, analyzing, referring,
3 12 investigating, and resolving complaints about the health,
3 13 safety, welfare, and rights of residents or tenants of
3 14 long=term care facilities, assisted living programs, and elder
3 15 group homes, excluding facilities licensed primarily to serve
3 16 persons with mental retardation or mental illness.
3 17 b. Publicize the office of long=term care resident's
3 18 advocate and provide information and education to consumers,
3 19 the public, and other agencies about issues related to
3 20 long=term care in Iowa.
3 21 c. Monitor the development and implementation of federal,
3 22 state, and local laws, regulations, and policies that relate to
3 23 long=term care in Iowa.
3 24 d. Annually report to the governor and general assembly
3 25 on the activities of the office and make recommendations for
3 26 improving the health, safety, welfare, and rights of residents
3 27 and tenants of long=term care facilities, assisted living
3 28 programs, and elder group homes.
3 29 e. Cooperate with persons and public or private agencies
3 30 with regard to, and participate in, inquiries, meetings,
3 31 or studies that may lead to improvements in the health,
3 32 safety, welfare, and rights of residents and tenants and the
3 33 functioning of long=term care facilities, assisted living
3 34 programs, and elder group homes.
3 35 f. Recruit, train, educate, support, and monitor volunteers

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4 1 associated with the office.
4 2 3. Local long=term care resident's advocates. The local
4 3 long=term care resident's advocates established pursuant to
4 4 this section shall do all of the following:
4 5 a. Accept, investigate, verify, and work to resolve
4 6 complaints, whether reported to or initiated by a long=term
4 7 care resident's advocate, relating to any action or inaction
4 8 that may adversely affect the health, safety, welfare, or
4 9 rights of residents or tenants of a long=term care facility,
4 10 assisted living program, or elder group home.
4 11 b. Provide information about long=term care, the rights of
4 12 residents and tenants, payment sources for care, and selection
4 13 of a long=term care facility, assisted living program, or elder
4 14 group home to providers, consumers, family members, volunteers,
4 15 and the public.
4 16 c. Make referrals to appropriate licensing and enforcement
4 17 agencies to assure appropriate investigation of abuse
4 18 complaints and corrective actions.
4 19 d. Assist in the recruitment, training, education, support,
4 20 and monitoring of volunteers associated with the office of the
4 21 long=term care resident's advocate.
4 22 e. Make noncomplaint=related visits to long=term care
4 23 facilities, assisted living programs, and elder group homes
4 24 to observe daily routines, meals, and activities, and work to
4 25 resolve complaints if any are identified during these visits.
4 26 4. Referrals of abuse, neglect, or exploitation.
4 27 a. If abuse, neglect, or exploitation of a resident or
4 28 tenant of a long=term care facility, assisted living program,
4 29 or elder group home is suspected, the state or a local
4 30 long=term care resident's advocate shall, with the permission
4 31 of the resident or tenant as applicable under federal law,
4 32 make an immediate referral to the department of inspections
4 33 and appeals or the department of human services as applicable,
4 34 and to the appropriate law enforcement agency. The state or
4 35 a local long=term care resident's advocate shall cooperate,

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5 1 if requested, with the department of inspections and appeals,
5 2 department of human services, or any law enforcement agency
5 3 pursuant to any investigation of such abuse, neglect, or
5 4 exploitation.
5 5 b. If the department of inspections and appeals responds
5 6 to a complaint referred by the state or a local long=term
5 7 care resident's advocate against a long=term care facility,
5 8 assisted living program, elder group home, or an employee of
5 9 such entity, copies of related inspection reports, plans of
5 10 correction, and notice of any citations and sanctions levied
5 11 against the facility, program, or home shall be forwarded to
5 12 the office of the long=term care resident's advocate.
5 13 5. Access to facility, program, or home. The state or a
5 14 local long=term care resident's advocate or a trained volunteer
5 15 may enter any long=term care facility, assisted living program,
5 16 or elder group home at any time with or without prior notice
5 17 or complaint and shall be granted access to residents and
5 18 tenants at all times for the purpose of carrying out the duties
5 19 specified in this section. As used in this section, "access"
5 20 means the right to do all of the following:
5 21 a. Enter any long=term care facility, assisted living
5 22 program, or elder group home and provide identification.
5 23 b. Seek consent to communicate privately and without
5 24 restriction with any resident or tenant.
5 25 c. Communicate privately and without restriction with any
5 26 resident or tenant who consents to communication.
5 27 d. Review the clinical or other records of a resident or
5 28 tenant.
5 29 e. Observe all resident or tenant areas of a facility,
5 30 program, or housing establishment except the living area of any
5 31 resident or tenant who protests the observation.
5 32 6. Access to medical and personal records.
5 33 a. The state or a local long=term care resident's advocate
5 34 shall have access to the medical and personal records of an
5 35 individual who is a resident or tenant of a long=term care

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6 1 facility, assisted living program, or elder group home retained
6 2 by the facility, program, or home.
6 3 b. Records may be reproduced by the state or a local
6 4 long=term care resident's advocate.
6 5 c. Upon request of the state or a local long=term care
6 6 resident's advocate, a long=term care facility, assisted living
6 7 program, or elder group home shall provide the name, address,
6 8 and telephone number of the guardian, conservator, attorney in
6 9 fact, legal representative, or next of kin of any resident or
6 10 tenant.
6 11 d. A long=term care facility, assisted living program, or
6 12 elder group home or personnel of such a facility, program, or
6 13 home who discloses records in compliance with this section and
6 14 the procedures adopted pursuant to this section shall not be
6 15 liable for such disclosure.
6 16 7. Interference prohibited == penalties.
6 17 a. A person who intentionally prevents, interferes with, or
6 18 attempts to impede the work of the state or a local long=term
6 19 care resident's advocate is subject to a penalty imposed by the
6 20 director of not more than one thousand five hundred dollars
6 21 for each violation. Any moneys collected pursuant to this
6 22 subsection shall be deposited in the general fund of the state.
6 23 b. The office of the long=term care resident's advocate
6 24 shall adopt rules specifying procedures for notice and appeal
6 25 of penalties imposed pursuant to this subsection.
6 26 c. The director, in consultation with the office of the
6 27 long=term care resident's advocate, shall notify the county
6 28 attorney of the county in which the long=term care facility,
6 29 assisted living program, or elder group home is located, or the
6 30 attorney general, of any violation of this subsection.
6 31 8. Retaliation prohibited == penalties. An officer,
6 32 director, or employee of a long=term care facility, assisted
6 33 living program, or elder group home shall not retaliate against
6 34 any person for having filed a complaint with, or provided
6 35 information to, the state or a local long=term care resident's

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7 1 advocate. A person who retaliates or discriminates in
7 2 violation of this subsection is guilty of a simple misdemeanor.
7 3 9. Change in operations. A long=term care facility,
7 4 assisted living program, or elder group home shall inform the
7 5 office of the long=term care resident's advocate in writing at
7 6 least thirty days prior to any change in operations, programs,
7 7 services, licensure, or certification that affects residents or
7 8 tenants, including but not limited to any emergency situation,
7 9 evacuation, facility closure, program decertification, or
7 10 change of ownership.
7 11 10. Immunity. The state or a local long=term care
7 12 resident's advocate or any representative of the office
7 13 participating in the good faith performance of their official
7 14 duties shall have immunity from any civil or criminal liability
7 15 that otherwise might result by reason of taking, investigating,
7 16 or pursuing a complaint under this section.
7 17 11. Confidentiality. Information relating to any complaint
7 18 made to or investigation by the state or a local long=term
7 19 care resident's advocate that discloses the identity of a
7 20 complainant, resident, or tenant, or information related to
7 21 a resident's or tenant's personal or medical records, shall
7 22 remain confidential except as follows:
7 23 a. If permission is granted by the director in consultation
7 24 with the state long=term care resident's advocate.
7 25 b. If disclosure is authorized in writing by the complainant
7 26 and the resident, tenant, or the individual's guardian or legal
7 27 representative.
7 28 c. If disclosure is necessary for the provision of services
7 29 to a resident or tenant, or the resident or tenant is unable to
7 30 express written or oral consent.
7 31 d. If ordered by a court.
7 32 12. Posting of state long=term care resident's advocate
7 33 information. Every long=term care facility, assisted living
7 34 program, and elder group home shall post information in
7 35 a prominent location that includes the name, address, and

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8 1 telephone number, and a brief description of the services
8 2 provided by the office of the long=term care resident's
8 3 advocate. The information posted shall be approved or provided
8 4 by the office of the long=term care resident's advocate.
8 5 Sec. 8. Section 231.44, subsections 1 and 3, Code Supplement
8 6 2009, are amended to read as follows:
8 7 1. The resident advocate committee volunteer program is
8 8 administered by the office of the long=term care resident's
8 9 advocate ~~program~~. The state and any local long=term care
8 10 resident's advocate shall provide information, assistance,
8 11 and support to resident advocate committee program volunteers
8 12 to the extent possible. If funding becomes insufficient to
8 13 process applications and new appointments to resident advocate
8 14 committees can no longer be made, the director shall notify
8 15 the director of the department of inspections and appeals. A
8 16 health care facility shall not be found in violation of section
8 17 135C.25 for not having a resident advocate committee if new
8 18 appointments cannot be made as documented in accordance with
8 19 this subsection.
8 20 3. ~~A~~ An elder group home or long=term care facility
8 21 shall disclose the names, addresses, and phone numbers of a
8 22 resident's family members, if requested, to a resident advocate
8 23 committee member, unless permission for this disclosure is
8 24 refused in writing by a family member.
8 25 Sec. 9. Section 235B.6, subsection 2, paragraph e,
8 26 subparagraph (10), Code Supplement 2009, is amended to read as
8 27 follows:
8 28 (10) The state or a local long=term care resident's
8 29 advocate if the victim resides in a long=term care facility
8 30 or the alleged perpetrator is an employee of a long=term care
8 31 facility.
8 32 Sec. 10. REPEAL. Section 231.43, Code Supplement 2009, is
8 33 repealed.
8 34 EXPLANATION
8 35 This bill provides for the establishment of the office of

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9 1 long=term care resident's advocate which consists of the state
9 2 long=term care resident's advocate and any local long=term care
9 3 resident's advocates. The bill provides that the director
9 4 of the department on aging is to appoint the state long=term
9 5 care resident's advocate and specifies the duties of the state
9 6 and local long=term care resident's advocates. In addition to
9 7 residents of long=term care facilities, the duties of the state
9 8 and local long=term care resident's advocates under the bill
9 9 also extend to tenants of elder group homes and assisted living
9 10 programs.
9 11 The bill also provides for referrals of reports of
9 12 suspected abuse, neglect, or exploitation of a resident
9 13 or tenant by the state or local long=term care resident's
9 14 advocate to the department of inspections and appeals or the
9 15 department of human services, as applicable, and to local
9 16 law enforcement; provides for access to certain areas of
9 17 a facility, assisted living program, or elder group home
9 18 under certain circumstances; provides for access to medical
9 19 and personal records of residents and tenants and provides
9 20 protection of confidentiality for information relating to a
9 21 complaint; establishes penalties for interference with the work
9 22 of the state or a local long=term care resident's advocate
9 23 and for retaliation against a person who assists a resident's
9 24 advocate; requires the reporting by a facility, assisted living
9 25 program, or elder group home to the office of the long=term
9 26 care resident's advocate at least 30 days prior to any change
9 27 in operations, programs, services, licensure, or certification
9 28 that affects residents or tenants; provides immunity and
9 29 confidentiality provisions relating to the duties of the
9 30 resident's advocates; provides for the posting of information
9 31 about the state long=term care resident's advocate at each
9 32 facility, program, or home; and makes other conforming changes.
LSB 5280XD (6) 83
pf/nh

**Iowa General Assembly**
**Daily Bills, Amendments & Study Bills**
**January 25, 2010**

# House Study Bill 622

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

**A BILL FOR**

An Act relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5378DP (6) 83
kh/rj

House Study Bill 622 continued

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1 1 Section 1. Section 256.11, subsection 13, Code Supplement
1 2 2009, is amended to read as follows:
1 3 13. a. Notwithstanding subsections 1 through 12 and as
1 4 an exception to their requirements, a private high school or
1 5 private combined junior=senior high school operated for the
1 6 express purpose of teaching a program designed to qualify
1 7 its graduates for matriculation at accredited four=year or
1 8 equivalent liberal arts, scientific, or technological colleges
1 9 or universities shall be placed on a special accredited list
1 10 of college preparatory schools, which list shall signify
1 11 accreditation of the school for that express purpose only, if:
1 12 ~~a.~~ (1) The school complies with minimum standards
1 13 established by the Code other than this section, and rules
1 14 adopted under the Code, applicable to:
1 15 ~~(1)~~ (a) Courses comprising the limited program.
1 16 ~~(2)~~ (b) Health requirements for personnel.
1 17 ~~(3)~~ (c) Plant facilities.
1 18 ~~(4)~~ (d) Other environmental factors affecting the
1 19 programs.
1 20 ~~b.~~ (2) At least eighty percent of those graduating from the
1 21 school within the four most recent calendar years, other than
1 22 those graduating who are aliens, graduates entering military
1 23 or alternative civilian service, or graduates deceased or
1 24 incapacitated before college acceptance, have been accepted by
1 25 accredited four=year or equivalent liberal arts, scientific, or
1 26 technological colleges or universities.
1 27 ~~c.~~ b. A school claiming to be a private college preparatory
1 28 school which fails to comply with the requirement of paragraph
1 29 ~~"b" of this subsection~~ "a", subparagraph (2), shall be placed
1 30 on the special accredited list of college preparatory schools
1 31 probationally if the school complies with the requirements
1 32 of paragraph "a" ~~of this subsection~~, subparagraph (1), but a
1 33 probational accreditation shall not continue for more than four
1 34 successive years.
1 35 c. The state board shall not add to the special accredited

House Study Bill 622 continued

2 1 list of college preparatory schools after the effective date
2 2 of this Act. Only schools placed on the special accredited
2 3 list on or before the effective date of this Act that continue
2 4 to meet the criteria of this subsection shall remain on the
2 5 special accredited list after the effective date of this Act.
2 6 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 7 immediate importance, takes effect upon enactment.
2 8 EXPLANATION
2 9 This bill restricts the state board of education from adding
2 10 to the special accredited list of college preparatory schools
2 11 after the effective date of the bill.
2 12 Currently, a private high school or private combined
2 13 junior=senior high school that exists to qualify its graduates
2 14 for matriculation at accredited four=year colleges or
2 15 universities is placed on a special accredited list of college
2 16 preparatory schools by the state board and is exempt from the
2 17 educational standards for accreditation specified in Code
2 18 section 256.11, subsections 1 through 12. The schools on the
2 19 list must comply with minimum standards established in statute
2 20 and administrative rules applicable to courses comprising the
2 21 limited program, health requirements for personnel, plant
2 22 facilities, and other environmental factors affecting the
2 23 programs; and at least 80 percent of those graduating from the
2 24 school within the four most recent calendar years, with few
2 25 exceptions, must have been accepted by accredited four=year
2 26 colleges or universities.
2 27 Under the bill, only schools placed on the list on or before
2 28 the effective date of the bill, that continue to meet the
2 29 criteria established in the Code, may remain on the list after
2 30 that date.
2 31 The bill takes effect upon enactment, which is generally the
2 32 date of approval by the governor.
LSB 5378DP (6) 83
kh/rj

# House Study Bill 623

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

**A BILL FOR**

An Act relating to the duties and operations of the department of education and local school boards.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5391DP (11) 83
kh/sc

House Study Bill 623 continued

PAG LIN

1 1 Section 1. Section 19B.11, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. It is the policy of this state to provide equal
1 4 opportunity in school district, area education agency, and
1 5 community college employment to all persons. An individual
1 6 shall not be denied equal access to school district, area
1 7 education agency, or community college employment opportunities
1 8 because of race, creed, color, religion, national origin,
1 9 sex, sexual orientation, gender identity, age, or physical or
1 10 mental disability. It also is the policy of this state to
1 11 apply affirmative action measures to correct deficiencies in
1 12 school district, area education agency, and community college
1 13 employment systems where those remedies are appropriate. This
1 14 policy shall be construed broadly to effectuate its purposes.
1 15 Sec. 2. Section 22.7, subsection 1, Code Supplement 2009,
1 16 is amended to read as follows:
1 17 1. Personal information in records regarding a student,
1 18 prospective student, or former student maintained, created,
1 19 collected or assembled by or for a school corporation or
1 20 educational institution maintaining such records. This
1 21 subsection shall not be construed to prohibit a postsecondary
1 22 education institution from disclosing to a parent or guardian
1 23 information regarding a violation of a federal, state, or
1 24 local law, or institutional rule or policy governing the use
1 25 or possession of alcohol or a controlled substance if the
1 26 child is under the age of twenty=one years and the institution
1 27 determines that the student committed a disciplinary violation
1 28 with respect to the use or possession of alcohol or a
1 29 controlled substance regardless of whether that information is
1 30 contained in the student's education records. This subsection
1 31 shall not be construed to prohibit a school corporation or
1 32 educational institution from transferring student records
1 33 electronically to the department of education, an accredited
1 34 nonpublic school, an attendance center, a school district, or
1 35 an accredited postsecondary institution in accordance with

House Study Bill 623 continued

2 1 section 256.9, subsection 47.
2 2 Sec. 3. Section 256.5A, Code 2009, is amended to read as
2 3 follows:
2 4 256.5A Nonvoting member.
2 5 1. The governor shall appoint the one nonvoting student
2 6 member of the state board for a term of ~~one year~~ two
2 7 years beginning and ending as provided in section 69.19. The
2 8 nonvoting student member shall be appointed from a list of
2 9 names submitted by the state board of education. Students
2 10 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school
2 11 may apply to the state board to serve as a nonvoting student
2 12 member.
2 13 2. The department shall develop an application process that
2 14 requires the consent of the student's parent or guardian if
2 15 the student is a minor, initial application approval by the
2 16 school district in which the student applicant is enrolled, and
2 17 submission of approved applications by a school district to the
2 18 department.
2 19 3. The nonvoting student member's school district of
2 20 enrollment shall notify the student's parents if the student's
2 21 grade point average falls during the period in which the
2 22 student is a member of the state board.
2 23 4. The state board shall adopt rules under chapter 17A
2 24 specifying criteria for the selection of applicants whose
2 25 names shall be submitted to the governor. Criteria shall
2 26 include~~,~~ but are not limited to~~,~~ academic excellence,
2 27 participation in extracurricular and community activities,
2 28 and interest in serving on the board. Rules adopted by the
2 29 state board shall also require, if the student is a minor,
2 30 supervision of the student by the student's parent or guardian
2 31 while the student is engaged in authorized state board business
2 32 at a location other than the community in which the student
2 33 resides, unless the student's parent or guardian submits to the
2 34 state board a signed release indicating the parent or guardian
2 35 has determined that supervision of the student by the parent or

House Study Bill 623 continued

3 1 guardian is unnecessary.
3 2 5. The nonvoting student member appointment is not subject
3 3 to section 69.16 or 69.16A.
3 4 6. The nonvoting student member shall have been enrolled
3 5 in a public school in Iowa for at least one year prior to the
3 6 member's appointment. ~~A nonvoting student member who will not~~
~~3 7 graduate from high school prior to the end of a second term may~~
~~3 8 apply to the state board for submission of candidacy to the~~
~~3 9 governor for a second one=year term.~~
3 10 7. A nonvoting student member shall be paid a per diem as
3 11 provided in section 7E.6 and the student and the student's
3 12 parent or guardian shall be reimbursed for actual and necessary
3 13 expenses incurred in the performance of the student's duties as
3 14 a nonvoting member of the state board.
3 15 8. A vacancy in the membership of the nonvoting student
3 16 member shall not be filled until the expiration of the term.
3 17 Sec. 4. Section 256.9, subsections 25 and 26, Code
3 18 Supplement 2009, are amended by striking the subsections.
3 19 Sec. 5. Section 256.9, subsection 52, paragraph a, Code
3 20 Supplement 2009, is amended to read as follows:
3 21 a. Develop and distribute, in collaboration with the area
3 22 education agencies, core curriculum technical assistance
3 23 and implementation strategies that school districts and
3 24 accredited nonpublic schools shall utilize, including but
3 25 not limited to the development and delivery of formative and
3 26 ~~end=of=course~~ model end=of=course and additional assessments
3 27 classroom teachers may use to measure student progress
3 28 on the core curriculum adopted pursuant to section 256.7,
3 29 subsection 26. The department shall, in collaboration with the
3 30 advisory group convened in accordance with paragraph "b" and
3 31 educational assessment providers, identify and make available
3 32 to school districts model end=of=course ~~and additional model~~
~~3 33 end=of=course~~ and additional assessments to align with the
3 34 expectations included in the Iowa core curriculum. The model
3 35 assessments shall be suitable to meet the multiple assessment

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4 1 measures requirement specified in section 256.7, subsection 21,
4 2 paragraph "c".
4 3 Sec. 6. Section 256.10, subsection 2, Code 2009, is amended
4 4 to read as follows:
4 5 2. Appointments to the professional staff of the department
4 6 shall be made in accordance with section 216.6, subsection 1,
4 7 and shall be without reference to political party affiliation,
4 8 ~~religious affiliation, sex,~~ or marital status, but shall be
4 9 based solely upon fitness, ability, and proper qualifications
4 10 for the particular position. The professional staff shall
4 11 serve at the discretion of the director. A member of the
4 12 professional staff shall not be dismissed for cause without
4 13 ~~appropriate due process procedures including a hearing~~ an
4 14 opportunity to meet with the director.
4 15 Sec. 7. Section 256.11, subsection 9B, Code Supplement
4 16 2009, is amended to read as follows:
4 17 9B. ~~Beginning July 1, 2007, each~~ Each school district shall
4 18 have a school nurse to provide health services to its students.
4 19 Each school district shall work toward the goal of having one
4 20 school nurse for every seven hundred fifty students enrolled in
4 21 the school district. ~~For purposes of this subsection, "school~~
~~4 22 nurse" means a person who holds an endorsement or a statement~~
~~4 23 of professional recognition for school nurses issued by the~~
~~4 24 board of educational examiners under chapter 272.~~ The scope
4 25 of practice of a school nurse shall be as established by rule
4 26 by the board of nursing.
4 27 Sec. 8. Section 256.30, Code 2009, is amended to read as
4 28 follows:
4 29 256.30 Educational expenses for American Indians.
4 30 1. The department of education shall provide moneys to pay
4 31 the expense of educating American Indian children residing in
4 32 the Sac and Fox Indian settlement on land held in trust by
4 33 the secretary of the interior of the United States in excess
4 34 of federal moneys paid to the tribal council for educating
4 35 the American Indian children when moneys are appropriated for

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5 1 that purpose. ~~The tribal council shall administer the moneys~~
~~5 2 distributed to it by the department and shall submit an annual~~
~~5 3 report and other reports as required by the department to the~~
~~5 4 department on the expenditure of the moneys.~~
5 5 2. The tribal council shall administer moneys distributed
5 6 to it by the department of education as provided in subsection
5 7 1. The tribal council shall first use the moneys distributed
5 8 ~~to it by the department of education~~ for the purposes of this
5 9 section to pay the additional costs of salaries for licensed
5 10 instructional staff for educational attainment and full=time
5 11 equivalent years of experience to equal the salaries listed on
5 12 the proposed salary schedule for the school at the Sac and Fox
5 13 Indian settlement for that school year, but the salary for a
5 14 licensed instructional staff member employed on a full=time
5 15 basis shall not be less than eighteen thousand dollars.
5 16 3. The department of management shall approve allotments
5 17 of moneys appropriated ~~in~~ for purposes of this section ~~when~~
~~5 18 the department of education certifies to the department of~~
~~5 19 management that the requirements of this section have been met.~~
5 20 Sec. 9. Section 256F.4, subsection 2, paragraph a, Code
5 21 2009, is amended to read as follows:
5 22 a. Meet all applicable federal, state, and local health and
5 23 safety requirements and laws prohibiting discrimination on the
5 24 basis of race, creed, color, sex, sexual orientation, gender
5 25 identity, national origin, religion, ancestry, or disability.
5 26 A charter school shall be subject to any court=ordered
5 27 desegregation plan in effect for the school district at the
5 28 time the school's charter application is approved.
5 29 Sec. 10. Section 257.6, subsection 1, paragraph a,
5 30 subparagraph (3), Code Supplement 2009, is amended to read as
5 31 follows:
5 32 (3) Shared=time and part=time pupils of school age enrolled
5 33 in public schools within the district, irrespective of the
5 34 districts in which the pupils reside, in the proportion that
5 35 the time for which they are enrolled or receive instruction for

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6 1 the school year is to the time that full=time pupils carrying
6 2 a normal course schedule, at the same grade level, in the
6 3 same school district, for the same school year, are enrolled
6 4 and receive instruction. Tuition charges to the parent or
6 5 guardian of a shared=time or part=time nonresident pupil shall
6 6 be reduced by the amount of any increased state aid received by
6 7 the district by the counting of the pupil. This subparagraph
6 8 applies to pupils enrolled in grades nine through twelve under
6 9 section 299A.8 and to pupils from accredited nonpublic schools
6 10 accessing classes or services on the accredited nonpublic
6 11 school premises or the school district site, but excludes
6 12 accredited nonpublic school pupils receiving classes or
6 13 services funded by federal grants or allocations.
6 14 Sec. 11. Section 257.31, subsection 2, Code Supplement
6 15 2009, is amended to read as follows:
6 16 2. The committee shall specify the number of
6 17 hearings held annually, ~~the reasons for the committee's~~
~~6 18 recommendations,~~ information about the amounts of property
6 19 tax levied by school districts for a cash reserve, and other
6 20 information the committee deems advisable on the department of
6 21 education's internet ~~website~~ site.
6 22 Sec. 12. Section 257.37, subsection 4, Code 2009, is amended
6 23 to read as follows:
6 24 4. "Enrollment served" means the basic enrollment plus the
6 25 number of nonpublic school pupils served with media services
6 26 or educational services, as applicable, except that if a
6 27 nonpublic school pupil or a pupil attending another district
6 28 under a whole grade sharing agreement or open enrollment
6 29 receives services through an area other than the area of the
6 30 pupil's residence, the pupil shall be deemed to be served by
6 31 the area of the pupil's residence, which shall by contractual
6 32 arrangement reimburse the area through which the pupil actually
6 33 receives services. Each school district shall include in
6 34 the enrollment report submitted pursuant to section 257.6,
6 35 subsection 1, the number of nonpublic school pupils within each

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7 1 school district for media and educational services served by
7 2 the area. However, the school district shall not include in
7 3 the enrollment report nonpublic school pupils receiving classes
7 4 or services funded by federal grants or allocations.
7 5 Sec. 13. Section 259A.1, Code 2009, is amended to read as
7 6 follows:
7 7 259A.1 Tests.
7 8 The department of education shall cause to be made
7 9 available for qualified individuals a high school equivalency
7 10 diploma. The diploma shall be issued on the basis of
7 11 satisfactory competence as shown by tests covering all of the
7 12 following: ~~reading, arts, language arts, writing~~ language
7 13 arts=reading, language arts=writing, mathematics, science, and
7 14 social studies.
7 15 Sec. 14. Section 261E.8, subsection 5, Code Supplement
7 16 2009, is amended by striking the subsection.
7 17 Sec. 15. Section 272.15, subsection 2, Code 2009, is amended
7 18 to read as follows:
7 19 2. If, in the course of performing official duties, an
7 20 employee of the department becomes aware of any alleged
7 21 misconduct by an individual licensed under this chapter, the
7 22 employee ~~shall~~ may report the alleged misconduct to the board
7 23 of educational examiners under rules adopted pursuant to
7 24 subsection 1.
7 25 Sec. 16. Section 273.3, subsection 12, Code Supplement
7 26 2009, is amended to read as follows:
7 27 12. Prepare an annual budget estimating income and
7 28 expenditures for programs and services as provided in sections
7 29 273.1 to 273.9 and chapter 256B within the limits of funds
7 30 provided under section 256B.9 and chapter 257. The board
7 31 shall give notice of a public hearing on the proposed budget
7 32 by publication in an official county newspaper in each county
7 33 in the territory of the area education agency in which the
7 34 principal place of business of a school district that is a part
7 35 of the area education agency is located. The notice shall

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8 1 specify the date, which shall be not later than March 1 of
8 2 each year, the time, and the location of the public hearing.
8 3 The proposed budget as approved by the board shall then be
8 4 submitted to the state board of education, on forms provided
8 5 by the department, no later than March 15 preceding the
8 6 next fiscal year for approval. The state board shall review
8 7 the proposed budget of each area education agency and shall
8 8 before ~~April~~ May 1, either grant approval or return the budget
8 9 without approval with comments of the state board included. An
8 10 unapproved budget shall be resubmitted to the state board for
8 11 final approval not later than ~~April~~ May 15. ~~For the fiscal~~
~~8 12 year beginning July 1, 1999, and each succeeding fiscal year,~~
~~8 13 the~~ The state board shall give final approval only to budgets
8 14 submitted by area education agencies accredited by the state
8 15 board or that have been given conditional accreditation by the
8 16 state board.
8 17 Sec. 17. Section 273.23, subsection 5, Code 2009, is amended
8 18 to read as follows:
8 19 5. The initial board, or new board if established in time
8 20 under subsection 3, of the newly formed agency shall prepare an
8 21 annual budget estimating income and expenditures for programs
8 22 and services as provided in sections 273.1 through 273.9
8 23 and chapter 256B within the limits of funds provided under
8 24 section 256B.9 and chapter 257. The board shall give notice
8 25 of a public hearing on the proposed budget by publication in
8 26 an official county newspaper in each county in the territory
8 27 of the area education agency in which the principal place
8 28 of business of a school district that is a part of the area
8 29 education agency is located. The notice shall specify the
8 30 date, which shall not be later than March 1, the time, and
8 31 the location of the public hearing. The proposed budget as
8 32 approved by the board shall be submitted to the state board,
8 33 on forms provided by the department, no later than March 15
8 34 for approval. The state board shall review the proposed
8 35 budget of the newly formed area education agency and shall,

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9 1 before ~~April~~ May 1, either grant approval or return the budget
9 2 without approval with comments of the state board included. An
9 3 unapproved budget shall be resubmitted to the state board for
9 4 final approval not later than ~~April~~ May 15. The state board
9 5 shall give final approval only to budgets submitted by area
9 6 education agencies accredited by the state board or that have
9 7 been given conditional accreditation by the state board.
9 8 Sec. 18. Section 279.30, Code 2009, is amended to read as
9 9 follows:
9 10 279.30 Exceptions.
9 11 Each payment must be made payable to the person entitled to
9 12 receive the money or deposited directly into an account at a
9 13 financial institution, as defined in section 527.2, specified
9 14 by the person entitled to receive the money. The board of
9 15 directors of a school district or an area education agency may
9 16 by resolution authorize the secretary, upon approval of the
9 17 superintendent or designee, or administrator, in the case of
9 18 an area education agency, to issue payments when the board
9 19 of directors is not in session in payment of reasonable and
9 20 necessary expenses, but only upon verified bills filed with the
9 21 secretary or administrator, and for the payment of salaries
9 22 pursuant to the terms of a written contract. Each payment
9 23 must be made payable only to the person performing the service
9 24 or presenting the verified bill, and must state the purpose
9 25 for which the payment is issued. All bills and salaries for
9 26 which payments are issued prior to audit and allowance by the
9 27 board must be passed upon by the board of directors at the next
9 28 meeting and be entered in the regular minutes of the secretary.
9 29 Sec. 19. Section 279.42, Code 2009, is amended to read as
9 30 follows:
9 31 279.42 Gifts to schools.
9 32 The board of directors of a school district ~~which~~ that
9 33 receives funds through ~~gifts, devises, and bequests~~ a gift,
9 34 devise, or bequest shall deposit ~~these~~ the funds in a trust
9 35 ~~and~~, permanent, or agency fund and shall use ~~them~~ the funds in

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10 1 accordance with the terms of the gift, devise, or bequest.
10 2 Sec. 20. Section 280.3, subsection 2, Code 2009, is amended
10 3 to read as follows:
10 4 2. The minimum educational program shall be the curriculum
10 5 set forth in subsection 3 of this section and section 256.11,
10 6 except as otherwise provided by law. The board of directors of
10 7 a public school district shall not allow discrimination in any
10 8 educational program on the basis of race, color, creed, sex,
10 9 ~~marital status,~~ sexual orientation, gender identity, or place
10 10 of national origin.
10 11 Sec. 21. Section 282.9, subsection 1, Code Supplement 2009,
10 12 is amended to read as follows:
10 13 1. Notwithstanding this chapter and sections 275.55A~~,~~ and
10 14 256F.4, ~~and 282.18,~~ or any other provision to the contrary,
10 15 prior to knowingly enrolling an individual who is required
10 16 to register as a sex offender under chapter 692A, but who is
10 17 otherwise eligible to enroll in a public school, the board of
10 18 directors of a school district shall determine the educational
10 19 placement of the individual. Upon receipt of notice that a
10 20 student who is enrolled in the district is required to register
10 21 as a sex offender under chapter 692A, the board shall determine
10 22 the educational placement of the student. The tentative agenda
10 23 for the meeting of the board of directors at which the board
10 24 will consider such enrollment or educational placement shall
10 25 specifically state that the board is considering the enrollment
10 26 or educational placement of an individual who is required
10 27 to register as a sex offender under chapter 692A. If the
10 28 individual is denied enrollment in a school district under this
10 29 section, the school district of residence shall provide the
10 30 individual with educational services in an alternative setting.
10 31 Sec. 22. Section 282.18, subsection 4, Code Supplement
10 32 2009, is amended by adding the following new paragraph:
10 33 NEW PARAGRAPH. bb. If a request for transfer is submitted
10 34 to the receiving district after March 1 of the preceding
10 35 school year on behalf of a pupil whose sibling is already

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11 1 participating in open enrollment, the receiving district shall
11 2 take action to approve the request.
11 3 Sec. 23. Section 282.18, subsection 5, Code Supplement
11 4 2009, is amended to read as follows:
11 5 5. Open enrollment applications filed after March 1
11 6 of the preceding school year that do not qualify for ~~good~~
~~11 7 cause~~ approval as provided in subsection 4 shall be subject
11 8 to the approval of the board of the resident district and
11 9 the board of the receiving district. The parent or guardian
11 10 shall send notification to the district of residence and the
11 11 receiving district that the parent or guardian seeks to enroll
11 12 the parent's or guardian's child in the receiving district. A
11 13 decision of either board to deny an application filed under
11 14 this subsection involving repeated acts of harassment of the
11 15 student or serious health condition of the student that the
11 16 resident district cannot adequately address is subject to
11 17 appeal under section 290.1. The state board shall exercise
11 18 broad discretion to achieve just and equitable results that are
11 19 in the best interest of the affected child or children.
11 20 Sec. 24. Section 284.10, subsection 2, Code 2009, is amended
11 21 to read as follows:
11 22 2. An administrator licensed under chapter 272 who conducts
11 23 evaluations of teachers for purposes of this chapter shall
11 24 complete the evaluator training program. A practitioner
11 25 licensed under chapter 272 who is not an administrator
11 26 may enroll in the evaluator training program. Enrollment
11 27 preference shall be given to administrators and to other
11 28 practitioners who are not beginning teachers. Upon successful
11 29 completion, the provider shall certify that the administrator
11 30 or other practitioner is qualified to conduct evaluations
11 31 for employment, make recommendations for licensure, and make
11 32 recommendations that a teacher is qualified to advance from one
11 33 career path level to the next career path level pursuant to
11 34 this chapter. Certification is for a period of five years and
11 35 may be renewed.

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12 1 Sec. 25. Section 285.9, Code 2009, is amended by adding the
12 2 following new subsection:
12 3 NEW SUBSECTION. 5. Review all transportation disputes
12 4 between districts. If the affected districts are located in
12 5 more than one area education agency, the area education agency
12 6 in which the affected district with the greatest certified
12 7 enrollment is located shall be the reviewing agency. In
12 8 resolving disputes between districts, the reviewing agency
12 9 board shall, after receiving all facts, make such alterations
12 10 or changes as necessary to make the arrangements, designations,
12 11 and contracts conform to the legal and established requirements
12 12 and shall notify each affected local school board of such
12 13 action. An affected district may appeal the decision of the
12 14 agency board to the director of the department of education by
12 15 following the timelines and procedures in section 285.12.
12 16 Sec. 26. Section 291.1, Code 2009, is amended to read as
12 17 follows:
12 18 291.1 President == duties.
12 19 The president of the board of directors shall preside at
12 20 all of its meetings, sign all contracts made by the board,
12 21 and appear ~~in~~ on behalf of the corporation in all actions
12 22 brought by or against it, unless individually a party, in
12 23 which case this duty shall be performed by the secretary.
12 24 The president or the president's designee shall sign, using
12 25 an original or facsimile signature, all school district
12 26 ~~warrants~~ payments drawn and authorize electronic funds
12 27 transfers as provided by law. The board of directors, by
12 28 resolution, may designate an individual, who shall not be the
12 29 secretary, to sign ~~warrants~~ payments or authorize electronic
12 30 funds transfers on behalf of the president.
12 31 Sec. 27. Section 291.6, subsection 3, Code 2009, is amended
12 32 by striking the subsection and inserting in lieu thereof the
12 33 following:
12 34 3. Accounting records. Keep an accurate accounting record
12 35 of each payment or electronic funds transfer from each fund

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13 1 which shall be provided monthly to the board of directors. The
13 2 secretary of the creditor district shall prepare and deliver to
13 3 debtor districts an itemized statement of tuition fees charged
13 4 in accordance with sections 275.55A and 282.11, and section
13 5 282.24, subsection 1.
13 6 Sec. 28. Section 291.6, subsection 4, Code 2009, is amended
13 7 to read as follows:
13 8 4. Claims. Keep an accurate ~~account~~ accounting of all
13 9 expenses incurred by the corporation, and present the same to
13 10 the board for audit and payment.
13 11 Sec. 29. Section 291.7, Code 2009, is amended to read as
13 12 follows:
13 13 291.7 Monthly receipts, disbursements, and balances.
13 14 The secretary of each district shall file monthly with
13 15 the board of directors a complete statement of all receipts
13 16 and disbursements from ~~the various funds~~ each individual
13 17 fund during the preceding month, and also the balance remaining
13 18 on hand in ~~the various funds~~ each individual fund at the
13 19 close of the period covered by the statement, which monthly
13 20 statements shall be open to public inspection.
13 21 Sec. 30. Section 291.8, Code 2009, is amended by striking
13 22 the section and inserting in lieu thereof the following:
13 23 291.8 Payments.
13 24 The secretary shall make each authorized payment,
13 25 countersign using an original or facsimile signature, and
13 26 maintain accounting records of the payments or electronic funds
13 27 transfers, showing the number, date, payee, originating fund,
13 28 the purpose, and the amount, and shall provide to the board at
13 29 each regular annual meeting a copy of the accounting records
13 30 maintained by the secretary.
13 31 Sec. 31. Section 291.12, Code 2009, is amended to read as
13 32 follows:
13 33 291.12 Duties of treasurer == ~~payment of warrants~~ payments.
13 34 The treasurer shall receive all moneys belonging to the
13 35 corporation, pay the same out only upon the order of the

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14 1 president countersigned by the secretary, ~~keeping~~ and shall
14 2 keep an accurate ~~account~~ accounting record of all receipts
14 3 and expenditures ~~in a book provided for that purpose~~. The
14 4 treasurer shall register all ~~orders drawn~~ payments and
14 5 electronic funds transfers made and reported to the treasurer
14 6 by the secretary, showing the number, date, to whom drawn, the
14 7 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,
14 8 the purpose and amount.
14 9 Sec. 32. Section 291.14, Code 2009, is amended to read as
14 10 follows:
14 11 291.14 Financial statement.
14 12 The treasurer shall render a statement of the finances of the
14 13 corporation whenever required by the board, and the treasurer's
14 14 ~~books~~ accounting records shall always be open for inspection.
14 15 Sec. 33. Section 298A.13, Code 2009, is amended to read as
14 16 follows:
14 17 298A.13 Trust, permanent, or agency funds.
14 18 Trust, permanent, or agency funds shall be established by
14 19 any school corporation to account for gifts it receives to
14 20 be used for a particular purpose or to account for money and
14 21 property received and administered by the district as trustee
14 22 or custodian or in the capacity of an agent. Boards may
14 23 establish trust ~~and~~, permanent, or agency funds as necessary.
14 24 Sec. 34. Section 299A.11, Code 2009, is amended to read as
14 25 follows:
14 26 299A.11 Student records confidential.
14 27 Notwithstanding any provision of law or rule to the
14 28 contrary, personal information in records regarding a child
14 29 receiving competent private instruction pursuant to this
14 30 chapter, which are maintained, created, collected, or assembled
14 31 by or for a state agency, shall be kept confidential in
14 32 the same manner as personal information in student records
14 33 maintained, created, collected, or assembled by or for a school
14 34 corporation or educational institution in accordance with
14 35 section 22.7, subsection 1. For purposes of this section,

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15 1 "personal information in records regarding a child receiving
15 2 competent private instruction" shall include the child's
15 3 name and home address as well as all other information that
15 4 personally identifies the child.
15 5 Sec. 35. Section 321.1, subsection 69, unnumbered paragraph
15 6 1, Code Supplement 2009, is amended to read as follows:
15 7 "School bus" means every vehicle operated for the
15 8 transportation of children to or from school or school
15 9 activities, except vehicles which are:
15 10 Sec. 36. Section 321.1, subsection 69, paragraph d, Code
15 11 Supplement 2009, is amended to read as follows:
15 12 d. Designed to carry not more than nine persons as
15 13 passengers, either school owned or privately owned, which
15 14 are used ~~to transport pupils to activity events in which the~~
~~15 15 pupils are participants or used~~ to transport pupils to their
15 16 homes in case of illness or other emergency situations. The
15 17 vehicles operated under the provisions of this paragraph
15 18 shall be operated by employees of the school district who are
15 19 specifically approved by the local superintendent of schools
15 20 for the assignment.
15 21 Sec. 37. Section 321.373, subsection 1, Code 2009, is
15 22 amended to read as follows:
15 23 1. Every school bus ~~except private passenger vehicles~~
~~15 24 used as school buses~~ as defined in section 321.1, subsection
15 25 69, shall be constructed and equipped to meet safety standards
15 26 prescribed in rules adopted by the state board of education.
15 27 Such rules shall conform to safety standards set forth in
15 28 federal laws and regulations and shall conform, insofar
15 29 as practicable, to the minimum standards for school buses
15 30 recommended by the national conference on school transportation
15 31 administered by the national commission on safety education and
15 32 published by the national education association.
15 33 Sec. 38. Section 321.376, Code Supplement 2009, is amended
15 34 by adding the following new subsection:
15 35 NEW SUBSECTION. 3. The provisions of this section relating

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16 1 to a certificate of qualification and approved course of
16 2 instruction shall not apply to a person driving a vehicle
16 3 designed to carry not more than nine persons as passengers,
16 4 either school owned or privately owned, used to transport
16 5 pupils to school activities or events.
16 6 Sec. 39. Section 321.379, Code 2009, is amended to read as
16 7 follows:
16 8 321.379 Violations.
16 9 No school board, individual, or organization shall purchase,
16 10 construct, or contract for use, to transport pupils to or
16 11 from school <u>or school activities</u>, any school bus which does
16 12 not comply with the minimum requirements of section 321.373
16 13 and any individual, or any member or officer of such board or
16 14 organization who authorizes, the purchase, construction, or
16 15 contract for any such bus not complying with these minimum
16 16 requirements shall be guilty of a misdemeanor punishable as
16 17 provided in section 321.482.
16 18 Sec. 40. Section 321J.3, subsection 1, paragraph c, Code
16 19 2009, is amended to read as follows:
16 20 c. The court may prescribe the length of time for the
16 21 evaluation and treatment or it may request that the community
16 22 college <u>or other approved provider</u> conducting the course
16 23 for drinking drivers which the person is ordered to attend
16 24 or the treatment program to which the person is committed
16 25 immediately report to the court when the person has received
16 26 maximum benefit from the course for drinking drivers or
16 27 treatment program or has recovered from the person's addiction,
16 28 dependency, or tendency to chronically abuse alcohol or drugs.
16 29 Sec. 41. Section 321J.17, subsection 2, paragraph b, Code
16 30 2009, is amended to read as follows:
16 31 b. The court or department may request that the community
16 32 college or substance abuse treatment providers licensed under
16 33 chapter 125 <u>or other approved provider</u> conducting the course
16 34 for drinking drivers that the person is ordered to attend
16 35 immediately report to the court or department that the person

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17 1 has successfully completed the course for drinking drivers.
17 2 The court or department may request that the treatment program
17 3 which the person attends periodically report on the defendant's
17 4 attendance and participation in the program, as well as the
17 5 status of treatment or rehabilitation.
17 6 Sec. 42. Section 321J.22, subsection 1, Code 2009, is
17 7 amended by adding the following new paragraph:
17 8 NEW PARAGRAPH. Oa. "Approved provider" means a provider of
17 9 a course offered outside this state for drinking drivers which
17 10 has been approved by the department of education.
17 11 Sec. 43. Section 321J.22, subsection 2, Code 2009, is
17 12 amended by adding the following new paragraph:
17 13 NEW PARAGRAPH. cc. The department of education may approve
17 14 a provider of a course offered outside this state for drinking
17 15 drivers upon proof to the department's satisfaction that the
17 16 course is comparable to those offered by community colleges,
17 17 substance abuse treatment programs licensed under chapter 125,
17 18 and state correctional facilities as provided in this section.
17 19 The department shall comply with the requirements of subsection
17 20 5 regarding such approved providers.
17 21 Sec. 44. Section 331.756, subsection 7, Code 2009, is
17 22 amended to read as follows:
17 23 7. Give advice or a written opinion, without compensation,
17 24 to the board and other county officers and to ~~school~~
~~17 25 and~~ township officers, when requested by an officer, upon
17 26 any matters in which the state, county, ~~school,~~ or township
17 27 is interested, or relating to the duty of the officer in any
17 28 matters in which the state, county, ~~school,~~ or township may
17 29 have an interest, but the county attorney shall not appear
17 30 before the board at a hearing in which the state or county is
17 31 not interested.
17 32 Sec. 45. REPEAL. Sections 256.20 and 256.23, Code 2009,
17 33 are repealed.
17 34 Sec. 46. STATE MANDATE FUNDING SPECIFIED. In accordance
17 35 with section 25B.2, subsection 3, the state cost of requiring

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18 1 compliance with any state mandate included in this Act shall
18 2 be paid by a school district from state school foundation aid
18 3 received by the school district under section 257.16. This
18 4 specification of the payment of the state cost shall be deemed
18 5 to meet all of the state funding=related requirements of
18 6 section 25B.2, subsection 3, and no additional state funding
18 7 shall be necessary for the full implementation of this Act
18 8 by and enforcement of this Act against all affected school
18 9 districts.
18 10 EXPLANATION
18 11 This bill makes miscellaneous changes to Code provisions
18 12 relating to education as follows:
18 13 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
18 14 amended to establish that the provision does not prohibit a
18 15 school corporation or educational institution from transferring
18 16 student records electronically to other school corporations or
18 17 educational institutions in accordance with the department of
18 18 education's comprehensive management information system and
18 19 uniform coding and reporting system.
18 20 Code section 299A.11 is amended to provide that "personal
18 21 information in records regarding a child receiving competent
18 22 private instruction" includes the child's name and home
18 23 address, and any other information that personally identifies
18 24 the child.
18 25 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
18 26 256.5A is amended to increase the term of the nonvoting student
18 27 member of the state board of education from one year to two
18 28 years, and provides that the student must be enrolled in grade
18 29 10 when applying for the appointment. Currently, a student may
18 30 be enrolled in grade 10 or 11 at the time the student applies.
18 31 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,
18 32 subsections 25 and 26, are stricken. The provisions require
18 33 the director of the department of education to cause to
18 34 be printed in book form, every four years since 1987, all
18 35 school laws, and changes to school laws, with forms, rulings,

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19 1 decisions, notes, and suggestions which may aid school officers
19 2 in the proper discharge of their duties. The book must be
19 3 furnished to school and area officers and administrators,
19 4 members of the general assembly, and others as reasonably
19 5 requested.
19 6 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is
19 7 amended by striking a provision that prohibits the dismissal
19 8 of a member of the professional staff for cause without
19 9 appropriate due process procedures, but adds that the person
19 10 must not be dismissed without an opportunity to meet with the
19 11 director of education. The bill also adds that appointments
19 12 to the professional staff must be made in accordance with Code
19 13 section 216.6, subsection 1, which prohibits discriminatory
19 14 employment practices. Code sections 19B.11, 256F.4, and 280.3
19 15 are amended to conform them to Code section 216.6.
19 16 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES. Code
19 17 section 256.11 is amended to replace language defining "school
19 18 nurse" with language providing that the scope of practice of a
19 19 school nurse shall be as established by the board of nursing.
19 20 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
19 21 provides for the distribution and administration of moneys
19 22 in excess of federal moneys to pay the expense of educating
19 23 American Indian children residing in the Sac and Fox Indian
19 24 settlement. The bill eliminates language that requires the
19 25 tribal council to submit an annual report to the department of
19 26 education accounting for expenditure of the moneys and requires
19 27 the department of education to certify compliance before the
19 28 department of management can approve allotment of the moneys.
19 29 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
19 30 257.6 is amended to specify that accredited nonpublic school
19 31 pupils receiving classes or services funded by federal grants
19 32 or allocations shall not be counted in a school district's
19 33 enrollment as shared=time or part=time pupils. The bill makes
19 34 a conforming change to Code section 257.37, subsection 4.
19 35 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.

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20 1 Code section 257.31, subsection 2, is amended to eliminate a
20 2 requirement that the school budget review committee specify on
20 3 its internet site annually the reasons for its recommendations.
20 4 This reference to recommendations was tied to a requirement
20 5 that the committee report to the general assembly any
20 6 recommended changes in laws relating to school districts, but
20 7 that requirement was stricken by legislation enacted in 2009.
20 8 DISTRICT=TO=COMMUNITY COLLEGE SHARING OR CONCURRENT
20 9 ENROLLMENT PROGRAM == TRANSPORTATION. Code section 261E.8,
20 10 which provides for the district=to=community college sharing
20 11 or concurrent enrollment program, is amended to strike a
20 12 requirement that the parent or legal guardian of a student who
20 13 has enrolled in and is attending a community college under
20 14 the program furnish transportation to and from the community
20 15 college for the student.
20 16 REPORTING ALLEGED MISCONDUCT. Code section 272.15,
20 17 subsection 2, is amended to allow, rather than require, an
20 18 employee of the department of education to report alleged
20 19 misconduct by an individual licensed by the board of
20 20 educational examiners, that the employee becomes aware of in
20 21 the course of performing official duties.
20 22 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are
20 23 amended to extend the dates by which area education agency
20 24 proposed budgets must be reviewed, approved, or returned by the
20 25 state board and resubmitted to the state board if the first
20 26 submission is not approved.
20 27 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
20 28 279.30 is amended to allow the board of directors of a
20 29 school district or of an AEA to direct deposit a payment at a
20 30 financial institution specified by the person entitled to the
20 31 money. Code section 291.1; Code section 291.6, subsections
20 32 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14
20 33 are amended to replace references to "books", "registers",
20 34 and "warrants" with references to payments, electronic funds
20 35 transfers, and accounting records and to make related changes.

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21 1 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
21 2 amended to give school districts the option of establishing a
21 3 permanent fund for gifts received and to allow school districts
21 4 to deposit funds received from gifts, devises, and bequests
21 5 into a trust, permanent, or agency fund.
21 6 CODE CORRECTIONS. The bill makes corrections to Code
21 7 section 256.9 to change references to model end=of=course
21 8 assessments and to Code section 259A.1 to change references to
21 9 subjects covered by high school equivalency diploma tests.
21 10 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY.
21 11 Code section 282.9, subsection 1, is amended to notwithstand
21 12 Code chapter 282, relating to school attendance and tuition,
21 13 rather than notwithstanding only Code section 282.18, the
21 14 Code section relating to open enrollment. The language of
21 15 Code section 282.9, subsection 1, provides that prior to
21 16 knowingly enrolling a student who is required to register as
21 17 a sex offender, the school district's board of directors must
21 18 determine the educational placement of the individual and place
21 19 notice of that consideration on the board's tentative meeting
21 20 agenda. If the board denies enrollment to the individual, the
21 21 school district of residence must provide the individual with
21 22 educational services in an alternative setting.
21 23 OPEN ENROLLMENT BY SIBLING. Code section 282.18, subsection
21 24 4, is amended to require that a receiving district approve
21 25 a transfer request submitted after March 1 of the preceding
21 26 school year if the sibling of the pupil for whom the request
21 27 is made is already participating in open enrollment to the
21 28 receiving district. The bill makes a conforming change to Code
21 29 section 282.18, subsection 5.
21 30 EVALUATOR TRAINING PROGRAM. Code section 284.10, subsection
21 31 2, is amended to give program enrollment preference to other
21 32 practitioners who are not beginning teachers. Currently, only
21 33 school administrators are given preference.
21 34 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
21 35 provision to Code section 285.9 to assign the duty of reviewing

House Study Bill 623 continued

22 1 and resolving all transportation disputes between districts to
22 2 the AEA boards.
22 3 SCHOOL BUS == DEFINITION. Code section 321.1, subsection
22 4 69, is amended to strike from an exemption to the definition
22 5 of "school bus", language that includes a vehicle operated for
22 6 the transportation of children to or from school activities.
22 7 Currently, the definition is limited to transportation of
22 8 children to or from school. The bill makes a conforming
22 9 amendment to Code section 321.373 to provide that every
22 10 school bus, including those used to transport students to
22 11 school activities, must be constructed and equipped to meet
22 12 specified safety standards. However, the bill amends Code
22 13 section 321.376 to provide that certificate of qualification
22 14 and approved course of instruction requirements do not apply
22 15 to persons driving pupils to activities in nine=passenger
22 16 vehicles.
22 17 APPROVED COURSES FOR DRINKING DRIVERS. Code sections 321J.3
22 18 and 321J.17 are amended to expand the providers of drinking
22 19 driver courses supervised and approved by the department of
22 20 education to include "other approved providers", which the
22 21 bill defines in Code section 321J.22, as providers of courses
22 22 offered out of state. The providers of out=of=state courses
22 23 must prove to the department's satisfaction that the course is
22 24 comparable to those offered by community colleges and substance
22 25 abuse treatment programs. The bill establishes that other
22 26 approved providers may be requested to meet the same reporting
22 27 requirements as the community colleges and substance abuse
22 28 treatment programs.
22 29 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code section
22 30 331.756, subsection 7, which specifies the duties of county
22 31 attorneys, to eliminate a requirement that county attorneys
22 32 give advice or a written opinion to school officers upon
22 33 request.
22 34 CODE SECTIONS REPEALED. The bill repeals the following:
22 35 1. Code section 256.20, which permits school districts to

House Study Bill 623 continued

23 1 request approval from the state board of education for a pilot
23 2 project for a year=around three=semester school year.
23 3 2. Code section 256.23, which establishes a recruitment and
23 4 advancement program to provide for the allocation of grants
23 5 to school corporations for pilot projects that encourage
23 6 the advancement of women and minorities to administrative
23 7 positions.
23 8 STATE MANDATE. The bill may include a state mandate as
23 9 defined in Code section 25B.3. The bill requires that the
23 10 state cost of any state mandate included in the bill be
23 11 paid by a school district from state school foundation aid
23 12 received by the school district under Code section 257.16. The
23 13 specification is deemed to constitute state compliance with
23 14 any state mandate funding=related requirements of Code section
23 15 25B.2. The inclusion of this specification is intended to
23 16 reinstate the requirement of political subdivisions to comply
23 17 with any state mandates included in the bill.
LSB 5391DP (11) 83
kh/sc

# Senate File 2073 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
3017)

**A BILL FOR**

An Act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

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

TLSB 5305SV (15) 83
jr/rj

Senate File 2073 - Introduced continued

PAG LIN

1 1 Section 1. Section 542.8, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 22. The board, by rule, shall require as a
1 4 condition for renewal of a license under this section by any
1 5 license holder who performs compilation services for the public
1 6 other than through a licensed public accounting firm or a
1 7 certified public accounting firm, that such individual undergo,
1 8 no more frequently than once every three years, a peer review
1 9 conducted in such manner as the board shall by rule specify,
1 10 and such review shall include verification that such individual
1 11 has met the competency requirements set out in professional
1 12 standards for such services.
1 13 Sec. 2. Section 542.13, subsections 6 and 13, Code
1 14 Supplement 2009, are amended to read as follows:
1 15 6. A firm not holding a permit issued under section 542.8
1 16 shall not ~~provide compilation services or~~ assume or use the
1 17 title "licensed public accountants", the abbreviation "LPAs",
1 18 or any other title, designation, words, letters, abbreviation,
1 19 sign, card, or device tending to indicate that such firm is
1 20 composed of licensed public accountants.
1 21 13. An individual licensee shall not issue a report in
1 22 standard form upon a compilation of financial information
1 23 through any form of business that does not hold a permit issued
1 24 under section 542.7 or 542.8 unless the report discloses
1 25 the name of the business through which the individual is
1 26 issuing the report and the individual licensee does all of the
1 27 following:
1 28 a. Signs the compilation report identifying the individual
1 29 as a certified public accountant or licensed public accountant.
1 30 b. Meets competency requirements provided in applicable
1 31 standards.
1 32 c. Undergoes, no less frequently than once every three
1 33 years, a peer review conducted in a manner as specified by
1 34 the board. The review shall include verification that such
1 35 individual has met the competency requirements set out in

Senate File 2073 - Introduced continued

2 1 professional standards for such services.
2 2 Sec. 3. Section 546.10, Code 2009, is amended by adding the
2 3 following new subsections:
2 4 NEW SUBSECTION. 10. Notwithstanding section 17A.6,
2 5 subsection 4, the licensing boards included within the bureau
2 6 pursuant to subsection 1 may adopt standards by reference to
2 7 another publication without providing a copy of the publication
2 8 to the administrative rules coordinator if the publication
2 9 containing the standards is readily accessible on the internet
2 10 at no cost and the internet site at which the publication may
2 11 be found is included in the administrative rules that adopt the
2 12 standard.
2 13 NEW SUBSECTION. 11. Renewal periods for all licenses
2 14 and certificates of the licensing boards included within the
2 15 bureau pursuant to subsection 1 may be annual or multiyear, as
2 16 provided by rule.
2 17 NEW SUBSECTION. 12. A quorum of a licensing board included
2 18 within the bureau pursuant to subsection 1 shall be a majority
2 19 of the members of the board and action may be taken upon a
2 20 majority vote of board members present at a meeting who are not
2 21 disqualified.
2 22 EXPLANATION
2 23 This bill generally relates to the practice of public
2 24 accounting.
2 25 The amendment to Code section 542.8 adds a provision
2 26 requiring peer review for individual licensed public
2 27 accountants similar to the requirement for peer review for
2 28 individual certified public accountants.
2 29 The amendments to Code section 542.13 treat certified public
2 30 accounting (CPA) firms and licensed public accounting (LPA)
2 31 firms in the same manner with respect to the authorization
2 32 to provide compilation services. The amendments also add a
2 33 reference to LPA firms in a provision outlining the disclosures
2 34 required when a certified public accountant or licensed public
2 35 accountant issues a compilation report other than through a CPA

Senate File 2073 - Introduced continued

3 1 firm.
3 2 The subsections added to Code section 546.10 relate
3 3 to the professional licensing boards. A new subsection
3 4 allows the boards to adopt standards by reference to another
3 5 publication without providing a copy of the publication to the
3 6 administrative rules coordinator if the publication containing
3 7 the standards is readily accessible on the internet at no cost
3 8 and the internet site at which the publication may be found is
3 9 included in the administrative rules that adopt the standard.
3 10 Another new subsection sets quorum requirements for all the
3 11 boards as a majority of the members of the board and allows
3 12 action to be taken upon a majority vote of board members
3 13 present at a meeting who are not disqualified.
LSB 5305SV (15) 83
jr/rj

# Senate File 2074 - Introduced

SENATE FILE
BY COMMITTEE ON ETHICS

(SUCCESSOR TO SSB 3035)

(COMPANION TO lsb 5196hv by committee on ethics)

**A BILL FOR**

An Act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

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

TLSB 5196SV (17) 83
tm/rj

Senate File 2074 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.22, subsection 4, paragraph s, Code
1 2 Supplement 2009, is amended to read as follows:
1 3 s. Gifts of food, beverage, and entertainment received ~~by~~
~~1 4 public officials or public employees~~ at a function where every
1 5 member of the general assembly has been invited to attend,
1 6 when the function takes place during a regular session of the
1 7 general assembly. A sponsor of a function under this paragraph
1 8 shall file a registration prior to the function taking place
1 9 identifying the sponsor and the date, time, and location
1 10 of the function. The registration shall be filed with the
1 11 person or persons designated by the secretary of the senate
1 12 and the chief clerk of the house and with the board. After a
1 13 function takes place, the sponsor of the function shall file
1 14 a report disclosing the total amount expended, including
1 15 in=kind expenditures, on food, beverage, and entertainment
1 16 for the function. The report shall be filed with the person
1 17 or persons designated by the secretary of the senate and
1 18 the chief clerk of the house and with the board within ~~five~~
~~1 19 business~~ twenty=eight calendar days following the date of the
1 20 function. ~~The person or persons designated by the secretary~~
~~1 21 of the senate and the chief clerk of the house shall forward a~~
~~1 22 copy of each report to the board.~~
1 23 Sec. 2. Section 68B.31, subsection 4, paragraph a,
1 24 subparagraphs (3) and (4), Code 2009, are amended to read as
1 25 follows:
1 26 (3) Issue advisory opinions interpreting the intent
1 27 of constitutional and statutory provisions relating to
1 28 legislators, ~~and~~ lobbyists, and clients as well as interpreting
1 29 the code of ethics and rules issued pursuant to this section.
1 30 Opinions shall be issued when approved by a majority of the six
1 31 members and may be issued upon the written request of a member
1 32 of the general assembly or upon the committee's initiation.
1 33 Opinions are not binding on the legislator, ~~or~~ lobbyist, or
1 34 client.
1 35 (4) Receive and hear complaints and charges against members

Senate File 2074 - Introduced continued

2 1 of its house, lobbyists, or clients of a lobbyist alleging a
2 2 violation of the code of ethics, rules governing lobbyists,
2 3 this chapter, or other matters referred to it by its house or
2 4 the independent special counsel. The committee shall recommend
2 5 rules for the receipt and processing of findings of probable
2 6 cause relating to ethical violations of members of the general
2 7 assembly, ~~or~~ lobbyists, or clients of lobbyists during the
2 8 legislative session and those received after the general
2 9 assembly adjourns.
2 10 Sec. 3. Section 68B.31, subsection 5, Code 2009, is amended
2 11 to read as follows:
2 12 5. Any person may file a complaint with the ethics
2 13 committee of either house alleging that a member of the general
2 14 assembly, ~~or a~~ lobbyist, or client of a lobbyist before the
2 15 general assembly has committed a violation of this chapter.
2 16 The ethics committee shall prescribe and provide forms for this
2 17 purpose. The complaint shall include the name and address
2 18 of the complainant and a statement of the facts believed to
2 19 be true that form the basis of the complaint, including the
2 20 sources of information and approximate dates of the acts
2 21 alleged and a certification by the complainant under penalty of
2 22 perjury that the facts stated to be true are true to the best
2 23 of the complainant's knowledge.
2 24 Sec. 4. Section 68B.31, subsection 7, Code 2009, is amended
2 25 to read as follows:
2 26 7. a. If the ethics committee determines that a complaint
2 27 is not valid, the complaint shall be dismissed and returned
2 28 to the complainant with a notice of dismissal stating the
2 29 reason or reasons for the dismissal. If the ethics committee
2 30 determines that a complaint is valid and the ethics committee
2 31 does not take action under rules adopted pursuant to paragraph
2 32 "b", the ethics committee shall request that the chief justice
2 33 of the supreme court appoint an independent special counsel
2 34 to investigate the allegations contained in the complaint
2 35 to determine whether there is probable cause to believe

Senate File 2074 - Introduced continued

3 1 that a violation of this chapter has occurred and whether an
3 2 evidentiary hearing on the complaint should be held. Payment
3 3 of costs for the independent special counsel shall be made from
3 4 section 2.12.
3 5 b. The ethics committee may adopt rules for purposes of
3 6 taking action on valid complaints without requesting the
3 7 appointment of an independent special counsel and without
3 8 requiring action by the appropriate house pursuant to
3 9 subsection 11. Such action may only be taken if the committee
3 10 determines that no dispute exists between the parties regarding
3 11 material facts that establish a violation.
3 12 Sec. 5. Section 68B.31, subsection 8, Code 2009, is amended
3 13 to read as follows:
3 14 8. If a hearing on the complaint is ordered the ethics
3 15 committee shall receive all admissible evidence, determine
3 16 any factual or legal issues presented during the hearing, and
3 17 make findings of fact based upon evidence received. Hearings
3 18 shall be conducted in the manner prescribed in section 17A.12.
3 19 The rules of evidence applicable under section 17A.14 shall
3 20 also apply in hearings before the ethics committee. Clear and
3 21 convincing evidence shall be required to support a finding
3 22 that the member of the general assembly, ~~or~~ lobbyist, or
3 23 client before the general assembly has committed a violation
3 24 of this chapter. Parties to a complaint may, subject to the
3 25 approval of the ethics committee, negotiate for settlement
3 26 of disputes that are before the ethics committee. Terms of
3 27 any negotiated settlements shall be publicly recorded. If a
3 28 complaint is filed or initiated less than ninety days before
3 29 the election for a state office, for which the person named
3 30 in the complaint is the incumbent officeholder, the ethics
3 31 committee shall, if possible, set the hearing at the earliest
3 32 available date so as to allow the issue to be resolved before
3 33 the election. An extension of time for a hearing may be
3 34 granted when both parties mutually agree on an alternate date
3 35 for the hearing. The ethics committee shall make every effort

Senate File 2074 - Introduced continued

4 1 to hear all ethics complaints within three months of the date
4 2 that the complaints are filed. However, after three months
4 3 from the date of the filing of the complaint, extensions
4 4 of time for purposes of preparing for hearing may only be
4 5 granted by the ethics committee when the party charged in the
4 6 complaint with the ethics violation consents to an extension.
4 7 If the party charged does not consent to an extension, the
4 8 ethics committee shall not grant any extensions of time for
4 9 preparation prior to hearing. All complaints alleging a
4 10 violation of this chapter or the code of ethics shall be
4 11 heard within nine months of the filing of the complaint.
4 12 Final dispositions of violations, which the ethics committee
4 13 has found to have been established by clear and convincing
4 14 evidence, shall be made within thirty days of the conclusion of
4 15 the hearing on the complaint.
4 16 Sec. 6. Section 68B.32A, subsection 5, Code Supplement
4 17 2009, is amended to read as follows:
4 18 5. Receive and file registration ~~and reports~~ from lobbyists
4 19 of the executive branch of state government, client disclosure
4 20 from clients of lobbyists of the executive branch of state
4 21 government, personal financial disclosure information from
4 22 officials and employees in the executive branch of state
4 23 government who are required to file personal financial
4 24 disclosure information under this chapter, and gift and bequest
4 25 disclosure information pursuant to section 8.7. The board,
4 26 upon its own motion, may initiate action and conduct a hearing
4 27 relating to reporting requirements under this chapter or
4 28 section 8.7.
4 29 Sec. 7. Section 68B.34A, Code Supplement 2009, is amended
4 30 to read as follows:
4 31 68B.34A Actions commenced against local officials or
4 32 employees.
4 33 1. Complaints alleging conduct of local officials or local
4 34 employees which violates this chapter, except for sections
4 35 68B.36~~, 68B.37,~~ and 68B.38, shall be filed with the county

Senate File 2074 - Introduced continued

5 1 attorney in the county where the accused resides. However, if
5 2 the county attorney is the person against whom the complaint is
5 3 filed, or if the county attorney otherwise has a personal or
5 4 legal conflict of interest, the complaint shall be referred to
5 5 another county attorney.
5 6 2. Complaints alleging conduct of local officials or local
5 7 employees which violates section 68B.36~~, 68B.37,~~ or 68B.38
5 8 shall be filed with the ethics committee of the appropriate
5 9 house of the general assembly if the conduct involves lobbying
5 10 activities before the general assembly or with the board if
5 11 the conduct involves lobbying activities before the executive
5 12 branch.
5 13 Sec. 8. Section 68B.36, subsections 1 and 5, Code 2009, are
5 14 amended to read as follows:
5 15 1. All lobbyists shall, on or before the day their lobbying
5 16 activity begins, register by filing a lobbyist's registration
5 17 statement at times and in the manner provided in this section.
5 18 In addition to any other information required by the general
5 19 assembly and the board, a lobbyist shall identify in the
5 20 registration statement all clients of the lobbyist. Lobbyists
5 21 engaged in lobbying activities before the general assembly
5 22 shall file the statement with the chief clerk of the house of
5 23 representatives or the secretary of the senate. Lobbyists
5 24 engaged in lobbying activities before the office of the
5 25 governor or any state agency shall file the statement with
5 26 the board. The chief clerk of the house and the secretary
5 27 of the senate shall provide appropriate registration forms
5 28 to lobbyists before the general assembly. The board shall
5 29 prescribe appropriate registration forms for lobbyists before
5 30 the office of the governor and state agencies.
5 31 5. ~~All federal, state, and local officials or employees~~
~~5 32 representing the official positions of their departments,~~
~~5 33 commissions, boards, or agencies shall, when lobbying the~~
~~5 34 general assembly, present to the chief clerk of the house or~~
~~5 35 the secretary of the senate a letter of authorization from~~

~~Senate File 2074 - Introduced continued~~

~~6 1 their department or agency heads prior to the commencement of~~
~~6 2 their lobbying. When lobbying a state agency or the office~~
~~6 3 of the governor, the letter shall be presented to the board.~~
~~6 4 The lobbyist registration statement of these officials and~~
~~6 5 employees shall not be deemed complete until the letter of~~
~~6 6 authorization is attached.~~ Federal, state, and local officials
6 7 who wish to lobby in opposition to the official position of
6 8 their departments, commissions, boards, or agencies must
6 9 indicate this on their lobbyist registration statements.
6 10 Sec. 9. Section 68B.38, subsection 1, Code 2009, is amended
6 11 to read as follows:
6 12 1. On or before July 31 of each year, a lobbyist's client
6 13 shall file with the general assembly ~~or~~ and board a report that
6 14 contains information on all salaries, fees, retainers, and
6 15 reimbursement of expenses paid ~~or anticipated to be paid~~ by the
6 16 lobbyist's client to the lobbyist for lobbying purposes during
6 17 the preceding twelve calendar months, concluding on June 30 of
6 18 each year. The amount reported to the general assembly and the
6 19 board shall include the total amount of all salaries, fees,
6 20 retainers, and reimbursement of expenses paid to a lobbyist for
6 21 lobbying both the legislative and executive branches.
6 22 Sec. 10. REPEAL. Section 68B.37, Code 2009, is repealed.
6 23 Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed
6 24 of immediate importance, takes effect upon enactment.
6 25 EXPLANATION
6 26 This bill relates to ethics laws by establishing disclosure
6 27 requirements, providing jurisdictional authority, and allowing
6 28 certain procedures in resolving ethics complaints.
6 29 The bill amends an exception to the gift law that requires
6 30 public disclosure of expenses for a function sponsored by a
6 31 restricted donor where every member of the general assembly is
6 32 invited to attend a function that takes place during a regular
6 33 session of the general assembly. Currently, a report must
6 34 be filed with the general assembly detailing expenses by the
6 35 function sponsor within five business days following the date

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7 1 of the function. A copy of the report is currently forwarded
7 2 to the Iowa ethics and campaign disclosure board. The bill
7 3 changes the five=business=day deadline to 28 calendar days
7 4 following the date of the function. The bill also requires a
7 5 function registration to be filed with the general assembly
7 6 and the board prior to the function taking place. The bill
7 7 also allows the receipt of food, beverages, and entertainment
7 8 by anyone attending such a function. The bill requires the
7 9 function report to be filed with the general assembly and the
7 10 board.
7 11 The bill provides that complaints may be filed with the
7 12 ethics committee against a client of a lobbyist alleging
7 13 violations of Code chapter 68B, the code of ethics, or rules
7 14 governing lobbyists. The bill also provides for the issuance
7 15 of advisory opinions relating to clients of lobbyists.
7 16 The bill allows the ethics committees in the senate and
7 17 house of representatives to adopt rules enabling the committees
7 18 to take certain types of action on valid complaints without
7 19 requesting the appointment of independent special counsel and
7 20 without requiring action by the appropriate chamber. Such
7 21 action may only be taken if the committee determines that
7 22 there is no dispute between the parties regarding material
7 23 facts establishing a violation. Currently, if a complaint is
7 24 determined to be valid, the ethics committee is required to
7 25 request the appointment of an independent special counsel to
7 26 investigate the complaint and determine whether probable cause
7 27 exists.
7 28 The bill requires lobbyist registration statements to
7 29 include a list of clients of the lobbyist. The bill eliminates
7 30 a requirement that a letter of authorization be filed by all
7 31 federal, state, and local officials or employees representing
7 32 the official positions of their departments, commissions,
7 33 boards, or agencies.
7 34 Currently, the client of a lobbyist is required to file
7 35 an annual report that contains information on all salaries,

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8 1 fees, retainers, and reimbursement of expenses paid by the
8 2 lobbyist's client to the lobbyist for lobbying purposes during
8 3 the preceding 12 calendar months. The bill provides that the
8 4 amount reported to the general assembly and the ethics and
8 5 campaign disclosure board shall include the total amount of all
8 6 salaries, fees, retainers, and reimbursement of expenses paid
8 7 to a lobbyist for lobbying both the legislative and executive
8 8 branches.
8 9 Currently, a lobbyist before the general assembly and a
8 10 lobbyist before a state agency or the office of the governor
8 11 must file periodic reports disclosing information related to
8 12 campaign contributions, lobbying expenditures, and a listing of
8 13 clients. The bill eliminates these periodic reports and makes
8 14 conforming amendments.
8 15 The bill takes effect upon enactment.
LSB 5196SV (17) 83
tm/rj

# Senate File 2075 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
3020)

**A BILL FOR**

An Act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

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

TLSB 5137SV (5) 83
av/rj

Senate File 2075 - Introduced continued

PAG LIN

1 1 Section 1. Section 515.103, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5A. Extraordinary life circumstances.
1 4 a. An insurer authorized to do business in Iowa that uses
1 5 credit information to underwrite or rate risks for a policy of
1 6 personal insurance shall, on written request from a consumer,
1 7 provide reasonable exceptions to the insurer's rates, rating
1 8 classifications, company or tier placement, or underwriting
1 9 rules or guidelines for a consumer who has experienced and
1 10 whose credit information has been directly influenced by any
1 11 of the following events:
1 12 (1) Catastrophic event, as declared by the federal or a
1 13 state government.
1 14 (2) Serious illness or injury, or serious illness or injury
1 15 to an immediate family member.
1 16 (3) Death of a spouse, child, or parent.
1 17 (4) Divorce or involuntary interruption of legally owed
1 18 alimony or support payments.
1 19 (5) Identity theft.
1 20 (6) Temporary loss of employment for a period of three
1 21 months or more, if such loss results from involuntary
1 22 termination of employment.
1 23 (7) Military deployment overseas.
1 24 (8) Other events, as determined by the insurer.
1 25 b. If a consumer submits a request for an exception as set
1 26 forth in paragraph "a", an insurer may, in its sole discretion,
1 27 but is not required to, do any of the following:
1 28 (1) Require the consumer to provide reasonable written and
1 29 independently verifiable documentation of the event.
1 30 (2) Require the consumer to demonstrate that the event
1 31 had direct and meaningful impact on the consumer's credit
1 32 information.
1 33 (3) Require such request to be made no more than sixty days
1 34 from the date of the application for insurance or the policy
1 35 renewal.

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2 1 (4) Grant an exception despite the fact that the consumer
2 2 did not provide the initial request for an exception in
2 3 writing.
2 4 (5) Grant an exception where the consumer asks for
2 5 consideration of repeated events or the insurer has considered
2 6 this event previously.
2 7 c. An insurer is not out of compliance with any law or rules
2 8 relating to underwriting, rating, or rate=filing as a result
2 9 of granting an exception under this subsection. Nothing in
2 10 this subsection shall be construed to provide a consumer or
2 11 other insured with a cause of action that does not exist in the
2 12 absence of this subsection.
2 13 d. An insurer shall provide notice to consumers that
2 14 reasonable exceptions are available pursuant to this subsection
2 15 and information about how the consumer may inquire further
2 16 about such exceptions.
2 17 e. Within thirty days of the insurer's receipt of sufficient
2 18 documentation of an event described in paragraph "a" from a
2 19 consumer, the insurer shall inform the consumer of the outcome
2 20 of the consumer's request for a reasonable exception. Such
2 21 communication shall be in writing or provided to a consumer
2 22 using the same medium as the request.
2 23 Sec. 2. APPLICABILITY DATE. This Act applies to personal
2 24 insurance contracts or policies delivered, issued for delivery,
2 25 continued, or renewed in this state on or after July 1, 2010.
2 26 EXPLANATION
2 27 This bill requires an insurer to provide reasonable
2 28 exceptions to the insurer's rates, rating classifications,
2 29 company or tier placement, or underwriting rules or guidelines
2 30 upon the written request of an applicant for insurance or an
2 31 insured whose credit information has been directly influenced
2 32 by specified extraordinary life circumstances. An insurer
2 33 may require such a consumer to provide reasonable written and
2 34 independently verifiable documentation of the event and to
2 35 demonstrate the direct and meaningful impact of the event on

Senate File 2075 - Introduced continued

3 1 the consumer's credit information.
3 2 An insurer is required to inform the consumer of the outcome
3 3 of such a request within 30 days of receiving documentation of
3 4 an extraordinary event, in writing or in the same medium as the
3 5 request. Insurers are required to notify consumers that such
3 6 reasonable exceptions are available and how to inquire further
3 7 about them.
3 8 The bill applies to personal insurance contracts or policies
3 9 delivered, issued for delivery, continued, or renewed in this
3 10 state on or after July 1, 2010.
LSB 5137SV (5) 83
av/rj

# Senate File 2076 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3062)

**A BILL FOR**

An Act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

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

TLSB 5159SV (14) 83
tw/nh

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PAG LIN

1 1 DIVISION I
1 2 MISCELLANEOUS PROGRAM CHANGES
1 3 Section 1. Section 15.335A, subsection 1, paragraph e, Code
1 4 Supplement 2009, is amended to read as follows:
1 5 e. The number of jobs is sixteen ~~but not more than thirty~~ or
1 6 more and the amount of the qualifying investment is one of the
1 7 following:
1 8 (1) Less than one hundred thousand dollars, then the tax
1 9 incentive is the investment tax credit of up to five percent.
1 10 (2) At least one hundred thousand dollars but less than
1 11 five hundred thousand dollars, then the tax incentives are the
1 12 investment tax credit of up to five percent and the sales tax
1 13 refund.
1 14 (3) At least five hundred thousand dollars, then the
1 15 tax incentives are the investment tax credit of up to five
1 16 percent, the sales tax refund, and the additional research and
1 17 development tax credit.
1 18 Sec. 2. Section 15.411, subsection 6, Code Supplement 2009,
1 19 is amended to read as follows:
1 20 6. The department shall, upon board approval, establish
1 21 and administer a targeted industries internship program for
1 22 ~~students of Iowa community colleges, private colleges, or~~
1 23 ~~institutions of higher learning under the control of the~~
1 24 ~~state board of regents~~ Iowa students. For purposes of this
1 25 subsection, "Iowa student" means a student of an Iowa community
1 26 college, private college, or institution of higher learning
1 27 under the control of the state board of regents, or a student
1 28 who graduated from high school in Iowa but now attends an
1 29 institution of higher learning outside the state of Iowa. The
1 30 purpose of the program is to link Iowa students to small and
1 31 medium sized Iowa firms in the targeted industries through
1 32 internship opportunities. An Iowa employer may receive
1 33 financial assistance in an amount of one dollar for every
1 34 two dollars paid by the employer to an intern. The amount
1 35 of financial assistance shall not exceed three thousand one

Senate File 2076 - Introduced continued

2 1 hundred dollars for any single internship, or nine thousand
2 2 three hundred dollars for any single employer. In order to be
2 3 eligible to receive financial assistance under this subsection,
2 4 the employer must have five hundred or fewer employees and
2 5 must be engaged in a targeted industry. The department shall
2 6 encourage youth who reside in economically distressed areas,
2 7 youth adjudicated to have committed a delinquent act, and youth
2 8 transitioning out of foster care to participate in the targeted
2 9 industries internship program.
2 10 Sec. 3. Section 15G.111, subsection 5, paragraph c, Code
2 11 Supplement 2009, is amended to read as follows:
2 12 c. The state board of regents shall annually prepare a
2 13 report for submission to the governor, the general assembly,
2 14 the department, and the legislative services agency regarding
2 15 the activities, projects, and programs funded with moneys
2 16 allocated under this subsection. The report shall be provided
2 17 in an electronic format and shall include a list of metrics and
2 18 criteria mutually agreed to in advance by the board of regents
2 19 and the department. The metrics and criteria shall allow the
2 20 governor's office, the general assembly, and the department
2 21 to quantify and evaluate the progress of the board of regents
2 22 institutions with regard to their activities, projects,
2 23 and programs in the areas of technology commercialization,
2 24 entrepreneurship, regional development, and market research.
2 25 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
2 26 Act, being deemed of immediate importance, takes effect upon
2 27 enactment.
2 28 DIVISION II
2 29 ECONOMIC DEVELOPMENT BOARD
2 30 Sec. 5. Section 15.103, subsection 1, paragraph a, Code
2 31 Supplement 2009, is amended to read as follows:
2 32 a. The Iowa economic development board is created,
2 33 consisting of fifteen voting members appointed by the governor
2 34 and seven ex officio, nonvoting members. The ex officio,
2 35 nonvoting members are four legislative members; one president,

Senate File 2076 - Introduced continued

3 1 or the president's designee, of the university of northern
3 2 Iowa, the university of Iowa, or Iowa state university of
3 3 science and technology designated by the state board of regents
3 4 on a rotating basis; and one president, or the president's
3 5 designee, of a private college or university appointed by the
3 6 Iowa association of independent colleges and universities;
3 7 and one superintendent, or the superintendent's designee, of
3 8 a community college, appointed by the Iowa association of
3 9 community college presidents. The legislative members are two
3 10 state senators, one appointed by the president of the senate
3 11 after consultation with the majority leader of the senate,
3 12 and one appointed by the minority leader of the senate from
3 13 their respective parties; and two state representatives, one
3 14 appointed by the speaker and one appointed by the minority
3 15 leader of the house of representatives from their respective
3 16 parties. Not more than eight of the voting members shall
3 17 be from the same political party. Beginning with the first
3 18 appointment to the board made after July 1, 2005, at least one
3 19 voting member shall have been less than thirty years of age
3 20 at the time of appointment. The governor shall appoint the
3 21 voting members of the board ~~for a term~~ to staggered terms of
3 22 four years beginning and ending as provided by section 69.19,
3 23 subject to confirmation by the senate, and the governor's
3 24 appointments shall include persons knowledgeable of the various
3 25 elements of the department's responsibilities.
3 26 Sec. 6. ECONOMIC DEVELOPMENT BOARD MEMBER TERMS.
3 27 Notwithstanding the four=year term required by section 15.103
3 28 for members of the economic development board, and in order to
3 29 ensure that members of the board serve staggered terms, of the
3 30 fifteen members initially appointed after the effective date of
3 31 this Act, the governor shall appoint seven members to terms of
3 32 two years and eight members to terms of four years.
3 33 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
3 34 Act, being deemed of immediate importance, takes effect upon
3 35 enactment.

Senate File 2076 - Introduced continued

EXPLANATION

This bill makes miscellaneous changes to certain economic development programs and staggers the terms served by members of the economic development board.

Currently, the tax incentives for the high quality jobs program do not allow incentives for a business creating 31 or more jobs unless that business invests $10 million or more. Division I of the bill adjusts the program's incentive schedule to allow incentives to be provided to businesses investing less than $10 million provided they create at least 16 jobs.

The department of economic development currently operates a targeted industries internship program for students attending an institution of higher learning in Iowa. Division I of the bill allows students who graduated from an Iowa high school, but now attend an institution of higher learning in another state, to participate in the program.

Currently, the board of regents must prepare an annual report for the governor, the general assembly, the department, and the legislative services agency regarding the activities, projects, and programs funded with the $5 million received by the regents as part of the annual grow Iowa values appropriation. Division I of the bill directs the board of regents and the department to mutually agree on certain metrics and criteria for evaluating the success of the activities, projects, and programs funded with those moneys, particularly as they relate to the areas of technology commercialization, entrepreneurship, regional development, and market research.

Division I of the bill takes effect upon enactment.

Currently, the economic development board's 15 members appointed by the governor all serve four=year terms that expire on the same date. Division II of the bill provides for the staggering of these terms, and, since the terms of the current board members expire on April 30, 2010, division II of the bill takes effect upon enactment.

LSB 5159SV (14) 83
tw/nh

# Senate File 2077 - Introduced

SENATE FILE
BY SODDERS

**A BILL FOR**

An Act relating to the use of a wireless telecommunications device to write, send, or read a text=based communication while operating a motor vehicle and making penalties applicable.

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

TLSB 5749SS (2) 83
dea/nh

Senate File 2077 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.277, Code 2009, is amended to read
1 2 as follows:
1 3 321.277 Reckless driving.
1 4 1. ~~Any~~ A person who drives any vehicle in such manner as to
1 5 indicate either a willful or a wanton disregard for the safety
1 6 of persons or property is guilty of reckless driving.
1 7 2. a. A person shall not operate a motor vehicle on a
1 8 highway while using a wireless telecommunications device to
1 9 write, send, or read a text=based communication.
1 10 b. For purposes of this subsection:
1 11 (1) "Wireless telecommunications device" means a cellular
1 12 telephone, a text=messaging device, a personal digital
1 13 assistant, a stand=alone computer, or any other substantially
1 14 similar wireless device that is readily removable from a motor
1 15 vehicle and is capable of being used to write, send, or read
1 16 text or data through manual input. "Wireless telecommunications
1 17 device" does not include a citizens band radio, a citizens
1 18 band radio hybrid, a commercial two=way radio communication
1 19 device, an electronic communication device with a push=to=talk
1 20 function, a global positioning system or navigation system
1 21 installed in a motor vehicle, or a device or component that is
1 22 permanently affixed to a motor vehicle.
1 23 (2) "Write, send, or read a text=based communication" means
1 24 using a wireless telecommunications device to manually
1 25 communicate with any person by using a text=based communication
1 26 referred to as a text message, an instant message, or
1 27 electronic mail. A person is not deemed to be writing,
1 28 reading, or sending a text=based communication if the person
1 29 reads, selects, or enters a telephone number or name in a
1 30 hands=free wireless telephone for the purpose of making a
1 31 telephone call.
1 32 c. A person who violates this subsection commits reckless
1 33 driving.
1 34 3. ~~Every~~ A person convicted of reckless driving ~~shall~~
~~1 35 be~~ is guilty of a simple misdemeanor.

Senate File 2077 - Introduced continued

EXPLANATION

This bill prohibits a person from operating a motor vehicle while using a wireless telecommunications device to write, send, or read a text=based communication. The act of reading, selecting, or entering a telephone number or name in a hands=free wireless telephone for the purpose of making a telephone call does not constitute a violation.

The bill defines "wireless telecommunications device" as a cellular telephone, text=messaging device, personal digital assistant, stand=alone computer, or any other substantially similar wireless device that is readily removable from the vehicle and is capable of being used to write, send, or read text or data through manual input. The definition excludes a citizens band radio, a citizens band radio hybrid, a commercial two=way radio, an electronic device with a push=to=talk function, a global positioning system or navigation system permanently installed in a motor vehicle, and any device or component that is permanently affixed to a motor vehicle.

"Write, send, or read a text=based communication" means using a wireless telecommunications device to manually communicate with any person by using a text=based communication referred to as a text message, an instant message, or electronic mail.

A person who operates a motor vehicle while using a wireless telecommunications device to write, send, or read a text=based communication in violation of the bill commits reckless driving. Pursuant to current law, reckless driving is a simple misdemeanor, which is punishable by confinement for no more than 30 days or a fine of at least $65 but not more than $625 or by both. If a reckless driving violation results in serious injury to another person, the driver is guilty of a class "D" felony. A class "D" felony is punishable by confinement for no more than five years and a fine of at least $750 but not more than $7,500. If the violation results in the death of another person, the driver commits homicide by vehicle, which is a class "C" felony punishable by confinement for no more than 10

Senate File 2077 - Introduced continued

3 1 years and a fine of at least $1,000 but not more than $10,000.
3 2 A person convicted of a class "C" felony for homicide by
3 3 vehicle or a class "D" felony for serious injury by vehicle
3 4 is not eligible to be admitted to bail while appealing the
3 5 conviction. A person who is convicted of both homicide by
3 6 vehicle and failure to stop and remain at the scene of the
3 7 accident is required to serve at least seven=tenths of the
3 8 maximum term of confinement.
3 9 A person charged with homicide by vehicle is subject to
3 10 driver's license suspension, and upon conviction the person's
3 11 license is revoked. The class "C" and "D" felonies under the
3 12 bill are included in the list of offenses to be considered for
3 13 purposes of habitual offender status. A person who accumulates
3 14 convictions for three or more specified motor vehicle operating
3 15 offenses within a six=year period is considered a habitual
3 16 offender and may be subject to driver's license revocation for
3 17 at least two years and not more than six years.
3 18 Under current law, provisions relating to reckless driving
3 19 apply to a motor vehicle operator on highways and elsewhere
3 20 throughout the state and apply to road workers as well as
3 21 motorists.
LSB 5749SS (2) 83
dea/nh

# Senate File 2078 - Introduced

SENATE FILE
BY SODDERS

**A BILL FOR**

An Act relating to applications for major air contaminant sources regulated by the department of natural resources by providing for public participation.

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

TLSB 5228SS (2) 83
da/sc

Senate File 2078 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.134, subsection 3, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. In providing for public participation
1 4 concerning an application involving prevention of significant
1 5 deterioration permits for the construction or modification of
1 6 a major stationary source as provided in 567 IAC 33.3, the
1 7 department shall provide that not more than thirty calendar
1 8 days be provided for public comment and for notification of a
1 9 public hearing. A public hearing shall be held in the county
1 10 impacted by the proposed source or modification. A subsequent
1 11 public hearing may only be held in such county or a contiguous
1 12 county. The department shall not reopen or extend the public
1 13 comment period for more than fifteen calendar days after the
1 14 department determines that the original comment period raised
1 15 substantial new issues concerning the permit. The reopened or
1 16 extended period for public comment shall be limited to only
1 17 the substantial new issues raised during the original comment
1 18 period.
1 19 EXPLANATION
1 20 This bill amends Code section 455B.134 which in part
1 21 authorizes the department of natural resources to grant permits
1 22 for the construction or operation of a major stationary source
1 23 of air contaminants, or the modification of a permit issued by
1 24 the department. This bill requires that the department provide
1 25 a period of time for written public comment and for a public
1 26 hearing concerning such an application in the county impacted
1 27 by the proposed major stationary source.
1 28 A major stationary source includes a number of industries
1 29 listed by departmental rule which may emit high concentrations
1 30 of pollutants, including a number of types of plants involved
1 31 in processing wood, minerals, metals, fuel, chemicals, and
1 32 refuse (See 567 IAC 33.3).

LSB 5228SS (2) 83
da/sc

# Senate File 2079 - Introduced

SENATE FILE
BY SODDERS

**A BILL FOR**

An Act relating to body piercing, body modification, and tattooing, and providing penalties.

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

TLSB 5817XS (4) 83
jr/nh

Senate File 2079 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.37, Code Supplement 2009, is amended
1 2 to read as follows:
1 3 135.37 Tattooing, body piercing, body modification == permit
1 4 requirement == parental consent == penalty.
1 5 1. A person shall not own, control and lease, act as
1 6 an agent for, conduct, manage, or operate an establishment
1 7 to practice the art of tattooing, body piercing, or body
1 8 modification, or engage in the practice of tattooing, body
1 9 piercing, or body modification, without first applying for and
1 10 receiving a permit from the Iowa department of public health.
1 11 2. A minor shall not obtain a tattoo, or undergo a body
1 12 piercing or body modification, and a person shall not provide a
1 13 tattoo, body piercing, or body modification to a minor unless
1 14 parental consent has first been obtained. ~~For the purposes of~~
~~1 15 this section, "minor" means an unmarried person who is under the~~
~~1 16 age of eighteen years.~~ The department shall develop parental
1 17 consent forms and procedures for verification of the consent
1 18 by rule.
1 19 2A. For the purposes of this section:
1 20 a. "Body modification" means for commercial purposes the
1 21 permanent or semipermanent deliberate altering of the human
1 22 body for nonmedical reasons. "Body modification" does not
1 23 include tattooing or body piercing.
1 24 b. "Body piercing" means for commercial purposes the
1 25 act of penetrating the skin to make a hole, mark, or scar.
1 26 "Body piercing" does not include the use of a mechanized,
1 27 presterilized, ear=piercing system that penetrates the outer
1 28 perimeter or lobe of the ear, or both.
1 29 c. "Minor" means an unmarried person who is under the age
1 30 of eighteen years.
1 31 3. A person who fails to meet the requirements of
1 32 subsection 1 or a person providing a tattoo, body piercing,
1 33 or body modification to a minor is guilty of ~~a serious~~ an
1 34 aggravated misdemeanor.
1 35 4. The Iowa department of public health shall:

Senate File 2079 - Introduced continued

2 1 a. Adopt rules pursuant to chapter 17A and establish and
2 2 collect all fees necessary to administer this section. The
2 3 provisions of chapter 17A, including licensing provisions,
2 4 judicial review, and appeal, shall apply to this chapter.
2 5 b. Establish minimum safety and sanitation criteria
2 6 for the operation of tattooing, body piercing, and body
2 7 modification establishments.
2 8 5. If the Iowa department of public health determines that
2 9 a provision of this section has been or is being violated, the
2 10 department may order that a tattooing, body piercing, or body
2 11 modification establishment not be operated until the necessary
2 12 corrective action has been taken. If the establishment
2 13 continues to be operated in violation of the order of the
2 14 department, the department may request that the county attorney
2 15 or the attorney general make an application in the name of
2 16 the state to the district court of the county in which the
2 17 violations have occurred for an order to enjoin the violations
2 18 and confiscate commercial property and equipment. This remedy
2 19 is in addition to any other legal remedy available to the
2 20 department.
2 21 6. As necessary to avoid duplication and promote
2 22 coordination of public health inspection and enforcement
2 23 activities, the department may enter into agreements with local
2 24 boards of health to provide for inspection of tattooing, body
2 25 piercing, or body modification establishments and enforcement
2 26 activities in accordance with the rules and criteria
2 27 implemented under this section.
2 28 EXPLANATION
2 29 This bill modifies and expands current restrictions relating
2 30 to performing and receiving a tattoo, and extends them to also
2 31 apply to body piercing and body modification.
2 32 The bill provides that a person shall not own, control
2 33 and lease, act as an agent for, conduct, manage, or operate
2 34 an establishment to practice the art of tattooing, body
2 35 piercing, or body modification, or engage in the practice of

Senate File 2079 - Introduced continued

3 1 tattooing, body piercing, or body modification, without having
3 2 received a permit from the Iowa department of public health.
3 3 Additionally, a minor shall not obtain a tattoo, or undergo
3 4 a body piercing or body modification, and a person shall not
3 5 provide a tattoo, body piercing, or body modification to a
3 6 minor unless parental consent has first been obtained. The
3 7 bill provides that parental consent forms and procedures shall
3 8 be established by the department by rule.
3 9 The bill provides definitions of "body modification", "body
3 10 piercing", and "minor" and provides that body piercing does not
3 11 refer to the use of a mechanized, presterilized, ear=piercing
3 12 system that penetrates the outer perimeter or lobe of the ear,
3 13 or both.
3 14 The bill provides that a person who violates the provisions
3 15 relating to ownership or operation of an establishment, or
3 16 who provides a tattoo, body piercing, or body modification to
3 17 a minor, is guilty of an aggravated misdemeanor. Currently,
3 18 the corresponding penalty applicable to tattooing is a serious
3 19 misdemeanor. The bill extends existing provisions relating
3 20 to rulemaking, establishment of minimum safety and sanitation
3 21 criteria, and issuance of an order against an establishment
3 22 to not operate pending corrective action by the department
3 23 concerning tattooing to body piercing and body modification.
3 24 The bill also adds a penalty of confiscation of commercial
3 25 property in the event of continued operation in violation of
3 26 the order.
LSB 5817XS (4) 83
jr/nh

# Senate File 2080 - Introduced

SENATE FILE
BY BOLKCOM

**A BILL FOR**

An Act relating to energy conservation requirements contained within the state building code.

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

TLSB 5865XS (4) 83
rn/nh

Senate File 2080 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.8A, Code Supplement 2009, is
1 2 amended to read as follows:
1 3 103A.8A Energy conservation requirements.
1 4 The state building code commissioner shall adopt as a part of
1 5 the state building code a requirement that new single=family
1 6 or two=family residential construction shall comply with
1 7 energy conservation requirements. The requirements adopted by
1 8 the commissioner shall be based upon a nationally recognized
1 9 standard or code for energy conservation. The requirements
1 10 shall only apply to single=family or two=family residential
1 11 construction commenced after the adoption of the requirements.
1 12 Notwithstanding any other provision of this chapter to the
1 13 contrary, the energy conservation requirements adopted by
1 14 the commissioner and approved by the council shall apply to
1 15 new single=family or two=family residential construction
1 16 commenced on or after July 1, 2008, and to all single=family
1 17 or two=family residential construction commenced on or after
1 18 July 1, 2010, and shall supersede and replace any minimum
1 19 requirements for energy conservation adopted or enacted by a
1 20 governmental subdivision prior to that date applicable to such
1 21 construction. The state building code commissioner may provide
1 22 training to builders, contractors, building officials, persons
1 23 who may in the course of their employment be responsible
1 24 for interpreting or enforcing adopted energy conservation
1 25 requirements, and other interested persons on the adopted
1 26 energy conservation requirements.
1 27 Sec. 2. Section 103A.10, subsection 5, Code 2009, is amended
1 28 to read as follows:
1 29 5. Notwithstanding any other provision of this chapter to
1 30 the contrary, the energy conservation requirements adopted by
1 31 the commissioner and approved by the council shall apply to all
1 32 new construction commenced on or after July 1, 2008, subject
1 33 to the provisions relating to single=family and two=family
1 34 residential construction contained in section 103A.8A, and
1 35 shall supersede and replace any minimum requirements for energy

Senate File 2080 - Introduced continued

2 1 conservation adopted or enacted by the governmental subdivision
2 2 prior to that date and applicable to such construction.
2 3 EXPLANATION
2 4 This bill relates to energy conservation requirements
2 5 contained within the state building code. Code chapter
2 6 103A requires new single=family or two=family residential
2 7 construction commenced on or after July 1, 2008, to comply
2 8 with energy conservation requirements adopted by the state
2 9 building code commissioner. "New construction", as defined in
2 10 the Code chapter, is expressly made inapplicable to building
2 11 renovations and repairs.
2 12 The bill amends Code section 103A.8A to provide that all
2 13 single=family or two=family residential construction on or
2 14 after July 1, 2010, shall comply with the energy conservation
2 15 requirements, extending the requirements to existing residence
2 16 renovations and repairs. The bill makes conforming changes
2 17 consistent with this modification.
2 18 The bill additionally expands the list of individuals
2 19 specifically mentioned in Code section 103A.8A for whom
2 20 the commissioner may provide training on the adopted energy
2 21 conservation requirements to include building officials
2 22 and persons who may in the course of their employment be
2 23 responsible for interpreting or enforcing the requirements.
LSB 5865XS (4) 83
rn/nh

# Senate File 2081 - Introduced

SENATE FILE
BY BOLKCOM

**A BILL FOR**

An Act relating to application of fertilizer and pesticides to grass, providing penalties, and making appropriations.

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

TLSB 5161SS (4) 83
tm/sc

Senate File 2081 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.172, Code Supplement 2009, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 12. a. The department shall adopt rules
1 4 prohibiting a person who applies fertilizer or pesticide to
1 5 grass from putting fertilizer or pesticide on a public street
1 6 or sidewalk. Authority to enforce this subsection and rules
1 7 adopted pursuant to this subsection shall be with a county
1 8 board of health. As used in this section, "fertilizer" and
1 9 "pesticide" mean the same as defined in section 200.3.
1 10 b. A person violating this subsection or rules adopted
1 11 pursuant to this subsection is subject to a civil penalty of
1 12 not more than five hundred dollars. Each day that a violation
1 13 continues constitutes a separate offense. The penalty shall
1 14 be assessed for the duration of time commencing with the time
1 15 the violation begins and ending with the time the violation is
1 16 corrected. Moneys collected by a county board of health from
1 17 the imposition of civil penalties shall be deposited in the
1 18 general fund of the county and used for purposes of enforcing
1 19 this subsection and rules adopted pursuant to this subsection.
1 20 Any moneys collected that are in excess of the moneys necessary
1 21 for enforcement shall be remitted to the state and shall be
1 22 deposited in the water quality protection fund created in
1 23 section 455B.183A.
1 24 Sec. 2. IMPLEMENTATION OF ACT. The moneys generated as
1 25 a result of the enactment of this Act are intended to cover
1 26 the costs of any state mandate included in this Act, and this
1 27 specification of state funding shall be deemed to meet all the
1 28 state funding=related requirements of section 25B.2, subsection
1 29 3, and no additional state funding shall be necessary for the
1 30 full implementation of this Act by, and enforcement of this Act
1 31 against, all affected political subdivisions.
1 32 EXPLANATION
1 33 This bill relates to the application of fertilizer and
1 34 pesticide to grass.
1 35 The bill requires the department of natural resources to

Senate File 2081 - Introduced continued

2 1 adopt rules prohibiting a person who applies fertilizer or
2 2 pesticide to grass from putting fertilizer or pesticide on a
2 3 public street or sidewalk. Enforcement authority shall be with
2 4 a county board of health.
2 5 The bill provides that a person violating the bill is subject
2 6 to a civil penalty of not more than $500. Moneys collected by
2 7 a county board of health from the imposition of civil penalties
2 8 shall be deposited in the general fund of the county and used
2 9 for purposes of enforcing the bill. Any moneys collected that
2 10 are in excess of the moneys necessary for enforcement shall
2 11 be remitted to the state and shall be deposited in the water
2 12 quality protection fund.
2 13 The bill may include a state mandate as defined in Code
2 14 section 25B.3. The bill provides that moneys generated in
2 15 this bill are intended to cover the costs of any state mandate
2 16 included in the bill. The inclusion of this specification
2 17 of state funding is intended to reinstate the requirement
2 18 of political subdivisions to comply with any state mandates
2 19 included in the bill.
LSB 5161SS (4) 83
tm/sc

# Senate File 2082 - Introduced

SENATE FILE
BY APPEL

**A BILL FOR**

An Act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions.

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

TLSB 5582XS (7) 83
tw/sc

Senate File 2082 - Introduced continued

PAG LIN

1 1 Section 1. Section 235A.2, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A child abuse prevention program fund is created in
1 4 the state treasury under the control of the department of
1 5 human services. The fund is composed of moneys appropriated
1 6 or available to and obtained or accepted by the treasurer of
1 7 state for deposit in the fund. The fund shall include moneys
1 8 transferred to the fund as provided in section ~~422.12K~~ 422.12F.
1 9 All interest earned on moneys in the fund shall be credited to
1 10 and remain in the fund. Section 8.33 does not apply to moneys
1 11 in the fund.
1 12 Sec. 2. NEW SECTION. 422.12F Income tax checkoff for child
1 13 abuse prevention program fund.
1 14 1. A person who files an individual or a joint income tax
1 15 return with the department of revenue under section 422.13 may
1 16 designate one dollar or more to be paid to the child abuse
1 17 prevention program fund created in section 235A.2. If the
1 18 refund due on the return or the payment remitted with the
1 19 return is insufficient to pay the additional amount designated
1 20 by the taxpayer to the child abuse prevention program fund,
1 21 the amount designated shall be reduced to the remaining amount
1 22 remitted with the return. The designation of a contribution
1 23 to the child abuse prevention program fund under this section
1 24 is irrevocable.
1 25 2. The director of revenue shall draft the income tax form
1 26 to allow the designation of contributions to the child abuse
1 27 prevention program fund on the tax return. The department of
1 28 revenue, on or before January 31, shall transfer the total
1 29 amount designated on the tax return forms due in the preceding
1 30 calendar year to the child abuse prevention program fund.
1 31 However, before a checkoff pursuant to this section shall be
1 32 permitted, all liabilities on the books of the department of
1 33 administrative services and accounts identified as owing under
1 34 section 8A.504 and the political contribution allowed under
1 35 section 68A.601 shall be satisfied.

Senate File 2082 - Introduced continued

3. The department of human services may authorize payment of moneys from the child abuse prevention program fund, in accordance with section 235A.2.

4. The department of revenue shall adopt rules to administer this section.

5. This section is subject to repeal under section 422.12E.

Sec. 3. REPEAL. Section 422.12K, Code Supplement 2009, is repealed.

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2010, for tax years beginning on or after that date.

EXPLANATION

This bill relates to the income tax checkoff for the child abuse prevention program fund.

Code section 422.12E limits to four the number of income tax checkoffs that can appear on the income tax return. When the same four income tax return checkoffs have been provided on the income tax return for two consecutive years, the two checkoffs for which the least amount has been contributed through March 15 of the second tax year are automatically repealed.

The bill repeals the existing checkoff for the child abuse prevention program fund and reenacts it as a new checkoff.

The bill applies retroactively to January 1, 2010, for tax years beginning on or after that date.

LSB 5582XS (7) 83
tw/sc

# Senate File 2083 - Introduced

SENATE FILE
BY JOHNSON

**A BILL FOR**

An Act relating to the use of public moneys by nongovernmental entities for lobbying purposes and making a penalty applicable.

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

TLSB 5692XS (5) 83
tm/sc

Senate File 2083 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.38, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 1A. If a client of a lobbyist receives
1 4 state or federal moneys, the client shall file an affidavit
1 5 with the general assembly or the board within thirty days of
1 6 receipt of the moneys. The affidavit shall identify the entity
1 7 from which the state or federal moneys were received, the date
1 8 of receipt of the moneys, and a statement that the moneys
1 9 will not be expended for purposes of encouraging the passage,
1 10 defeat, approval, veto, or modification of legislation, a rule,
1 11 or an executive order before the general assembly, a state
1 12 agency, or any statewide elected official. This subsection
1 13 shall not apply to a client that is a state, federal, or local
1 14 government entity.
1 15 Sec. 2. Section 68B.38, subsection 2, Code 2009, is amended
1 16 to read as follows:
1 17 2. Reports and affidavits by a lobbyist's clients shall be
1 18 filed with the same entity with which the lobbyist filed the
1 19 lobbyist's registration.
1 20 EXPLANATION
1 21 This bill relates to the use of public moneys by
1 22 nongovernmental entities for lobbying purposes.
1 23 The bill provides that if a client of a lobbyist receives
1 24 state or federal moneys, the client shall file an affidavit
1 25 with the general assembly or the board within 30 days of
1 26 receipt of the moneys. The affidavit shall identify the entity
1 27 from which the state or federal moneys were received, the date
1 28 of receipt of the moneys, and a statement that the moneys
1 29 will not be expended for purposes of encouraging the passage,
1 30 defeat, approval, veto, or modification of legislation, a rule,
1 31 or an executive order before the general assembly, a state
1 32 agency, or any statewide elected official.
1 33 The bill does not apply to a client that is a state, federal,
1 34 or local government entity.
1 35 A person knowingly and intentionally violating a provision

Senate File 2083 - Introduced continued

2 1 of this bill is guilty of a serious misdemeanor pursuant to
2 2 Code section 68B.34.
LSB 5692XS (5) 83
tm/sc

# Senate File 2084 - Introduced

SENATE FILE
BY JOHNSON

**A BILL FOR**

An Act authorizing persons who are relatives, friends, or neighbors to provide child care as unregistered child care home providers under certain circumstances.

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

TLSB 5502XS (4) 83
jp/nh

Senate File 2084 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.1, subsection 6, Code 2009, is
1 2 amended to read as follows:
1 3 6. "Child care home" means a person or program providing
1 4 child care ~~to five or fewer children at any one time~~ that is
1 5 not registered to provide child care under this chapter, as
1 6 authorized under section 237A.3.
1 7 Sec. 2. Section 237A.3, subsection 1, Code 2009, is amended
1 8 to read as follows:
1 9 1. a. A person or program providing child care to five
1 10 children or fewer at any one time is a child care home provider
1 11 and is not required to register under section 237A.3A as a
1 12 child development home.
1 13 b. In addition to a person or program described in paragraph
1 14 "a", a child care home provider also includes a person providing
1 15 child care to only related children, a person providing before
1 16 or after school child care without charge to only children of
1 17 friends or neighbors, and a person providing child care to only
1 18 children from an unrelated family.
1 19 c. ~~However, the~~ A person or program described in this
1 20 subsection may register as a child development home.
1 21 EXPLANATION
1 22 This bill amends Code section 237A.3, relating to child
1 23 care homes, to authorize a person providing child care to only
1 24 related children, a person providing before or after school
1 25 child care without charge to only children of friends or
1 26 neighbors, or a person providing child care to only children
1 27 from an unrelated family to provide the child care as a
1 28 child care home provider. Under current law, child care home
1 29 providers are limited to persons who provide child care to
1 30 five children or fewer at any one time and are not required to
1 31 register with the department of human services.
1 32 The bill also amends the term "child care home" in Code
1 33 section 237A.1 to eliminate language referring to the
1 34 restriction on the number of children.

LSB 5502XS (4) 83
jp/nh

# Senate File 2085 - Introduced

SENATE FILE
BY BEALL and KIBBIE

**A BILL FOR**

An Act extending the time period for designating enterprise zones and including effective date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5369SS (5) 83
tw/sc

Senate File 2085 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.192, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. A city may create an economic development enterprise zone
1 4 as authorized in this division, subject to certification by the
1 5 department of economic development, by designating up to four
1 6 square miles of the city for that purpose. In order for an
1 7 enterprise zone to be certified pursuant to this subsection,
1 8 an enterprise zone shall meet the distress criteria provided
1 9 in section 15E.194, subsection 3. Section 15E.194, subsection
1 10 2, shall not apply to an enterprise zone certified pursuant to
1 11 this subsection. For the fiscal period beginning July 1, 2007,
1 12 and ending June 30, ~~2010~~ 2012, each fiscal year a cumulative
1 13 total of not more than twenty=five million dollars worth of
1 14 incentives and assistance under section 15E.196, subsections
1 15 1, 2, 3, 4, and 6, shall be awarded to eligible businesses
1 16 that apply to an enterprise zone commission for incentives and
1 17 assistance during that fiscal year and that are located in an
1 18 enterprise zone certified pursuant to this subsection. For
1 19 purposes of this subsection and section 15E.194, subsection 3,
1 20 "city" means a city that includes at least three census tracts,
1 21 as determined in the most recent federal census.
1 22 Sec. 2. Section 15E.192, subsection 4, paragraph b, Code
1 23 2009, is amended to read as follows:
1 24 b. A county or city may apply to the department for an area
1 25 to be certified as an enterprise zone at any time prior to July
1 26 1, ~~2010~~ 2012. However, the total amount of land designated as
1 27 enterprise zones under subsection 1, and any other enterprise
1 28 zones certified by the department, excluding those approved
1 29 pursuant to subsection 2 and section 15E.194, subsections 3 and
1 30 5, shall not exceed in the aggregate one percent of the total
1 31 county area.
1 32 Sec. 3. Section 15E.194, subsection 5, paragraph a, Code
1 33 2009, is amended to read as follows:
1 34 a. A city of any size or any county may designate an
1 35 enterprise zone at any time prior to July 1, ~~2010~~ 2012, when

Senate File 2085 - Introduced continued

2 1 a business closure or permanent layoff occurs. The business
2 2 closure or permanent layoff must involve the loss of full=time
2 3 employees, not including retail employees, at one place of
2 4 business totaling at least one thousand employees or four
2 5 percent or more of the county's resident labor force based on
2 6 the most recent annual resident labor force statistics from
2 7 the department of workforce development, whichever is lower.
2 8 A permanent layoff does not include a layoff of seasonal
2 9 employees or a layoff that is seasonal in nature. For purposes
2 10 of this paragraph, "permanent layoff" means the loss of jobs
2 11 to an out=of=state location, the cessation of one or more
2 12 production lines, the removal of manufacturing machinery and
2 13 equipment, or similar actions determined to be equivalent
2 14 in nature by the department. A permanent layoff must occur
2 15 on or after February 1, 2007. The enterprise zone may be
2 16 established on the property of the place of business that has
2 17 closed or imposed a permanent layoff and the enterprise zone
2 18 may include an area up to an additional three miles adjacent to
2 19 the property. The area meeting the requirements for enterprise
2 20 zone eligibility under this subsection shall not be included
2 21 for the purpose of determining the area limitation pursuant
2 22 to section 15E.192, subsection 4. The closing business or
2 23 business creating a permanent layoff shall not be eligible
2 24 to receive incentives or assistance under this division.
2 25 An eligible housing business under section 15E.193B shall
2 26 not receive incentives or assistance for a home or multiple
2 27 dwelling unit built or rehabilitated in an enterprise zone
2 28 designated pursuant to this subsection.
2 29 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 30 immediate importance, takes effect upon enactment.
2 31 EXPLANATION
2 32 Code sections 15E.192 and 15E.194 currently allow cities and
2 33 counties to designate an enterprise zone at any time prior to
2 34 July 1, 2010, for various purposes or if certain criteria are
2 35 met. This bill extends that date by two years, allowing cities

Senate File 2085 - Introduced continued

3 1 and counties to designate enterprise zones at any time prior to
3 2 July 1, 2012.
3 3 The bill also extends by two years the fiscal period for
3 4 which financial assistance may be provided to enterprise zones.
LSB 5369SS (5) 83
tw/sc

# Senate File 2086 - Introduced

SENATE FILE
BY APPEL

**A BILL FOR**

1 An Act relating to sex offender residency restrictions, and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5766XS (4) 83
jm/rj

Senate File 2086 - Introduced continued

PAG LIN

1 1 Section 1. Section 692A.101, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:
1 3 2. a. "Aggravated offense against a minor" means a
1 4 conviction for any of the following offenses, if such offense
1 5 was committed against a minor, or otherwise involves a minor:
1 6 ~~a.~~ (1) Sexual abuse in the first degree in violation of
1 7 section 709.2.
1 8 ~~b.~~ (2) Sexual abuse in the second degree in violation of
1 9 section 709.3.
1 10 ~~c.~~ (3) Sexual abuse in the third degree in violation
1 11 of section 709.4, except for a violation of section 709.4,
1 12 subsection 2, paragraph "c", subparagraph (4).
1 13 b. Any offense specified in the laws of another jurisdiction
1 14 or prosecuted in federal, military, or foreign court, that
1 15 is comparable to an offense listed in paragraph "a" shall be
1 16 considered an aggravated offense against a minor under this
1 17 chapter if such an offense was committed against a minor or
1 18 otherwise involves a minor.
1 19 EXPLANATION
1 20 This bill relates to residency restrictions for a sex
1 21 offender.
1 22 The bill provides that any conviction for an offense
1 23 specified in the laws of another jurisdiction or any conviction
1 24 for an offense prosecuted in federal, military, or foreign
1 25 court, that is comparable to any offense listed in Code section
1 26 692A.101(2) shall be considered an aggravated offense against a
1 27 minor if the offense was against a minor or otherwise involved
1 28 a minor.
1 29 A person convicted of an aggravated offense against a minor
1 30 is subject to the sex offender residency restrictions under
1 31 Code section 692A.114.
1 32 Current law specifies that the residency restrictions apply
1 33 to a person convicted of sexual abuse in the first degree in
1 34 violation of Code section 709.2, sexual abuse in the second
1 35 degree in violation of Code section 709.3, and sexual abuse in

Senate File 2086 - Introduced continued

2 1 the third degree in violation of Code section 709.4, except for
2 2 a violation of Code section 709.4(2)(c)(4).
2 3 A person who violates the residency restrictions commits an
2 4 aggravated misdemeanor for a first offense, and a class "D"
2 5 felony for a second or subsequent offense.
LSB 5766XS (4) 83
jm/rj

# Senate File 2087 - Introduced

SENATE FILE
BY BEALL

**A BILL FOR**

An Act creating a brain injury services fund and task force, making appropriations from the fund, implementing a brain injury criminal surcharge, and making penalties applicable.

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

TLSB 5366XS (6) 83
jp/nh

Senate File 2087 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.22B, subsection 7, paragraph c, Code
1 2 2009, is amended to read as follows:
1 3 c. The program administrator shall file copies of the
1 4 individual's application and needs assessment with the
1 5 program ~~resource~~ neuro=resource facilitator assigned to the
1 6 individual's geographic area.
1 7 Sec. 2. Section 135.22B, subsection 9, Code 2009, is amended
1 8 to read as follows:
1 9 9. ~~Resource~~ Neuro=resource facilitation. The program shall
1 10 utilize ~~resource~~ neuro=resource facilitators to facilitate
1 11 program services. The ~~resource~~ neuro=resource facilitator
1 12 shall be available to provide ongoing support for individuals
1 13 with brain injury in coping with the issues of living
1 14 with a brain injury and in assisting such individuals in
1 15 transitioning back to employment and living in the community.
1 16 The ~~resource~~ neuro=resource facilitator is intended to provide
1 17 a linkage to existing services and increase the capacity of the
1 18 state's providers of services to persons with brain injury by
1 19 doing all of the following:
1 20 a. Providing brain injury=specific information, support, and
1 21 resources.
1 22 b. Enhancing the usage of support commonly available to an
1 23 individual with brain injury from the community, family, and
1 24 personal contacts and linking such individuals to appropriate
1 25 services and community resources.
1 26 c. Training service providers to provide appropriate brain
1 27 injury services.
1 28 d. Accessing, securing, and maximizing the private and
1 29 public funding available to support an individual with a brain
1 30 injury.
1 31 Sec. 3. NEW SECTION. 135.22C Brain injury services fund ==
1 32 task force.
1 33 1. Definitions. For the purposes of this section, unless
1 34 the context otherwise requires:
1 35 a. "Advisory council" means the advisory council on brain

Senate File 2087 - Introduced continued

2 1 injuries established pursuant to section 135.22A.
2 2 b. "Brain injury services waiver" and "program administrator"
2 3 mean the same as defined in section 135.22B.
2 4 c. "Consumer" means a person with brain injury.
2 5 d. "Cost share component" and "neuro=resource facilitation
2 6 component" mean the applicable components of the brain injury
2 7 services program implemented pursuant to section 135.22B.
2 8 2. Fund created. The brain injury services fund is created
2 9 in the state treasury under the authority of the program
2 10 administrator. The advisory council shall provide oversight
2 11 for the services fund and the expenditures from the fund.
2 12 Notwithstanding section 8.33, moneys credited to the services
2 13 fund shall not revert to any other fund. Notwithstanding
2 14 section 12C.7, subsection 2, interest or earnings on moneys
2 15 deposited in the services fund shall be credited to the
2 16 services fund.
2 17 3. Purposes. Moneys in the services fund are appropriated
2 18 to the program administrator to be used for any of the
2 19 following purposes:
2 20 a. Providing state match funding for the brain injury
2 21 services waiver and the cost share component.
2 22 b. Providing funding for enhanced services and other support
2 23 necessary to eliminate the need for an out=of=state placement
2 24 of a consumer when the consumer's needs are in excess of the
2 25 coverage provided under the brain injury services waiver or the
2 26 cost share component.
2 27 c. Providing funding to identify and purchase a brain
2 28 injury screening tool and to implement and provide training for
2 29 a screening process for use by identified professionals and
2 30 service providers. The professionals and service providers may
2 31 include but are not limited to community mental health centers,
2 32 substance abuse treatment providers, correctional facilities,
2 33 and physicians and other health care professionals.
2 34 d. Providing funding for expansion of the neuro=resource
2 35 facilitation component for implementation of the brain injury

Senate File 2087 - Introduced continued

3 1 screening tool and related costs.
3 2 e. Providing funding for service provider training through
3 3 the neuro=resource facilitation component for any of the
3 4 following purposes:
3 5 (1) Increasing brain injury awareness.
3 6 (2) Encouraging the use of evidence=based treatment and
3 7 interventions for brain injuries.
3 8 (3) Implementing the brain injury screening tool and
3 9 screening process.
3 10 f. Providing incentive funds to attract and retain workers
3 11 in the field of brain injury treatment. The incentives made
3 12 available may include but are not limited to educational loan
3 13 payments and business tax credits or rebates.
3 14 g. Providing match funding for implementing activities
3 15 identified in the state plan for brain injury services
3 16 recommended by the advisory council.
3 17 h. Providing funding for the program administrator's
3 18 administrative expenses and other costs associated with the
3 19 program administrator's duties associated with the fund. The
3 20 administrative expenses may include the costs of additional
3 21 professional, technical, or clerical staff, subject to the
3 22 concurrence of the advisory council as to the need for the
3 23 staff.
3 24 i. Fulfilling the terms of any bequest, endowment, grant,
3 25 gift, or donation received by the services fund.
3 26 4. a. Funding sources. Proceeds from the brain injury
3 27 surcharge under section 911.5 shall be credited to the services
3 28 fund.
3 29 b. The program administrator shall establish an estate
3 30 bequest and donation program and any bequest, endowment, grant,
3 31 gift, or donation that may be used for expenditure for the
3 32 purposes of the fund and the program shall be credited to the
3 33 fund.
3 34 c. The advisory council may designate gifts, grants, or
3 35 donations received by the advisory council under section

Senate File 2087 - Introduced continued

4 1 135.22B to be credited to the fund that the advisory council
4 2 deems appropriate for expenditure in accordance with the
4 3 purposes of the fund.
4 4 d. The program administrator may credit to the fund federal
4 5 moneys that are appropriate for expenditure for the purposes
4 6 of the fund. The acceptance and use of such federal moneys
4 7 does not by itself commit state funds and does not obligate the
4 8 state to provide replacement funding if the federal moneys are
4 9 no longer available.
4 10 5. a. Task force. The advisory council shall recruit and
4 11 appoint a fifteen member task force to make recommendations to
4 12 the advisory council concerning the fund and purposes supported
4 13 by the fund. Membership terms shall be for two years. The
4 14 following state agencies shall provide one or more nominees
4 15 who are employed by the respective agency, of which one member
4 16 shall be selected by the council to represent each agency:
4 17 (1) Commissioner of insurance.
4 18 (2) Department for the blind.
4 19 (3) Department of corrections.
4 20 (4) Department of education, division of vocational
4 21 education.
4 22 (5) Department of public health.
4 23 b. The remaining members shall be persons with brain injury
4 24 or immediate family members of a person with brain injury.
4 25 c. A vacancy on the task force shall be filled in the same
4 26 manner as the original appointment for the remainder of the
4 27 term.
4 28 d. The advisory council shall designate a chairperson of
4 29 the task force from the task force membership. The task force
4 30 may designate other officers as deemed appropriate by the task
4 31 force.
4 32 e. A member of the task force is eligible for reimbursement
4 33 of actual and necessary expenses incurred in the performance of
4 34 their official duties.
4 35 Sec. 4. Section 602.8102, subsection 135A, Code 2009, is

Senate File 2087 - Introduced continued

5 1 amended to read as follows:
5 2 135A. Assess the surcharges provided by sections 911.1,
5 3 911.2, 911.3, ~~and~~ 911.4, and 911.5.
5 4 Sec. 5. Section 602.8107, subsection 4, paragraph a, Code
5 5 Supplement 2009, is amended to read as follows:
5 6 a. This subsection does not apply to amounts collected
5 7 for victim restitution, the victim compensation fund, the
5 8 criminal penalty surcharge, sex offender civil penalty, drug
5 9 abuse resistance education surcharge, the law enforcement
5 10 initiative surcharge, county enforcement surcharge, brain
5 11 injury surcharge, amounts collected as a result of procedures
5 12 initiated under subsection 5 or under section 8A.504, or fees
5 13 charged pursuant to section 356.7.
5 14 Sec. 6. Section 602.8108, Code Supplement 2009, is amended
5 15 by adding the following new subsection:
5 16 NEW SUBSECTION. 6A. The clerk of the district court shall
5 17 remit all moneys collected from the assessment of the brain
5 18 injury surcharge provided in section 911.5 to the state court
5 19 administrator no later than the fifteenth day of each month for
5 20 deposit in the brain injury services fund created in section
5 21 135.22C.
5 22 Sec. 7. Section 902.9, unnumbered paragraph 2, Code 2009,
5 23 is amended to read as follows:
5 24 The surcharges required by sections 911.1, 911.2, ~~and~~ 911.3,
5 25 and 911.5 shall be added to a fine imposed on a class "C" or
5 26 class "D" felon, as provided by those sections, and are not a
5 27 part of or subject to the maximums set in this section.
5 28 Sec. 8. Section 903.1, subsection 4, Code 2009, is amended
5 29 to read as follows:
5 30 4. The surcharges required by sections 911.1, 911.2, 911.3,
5 31 ~~and~~ 911.4, and 911.5 shall be added to a fine imposed on a
5 32 misdemeanant as provided in those sections, and are not a part
5 33 of or subject to the maximums set in this section.
5 34 Sec. 9. NEW SECTION. 911.5 Brain injury surcharge.
5 35 1. In addition to any other surcharge, the court or clerk of

Senate File 2087 - Introduced continued

6 1 the district court shall assess a brain injury surcharge equal
6 2 to five percent of the applicable fine if an adjudication of
6 3 guilt or a deferred judgment has been entered for a criminal
6 4 violation under any of the following:
6 5 a. Operating while intoxicated. For violations under
6 6 chapter 321J.
6 7 b. Excessive speed. For violations in excess of the limit
6 8 under section 321.236, subsections 5 and 11, and sections
6 9 321.285 and 461A.36.
6 10 c. Local traffic requirements. For violations under section
6 11 321.236, subsections 3, 4, 6, and 9.
6 12 d. Vehicle operation and control. For violations under
6 13 section 321.275, subsections 1 through 7, sections 321.277,
6 14 321.277A, 321.288, 321.297, 321.299, 321.302, and 321.303,
6 15 section 321.304, subsections 1 and 2, sections 321.305,
6 16 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318,
6 17 321.323, 321.340, 321.353, 321.354, 321.363, 321.365, 321.366,
6 18 and 321.395.
6 19 e. Open container. For violations under sections 321.284
6 20 and 321.284A.
6 21 f. Safety belt and harness and child restraint. For
6 22 violations under sections 321.445 and 321.446.
6 23 2. In the event of multiple offenses, the surcharge shall be
6 24 imposed for each applicable offense.
6 25 3. The surcharge shall be remitted by the clerk of court as
6 26 provided in section 602.8108, subsection 6A.
6 27 4. The surcharge is subject to the provisions of chapter
6 28 909 governing the payment and collection of fines, as provided
6 29 in section 909.8.
6 30 Sec. 10. INITIAL APPOINTMENTS TO TASK FORCE. In making the
6 31 initial appointments of the members who are not state agency
6 32 employees to the task force appointed pursuant to section
6 33 135.22C, as enacted by this Act, the advisory council on brain
6 34 injuries shall appoint five members to three=year terms and
6 35 five members to two=year terms.

Senate File 2087 - Introduced continued

EXPLANATION

This bill creates a brain injury services fund and task force, makes appropriations from the fund, implements a brain injury criminal surcharge, and makes penalties applicable.

Code section 135.22B, creating the brain injury services program, is amended to rename the program's resource facilitation component for assisting individuals with brain injuries in coping with living issues and other needs, to be the neuro=resource facilitation component.

New Code section 135.22C creates the brain injury services fund. Definitions are provided including adoption by reference of several terms defined in other Code sections such as the advisory council on brain injuries and the brain injury services waiver under the medical assistance (Medicaid) program. The program administrator is the division of the department designated to administer the brain injury services program.

Moneys credited to the fund from another state fund do not revert to the other fund at the close of the fiscal year as otherwise provided under section 8.33. Interest or earnings on the moneys in the fund are credited to the fund. Moneys in the fund are appropriated to the program administrator to be used for the purposes specified in the bill.

The following purposes are specified: match funding for the brain injury services waiver and the cost=share component, services to eliminate the need for out=of=state placement, purchase of a brain injury screening tool and associated training, expansion of the neuro=resource facilitation component, service provider training, incentive funds to attract and retain workers, match funding for other activities identified in the state plan for brain injury services, administrative costs, and fulfilling the terms of donations received by the fund.

Funding sources for the fund are from the brain injury criminal surcharge implemented pursuant to the bill, estate

Senate File 2087 - Introduced continued

8 1 bequests and other donations, donations received by the
8 2 advisory council and designated for the fund, and federal
8 3 funding.
8 4 The advisory council is required to create a 15 member
8 5 task force to make recommendations to the advisory council
8 6 concerning the fund and the purposes supported by the fund.
8 7 Five state agency members are included and the remainder are
8 8 required to be persons with brain injuries or immediate family
8 9 members. The initial appointments of members to the task force
8 10 are staggered.
8 11 The remainder of the bill relates to imposition of a brain
8 12 injury criminal surcharge in new Code section 911.5. The
8 13 surcharge is 5 percent of the applicable fine for numerous
8 14 motor vehicle operating offenses in the following general
8 15 classifications: operating while intoxicated, excessive speed,
8 16 local traffic requirements, vehicle operation and control, open
8 17 alcoholic beverage container, and safety belt and harness and
8 18 child restraint. Under Code chapter 909 a person who can pay a
8 19 fine and related charges and fails to do so is required to be
8 20 held in contempt of court.
8 21 Code section 602.8102 is amended to include collection of
8 22 the surcharge in the duties of the clerk of court.
8 23 Code section 602.8107, relating to collection of court debt
8 24 by the county attorney, is amended to include the surcharge
8 25 in the list of items that are exempt from collection and
8 26 distribution by the county attorney.
8 27 Code section 602.8108 is amended to require the clerk of
8 28 court to remit the surcharge moneys collected by the 15th day
8 29 of each month to the state court administrator for deposit in
8 30 the brain injury services fund.
8 31 Code sections 902.9 and 903.1 are amended to provide that
8 32 the surcharge is in addition to and not part of the monetary
8 33 maximums otherwise limiting the amounts of fines for various
8 34 felony and misdemeanor offenses.
LSB 5366XS (6) 83
jp/nh

# Senate File 2088 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3030)

**A BILL FOR**

An Act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5073SV (48) 83
ec/rj

Senate File 2088 - Introduced continued

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1 1 DIVISION I
1 2 GOVERNMENT INFORMATION TECHNOLOGY SERVICES
1 3 Section 1. Section 8A.104, subsection 12, Code 2009, is
1 4 amended by striking the subsection.
1 5 Sec. 2. Section 8A.111, subsection 3, Code 2009, is amended
1 6 by striking the subsection.
1 7 Sec. 3. Section 8A.111, subsection 5, Code 2009, is amended
1 8 by striking the subsection.
1 9 Sec. 4. Section 8A.122, subsection 3, Code 2009, is amended
1 10 to read as follows:
1 11 3. ~~The~~ Except for obtaining information technology services
1 12 pursuant to subchapter II, the state board of regents shall
1 13 not be required to obtain any service for the state board of
1 14 regents or any institution under the control of the state board
1 15 of regents that is provided by the department pursuant to this
1 16 chapter without the consent of the state board of regents.
1 17 Sec. 5. Section 8A.201, subsection 1, Code 2009, is amended
1 18 to read as follows:
1 19 1. "Information technology" means computing and electronics
1 20 applications used to process and distribute information in
1 21 digital and other forms and includes information technology
1 22 devices, information technology services, infrastructure
1 23 services, and value=added services.
1 24 Sec. 6. Section 8A.201, Code 2009, is amended by adding the
1 25 following new subsection:
1 26 NEW SUBSECTION. 3A. "Infrastructure services" includes all
1 27 of the following:
1 28 a. Data centers used to support mainframe and other
1 29 computers and their associated components including servers,
1 30 information networks, storage systems, redundant or backup
1 31 power systems, redundant data communications connections,
1 32 environmental controls, and security devices.
1 33 b. Servers, mainframes, or other centralized processing
1 34 systems.
1 35 c. Storage systems, including but not limited to disk, tape,

Senate File 2088 - Introduced continued

2 1 optical, and other structured repositories for storing digital
2 2 information.
2 3 d. Telecommunications networks, sometimes referred to as
2 4 wide area networks, used for the transmission of video, voice,
2 5 and data.
2 6 e. Computer networks commonly referred to as local area
2 7 networks.
2 8 f. Groupware applications used to facilitate collaboration,
2 9 communication, and workflow, including electronic mail,
2 10 directory services, calendaring and scheduling, and imaging
2 11 systems.
2 12 g. Information technology help desk services.
2 13 h. Cyber security functions and equipment.
2 14 i. Digital printing and printing procurement services.
2 15 j. Data warehouses, including services that assist in
2 16 managing and locating digital information.
2 17 k. Disaster recovery technology and services.
2 18 l. Other similar or related services as determined by the
2 19 chief information officer.
2 20 Sec. 7. Section 8A.201, subsection 4, Code 2009, is amended
2 21 by striking the subsection and inserting in lieu thereof the
2 22 following:
2 23 4. "Participating agency" means any state agency.
2 24 Sec. 8. Section 8A.201, subsection 5, Code 2009, is amended
2 25 to read as follows:
2 26 5. "Technology ~~governance board"~~ advisory council" means the
2 27 ~~board~~ council established in section 8A.204.
2 28 Sec. 9. NEW SECTION. 8A.201A Chief information officer
2 29 appointed.
2 30 1. A chief information officer shall be appointed by the
2 31 governor to serve at the pleasure of the governor and is
2 32 subject to confirmation by the senate. If the office becomes
2 33 vacant, the vacancy shall be filled in the same manner as
2 34 provided for the original appointment.
2 35 2. The person appointed as the chief information officer

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3 1 for the state shall be professionally qualified by education
3 2 and have no less than five years' experience in the field of
3 3 information technology, and a working knowledge of financial
3 4 management. The chief information officer shall not be
3 5 a member of any local, state, or national committee of a
3 6 political party, an officer or member of a committee in
3 7 any partisan political club or organization, or hold or be
3 8 a candidate for a paid elective public office. The chief
3 9 information officer is subject to the restrictions on political
3 10 activity provided in section 8A.416.
3 11 Sec. 10. Section 8A.202, subsection 2, paragraph g, Code
3 12 2009, is amended to read as follows:
3 13 g. Coordinating and managing the acquisition of information
3 14 technology services by participating agencies in furtherance of
3 15 the purposes of this chapter. The department shall institute
3 16 procedures to ensure effective and efficient compliance
3 17 with the applicable standards established pursuant to this
3 18 subchapter. ~~This subchapter shall not be construed to prohibit~~
~~3 19 or limit a participating agency from entering into an agreement~~
~~3 20 or contract for information technology with a qualified private~~
~~3 21 entity.~~
3 22 Sec. 11. Section 8A.202, Code 2009, is amended by adding the
3 23 following new subsection:
3 24 NEW SUBSECTION. 4A. Waivers.
3 25 a. The department shall adopt rules allowing for
3 26 participating agencies to seek a temporary or permanent waiver
3 27 from any of the requirements of this subchapter concerning
3 28 the acquisition of information technology. The rules shall
3 29 provide that a waiver may be granted upon a written request by
3 30 a participating agency and approval of the chief information
3 31 officer. A waiver shall only be approved if the participating
3 32 agency shows that a waiver would be in the best interests of
3 33 the state.
3 34 b. Prior to approving or denying a request for a waiver, the
3 35 chief information officer shall consider all of the following:

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4 1 (1) Whether the waiver would violate any state or federal
4 2 law; or any published policy, standard, or requirement
4 3 established by a governing body other than the department.
4 4 (2) Whether the waiver would result in the duplication of
4 5 existing services, resources, or support.
4 6 (3) Whether the waiver would obstruct the state's
4 7 information technology strategic plan, enterprise architecture,
4 8 security plans, or any other information technology policy,
4 9 standard, or requirement.
4 10 (4) Whether the waiver would result in excessive
4 11 expenditures or expenditures above market rates.
4 12 (5) The life cycle of the system or application for which
4 13 the waiver is requested.
4 14 (6) Whether the participating agency can show that it can
4 15 obtain or provide the information technology more economically
4 16 than the information technology can be provided by the
4 17 department. For purposes of determining if the participating
4 18 agency can obtain or provide the information technology more
4 19 economically, the chief information officer shall consider
4 20 the impact on other participating agencies if the waiver is
4 21 approved or denied.
4 22 c. Rules adopted pursuant to this subsection relating to a
4 23 request for a waiver, at a minimum, shall provide for all of
4 24 the following:
4 25 (1) The request shall be in writing and signed by the head
4 26 of the participating agency seeking the waiver.
4 27 (2) The request shall include a reference to the specific
4 28 policy, standard, or requirement for which the waiver is
4 29 submitted.
4 30 (3) The request shall include a statement of facts including
4 31 a description of the problem or issue prompting the request;
4 32 the participating agency's preferred solution; an alternative
4 33 approach to be implemented by the participating agency intended
4 34 to satisfy the waived policy, standard, or requirement; the
4 35 business case for the alternative approach; the economic

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5 1 justification for the waiver or a statement as to why the
5 2 waiver is in the best interests of the state; the time period
5 3 for which the waiver is requested; and any other information
5 4 deemed appropriate.
5 5 Sec. 12. Section 8A.203, unnumbered paragraph 1, Code 2009,
5 6 is amended to read as follows:
5 7 The chief information officer, in consultation with
5 8 the director, shall do all of the following as it relates to
5 9 information technology services:
5 10 Sec. 13. Section 8A.203, Code 2009, is amended by adding the
5 11 following new subsections:
5 12 NEW SUBSECTION. 6. Coordinate the internal operations
5 13 of the department as they relate to information technology
5 14 and develop and implement policies and procedures designed to
5 15 ensure the efficient administration of the department as they
5 16 relate to information technology.
5 17 NEW SUBSECTION. 7. Recommend to the director for adoption
5 18 rules deemed necessary for the administration of this
5 19 subchapter in accordance with chapter 17A.
5 20 NEW SUBSECTION. 8. Advise the director concerning
5 21 contracts for the receipt and provision of information
5 22 technology services as deemed necessary.
5 23 NEW SUBSECTION. 9. Exercise and perform such other
5 24 powers and duties related to information technology as may be
5 25 delegated by the director or as may be prescribed by law.
5 26 Sec. 14. Section 8A.204, Code 2009, is amended by striking
5 27 the section and inserting in lieu thereof the following:
5 28 8A.204 Technology advisory council.
5 29 1. Definitions. For purposes of this section, unless the
5 30 context otherwise requires:
5 31 a. "Large agency" means a participating agency with more
5 32 than seven hundred full=time, year=round employees.
5 33 b. "Medium=sized agency" means a participating agency with
5 34 at least seventy or more full=time, year=round employees, but
5 35 not more than seven hundred permanent employees.

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6 1 c. "Small agency" means a participating agency with less
6 2 than seventy full=time, year=round employees.
6 3 2. Membership.
6 4 a. The technology advisory council is composed of ten
6 5 members as follows:
6 6 (1) The chief information officer.
6 7 (2) The director of the department of management, or the
6 8 director's designee.
6 9 (3) Eight members appointed by the governor as follows:
6 10 (a) Three representatives from large agencies.
6 11 (b) Two representatives from medium=sized agencies.
6 12 (c) One representative from a small agency.
6 13 (d) Two public members who are knowledgeable and have
6 14 experience in information technology matters.
6 15 b. (1) Members appointed pursuant to paragraph "a",
6 16 subparagraph (3), shall serve two=year staggered terms. The
6 17 department shall provide, by rule, for the commencement of the
6 18 term of membership for the nonpublic members. The terms of
6 19 the public members shall be staggered at the discretion of the
6 20 governor.
6 21 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
6 22 public members of the council.
6 23 (3) Public members appointed by the governor are subject to
6 24 senate confirmation.
6 25 (4) Public members appointed by the governor may be eligible
6 26 to receive compensation as provided in section 7E.6.
6 27 (5) Members shall be reimbursed for actual and necessary
6 28 expenses incurred in performance of the members' duties.
6 29 (6) A director, deputy director, or employee with
6 30 information technology expertise of an agency is preferred as
6 31 an appointed representative for each of the agency categories
6 32 of membership pursuant to paragraph "a", subparagraph (3).
6 33 c. The technology advisory council annually shall elect a
6 34 chair and a vice chair from among the members of the council,
6 35 by majority vote, to serve one=year terms.

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7 1 d. A majority of the members of the council shall constitute
7 2 a quorum.
7 3 e. Meetings of the council shall be held at the call of the
7 4 chairperson or at the request of three members.
7 5 3. Powers and duties of the council. The powers and
7 6 duties of the technology advisory council as they relate to
7 7 information technology services shall include but are not
7 8 limited to all of the following:
7 9 a. Advise the chief information officer in developing and
7 10 adopting information technology standards pursuant to sections
7 11 8A.203 and 8A.206 applicable to all agencies.
7 12 b. Make recommendations to the chief information officer
7 13 regarding all of the following:
7 14 (1) Technology utility services to be implemented by the
7 15 department or other agencies.
7 16 (2) Improvements to information technology service
7 17 levels and modifications to the business continuity plan for
7 18 information technology operations developed by the department
7 19 for agencies, and to maximize the value of information
7 20 technology investments by the state.
7 21 (3) Technology initiatives for the executive branch.
7 22 c. Advise the department regarding rates to be charged
7 23 for access to and for value=added services performed through
7 24 IowAccess.
7 25 Sec. 15. Section 8A.205, subsection 2, paragraph f, Code
7 26 2009, is amended by striking the paragraph and inserting in
7 27 lieu thereof the following:
7 28 f. Assist participating agencies in converting printed
7 29 government materials to electronic materials which can be
7 30 accessed through an internet searchable database.
7 31 Sec. 16. Section 8A.206, subsection 1, Code 2009, is amended
7 32 to read as follows:
7 33 1. The department, ~~in conjunction~~ after consultation with
7 34 the technology ~~governance board~~ advisory council, shall develop
7 35 and adopt information technology standards applicable to the

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8 1 procurement of information technology by all participating
8 2 agencies. Such standards, unless waived by the department
8 3 pursuant to section 8A.202, subsection 4A, shall apply to all
8 4 information technology procurements for participating agencies.
8 5 Sec. 17. Section 8A.207, Code 2009, is amended by adding the
8 6 following new subsection:
8 7 NEW SUBSECTION. 2A. The department shall develop policies
8 8 and procedures that apply to all information technology goods
8 9 and services acquisitions, and shall ensure the compliance
8 10 of all participating agencies. The department shall also be
8 11 the sole provider of infrastructure services for participating
8 12 agencies.
8 13 Sec. 18. Section 8A.221, Code 2009, is amended by striking
8 14 the section and inserting in lieu thereof the following:
8 15 8A.221 IowAccess == duties and responsibilities.
8 16 1. IowAccess. The department shall establish IowAccess as
8 17 a service to the citizens of this state that is the gateway
8 18 for one=stop electronic access to government information and
8 19 transactions, whether federal, state, or local. Except as
8 20 provided in this section, IowAccess shall be a state=funded
8 21 service providing access to government information and
8 22 transactions. The department, in establishing the fees for
8 23 value=added services, shall consider the reasonable cost of
8 24 creating and organizing such government information through
8 25 IowAccess.
8 26 2. Duties. The department shall do all of the following:
8 27 a. Establish rates to be charged for access to and for
8 28 value=added services performed through IowAccess.
8 29 b. Approve and establish the priority of projects
8 30 associated with IowAccess. The determination may also include
8 31 requirements concerning funding for a project proposed by
8 32 a political subdivision of the state or an association,
8 33 the membership of which is comprised solely of political
8 34 subdivisions of the state. Prior to approving a project
8 35 proposed by a political subdivision, the department shall

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9 1 verify that all of the following conditions are met:
9 2 (1) The proposed project provides a benefit to the state.
9 3 (2) The proposed project, once completed, can be shared
9 4 with and used by other political subdivisions of the state, as
9 5 appropriate.
9 6 (3) The state retains ownership of any final product or is
9 7 granted a permanent license to the use of the product.
9 8 c. Establish expected outcomes and effects of the use of
9 9 IowAccess and determine the manner in which such outcomes are
9 10 to be measured and evaluated.
9 11 d. Establish the IowAccess total budget request and
9 12 ensure that such request reflects the priorities and goals of
9 13 IowAccess as established by the department.
9 14 e. Advocate for access to government information and
9 15 services through IowAccess and for data privacy protection,
9 16 information ethics, accuracy, and security in IowAccess
9 17 programs and services.
9 18 f. Receive status and operations reports associated with
9 19 IowAccess.
9 20 3. Data purchasing. This section shall not be construed
9 21 to impair the right of a person to contract to purchase
9 22 information or data from the Iowa court information system
9 23 or any other governmental entity. This section shall not be
9 24 construed to affect a data purchase agreement or contract in
9 25 existence on April 25, 2000.
9 26 Sec. 19. Section 8A.224, subsection 1, Code Supplement
9 27 2009, is amended to read as follows:
9 28 1. An IowAccess revolving fund is created in the state
9 29 treasury. The revolving fund shall be administered by the
9 30 department and shall consist of moneys collected by the
9 31 department as fees, moneys appropriated by the general
9 32 assembly, and any other moneys obtained or accepted by the
9 33 department for deposit in the revolving fund. The proceeds
9 34 of the revolving fund are appropriated to and shall be used
9 35 by the department to maintain, develop, operate, and expand

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10 1 IowAccess consistent with this subchapter, and for the support
10 2 of activities of the technology ~~governance board~~ advisory
10 3 council pursuant to section 8A.204.
10 4 Sec. 20. REPEAL. Section 8A.223, Code 2009, is repealed.
10 5 Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
10 6 TECHNOLOGY == UTILIZATION BY LEGISLATIVE AND JUDICIAL
10 7 BRANCH. The department of administrative services shall
10 8 consult with and explore opportunities with the legislative
10 9 and judicial branches of government relative to the providing
10 10 of information technology services to those branches of
10 11 government.
10 12 Sec. 22. CHIEF INFORMATION OFFICER == CONVENIENCE FEE
10 13 STUDY. The chief information officer of the state shall
10 14 conduct a study concerning convenience or other handling fees
10 15 charged by state agencies by credit or debit card or other
10 16 electronic means of payment. The goal of the study would be to
10 17 encourage the elimination of such fees wherever possible. The
10 18 department shall determine the extent and amount of the fees
10 19 charged, revenues generated by those fees, and explore ways to
10 20 reduce or eliminate the fees. The chief information officer
10 21 shall submit a report to the general assembly by January 15,
10 22 2011, concerning the results of the study, including any
10 23 recommendations for legislative consideration.
10 24 Sec. 23. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
10 25 agencies, as defined in section 8A.101, should, to the greatest
10 26 extent possible, utilize electronic mail or similar electronic
10 27 means to notify holders of licenses or permits issued by that
10 28 state agency that the license or permit needs to be renewed.
10 29 The chief information officer of the state shall assist state
10 30 agencies in implementing the directive in this section.
10 31 DIVISION II
10 32 ELECTRONIC RECORDS
10 33 Sec. 24. Section 7A.11A, Code 2009, is amended to read as
10 34 follows:
10 35 7A.11A Reports to the general assembly.

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11 1 All reports required to be filed with the general assembly by
11 2 a state department or agency shall be filed by delivering ~~one~~
~~11 3 printed copy and~~ one copy in electronic format as prescribed by
11 4 the secretary of the senate and the chief clerk of the house.
11 5 Sec. 25. STUDY == CREATION, STORAGE, AND RETENTION OF
11 6 ELECTRONIC RECORDS == STATE AGENCIES. The departments of
11 7 administrative services and cultural affairs, in consultation
11 8 with the state records commission, shall conduct a study on and
11 9 make recommendations for the creation, storage, and retention
11 10 of state agency records in an electronic format and shall
11 11 submit a report containing the recommendations to the general
11 12 assembly by December 15, 2010. In conducting the study, the
11 13 departments shall collect and assess information from each
11 14 state agency that includes an inventory of each agency's
11 15 records including the types of agency records as well as agency
11 16 records series retention and disposition schedules. The
11 17 assessment shall include agency records identified as having
11 18 permanent historical value by the state records commission.
11 19 The departments shall also describe in the report what
11 20 efficiencies and cost=saving efforts could be achieved through
11 21 the creation, storage, and maintenance of such records in an
11 22 electronic format.
11 23 DIVISION III
11 24 PUBLICATION MODERNIZATION
11 25 Sec. 26. Section 2.42, subsection 13, Code 2009, is amended
11 26 to read as follows:
11 27 13. To establish policies with regard to ~~the~~ publishing
11 28 ~~of~~ printed and electronic versions of legal publications
11 29 as provided in chapters 2A and 2B, including the Iowa
11 30 ~~administrative code, the Iowa administrative bulletin, the~~
~~11 31 Iowa Code, the Iowa Code Supplement, and the Iowa Acts~~ Acts,
11 32 Iowa Code, Code Supplement, Iowa administrative bulletin,
11 33 Iowa administrative code, and Iowa court rules, or any part
11 34 of those publications. The publishing policies may include,
11 35 but are not limited to: the style and format to be used; the

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12 1 frequency of publication; the contents of the publications;
12 2 the numbering ~~system~~ systems to be used ~~in the Iowa Code, the~~
~~12 3 Iowa Code Supplement, and the Iowa Acts~~; the preparation of
12 4 editorial comments or notations; the correction of errors;
12 5 the type of print or electronic media and data processing
12 6 software to be used; the number of ~~printed~~ volumes to be
12 7 published; recommended revisions ~~of the Iowa Code, the Iowa~~
~~12 8 Code Supplement, and the Iowa Acts~~; the letting of contracts
12 9 for ~~the~~ publication ~~of the Iowa administrative code, the Iowa~~
~~12 10 administrative bulletin, the Iowa court rules, the Iowa Code,~~
~~12 11 the Iowa Code Supplement, and the Iowa Acts~~; the pricing of
12 12 the publications to which section 22.3 does not apply; access
12 13 to, and the use, reproduction, legal protection, sale or
12 14 distribution, and pricing of related data processing software
12 15 consistent with chapter 22; and any other matters deemed
12 16 necessary to the publication of uniform and understandable
12 17 publications.
12 18 Sec. 27. Section 2A.1, subsection 2, paragraph d, Code 2009,
12 19 is amended to read as follows:
12 20 d. Publication of the official legal publications of
12 21 the state, including but not limited to the Iowa Acts, Iowa
12 22 Code, ~~Iowa~~ Code Supplement, ~~Iowa Acts, Iowa court rules,~~ Iowa
12 23 administrative bulletin, ~~and~~ Iowa administrative code, and
12 24 Iowa court rules as provided in chapter 2B. The legislative
12 25 services agency shall do all of the following:
12 26 (1) Designate a legal publication described in chapter 2B as
12 27 an official legal publication. The legislative services agency
12 28 may also designate a legal publication as an unofficial legal
12 29 publication. The legislative services agency may use the great
12 30 seal of the state of Iowa as provided in section 1A.1 or other
12 31 symbol to identify an official or unofficial legal publication.
12 32 (2) Provide for citing official legal publications as
12 33 provided in chapter 2B.
12 34 Sec. 28. Section 2A.5, subsection 1, Code 2009, is amended
12 35 to read as follows:

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13 1 1. The legislative services agency shall publish the
13 2 official legal publications of the state as provided in chapter
13 3 2B. The legislative services agency shall have legal custody of
13 4 the publications and shall provide for the warehousing, sale,
13 5 and distribution of the publications. The legislative services
13 6 agency shall retain or cause to be retained a number of old
13 7 editions of the publications but may otherwise distribute or
13 8 cause to be distributed old editions of the publications to any
13 9 person upon payment by the person of any distribution costs.
13 10 This section and chapter 2B do not require the legislative
13 11 services agency to publish a publication in both a printed and
13 12 electronic version.
13 13 Sec. 29. Section 2A.5, subsection 2, paragraph b, Code 2009,
13 14 is amended to read as follows:
13 15 b. The ~~Iowa~~ Code Supplement.
13 16 Sec. 30. Section 2A.5, subsection 3, Code 2009, is amended
13 17 to read as follows:
13 18 3. The legislative services agency shall in each
13 19 odd=numbered year compile for publication ~~and distribute in~~
~~13 20 odd=numbered years~~ a printed or electronic version of the Iowa
13 21 official register for distribution as soon as practicable.
13 22 The register shall contain historical, political, and other
13 23 information and statistics of general value but shall not
13 24 contain information or statistics of a partisan character. The
13 25 ~~print~~ printed and electronic versions of the register need
13 26 not contain the same information and statistics but shall be
13 27 published to provide the greatest access to such information
13 28 and statistics at the most reasonable cost as determined by the
13 29 legislative services agency. The different versions of the
13 30 register may be distributed free of charge, may be distributed
13 31 free of charge except for postage and handling charges, or
13 32 may be sold at a price to be established by the legislative
13 33 services agency.
13 34 Sec. 31. Section 2A.6, Code 2009, is amended to read as
13 35 follows:

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14 1 2A.6 Special distribution of legal publications
14 2 ~~== restrictions on free distributions~~.
14 3 1. The legislative services agency shall make ~~free~~
~~14 4 distribution of the~~ available electronic or printed versions
14 5 of the official legal publications listed in section 2A.5,
14 6 ~~subsection 2, subject to payment of any routine distribution~~
~~14 7 costs such as but not limited to mailing and handling costs,~~ to
14 8 the three branches of state government, to elected county
14 9 officers, to county and city assessors, to Iowa's congressional
14 10 delegation, to federal courts in Iowa and federal judges and
14 11 magistrates for Iowa, and to state and university depository
14 12 libraries, the library of Congress, and the library of the
14 13 United States supreme court. ~~Only such officers, offices, and~~
~~14 14 agencies entitled to or receiving free copies during the fiscal~~
~~14 15 year beginning July 1, 2002, and ending June 30, 2003,* shall~~
~~14 16 be entitled to continue to receive free copies in subsequent~~
~~14 17 years, except that successor and new officers, offices, and~~
~~14 18 agencies shall receive a reasonable number of free copies as~~
~~14 19 determined by the legislative services agency. Such officers,~~
~~14 20 offices, and agencies shall annually review the number of~~
~~14 21 copies received in the prior year to determine if the number of~~
~~14 22 copies received can be reduced and shall submit the information~~
~~14 23 in a report to the legislative services agency. The number of~~
~~14 24 copies received, once reduced, shall not be increased to the~~
~~14 25 previous level without the express consent of the legislative~~
~~14 26 services agency.~~
14 27 ~~2. Each officer, office, or agency receiving one or more~~
~~14 28 free copies of a publication under this section shall only~~
~~14 29 receive up to the number of copies indicated free at the time~~
~~14 30 of initial distribution. If an officer, office, or agency~~
~~14 31 receiving one or more free copies of a publication under~~
~~14 32 this section desires additional copies beyond the number~~
~~14 33 initially received, the officer, office, or agency must request~~
~~14 34 the additional copies and pay the normal charge for such~~
~~14 35 publication.~~

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15 1 ~~3. If a version of a publication provided under this~~
~~15 2 section is available in an electronic format, the legislative~~
~~15 3 services agency may establish policies providing for the~~
~~15 4 substitution of an electronic version for the printed version~~
~~15 5 of the publication, and for the amount of payment, if any,~~
~~15 6 required for the electronic publication. The payment amount~~
~~15 7 shall not be more than established pursuant to section 2A.5 for~~
~~15 8 the same publication. For the Iowa administrative code and~~
~~15 9 its supplements, the legislative services agency may provide~~
~~15 10 that the distribution requirement of this section is met by~~
~~15 11 distributing relevant portions of the Iowa administrative code~~
~~15 12 or its supplements in either a printed or electronic format.~~
15 13 ~~4.~~ 2. ~~Notwithstanding any provision of this section to the~~
~~15 14 contrary, the~~ The legislative services agency may review the
15 15 publication costs and offsetting sales revenues relating to
15 16 legal publications in electronic and printed formats~~, and may~~.
15 17 If a legal publication is available in an electronic version,
15 18 the legislative services agency may provide the version free
15 19 of charge or may charge a fee for any mailing or handling costs
15 20 in the distribution of the electronic version or may charge a
15 21 fee for an electronic version which includes programming not
15 22 originally part of the stored information, including but not
15 23 limited to search and retrieval functions. The legislative
15 24 services agency shall establish policies requiring payment for
15 25 any printed versions of the official legal publications from
15 26 persons ~~otherwise entitled to receive them at no cost or at~~
~~15 27 a price covering distribution costs~~ to whom the legislative
15 28 services agency is obligated to make the legal publications
15 29 available pursuant to subsection 1. ~~The payment amount shall~~
~~15 30 not be more than established pursuant to section 2A.5 for the~~
~~15 31 same publication.~~
15 32 Sec. 32. Section 2B.5, subsections 1 and 2, Code 2009,
15 33 are amended by striking the subsections and inserting in lieu
15 34 thereof the following:
15 35 1. Publish the Iowa administrative bulletin and the Iowa

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16 1 administrative code as provided in section 2B.5A.
16 2 2. Publish the Iowa court rules as provided in section
16 3 2B.5B.
16 4 Sec. 33. Section 2B.5, subsection 3, Code 2009, is amended
16 5 to read as follows:
16 6 3. ~~Cause to be published annually a~~ Publish annually an
16 7 electronic or printed edition of the roster of state officials.
16 8 The roster of state officials shall include a correct list of
16 9 state officers and deputies; members of boards and commissions;
16 10 justices of the supreme court, judges of the court of appeals,
16 11 and judges of the district courts including district associate
16 12 judges and judicial magistrates; and members of the general
16 13 assembly. The office of the governor shall cooperate in the
16 14 preparation of the list.
16 15 Sec. 34. NEW SECTION. 2B.5A Iowa administrative bulletin
16 16 and Iowa administrative code.
16 17 1. The legislative services agency shall control and
16 18 maintain in a secure electronic repository custodial
16 19 information used to produce the Iowa administrative bulletin
16 20 and the Iowa administrative code.
16 21 2. In consultation with the administrative rules
16 22 coordinator, the administrative code editor shall prescribe
16 23 a uniform style and form required for a person filing a
16 24 document for publication in the Iowa administrative bulletin
16 25 or the Iowa administrative code, including but not limited
16 26 to a rulemaking document. A rulemaking document includes a
16 27 notice of intended action as provided in section 17A.4 or an
16 28 adopted rule for filing as provided in section 17A.5. The
16 29 rulemaking document shall correlate each rule to the uniform
16 30 numbering system established by the administrative code editor.
16 31 The administrative code editor shall provide for electronic
16 32 publication of the Iowa administrative bulletin and the Iowa
16 33 administrative code. The administrative code editor shall
16 34 review all submitted documents for style and form and notify
16 35 the administrative rules coordinator if a rulemaking document

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17 1 is not in proper style or form, and may return or revise a
17 2 document which is not in proper style and form. The style
17 3 and form prescribed shall require that a rulemaking document
17 4 include a reference to the statute which the rules are intended
17 5 to implement.
17 6 3. a. The administrative code editor may omit from the Iowa
17 7 administrative bulletin or the Iowa administrative code any
17 8 document for publication in the Iowa administrative bulletin or
17 9 the Iowa administrative code, if the administrative code editor
17 10 determines that its publication would be unduly cumbersome,
17 11 expensive, or otherwise inexpedient. The person filing the
17 12 document for publication shall provide the administrative
17 13 code editor with an electronic version of the document. The
17 14 administrative code editor shall publish the document on the
17 15 general assembly's internet site, and publish a notice in the
17 16 Iowa administrative bulletin or the Iowa administrative code
17 17 stating the specific subject matter of the omitted document and
17 18 how the omitted document may be accessed.
17 19 b. The administrative code editor shall omit or cause to be
17 20 omitted from the Iowa administrative code any rule or portion
17 21 of a rule nullified by the general assembly pursuant to Article
17 22 III, section 40, of the Constitution of the State of Iowa.
17 23 4. The administrative code editor who receives a
17 24 publication from an agency because the publication is
17 25 referenced in the Iowa administrative bulletin or Iowa
17 26 administrative code shall make the publication available to the
17 27 public pursuant to section 17A.6.
17 28 5. The administrative code editor shall publish the Iowa
17 29 administrative bulletin in accordance with section 2.42 at
17 30 least every other week, unless the administrative code editor
17 31 and the administrative rules review committee determine
17 32 that an alternative publication schedule is preferable. The
17 33 administrative code editor shall provide for the arrangement of
17 34 the contents of the Iowa administrative bulletin.
17 35 a. The Iowa administrative bulletin shall contain all of the

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18 1 following:
18 2 (1) Rulemaking documents, including notices of intended
18 3 action as provided in section 17A.4, and rules adopted and
18 4 effective immediately upon filing and rules adopted and filed
18 5 as provided in section 17A.5.
18 6 (2) Resolutions nullifying administrative rules passed by
18 7 the general assembly pursuant to Article III, section 40 of the
18 8 Constitution of the State of Iowa.
18 9 (3) All proclamations and executive orders of the governor
18 10 which are general and permanent in nature.
18 11 (4) Other materials deemed fitting and proper by the
18 12 administrative rules review committee.
18 13 (5) Items required to be published by statute.
18 14 (6) A comprehensive method to search and identify its
18 15 contents. An electronic version may include search and
18 16 retrieval programming and index.
18 17 b. The Iowa administrative bulletin may contain all of the
18 18 following:
18 19 (1) A preface.
18 20 (2) A rulemaking schedule.
18 21 (3) The agenda for the next meeting of the administrative
18 22 rules review committee as provided in section 17A.8, if
18 23 available.
18 24 (4) A schedule of known public hearings.
18 25 (5) A list of agencies referenced by agency identification
18 26 number.
18 27 6. The administrative code editor shall publish the Iowa
18 28 administrative code in accordance with section 2.42 at least
18 29 every other week, unless the administrative code editor and
18 30 the administrative rules review committee determine that an
18 31 alternative publication schedule is preferable. However, the
18 32 legislative services agency may publish supplements in lieu of
18 33 the Iowa administrative code. The administrative code editor
18 34 shall provide for the arrangement of the Iowa administrative
18 35 code.

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19 1 a. The Iowa administrative code shall include all of the
19 2 following:
19 3 (1) Rules of general application adopted and filed with
19 4 the administrative code editor by state agencies. However,
19 5 the administrative code editor may delete a rule from the Iowa
19 6 administrative code if the agency that adopted the rule has
19 7 ceased to exist, no successor agency has jurisdiction over the
19 8 rule, and no statutory authority exists supporting the rule.
19 9 (2) A comprehensive method to search and identify its
19 10 contents, including rules.
19 11 (a) An electronic version may include search and retrieval
19 12 programming and index.
19 13 (b) A print edition may include an index.
19 14 b. The Iowa administrative code may include all of the
19 15 following:
19 16 (1) A preface.
19 17 (2) Uniform rules on agency procedure.
19 18 Sec. 35. NEW SECTION. 2B.5B Iowa court rules.
19 19 1. The legislative services agency shall control and
19 20 maintain in a secure electronic repository custodial
19 21 information used to produce the Iowa court rules.
19 22 2. The administrative code editor, upon direction by
19 23 the Iowa supreme court and in accordance with the policies
19 24 of the legislative council pursuant to section 2.42 and the
19 25 legislative services agency pursuant to section 2A.1, shall
19 26 prescribe a uniform style and form required for filing a
19 27 document for publication in the Iowa court rules. The document
19 28 shall correlate each rule to the uniform numbering system.
19 29 The administrative code editor shall provide for electronic
19 30 publication of the Iowa court rules. The administrative code
19 31 editor shall review all submitted documents for style and form
19 32 and notify the Iowa supreme court if a rulemaking document
19 33 is not in proper style or form, and may return or revise a
19 34 document which is not in proper style and form.
19 35 3. a. The administrative code editor shall publish the

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20 1 Iowa court rules in accordance with section 2.42. However, the
20 2 legislative services agency may publish supplements in lieu of
20 3 the Iowa court rules. The administrative code editor shall
20 4 provide for arrangement of the Iowa court rules in consultation
20 5 with the Iowa supreme court.
20 6 b. The Iowa court rules shall include all of the following:
20 7 (1) Rules prescribed by the supreme court, which may include
20 8 the Iowa rules of civil procedure, the Iowa rules of criminal
20 9 procedure, the Iowa rules of evidence, the Iowa rules of
20 10 appellate procedure, the Iowa rules of professional conduct,
20 11 and the Iowa code of judicial conduct.
20 12 (2) A comprehensive method to search and identify its
20 13 contents, including court rules.
20 14 (a) An electronic version may include search and retrieval
20 15 programming and index.
20 16 (b) A print version shall include an index.
20 17 c. The Iowa court rules may include all of the following:
20 18 (1) A preface.
20 19 (2) Tables, including tables of corresponding rule numbers.
20 20 Sec. 36. Section 2B.6, subsections 2 and 3, Code 2009,
20 21 are amended by striking the subsections and inserting in lieu
20 22 thereof the following:
20 23 2. Provide for the publication of all of the following:
20 24 a. The Iowa Acts as provided in section 2B.10.
20 25 b. The Iowa Code or Code Supplement, as provided in section
20 26 2B.12.
20 27 Sec. 37. Section 2B.10, Code 2009, is amended to read as
20 28 follows:
20 29 2B.10 Iowa Acts.
20 30 1. The legislative services agency shall control and
20 31 maintain in a secure electronic repository custodial
20 32 information used to produce the Iowa Acts.
20 33 2. The legislative services agency shall publish the annual
20 34 edition of the Iowa Acts as soon as possible after the final
20 35 adjournment of a regular session of the general assembly. The

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21 1 legislative services agency may also publish an updated edition
21 2 of the Iowa Acts or a supplement to the Iowa Acts after a
21 3 special session of the general assembly.
21 4 ~~1.~~3. a. The arrangement ~~of the Acts and resolutions,~~
~~21 5 and the size, style, type, binding, general arrangement, and~~
~~21 6 tables of the Iowa Acts~~, appearance, and contents of the Iowa
21 7 Acts shall be ~~printed and published in the manner~~ determined
21 8 by the Iowa Code editor in accordance with the policies ~~set~~
~~21 9 by the~~ of the legislative council and legislative services
21 10 agency as provided in section 2.42.
21 11 ~~2.~~ b. ~~Chapters of~~ The bills and joint resolutions of the
21 12 Iowa Acts may be arranged by chapter, numbered from one for the
21 13 first regular session ~~shall be numbered from one and chapters~~
~~21 14 of the second regular session shall be~~ and numbered from one
21 15 thousand one for the second regular session.
21 16 4. The Iowa Acts shall include all of the following:
21 17 a. A preface.
21 18 b. A table of contents.
21 19 ~~3.~~ c. A list of elective state officers and deputies,
21 20 supreme court justices, judges of the court of appeals,
21 21 ~~and~~ members of the general assembly ~~shall be published annually~~
~~21 22 with the Iowa Acts~~, and members of Iowa's congressional
21 23 delegation.
21 24 ~~4.~~ d. A statement of the condition of the state treasury
21 25 ~~shall be included,~~ as provided by Article III, section 18,
21 26 of the Constitution of the State of Iowa. The statement shall
21 27 be furnished to the legislative services agency by the director
21 28 of the department of administrative services.
21 29 e. An analysis of its chapters.
21 30 f. The text of bills that have been enacted and joint
21 31 resolutions that have been enacted or passed by the general
21 32 assembly, including text indicating items disapproved in
21 33 appropriation bills.
21 34 g. Messages transmitted by the governor disapproving items
21 35 in appropriation bills.

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22 1 h. A notation of the filing of an estimate of a state
22 2 mandate prepared by the legislative services agency pursuant
22 3 to section 25B.5.
22 4 i. Tables including any analysis of tables.
22 5 j. A comprehensive method to search and identify its
22 6 contents, including the text of bills that have been enacted
22 7 and joint resolutions that have been enacted or passed by the
22 8 general assembly.
22 9 (1) An electronic version may include search and retrieval
22 10 programming and an index and a summary index.
22 11 (2) A print version may include an index and a summary
22 12 index.
22 13 k. Other reference material as determined by the Iowa Code
22 14 editor in accordance with any policies of the legislative
22 15 council.
22 16 5. The enrolling clerks of the house and senate shall
22 17 arrange for the Iowa Code editor to receive suitable copies of
22 18 all Acts and resolutions as soon as they are enrolled.
22 19 ~~6. A notation of the filing of an estimate of a state~~
~~22 20 mandate prepared by the legislative services agency pursuant to~~
~~22 21 section 25B.5 shall be included in the Iowa Acts with the text~~
~~22 22 of an enacted bill or joint resolution containing the state~~
~~22 23 mandate.~~
22 24 Sec. 38. Section 2B.12, subsections 1 and 2, Code 2009, are
22 25 amended to read as follows:
22 26 1. The legislative services agency shall control and
22 27 maintain in a secure electronic repository custodial
22 28 information used to publish the Iowa Code.
22 29 ~~1.~~ 2. ~~A new Iowa Code shall be issued~~ The legislative
22 30 services agency shall publish an annual edition of the Iowa
22 31 Code as soon as possible after the final adjournment of ~~the~~
~~22 32 second~~ a regular session of ~~the~~ a general assembly. ~~A~~ However,
22 33 the legislative services agency may publish a new Code
22 34 Supplement ~~shall be issued~~ in lieu of the Iowa Code as soon as
22 35 possible after the ~~first~~ final adjournment of a regular session

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23 1 of ~~the~~ a general assembly. ~~A~~ The legislative services agency
23 2 may publish a new edition of the Iowa Code or Code Supplement
23 3 ~~may be issued~~ as soon as possible after the final adjournment
23 4 of a special session of the general assembly ~~or as required by~~
~~23 5 the legislative council~~.
23 6 ~~2. The entire Iowa Code shall be maintained on a computer~~
~~23 7 database which shall be updated as soon as possible after~~
~~23 8 each session of the general assembly. The Iowa Code and Code~~
~~23 9 Supplement shall be prepared and printed on a good quality~~
~~23 10 of paper in one or more volumes, in the manner determined by~~
~~23 11 the Iowa Code editor in accordance with the policies of the~~
~~23 12 legislative council, as provided in section 2.42.~~
23 13 Sec. 39. Section 2B.12, subsection 5, Code 2009, is amended
23 14 by striking the subsection.
23 15 Sec. 40. Section 2B.12, subsection 6, unnumbered paragraph
23 16 1, Code 2009, is amended to read as follows:
23 17 The Iowa Code ~~published after the second regular session of~~
~~23 18 the general assembly~~ shall include all of the following:
23 19 Sec. 41. Section 2B.12, subsection 6, paragraph a, Code
23 20 2009, is amended by striking the paragraph.
23 21 Sec. 42. Section 2B.12, subsection 6, paragraph h, Code
23 22 2009, is amended by striking the paragraph and inserting in
23 23 lieu thereof the following:
23 24 h. The arrangement of the Code into distinct units, as
23 25 established by the legislative services agency, which may
23 26 include titles, subunits of titles, chapters, subunits of
23 27 chapters, and sections, and subunits of sections. The distinct
23 28 units shall be numbered and may include names.
23 29 Sec. 43. Section 2B.12, subsection 6, paragraph j, Code
23 30 2009, is amended to read as follows:
23 31 j. A comprehensive ~~index and a summary index covering~~ method
23 32 to search and identify its contents, including the text of the
23 33 Constitution and statutes of the State of Iowa.
23 34 (1) An electronic version may include search and retrieval
23 35 programming, analysis of titles and chapters, and an index and

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24 1 a summary index.
24 2 (2) A print version shall include an analysis of titles and
24 3 chapters, and an index and a summary index.
24 4 Sec. 44. Section 2B.12, Code 2009, is amended by adding the
24 5 following new subsection:
24 6 NEW SUBSECTION. 6A. The Iowa Code may include all of the
24 7 following:
24 8 a. A preface.
24 9 b. A description of citations to statutes.
24 10 c. Abbreviations to other publications which may be referred
24 11 to in the Iowa Code.
24 12 d. Appropriate historical references or source notes.
24 13 e. An analysis of the Code by titles and chapters.
24 14 f. Other reference materials as determined by the Iowa
24 15 Code editor in accordance with any policies of the legislative
24 16 council.
24 17 Sec. 45. Section 2B.12, subsections 7 and 8, Code 2009, are
24 18 amended to read as follows:
24 19 7. ~~The~~ A Code Supplement ~~published after the first regular~~
~~24 20 session of the general assembly~~ shall include all of the
24 21 following:
24 22 a. ~~All of the~~ The text of statutes of Iowa of a general
24 23 and permanent nature ~~which~~ that were enacted ~~or amended~~ during
24 24 ~~that~~ the preceding regular or special session, except as
24 25 provided in subsection 3~~, and~~; an indication of all sections
24 26 repealed during that session~~,~~; and any amendments to the
24 27 Constitution of the State of Iowa approved by the voters ~~at~~
~~24 28 the preceding general election~~ since the adjournment of the
24 29 previous regular session of the general assembly.
24 30 b. A chapter title and number for each chapter or part of a
24 31 chapter included.
24 32 c. ~~An index covering the material included~~ A comprehensive
24 33 method to search and identify its contents, including the text
24 34 of statutes and the Constitution of the State of Iowa.
24 35 (1) An electronic version may include search and retrieval

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25 1 programming and an index and a summary index.
25 2 (2) A print version may include an index and a summary
25 3 index.
25 4 8. ~~A~~ The Iowa Code or Code Supplement may include
25 5 appropriate tables showing the disposition of Acts of the
25 6 general assembly, the corresponding sections from edition
25 7 to edition of ~~a~~ an Iowa Code or Code Supplement, and other
25 8 reference material as determined by the Iowa Code editor in
25 9 accordance with policies of the legislative council.
25 10 Sec. 46. Section 2B.13, subsection 1, unnumbered paragraph
25 11 1, Code 2009, is amended to read as follows:
25 12 The Iowa Code editor in preparing the copy for an edition
25 13 of the Iowa Code or ~~Iowa~~ Code Supplement shall not alter the
25 14 sense, meaning, or effect of any Act of the general assembly,
25 15 but may:
25 16 Sec. 47. Section 2B.13, subsection 2, paragraph f, Code
25 17 2009, is amended to read as follows:
25 18 f. Perform any other editorial tasks required or authorized
25 19 by section ~~17A.6~~ 2B.5A.
25 20 Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code
25 21 2009, are amended to read as follows:
25 22 3. a. The Iowa Code editor may, in preparing the copy for
25 23 an edition of the Iowa Code or ~~Iowa~~ Code Supplement, establish
25 24 standards for and change capitalization, spelling, and
25 25 punctuation in any ~~Code~~ provision for purposes of uniformity
25 26 and consistency in ~~Code~~ language.
25 27 b. The administrative code editor may establish standards
25 28 for capitalization, spelling, and punctuation for purposes of
25 29 uniformity and consistency in the Iowa administrative code.
25 30 4. a. The Iowa Code editor shall seek direction from
25 31 the senate committee on judiciary and the house committee
25 32 on judiciary when making Iowa Code or ~~Iowa~~ Code Supplement
25 33 changes~~, and the~~.
25 34 b. The administrative code editor shall seek direction
25 35 from the administrative rules review committee and

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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 ~~Iowa~~ 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~~ or an edition of the Iowa administrative code is ~~the~~ its 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

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27 1 the general assembly's internet site according to a publication
27 2 schedule provided in section 2B.5A.
27 3 c. A publication designated by the legislative services
27 4 agency as unofficial shall not be used to establish a
27 5 publication date.
27 6 Sec. 49. Section 2B.17, Code 2009, is amended by striking
27 7 the section and inserting in lieu thereof the following:
27 8 2B.17 Official legal publications == citations.
27 9 1. An official legal publication designated as such by
27 10 the legislative services agency as provided in sections 2.42
27 11 and 2A.1, is the official and authoritative version of the
27 12 statutes, administrative rules, or court rules of the state of
27 13 Iowa.
27 14 2. a. The codified version of the state's constitution
27 15 shall be known as the Constitution of the State of Iowa.
27 16 b. For statutes, the official versions of publications
27 17 shall be known as the Iowa Acts, the Iowa Code, and the Code
27 18 Supplement.
27 19 c. For administrative rules, the official versions of the
27 20 publications shall be known as the Iowa Administrative Bulletin
27 21 and the Iowa Administrative Code.
27 22 d. For court rules, the official version of the publication
27 23 shall be known as the Iowa Court Rules.
27 24 3. The legislative services agency may adopt a style manual
27 25 providing a uniform system of citing the codified Constitution
27 26 of the State of Iowa and the official versions of publications
27 27 listed in subsection 2, including by reference to commonly
27 28 accepted legal sources. The legislative services agency
27 29 style manual may provide for a different form of citation
27 30 for electronic and printed versions of the same publication.
27 31 Nothing in this section affects rules for style and format
27 32 adopted pursuant to section 2.42.
27 33 4. The codified Constitution of the State of Iowa, and
27 34 statutes enacted and joint resolutions enacted or passed by the
27 35 general assembly shall be cited as follows:

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28 1 a. The codified Constitution of the State of Iowa shall
28 2 be cited as the Constitution of the State of Iowa, with a
28 3 reference identifying the preamble or boundaries, or article,
28 4 section, and subunit of a section. Subject to the legislative
28 5 services agency style manual, the Constitution of the State of
28 6 Iowa may be cited as the Iowa Constitution.
28 7 b. The Iowa Acts shall be cited as the Iowa Acts with
28 8 a reference identifying the year of the publication in
28 9 conformance with section 2.2, and the chapter of a bill
28 10 enacted or joint resolution enacted or passed during a regular
28 11 session, or in the alternative the bill or joint resolution
28 12 chamber designation, and the section of the chapter or bill
28 13 or subunit of a section. A bill or joint resolution enacted
28 14 or passed during a special session shall be cited by the
28 15 extraordinary session designation in conformance with section
28 16 2.2. If the Iowa Acts have not been published, a bill or joint
28 17 resolution may be cited by its bill or joint resolution chamber
28 18 designation.
28 19 c. The Iowa Code shall be cited as the Iowa Code. The Code
28 20 Supplement shall be cited as the Code Supplement. Subject
28 21 to the legislative services agency style manual, the Iowa
28 22 Code may be cited as the Code of Iowa or Code and the Code
28 23 Supplement may be cited as the Iowa Code Supplement, with
28 24 references identifying parts of the publication, including
28 25 but not limited to title or chapter, section, or subunit of a
28 26 section. If the citation refers to a past edition of the Iowa
28 27 Code or Code Supplement, the citation shall identify the year
28 28 of publication.
28 29 5. Administrative rules shall be cited as follows:
28 30 a. The Iowa Administrative Bulletin shall be cited as
28 31 the IAB, with references identifying the volume number which
28 32 may be based on a fiscal year cycle, the issue number, and
28 33 the ARC number assigned to the rulemaking document by the
28 34 administrative rules coordinator pursuant to section 17A.4.
28 35 Subject to the legislative services agency style manual, the

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29 1 citation may also include the publication's page number.
29 2 b. The Iowa Administrative Code shall be cited as the IAC,
29 3 with references to an agency's identification number placed at
29 4 the beginning of the citation and with references to parts of
29 5 the publication, including but not limited to chapter, rule, or
29 6 subunit of a rule.
29 7 6. The Iowa Court Rules shall be cited as the Iowa Court
29 8 Rules, with references to the rule number and to subunits
29 9 of the publication, which may include but are not limited
29 10 to the Iowa Rules of Civil Procedure, the Iowa Rules of
29 11 Criminal Procedure, the Iowa Rules of Evidence, the Iowa
29 12 Rules of Appellate Procedure, the Iowa Rules of Professional
29 13 Conduct, and the Iowa Code of Judicial Conduct. Subject to
29 14 the legislative services agency style manual, the names of the
29 15 rules may be abbreviated.
29 16 Sec. 50. NEW SECTION. 2B.18 Iowa Code editor and
29 17 administrative code editor == custody and authentication.
29 18 1. The Iowa Code editor is the custodian of the official
29 19 legal publications known as the Iowa Acts, Iowa Code, and
29 20 Code Supplement. The Iowa Code editor may attest to and
29 21 authenticate any portion of such official legal publication
29 22 for purposes of admitting a portion of the official legal
29 23 publication in any court or office of any state, territory, or
29 24 possession of the United States or in a foreign jurisdiction.
29 25 2. The administrative code editor is the custodian of the
29 26 official legal publications known as the Iowa administrative
29 27 bulletin, the Iowa administrative code, and the Iowa court
29 28 rules. The administrative code editor may attest to and
29 29 authenticate any portion of such official legal publication
29 30 for purposes of admitting a portion of the official legal
29 31 publication in any court or office of any state, territory, or
29 32 possession of the United States or in a foreign jurisdiction.
29 33 Sec. 51. Section 7.17, subsection 2, Code 2009, is amended
29 34 by striking the subsection.
29 35 Sec. 52. Section 17A.4, subsection 1, paragraph a, Code

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30 1 2009, is amended to read as follows:
30 2 a. Give notice of its intended action by submitting
30 3 the notice to the administrative rules coordinator and
30 4 the administrative code editor. The administrative rules
30 5 coordinator shall assign an ARC number to each rulemaking
30 6 document. The administrative code editor shall publish
30 7 each notice meeting the requirements of this chapter in the
30 8 Iowa administrative bulletin created pursuant to section
30 9 ~~17A.6~~ 2B.5A. Any notice of intended action shall be published
30 10 at least thirty=five days in advance of the action. The notice
30 11 shall include a statement of either the terms or substance of
30 12 the intended action or a description of the subjects and issues
30 13 involved, and the time when, the place where, and the manner in
30 14 which interested persons may present their views.
30 15 Sec. 53. Section 17A.6, Code 2009, is amended by striking
30 16 the section and inserting in lieu thereof the following:
30 17 17A.6 Publications.
30 18 1. The administrative code editor shall publish the Iowa
30 19 administrative bulletin and the Iowa administrative code as
30 20 provided in section 2B.5A.
30 21 2. An agency which adopts standards by reference to
30 22 another publication shall deliver an electronic copy of
30 23 the publication, or the relevant part of the publication,
30 24 containing the standards to the administrative code editor
30 25 who shall publish it on the general assembly's internet site.
30 26 If an electronic copy of the publication is not available,
30 27 the agency shall deliver a printed copy of the publication to
30 28 the administrative code editor who shall deposit the copy in
30 29 the state law library where it shall be made available for
30 30 inspection and reference.
30 31 Sec. 54. Section 89.5, subsection 3, unnumbered paragraph
30 32 1, Code 2009, is amended to read as follows:
30 33 A rule adopted pursuant to this chapter which adopts
30 34 standards by reference to another publication shall be exempt
30 35 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if

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31 1 the following conditions exist:
31 2 Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph
31 3 1, Code Supplement 2009, is amended to read as follows:
31 4 A rule adopted pursuant to this section which adopts
31 5 standards by reference to another publication shall be exempt
31 6 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if
31 7 the following conditions exist:
31 8 Sec. 56. Section 256.53, Code 2009, is amended to read as
31 9 follows:
31 10 256.53 State publications.
31 11 Upon issuance of a state publication in any format, a
31 12 state agency shall ~~deposit with~~ provide the division with
31 13 an electronic version of the publication at no cost to the
31 14 division~~, seventy=five copies of the publication or a lesser~~
~~31 15 number if specified by the division, except as provided in~~
~~31 16 section 2A.6~~.
31 17 Sec. 57. Section 267.6, Code 2009, is amended to read as
31 18 follows:
31 19 267.6 Iowa administrative procedure Act.
31 20 The provisions of chapter 17A shall not apply to the council
31 21 or any actions taken by it, except that any recommendations
31 22 adopted by the council pursuant to section 267.5, subsection
31 23 3, and any rules adopted by the council shall be adopted,
31 24 amended, or repealed only after compliance with the provisions
31 25 of sections 17A.4~~,~~ and 17A.5, and ~~17A.6~~ the publication
31 26 requirements in section 2B.5A.
31 27 DIVISION IV
31 28 STATE BUDGETING AND PERSONNEL
31 29 Sec. 58. Section 8.36A, subsection 2, Code 2009, is amended
31 30 to read as follows:
31 31 2. a. If a department or establishment has reached or
31 32 anticipates reaching the full=time equivalent position level
31 33 authorized for the department but determines that conversion
31 34 of a contract position to a full=time equivalent position
31 35 would result in cost savings while providing comparable or

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32 1 better services, the department or establishment may request
32 2 the director of the department of management to approve the
32 3 conversion and addition of the full=time equivalent position.
32 4 The request shall be accompanied by evidence demonstrating how
32 5 the cost savings and service quality will be achieved through
32 6 the conversion. If approved by the director of the department
32 7 of management, the department's or establishment's authorized
32 8 full=time equivalent position level shall be increased
32 9 accordingly and the revised level shall be reported to the
32 10 fiscal committee of the legislative council and the legislative
32 11 services agency.
32 12 b. A department or establishment shall not convert a
32 13 full=time equivalent position authorized for the department
32 14 or establishment to a contract position and shall not use
32 15 appropriated moneys for such a contract position unless the
32 16 department or establishment receives approval from the director
32 17 of the department of management to convert the full=time
32 18 equivalent position to a contract position. The director of
32 19 the department of management shall not approve the conversion
32 20 unless the department or establishment submits sufficient
32 21 evidence that the conversion would result in cost savings while
32 22 providing comparable or better services.
32 23 Sec. 59. Section 8.62, subsection 2, Code Supplement 2009,
32 24 is amended to read as follows:
32 25 2. Notwithstanding the provisions of section 8.33 or any
32 26 other provision of law to the contrary, if on June 30 of a
32 27 fiscal year, a balance of an operational appropriation remains
32 28 unexpended or unencumbered, not more than fifty percent of
32 29 the balance may be encumbered by the agency to which the
32 30 appropriation was made and used as provided in this section and
32 31 the remaining balance shall be deposited in the cash reserve
32 32 fund created in section 8.56. Moneys encumbered under this
32 33 section shall only be used by the agency during the succeeding
32 34 fiscal year for internet=based employee training, technology
32 35 enhancement, or purchases of goods and services from Iowa

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33 1 prison industries. Unused moneys encumbered under this section
33 2 shall be deposited in the cash reserve fund on June 30 of the
33 3 succeeding fiscal year.
33 4 Sec. 60. Section 8A.413, Code Supplement 2009, is amended by
33 5 adding the following new subsection:
33 6 NEW SUBSECTION. 24. For the development and operation of
33 7 programs to promote job sharing, telecommuting, and flex=time
33 8 opportunities for employment within the executive branch.
33 9 Sec. 61. COMMUNITY=BASED CORRECTIONS == STATE ACCOUNTING
33 10 SYSTEM. Each judicial district department of correctional
33 11 services shall utilize the state accounting system for purposes
33 12 of tracking both appropriations and expenditures. Each
33 13 judicial district department shall coordinate its accounting
33 14 activities with the department of management for purposes of
33 15 implementing the requirements of this section.
33 16 Sec. 62. STATE AGENCY EFFICIENCY EFFORTS.
33 17 1. LEAN EFFORTS. State agencies shall budget for and plan
33 18 to conduct lean events as described in section 8.70. Each
33 19 state agency shall coordinate its activities with the office
33 20 of lean enterprise created in section 8.70 in developing plans
33 21 to conduct lean events.
33 22 2. SHARED RESOURCES. State agencies are encouraged to
33 23 share resources and services, including staff, training, and
33 24 educational services, to the greatest extent possible in order
33 25 to best fulfill the duties of each agency at the least cost.
33 26 Sec. 63. CONTRACT SERVICES == TRAINING.
33 27 1. Each department, as defined in section 8.2, shall
33 28 separately track the budget and actual expenditures for
33 29 contract services and for employee training for each
33 30 appropriation line item.
33 31 2. The terms of the contracts for contracted services
33 32 entered into or revised during the fiscal year shall
33 33 incorporate quality assurance and cost control measures.
33 34 3. The employee training tracking information shall be
33 35 further divided into training categories. Each department's

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34 1 report on training tracking shall specifically address the use
34 2 of electronically based training.
34 3 4. Each department shall report quarterly to the
34 4 legislative services agency concerning the budget, expenditure,
34 5 quality assurance, and cost control information addressed by
34 6 this section.
34 7 Sec. 64. FULL=TIME EQUIVALENT POSITIONS == VACANCIES ==
34 8 FUNDING. For the fiscal year beginning July 1, 2010, and
34 9 ending June 30, 2011, the following shall apply:
34 10 1. If a full=time equivalent position authorized for a
34 11 department or establishment remains vacant for a period of
34 12 at least six months, the department's or establishment's
34 13 authorized full=time equivalent position level shall
34 14 be decreased accordingly. However, the department or
34 15 establishment may request the director of the department of
34 16 management to reauthorize the full=time equivalent position if
34 17 the department or establishment can establish that the position
34 18 is difficult to fill and is critical for fulfilling the duties
34 19 of the department or establishment.
34 20 2. Moneys appropriated to a department or establishment
34 21 and designated by the department or establishment in the
34 22 department's or establishment's adopted budget in the state
34 23 accounting system for full=time equivalent positions shall only
34 24 be used for full=time equivalent positions and shall not be
34 25 used for other purposes.
34 26 Sec. 65. JOINT APPROPRIATIONS SUBCOMMITTEES == REVIEW OF
34 27 AGENCY FEES. Each joint appropriations subcommittee of the
34 28 general assembly shall examine and review on an annual basis
34 29 the fees charged by state agencies under the purview of that
34 30 joint appropriations subcommittee.
34 31 DIVISION V
34 32 SPAN OF CONTROL
34 33 Sec. 66. Section 8A.402, subsection 2, paragraph g, Code
34 34 Supplement 2009, is amended to read as follows:
34 35 g. (1) (a) Consult with the department of management

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35 1 and discuss and collaborate with executive branch agencies to
35 2 implement and maintain a policy for incrementally increasing
35 3 the aggregate ratio in the number of employees per
35 4 ~~supervisor~~ supervisory employee in executive branch agencies
35 5 ~~to be fourteen employees for one supervisor~~. For purposes of
35 6 determining the effects of the policy on the state employee
35 7 workforce, the base date of July 1, 2008, shall be used and the
35 8 target date for full implementation shall be July 1, ~~2011~~ 2016.
35 9 The target aggregate ratio of supervisory employees to other
35 10 employees shall be as follows:
35 11 (i) For the fiscal year beginning July 1, 2010, one to
35 12 fourteen.
35 13 (ii) For the fiscal year beginning July 1, 2011, one to
35 14 fifteen.
35 15 (iii) For the fiscal year beginning July 1, 2012, one to
35 16 sixteen.
35 17 (iv) For the fiscal year beginning July 1, 2013, one to
35 18 seventeen.
35 19 (v) For the fiscal year beginning July 1, 2014, one to
35 20 eighteen.
35 21 (vi) For the fiscal year beginning July 1, 2015, one to
35 22 nineteen.
35 23 (vii) For the fiscal year beginning July 1, 2016, one to
35 24 twenty.
35 25 (b) For the purposes of this paragraph "g", "supervisory
35 26 employee" means a public employee who is not a member of a
35 27 collective bargaining unit and who has authority, in the
35 28 interest of a public employer, to hire, transfer, suspend, lay
35 29 off, recall, promote, discharge, assign, reward, or discipline
35 30 other public employees, to direct such public employees, or
35 31 to adjust the grievances of such public employees, or to
35 32 effectively recommend any such action.
35 33 (c) In this paragraph "g", executive branch agencies shall
35 34 not grant a supervisory employee with the right to replace or
35 35 bump a junior employee not being laid off for a position for

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36 1 which the supervisory employee is qualified.
36 2 ~~(b)~~ (d) The policy shall allow appropriation units
36 3 with twenty=eight or fewer full=time equivalent employee
36 4 positions to apply for an exception to the policy through the
36 5 executive council. The policy shall allow for exceptions
36 6 when the supervisory employee ratio is mandated by a federal
36 7 requirement.
36 8 (e) The policy shall provide that if layoffs are
36 9 implemented, the number of middle management position layoffs
36 10 shall correspond to the relative number of direct service
36 11 position layoffs.
36 12 (f) The policy shall improve on the system in effect as
36 13 of the base date by specifically defining and accounting for
36 14 supervisory employee span of control.
36 15 ~~(c)~~ (g) The department shall present an interim report
36 16 to the governor and general assembly on or before April 1,
36 17 2010, annual updates on or before April 1 subsequently, and a
36 18 final report on or before April 1, ~~2011~~ 2017, detailing the
36 19 effects of the policy on the composition of the workforce, cost
36 20 savings, government efficiency, and outcomes.
36 21 ~~(d) The policy developed pursuant to this paragraph~~
~~36 22 "g" shall not encompass employees under the state board of~~
~~36 23 regents, the department of human services, or a judicial~~
~~36 24 district department of correctional services. However, the~~
~~36 25 department of administrative services shall work with the~~
~~36 26 state board of regents, the department of human services, and~~
~~36 27 the judicial district departments of correctional services to~~
~~36 28 advance the policy as a goal for the supervisory staff of these~~
~~36 29 units of state government.~~
36 30 (2) Evaluate the state's systems for job classification of
36 31 executive branch employees in order to ensure the existence
36 32 of technical skill=based career paths for such employees
36 33 which do not depend upon an employee gaining supervisory
36 34 responsibility for advancement, and which provide incentives
36 35 for such employees to broaden their knowledge and skill base.

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37 1 The evaluation shall include but is not limited to a review
37 2 of the classifications for all noncontract positions and
37 3 providing options for eliminating obsolete, duplicative, or
37 4 unnecessary job classifications. The department shall present
37 5 interim reports to the general assembly on or before January
37 6 15, 2010, and January 14, 2011, concerning the department's
37 7 progress in completing the evaluation and associated outcomes.
37 8 Sec. 67. EFFECTIVE UPON ENACTMENT. This division of this
37 9 Act, being deemed of immediate importance, takes effect upon
37 10 enactment.
37 11 DIVISION VI
37 12 DEPARTMENT OF ADMINISTRATIVE SERVICES == PURCHASING
37 13 Sec. 68. Section 8A.302, subsection 1, Code 2009, is amended
37 14 to read as follows:
37 15 1. Providing a system of uniform standards and
37 16 specifications for purchasing. When the system is developed,
37 17 all items of general use shall be purchased by state agencies
37 18 through the department~~, except items used by~~. However,
37 19 the department may authorize the ~~state~~ department of
37 20 transportation, institutions under the control of the state
37 21 board of regents, the department for the blind, and any other
37 22 agencies otherwise exempted by law from centralized purchasing,
37 23 to directly purchase items used by those agencies without going
37 24 through the department, if the department of administrative
37 25 services determines such purchasing is in the best interests
37 26 of the state. However, items of general use may be purchased
37 27 through the department by any governmental entity.
37 28 Sec. 69. Section 8A.311, subsection 10, paragraph a, Code
37 29 2009, is amended to read as follows:
37 30 a. The director shall adopt rules providing that any state
37 31 agency may, upon request and approval by the department,
37 32 purchase directly from a vendor if the direct purchasing is
37 33 ~~as economical or~~ more economical than purchasing through the
37 34 department, ~~or upon a showing~~ if the agency shows that direct
37 35 purchasing by the state agency would be in the best interests

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38 1 of the state due to an immediate or emergency need~~. The rules~~
~~38 2 shall include a provision permitting a state agency to purchase~~
~~38 3 directly from a vendor, on the agency's own authority~~, or if
38 4 the purchase will not exceed ten thousand dollars and the
38 5 purchase ~~will~~ would contribute to the agency complying with ~~or~~
~~38 6 exceeding~~ the targeted small business procurement goals under
38 7 sections 73.15 through 73.21.
38 8 Sec. 70. NEW SECTION. 8A.311A Centralized purchasing.
38 9 1. The department may designate goods and services of
38 10 general use that agencies shall, and governmental subdivisions
38 11 may, purchase pursuant to a master contract established by the
38 12 department for that good or service. The department shall
38 13 establish a master contract subject to the requirements of
38 14 this section if the department determines that a high=quality
38 15 good or service can be acquired by agencies and governmental
38 16 subdivisions at lower cost through the establishment of a
38 17 master contract.
38 18 2. The department shall establish a master contract
38 19 pursuant to this section on a competitive basis, and the
38 20 purchase of a good or service pursuant to the contract shall be
38 21 deemed to satisfy any otherwise applicable competitive bidding
38 22 requirements.
38 23 3. Upon the establishment of a master contract for a good or
38 24 service pursuant to this section, an agency shall purchase the
38 25 good or service pursuant to the contract, and shall not expend
38 26 money to purchase the good or service directly from a vendor
38 27 and not through the contract, unless any of the following
38 28 applies:
38 29 a. The department determines, upon a request by the agency,
38 30 that the agency can satisfy the requirements for purchase of
38 31 the good or service directly from a vendor as provided in
38 32 section 8A.311, subsection 10, paragraph "a".
38 33 b. The agency is purchasing the good or service pursuant
38 34 to another contract in effect on the effective date of the
38 35 master contract. However, the agency shall terminate the

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39 1 other contract if the contract permits the termination of the
39 2 contract without penalty and the agency shall not renew the
39 3 other contract beyond the current term of the other contract.
39 4 Sec. 71. Section 8A.312, Code 2009, is amended to read as
39 5 follows:
39 6 8A.312 Cooperative purchasing.
39 7 The director may purchase items through the ~~state~~ department
39 8 of transportation, institutions under the control of the state
39 9 board of regents, and any other agency otherwise exempted by
39 10 law from centralized purchasing for items authorized by the
39 11 department to be exempt. These state agencies shall upon
39 12 request furnish the director with a list of and specifications
39 13 for all items of office equipment, furniture, fixtures,
39 14 motor vehicles, heavy equipment, and other related items to
39 15 be purchased during the next quarter and the date by which
39 16 the director must file with the agency the quantity of items
39 17 to be purchased by the state agency for the department.
39 18 ~~The department shall be liable to the state agency for the~~
~~39 19 proportionate costs the items purchased for the department bear~~
~~39 20 to the total purchase price. When items purchased have been~~
~~39 21 delivered, the state agency shall notify the director and after~~
~~39 22 receipt of the purchase price shall release the items to the~~
~~39 23 director or upon the director's order.~~
39 24 Sec. 72. Section 307.21, subsection 1, paragraph d, Code
39 25 Supplement 2009, is amended to read as follows:
39 26 d. Provide centralized purchasing services for the
39 27 department, ~~in cooperation with~~ if authorized by the department
39 28 of administrative services. The administrator shall, when
39 29 the price is reasonably competitive and the quality as
39 30 intended, purchase soybean=based inks and plastic products with
39 31 recycled content, including but not limited to plastic garbage
39 32 can liners, and shall purchase these items in accordance
39 33 with the schedule established in section 8A.315. However,
39 34 the administrator need not purchase garbage can liners in
39 35 accordance with the schedule if the liners are utilized by a

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40 1 facility approved by the environmental protection commission
40 2 created under section 455A.6, for purposes of recycling. For
40 3 purposes of this section, "recycled content" means that the
40 4 content of the product contains a minimum of thirty percent
40 5 postconsumer material.
40 6 Sec. 73. STATE GOVERNMENT PURCHASING EFFORTS == DEPARTMENT
40 7 OF ADMINISTRATIVE SERVICES. In order to facilitate efficient
40 8 and cost=effective purchasing, the department of administrative
40 9 services shall do the following:
40 10 1. Require state agencies to provide the department a report
40 11 regarding planned purchases on an annual basis and to report
40 12 on an annual basis regarding efforts to standardize products
40 13 and services within their own agencies and with other state
40 14 agencies.
40 15 2. Require state employees who conduct bids for services to
40 16 receive training on an annual basis about procurement rules and
40 17 regulations and procurement best practices.
40 18 3. Identify procurement compliance employees within the
40 19 department.
40 20 4. Review the process and basis for establishing
40 21 departmental fees for purchasing.
40 22 5. Establish a work group to collaborate on best practices
40 23 to implement the best cost savings for the state concerning
40 24 purchasing.
40 25 6. Explore interstate and intergovernmental purchasing
40 26 opportunities and encourage the legislative and judicial
40 27 branches to participate in consolidated purchasing and
40 28 efficiencies wherever possible.
40 29 7. Expand the use of procurement cards throughout state
40 30 government to facilitate purchasing of items by state agencies.
40 31 DIVISION VII
40 32 DEPARTMENT OF ADMINISTRATIVE SERVICES == OPERATIONS
40 33 Sec. 74. Section 8A.104, Code 2009, is amended by adding the
40 34 following new subsection:
40 35 NEW SUBSECTION. 12A. Examine and develop best practices

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41 1 for the efficient operation of government and encourage state
41 2 agencies to adopt and implement these practices.
41 3 Sec. 75. NEW SECTION. 8A.459 State employee pay and
41 4 allowances == electronic funds transfer.
41 5 Effective July 1, 2011, notwithstanding any provision of
41 6 law to the contrary, all pay and allowances to state employees
41 7 shall be paid via electronic funds transfer, unless otherwise
41 8 provided pursuant to a collective bargaining agreement. A
41 9 state employee may elect to receive pay and allowances as
41 10 paper warrants in lieu of electronic funds transfers, but the
41 11 department shall charge an administrative fee for processing
41 12 such paper warrants. However, the department may, for good
41 13 cause shown, waive the administrative fee. The fee may be
41 14 automatically deducted from the state employee's pay and
41 15 allowances before the warrant is issued to the state employee.
41 16 Sec. 76. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
41 17 STREAMLINED HIRING. The department of administrative services
41 18 shall, in consultation with the department of management,
41 19 examine the process by which state agencies hire personnel
41 20 with the goal of simplifying and reducing the steps needed
41 21 for state agencies to hire personnel. The department shall
41 22 provide information to the general assembly concerning steps
41 23 taken to implement a more streamlined hiring process and any
41 24 recommendations for legislative action.
41 25 Sec. 77. DEPARTMENT OF ADMINISTRATIVE SERVICES == REAL
41 26 ESTATE AND LEASE MANAGEMENT.
41 27 1. REAL ESTATE AUDIT. The department of administrative
41 28 services shall complete an inventory of surplus and unused
41 29 state properties, including properties owned or under the
41 30 control of the state board of regents and department of
41 31 transportation, and recommend which assets could be sold at a
41 32 premium price. State historic buildings would not be eligible
41 33 for sale and only those assets identified as being surplus and
41 34 no longer related to their mission would be eligible for sale.
41 35 2. LEASE AUDIT. The department of administrative services

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42 1 shall conduct a thorough review of all state office leases
42 2 and wherever possible, require state agencies to consolidate
42 3 office spaces that are rented from private sector landlords.
42 4 In addition, the department should work directly with all state
42 5 agencies to begin renegotiating office leases to obtain more
42 6 favorable lease terms.
42 7 3. SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS. The
42 8 department of administrative services shall explore potential
42 9 opportunities for state agencies and the state board of regents
42 10 to sell some properties to a private sector owner and then
42 11 lease them back.
42 12 4. REPORT. The department shall submit a report to
42 13 the general assembly by January 1, 2011, concerning the
42 14 requirements of this section. The report shall, if applicable,
42 15 identify any statutory barriers for pursuing efforts described
42 16 in this section and shall include in the report its findings
42 17 and any recommendations for legislative action.
42 18 Sec. 78. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
42 19 SALE OF REAL PROPERTY.
42 20 1. During the fiscal year beginning July 1, 2010, and ending
42 21 June 30, 2011, the department of administrative services,
42 22 in collaboration with the department of human services
42 23 and the department of corrections, shall identify and sell
42 24 real property under the control of the departments that is
42 25 not necessary to further the mission of the department of
42 26 human services and the department of corrections and that
42 27 will maximize the return to the state. Notwithstanding any
42 28 provision of law to the contrary, moneys received for the sale
42 29 of property pursuant to this subsection shall be deposited in
42 30 the general fund of the state.
42 31 2. During the fiscal year beginning July 1, 2010, and
42 32 ending June 30, 2011, the department of administrative services
42 33 shall, pursuant to the real estate and lease management review
42 34 conducted by the department as provided in this Act, identify
42 35 and sell or sell and lease back real property under the control

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43 1 of the department that will maximize the return to the state.
43 2 Notwithstanding any provision of law to the contrary, moneys
43 3 received for the sale of property pursuant to this subsection
43 4 shall be deposited in the general fund of the state.
43 5 DIVISION VIII
43 6 ALCOHOLIC BEVERAGES DIVISION == REORGANIZATION
43 7 Sec. 79. Section 22.7, subsection 24, Code Supplement 2009,
43 8 is amended to read as follows:
43 9 24. Records of purchases of alcoholic liquor from
43 10 the alcoholic beverages division of the department of
43 11 ~~commerce~~ revenue which would reveal purchases made by an
43 12 individual class "E" liquor control licensee. However, the
43 13 records may be revealed for law enforcement purposes or for the
43 14 collection of payments due the division pursuant to section
43 15 123.24.
43 16 Sec. 80. Section 123.3, subsection 14, Code 2009, is amended
43 17 to read as follows:
43 18 14. "Division" means the alcoholic beverages division of the
43 19 department of ~~commerce~~ revenue established by this chapter.
43 20 Sec. 81. Section 123.4, Code 2009, is amended to read as
43 21 follows:
43 22 123.4 Alcoholic beverages division created.
43 23 An alcoholic beverages division is created within the
43 24 department of ~~commerce~~ revenue to administer and enforce the
43 25 laws of this state concerning beer, wine, and alcoholic liquor.
43 26 Sec. 82. Section 123.14, subsection 2, Code 2009, is amended
43 27 to read as follows:
43 28 2. The county attorney, the county sheriff and the
43 29 sheriff's deputies, and the police department of every city,
43 30 and the alcoholic beverages division of the department of
43 31 ~~commerce~~ revenue, shall be supplementary aids to the department
43 32 of public safety. Any neglect, misfeasance, or malfeasance
43 33 shown by any peace officer included in this section shall be
43 34 sufficient cause for the peace officer's removal as provided by
43 35 law. This section shall not be construed to affect the duties

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44 1 and responsibilities of any county attorney or peace officer
44 2 with respect to law enforcement.
44 3 Sec. 83. Section 123.53, subsections 4, 5, and 6, Code
44 4 Supplement 2009, are amended to read as follows:
44 5 4. The treasurer of state shall, each quarter, prepare
44 6 an estimate of the gaming revenues and of the moneys to be
44 7 deposited in the beer and liquor control fund that will become
44 8 available during the remainder of the appropriate fiscal year
44 9 for the purposes described in subsection 3. The department of
44 10 management, the department of inspections and appeals, and the
44 11 department of ~~commerce~~ revenue shall take appropriate actions
44 12 to provide that the sum of the amount of gaming revenues
44 13 available to be deposited into the revenue bonds debt service
44 14 fund during a fiscal year and the amount of moneys to be
44 15 deposited in the beer and liquor control fund available to
44 16 be deposited into the revenue bonds debt service fund during
44 17 such fiscal year will be sufficient to cover any anticipated
44 18 deficiencies.
44 19 5. After any transfer provided for in subsection 3 is
44 20 made, the department of ~~commerce~~ revenue shall transfer into a
44 21 special revenue account in the general fund of the state, a sum
44 22 of money at least equal to seven percent of the gross amount
44 23 of sales made by the division from the beer and liquor control
44 24 fund on a monthly basis but not less than nine million dollars
44 25 annually. Of the amounts transferred, two million dollars,
44 26 plus an additional amount determined by the general assembly,
44 27 shall be appropriated to the Iowa department of public health
44 28 for use by the staff who administer the comprehensive substance
44 29 abuse program under chapter 125 for substance abuse treatment
44 30 and prevention programs. Any amounts received in excess of the
44 31 amounts appropriated to the Iowa department of public health
44 32 for use by the staff who administer the comprehensive substance
44 33 abuse program under chapter 125 shall be considered part of the
44 34 general fund balance.
44 35 6. After any transfers provided for in subsections 3 and

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45 1 5, the department of ~~commerce~~ revenue shall transfer to the
45 2 division from the beer and liquor control fund and before any
45 3 other transfer to the general fund, an amount sufficient to pay
45 4 the costs incurred by the division for collecting and properly
45 5 disposing of the liquor containers.
45 6 Sec. 84. Section 142A.3, subsection 5, paragraph e, Code
45 7 Supplement 2009, is amended to read as follows:
45 8 e. The alcoholic beverages division of the department of
45 9 ~~commerce~~ revenue.
45 10 Sec. 85. Section 142A.4, subsection 14, Code Supplement
45 11 2009, is amended to read as follows:
45 12 14. Approve contracts entered into with the alcoholic
45 13 beverages division of the department of ~~commerce~~ revenue, to
45 14 provide for enforcement of tobacco laws and regulations.
45 15 Sec. 86. Section 142A.5, subsection 1, paragraph e, Code
45 16 2009, is amended to read as follows:
45 17 e. Enter into contracts with the alcoholic beverages
45 18 division of the department of ~~commerce~~ revenue, to provide
45 19 enforcement of tobacco laws and regulations. Such contracts
45 20 shall require that enforcement efforts include training of
45 21 local authorities who issue retailer permits and education of
45 22 retailers.
45 23 Sec. 87. Section 321.19, subsection 1, unnumbered paragraph
45 24 2, Code 2009, is amended to read as follows:
45 25 The department shall furnish, on application, free of
45 26 charge, distinguishing plates for vehicles thus exempted,
45 27 which plates except plates on state patrol vehicles shall bear
45 28 the word "official" and the department shall keep a separate
45 29 record. Registration plates issued for state patrol vehicles,
45 30 except unmarked patrol vehicles, shall bear two red stars
45 31 on a yellow background, one before and one following the
45 32 registration number on the plate, which registration number
45 33 shall be the officer's badge number. Registration plates
45 34 issued for county sheriff's patrol vehicles shall display one
45 35 seven=pointed gold star followed by the letter "S" and the call

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46 1 number of the vehicle. However, the director of the department
46 2 of administrative services or the director of transportation
46 3 may order the issuance of regular registration plates for any
46 4 exempted vehicle used by peace officers in the enforcement
46 5 of the law, persons enforcing chapter 124 and other laws
46 6 relating to controlled substances, persons in the department of
46 7 justice, the alcoholic beverages division of the department of
46 8 ~~commerce~~ revenue, disease investigators of the Iowa department
46 9 of public health, the department of inspections and appeals,
46 10 and the department of revenue, who are regularly assigned to
46 11 conduct investigations which cannot reasonably be conducted
46 12 with a vehicle displaying "official" state registration plates,
46 13 persons in the Iowa lottery authority whose regularly assigned
46 14 duties relating to security or the carrying of lottery tickets
46 15 cannot reasonably be conducted with a vehicle displaying
46 16 "official" registration plates, persons in the department of
46 17 economic development who are regularly assigned duties relating
46 18 to existing industry expansion or business attraction, and
46 19 mental health professionals or health care professionals who
46 20 provide off=site or in=home medical or mental health services
46 21 to clients of publicly funded programs. For purposes of sale
46 22 of exempted vehicles, the exempted governmental body, upon the
46 23 sale of the exempted vehicle, may issue for in=transit purposes
46 24 a pasteboard card bearing the words "Vehicle in Transit", the
46 25 name of the official body from which the vehicle was purchased,
46 26 together with the date of the purchase plainly marked in at
46 27 least one=inch letters, and other information required by the
46 28 department. The in=transit card is valid for use only within
46 29 forty=eight hours after the purchase date as indicated on the
46 30 bill of sale which shall be carried by the driver.
46 31 Sec. 88. Section 453A.2, subsection 7, Code 2009, is amended
46 32 to read as follows:
46 33 7. A tobacco compliance employee training fund is created in
46 34 the office of the treasurer of state. The fund shall consist
46 35 of civil penalties assessed by the Iowa department of public

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47 1 health under section 453A.22 for violations of this section.
47 2 Moneys in the fund are appropriated to the alcoholic beverages
47 3 division of the department of ~~commerce~~ revenue and shall be
47 4 used to develop and administer the tobacco compliance employee
47 5 training program under section 453A.5. Moneys deposited in the
47 6 fund shall not be transferred, used, obligated, appropriated,
47 7 or otherwise encumbered except as provided in this subsection.
47 8 Notwithstanding section 8.33, any unexpended balance in the
47 9 fund at the end of the fiscal year shall be retained in the
47 10 fund.
47 11 Sec. 89. Section 453A.5, subsection 1, Code 2009, is amended
47 12 to read as follows:
47 13 1. The alcoholic beverages division of the department of
47 14 ~~commerce~~ revenue shall develop a tobacco compliance employee
47 15 training program not to exceed two hours in length for
47 16 employees and prospective employees of retailers, as defined
47 17 in sections 453A.1 and 453A.42, to inform the employees about
47 18 state and federal laws and regulations regarding the sale of
47 19 cigarettes and tobacco products to persons under eighteen years
47 20 of age and compliance with and the importance of laws regarding
47 21 the sale of cigarettes and tobacco products to persons under
47 22 eighteen years of age.
47 23 Sec. 90. Section 455C.3, subsections 2 and 5, Code 2009, are
47 24 amended to read as follows:
47 25 2. A distributor shall accept and pick up from a dealer
47 26 served by the distributor or a redemption center for a
47 27 dealer served by the distributor at least weekly, or when the
47 28 distributor delivers the beverage product if deliveries are
47 29 less frequent than weekly, any empty beverage container of the
47 30 kind, size and brand sold by the distributor, and shall pay to
47 31 the dealer or person operating a redemption center the refund
47 32 value of a beverage container and the reimbursement as provided
47 33 under section 455C.2 within one week following pickup of the
47 34 containers or when the dealer or redemption center normally
47 35 pays the distributor for the deposit on beverage products

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48 1 purchased from the distributor if less frequent than weekly.
48 2 A distributor or employee or agent of a distributor is not in
48 3 violation of this subsection if a redemption center is closed
48 4 when the distributor attempts to make a regular delivery or a
48 5 regular pickup of empty beverage containers. This subsection
48 6 does not apply to a distributor selling alcoholic liquor
48 7 to the alcoholic beverages division of the department of
48 8 ~~commerce~~ revenue.
48 9 5. The alcoholic beverages division of the department
48 10 of ~~commerce~~ revenue shall provide for the disposal of empty
48 11 beverage containers as required under subsection 2. The
48 12 division shall give priority consideration to the recycling
48 13 of the empty beverage containers to the extent possible,
48 14 before any other appropriate disposal method is considered or
48 15 implemented.
48 16 Sec. 91. Section 546.2, subsection 3, paragraph e, Code
48 17 2009, is amended by striking the paragraph.
48 18 Sec. 92. NEW SECTION. 421.2A Alcoholic beverages division.
48 19 An alcoholic beverages division is created within the
48 20 department of revenue. The alcoholic beverages division shall
48 21 enforce and implement chapter 123. The division is headed by
48 22 the administrator of alcoholic beverages who shall be appointed
48 23 pursuant to section 123.10. The alcoholic beverages commission
48 24 shall perform duties within the division pursuant to chapter
48 25 123.
48 26 Sec. 93. REPEAL. Section 546.9, Code 2009, is repealed.
48 27 Sec. 94. ALCOHOLIC BEVERAGES DIVISION == TRANSITION
48 28 PROVISIONS.
48 29 1. In regard to updating references and format in the
48 30 Iowa administrative code in order to correspond to the
48 31 transferring of the division from the department of commerce
48 32 to the department of revenue as established by this division
48 33 of this Act, the administrative rules coordinator and the
48 34 administrative rules review committee, in consultation with the
48 35 administrative code editor, shall jointly develop a schedule

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49 1 for the necessary updating of the Iowa administrative code.
49 2 2. Any replacement of signs, logos, stationery, insignia,
49 3 uniforms, and related items that is made due to the effect of
49 4 this division of this Act should be done as part of the normal
49 5 replacement cycle for such items.
49 6 DIVISION IX
49 7 ALCOHOLIC BEVERAGES DIVISION == OPERATIONS
49 8 Sec. 95. ALCOHOLIC BEVERAGES DIVISION == STATE WAREHOUSE
49 9 FRIDAY CLOSURE. For the fiscal period beginning July 1, 2010,
49 10 and ending June 30, 2015, the administrator of the alcoholic
49 11 beverages division of the department of commerce as created
49 12 in chapter 123, shall, pursuant to the authority provided in
49 13 section 123.21, close the main state warehouse every Friday.
49 14 However, the administrator may keep the warehouse open on
49 15 designated Fridays if the administrator determines that
49 16 anticipated sales on that Friday justify keeping the state
49 17 warehouse open. The administrator may extend the closure
49 18 authorized pursuant to this section to the succeeding fiscal
49 19 year. The administrator shall submit a report to the general
49 20 assembly by January 1, 2015, concerning its recommendation
49 21 regarding extending the requirements of this section.
49 22 Sec. 96. TOBACCO RETAIL COMPLIANCE CHECKS. The terms
49 23 of a chapter 28D agreement entered into between the division
49 24 of tobacco use prevention and control of the Iowa department
49 25 of public health and the alcoholic beverages division of the
49 26 department of commerce, governing compliance checks conducted
49 27 to ensure licensed retail tobacco outlet conformity with
49 28 tobacco laws, regulations, and ordinances relating to persons
49 29 under eighteen years of age, shall restrict the number of such
49 30 checks to one check per retail outlet, and one additional check
49 31 for any retail outlet found to be in violation during the first
49 32 check, for the fiscal year beginning July 1, 2010, and ending
49 33 June 30, 2011.
49 34 DIVISION X
49 35 ALCOHOLIC BEVERAGES DIVISION == DIRECT SHIPMENT OF WINE

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50 1 Sec. 97. Section 123.173, subsection 1, Code 2009, is
50 2 amended to read as follows:
50 3 1. ~~Permits~~ Except as provided in section 123.187,
50 4 permits exclusively for the sale or manufacture and sale of
50 5 wine shall be divided into four classes, and shall be known as
50 6 class "A", "B", "B" native, or "C" native wine permits.
50 7 Sec. 98. Section 123.187, Code 2009, is amended by striking
50 8 the section and inserting in lieu thereof the following:
50 9 123.187 Direct shipment of wine == licenses and requirements.
50 10 1. A wine manufacturer licensed or permitted pursuant to
50 11 laws regulating alcoholic beverages in another state may apply
50 12 for a wine direct shipper license, as provided in this section.
50 13 2. a. The administrator shall issue a wine direct
50 14 shipper license to a wine manufacturer who submits a written
50 15 application for the license on a form to be established by
50 16 the administrator by rule, accompanied by a true copy of the
50 17 manufacturer's current alcoholic beverage license or permit
50 18 issued in another state, and a copy of the manufacturer's
50 19 winery license issued by the federal alcohol and tobacco tax
50 20 and trade bureau.
50 21 b. An application submitted pursuant to paragraph "a" shall
50 22 be accompanied by a license fee in the amount of twenty=five
50 23 dollars.
50 24 c. A license issued pursuant to this section may be renewed
50 25 annually by resubmitting the information required in paragraph
50 26 "a", accompanied by the twenty=five dollar license fee.
50 27 3. The direct shipment of wine pursuant to this
50 28 section shall be subject to the following requirements and
50 29 restrictions:
50 30 a. No more than eighteen liters of wine per month may be
50 31 shipped by a wine direct shipper licensee to a resident of
50 32 this state who is at least twenty=one years of age, for the
50 33 resident's personal use and not for resale.
50 34 b. Wine subject to direct shipping shall be properly
50 35 registered with the federal alcohol and tobacco tax and trade

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51 1 bureau, and manufactured on the winery premises of the wine
51 2 direct shipper licensee.
51 3 c. All containers of wine shipped directly to a resident
51 4 of this state shall be conspicuously labeled with the words
51 5 CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED
51 6 FOR DELIVERY or shall be conspicuously labeled with alternative
51 7 wording preapproved by the administrator.
51 8 d. All containers of wine shipped directly to a resident of
51 9 this state shall be shipped by an alcohol carrier licensed as
51 10 provided in subsection 6.
51 11 4. a. In addition to the annual license fee, a wine
51 12 direct shipper licensee shall remit to the division an amount
51 13 equivalent to the wine gallonage tax at the rate specified in
51 14 section 123.183 for deposit in the beer and liquor control fund
51 15 created in section 123.53. The amount shall be remitted at
51 16 the same time and in the same manner as provided in section
51 17 123.184, and the ten percent penalty specified therein shall
51 18 be applicable.
51 19 b. Shipment of wine pursuant to this subsection is not
51 20 subject to sales tax under section 423.2, use tax under
51 21 section 423.5, and does not require a refund value for beverage
51 22 container control purposes under chapter 455C.
51 23 5. A wine direct shipper licensee shall be deemed to
51 24 have consented to the jurisdiction of the division or any
51 25 other agency or court in this state concerning enforcement
51 26 of this section and any related laws, rules, or regulations.
51 27 A licensee shall permit the division to perform an audit of
51 28 shipping records upon request.
51 29 6. a. Wine subject to direct shipment pursuant to this
51 30 section shall be delivered only by a carrier having obtained
51 31 from the division an alcohol carrier license. An alcohol
51 32 carrier license shall be issued subject to requirements,
51 33 fees, and upon application forms to be determined by the
51 34 administrator by rule.
51 35 b. An alcohol carrier licensee shall not deliver wine to

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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 XI

DEPARTMENT OF HUMAN RIGHTS == REORGANIZATION

Sec. 99. 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 following offices:

~~1.~~ (1) ~~Division~~ Office of Latino affairs.

~~2.~~ (2) ~~Division~~ Office on the status of women.

~~3.~~ (3) ~~Division~~ Office of persons with disabilities.

~~4. Division of community action agencies.~~

~~5.~~ (4) ~~Division~~ Office of deaf services.

~~6. Division of criminal and juvenile justice planning.~~

~~7.~~ (5) ~~Division~~ Office on the status of

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53 1 ~~African=Americans~~ African Americans.
53 2 ~~8.~~ (6) ~~Division on the status of Iowans~~ Office of Asian and
53 3 Pacific Islander ~~heritage~~ affairs.
53 4 ~~9.~~ (7) ~~Division on~~ Office of Native American affairs.
53 5 b. Division of community action agencies.
53 6 c. Division of criminal and juvenile justice planning.
53 7 2. The purpose of the department is to ensure basic
53 8 rights, freedoms, and opportunities for all by empowering
53 9 underrepresented Iowans and eliminating economic, social, and
53 10 cultural barriers.
53 11 Sec. 100. Section 216A.2, Code 2009, is amended by striking
53 12 the section and inserting in lieu thereof the following:
53 13 216A.2 Appointment of department director, deputy director,
53 14 and administrators == duties.
53 15 1. The governor shall appoint a director of the department
53 16 of human rights, subject to confirmation by the senate pursuant
53 17 to section 2.32. The department director shall serve at the
53 18 pleasure of the governor and is exempt from the merit system
53 19 provisions of chapter 8A, subchapter IV. The governor shall
53 20 set the salary of the department director within the ranges set
53 21 by the general assembly.
53 22 2. The director is the chief administrative officer of
53 23 the department and in that capacity administers the programs
53 24 and services of the department in compliance with applicable
53 25 federal and state laws and regulations. The duties of the
53 26 director include preparing a budget, establishing an internal
53 27 administrative structure, and employing personnel.
53 28 3. The department director shall appoint the administrators
53 29 of the divisions within the department and all other personnel
53 30 deemed necessary for the administration of this chapter.
53 31 The department director shall establish the duties of the
53 32 administrators of the divisions within the department.
53 33 4. The department director shall do all of the following:
53 34 a. Manage the internal operations of the department and
53 35 establish guidelines and procedures to promote the orderly and

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54 1 efficient administration of the department.
54 2 b. Prepare a budget for the department, subject to the
54 3 budget requirements pursuant to chapter 8, for approval by the
54 4 board.
54 5 c. Coordinate and supervise personnel services and shared
54 6 administrative support services to assure maximum support and
54 7 assistance to the divisions.
54 8 d. Serve as an ex officio member of all commissions or
54 9 councils within the department.
54 10 e. Serve as an ex officio, nonvoting member of the human
54 11 rights board.
54 12 f. Solicit and accept gifts and grants on behalf of the
54 13 department and each commission or council and administer such
54 14 gifts and grants in accordance with the terms thereof.
54 15 g. Enter into contracts with public and private individuals
54 16 and entities to conduct the business and achieve the objectives
54 17 of the department and each commission or council.
54 18 h. Issue an annual report to the governor and general
54 19 assembly no later than November 1 of each year concerning
54 20 the operations of the department. However, the division of
54 21 criminal and juvenile justice planning and the division of
54 22 community action agencies shall submit annual reports as
54 23 specified in this chapter.
54 24 i. Seek to implement the comprehensive strategic plan
54 25 approved by the board under section 216A.3.
54 26 Sec. 101. Section 216A.3, Code 2009, is amended by striking
54 27 the section and inserting in lieu thereof the following:
54 28 216A.3 Human rights board.
54 29 1. A human rights board is created within the department of
54 30 human rights.
54 31 2. The board shall consist of fourteen members, including
54 32 nine voting members and five nonvoting members and determined
54 33 as follows:
54 34 a. The voting members shall consist of nine voting members
54 35 selected by each of the permanent commissions within the

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55 1 department, and two voting members, appointed by the governor.
55 2 For purposes of this paragraph "a", "permanent commissions"
55 3 means the commission of Latino affairs, commission on the
55 4 status of women, commission of persons with disabilities,
55 5 commission on community action agencies, commission of deaf
55 6 services, criminal and juvenile justice planning advisory
55 7 council, commission on the status of African Americans,
55 8 commission of Asian and Pacific Islander affairs, and
55 9 commission of Native American affairs.
55 10 b. The nonvoting members shall consist of the department
55 11 director, two state representatives, one appointed by the
55 12 speaker of the house of representatives and one by the minority
55 13 leader of the house of representatives, and two state senators,
55 14 one appointed by the majority leader of the senate and one by
55 15 the minority leader of the senate.
55 16 3. A majority of the members of the board shall constitute
55 17 a quorum, and the affirmative vote of two=thirds of the voting
55 18 members is necessary for any substantive action taken by the
55 19 board. The board shall select a chairperson from the voting
55 20 members of the board. The board shall meet not less than four
55 21 times a year.
55 22 4. The board shall have the following duties:
55 23 a. Develop and monitor implementation of a comprehensive
55 24 strategic plan to remove barriers for underrepresented
55 25 populations and, in doing so, to increase Iowa's productivity
55 26 and inclusivity, including performance measures and benchmarks.
55 27 b. Approve, disapprove, amend, or modify the budget
55 28 recommended by the department director for the operation of
55 29 the department, subject to the budget requirements pursuant to
55 30 chapter 8.
55 31 c. Adopt administrative rules pursuant to chapter 17A,
55 32 upon the recommendation of the department director, for the
55 33 operation of the department.
55 34 d. By November 1 of each year, approve the department report
55 35 to the general assembly and the governor that covers activities

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56 1 during the preceding fiscal year.
56 2 Sec. 102. Section 216A.4, Code 2009, is amended by adding
56 3 the following new subsections:
56 4 NEW SUBSECTION. 0A. "Board" means human rights board.
56 5 NEW SUBSECTION. 3. "Underrepresented" means the historical
56 6 marginalization of populations or groups in the United States
56 7 and Iowa, including but not limited to African Americans, Asian
56 8 and Pacific Islanders, persons who are deaf or hard of hearing,
56 9 persons with disabilities, Latinos, Native Americans, women,
56 10 persons who have low socioeconomic status, at=risk youth, and
56 11 adults or juveniles with a criminal history.
56 12 Sec. 103. NEW SECTION. 216A.7 Access to information.
56 13 Upon request of the director or a commission, council, or
56 14 administrator of a division of the department, all boards,
56 15 agencies, departments, and offices of the state shall make
56 16 available nonconfidential information, records, data, and
56 17 statistics which are relevant to the populations served by the
56 18 offices, councils, and commissions of the department.
56 19 Sec. 104. Section 216A.11, subsection 1, Code 2009, is
56 20 amended by striking the subsection.
56 21 Sec. 105. Section 216A.11, subsection 3, Code 2009, is
56 22 amended to read as follows:
56 23 3. ~~"Division"~~ "Office" means the ~~division~~ office of Latino
56 24 affairs of the department of human rights.
56 25 Sec. 106. Section 216A.12, Code Supplement 2009, is amended
56 26 to read as follows:
56 27 216A.12 Commission of Latino affairs ~~-- terms~~
~~56 28 -- compensation~~ established.
56 29 1. The commission of Latino affairs consists of
56 30 ~~nine~~ seven members, appointed by the governor, and subject
56 31 to confirmation by the senate pursuant to section 2.32.
56 32 Commission members shall be appointed in compliance with
56 33 sections 69.16 and 69.16A ~~and with consideration given~~
~~56 34 to geographic residence and density of Latino population~~
~~56 35 represented by each member~~. Commission members shall reside

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57 1 in the state.
57 2 2. The members of the commission shall be appointed during
57 3 the month of June and shall serve for staggered four=year terms
57 4 ~~of two years~~ commencing July 1 of ~~each odd=numbered~~ the year
57 5 of appointment. Members appointed shall continue to serve
57 6 until their respective successors are appointed. Vacancies
57 7 in the membership of the commission shall be filled by the
57 8 original appointing authority and in the manner of the original
57 9 appointments. Members shall receive actual expenses incurred
57 10 while serving in their official capacity. Members may also be
57 11 eligible to receive compensation as provided in section 7E.6.
57 12 3. The commission shall select from its membership a
57 13 chairperson and other officers as it deems necessary and shall
57 14 meet at least quarterly each fiscal year. A majority of the
57 15 members currently appointed to the commission shall constitute
57 16 a quorum and the affirmative vote of a majority of the
57 17 currently appointed members is necessary for any substantive
57 18 action taken by the commission. A member shall not vote on any
57 19 action if the member has a conflict of interest on the matter
57 20 and a statement by the member of a conflict of interest shall
57 21 be conclusive for this purpose.
57 22 Sec. 107. Section 216A.13, Code 2009, is amended by striking
57 23 the section and inserting in lieu thereof the following:
57 24 216A.13 Commission of Latino affairs == duties.
57 25 The commission shall have the following duties:
57 26 1. Study the opportunities for and changing needs of the
57 27 Latino population of this state.
57 28 2. Serve as liaison between the department of human rights
57 29 and the public, sharing information and gathering constituency
57 30 input.
57 31 3. Recommend to the board the adoption of rules pursuant to
57 32 chapter 17A as it deems necessary.
57 33 4. Recommend legislative and executive action to the
57 34 governor and general assembly.
57 35 5. Establish advisory committees, work groups, or other

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58 1 coalitions as appropriate.
58 2 Sec. 108. Section 216A.14, Code 2009, is amended by striking
58 3 the section and inserting in lieu thereof the following:
58 4 216A.14 Office of Latino affairs == duties.
58 5 The office of Latino affairs is established and shall do the
58 6 following:
58 7 1. Serve as the central permanent agency to advocate for
58 8 Latino persons.
58 9 2. Coordinate and cooperate with the efforts of state
58 10 departments and agencies to serve the needs of Latino persons
58 11 in participating fully in the economic, social, and cultural
58 12 life of the state, and by providing direct assistance to those
58 13 who request it.
58 14 3. Develop, coordinate, and assist other public
58 15 organizations which serve Latino persons.
58 16 4. Serve as an information clearinghouse on programs and
58 17 agencies operating to assist Latino persons.
58 18 Sec. 109. Section 216A.15, subsections 1 through 9, Code
58 19 2009, are amended by striking the subsections and inserting in
58 20 lieu thereof the following:
58 21 1. Study the opportunities for and changing needs of the
58 22 Latino population of this state.
58 23 2. Serve as liaison between the office and the public,
58 24 sharing information and gathering constituency input.
58 25 3. Recommend to the board for adoption rules pursuant
58 26 to chapter 17A as it deems necessary for the commission and
58 27 office.
58 28 4. Recommend to the department director policies and
58 29 programs for the office.
58 30 5. Establish advisory committees, work groups, or other
58 31 coalitions as appropriate.
58 32 Sec. 110. Section 216A.51, subsection 1, Code 2009, is
58 33 amended by striking the subsection.
58 34 Sec. 111. Section 216A.51, subsection 3, Code 2009, is
58 35 amended to read as follows:

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59 1 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
59 2 status of women of the department of human rights.
59 3 Sec. 112. Section 216A.52, Code 2009, is amended by striking
59 4 the section and inserting in lieu thereof the following:
59 5 216A.52 Office on the status of women.
59 6 The office on the status of women is established, and shall
59 7 do the following:
59 8 1. Serve as the central permanent agency to advocate for
59 9 women and girls.
59 10 2. Coordinate and cooperate with the efforts of state
59 11 departments and agencies to serve the needs of women and girls
59 12 in participating fully in the economic, social, and cultural
59 13 life of the state, and provide direct assistance to individuals
59 14 who request it.
59 15 3. Serve as a clearinghouse on programs and agencies
59 16 operating to assist women and girls.
59 17 4. Develop, coordinate, and assist other public or private
59 18 organizations which serve women and girls.
59 19 Sec. 113. Section 216A.53, Code 2009, is amended by striking
59 20 the section and inserting in lieu thereof the following:
59 21 216A.53 Commission on the status of women established.
59 22 1. The commission on the status of women is established and
59 23 shall consist of seven voting members who shall be appointed by
59 24 the governor, subject to confirmation by the senate pursuant
59 25 to section 2.32, and shall represent a cross section of the
59 26 citizens of the state. All members shall reside in the state.
59 27 2. The term of office for voting members is four years.
59 28 Terms shall be staggered. Members whose terms expire may be
59 29 reappointed. Vacancies in voting membership positions on
59 30 the commission shall be filled for the unexpired term in the
59 31 same manner as the original appointment. Voting members of
59 32 the commission may receive a per diem as specified in section
59 33 7E.6 and shall be reimbursed for actual expenses incurred
59 34 while serving in their official capacity, subject to statutory
59 35 limits.

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60 1 3. Members of the commission shall appoint a chairperson and
60 2 vice chairperson and any other officers as the commission deems
60 3 necessary. The commission shall meet at least quarterly during
60 4 each fiscal year. A majority of the voting members currently
60 5 appointed to the commission shall constitute a quorum. A
60 6 quorum of the members shall be required for the conduct of
60 7 business of the commission and the affirmative vote of a
60 8 majority of the currently appointed voting members is necessary
60 9 for any substantive action taken by the commission. A member
60 10 shall not vote on any action if the member has a conflict of
60 11 interest on the matter and a statement by the member of a
60 12 conflict of interest shall be conclusive for this purpose.
60 13 Sec. 114. Section 216A.54, Code 2009, is amended by striking
60 14 the section and inserting in lieu thereof the following:
60 15 216A.54 Commission powers and duties.
60 16 The commission shall have the following powers and duties:
60 17 1. Study the opportunities for and changing needs of the
60 18 women and girls of this state.
60 19 2. Serve as liaison between the office and the public,
60 20 sharing information and gathering constituency input.
60 21 3. Recommend to the board the adoption of rules pursuant
60 22 to chapter 17A as it deems necessary for the commission and
60 23 office.
60 24 4. Recommend legislative and executive action to the
60 25 governor and general assembly.
60 26 5. Establish advisory committees, work groups, or other
60 27 coalitions as appropriate.
60 28 Sec. 115. Section 216A.71, subsection 1, Code 2009, is
60 29 amended by striking the subsection.
60 30 Sec. 116. Section 216A.71, subsection 3, Code 2009, is
60 31 amended to read as follows:
60 32 3. ~~"Division"~~ "Office" means the ~~division~~ office of persons
60 33 with disabilities of the department of human rights.
60 34 Sec. 117. Section 216A.72, Code 2009, is amended by striking
60 35 the section and inserting in lieu thereof the following:

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61 1 216A.72 Office of persons with disabilities.
61 2 The office of persons with disabilities is established, and
61 3 shall do all of the following:
61 4 1. Serve as the central permanent agency to advocate for
61 5 persons with disabilities.
61 6 2. Coordinate and cooperate with the efforts of state
61 7 departments and agencies to serve the needs of persons with
61 8 disabilities in participating fully in the economic, social,
61 9 and cultural life of the state, and provide direct assistance
61 10 to individuals who request it.
61 11 3. Develop, coordinate, and assist other public or private
61 12 organizations which serve persons with disabilities.
61 13 4. Serve as an information clearinghouse on programs and
61 14 agencies operating to assist persons with disabilities.
61 15 Sec. 118. Section 216A.74, Code Supplement 2009, is amended
61 16 by striking the section and inserting in lieu thereof the
61 17 following:
61 18 216A.74 Commission of persons with disabilities established.
61 19 1. The commission of persons with disabilities is
61 20 established and shall consist of seven voting members appointed
61 21 by the governor subject to confirmation by the senate pursuant
61 22 to section 2.32. A majority of the commission shall be persons
61 23 with disabilities. All members shall reside in the state.
61 24 2. Members of the commission shall serve four=year
61 25 staggered terms which shall begin and end pursuant to section
61 26 69.19. Members whose terms expire may be reappointed.
61 27 Vacancies on the commission shall be filled for the unexpired
61 28 term in the same manner as the original appointment. Voting
61 29 members shall receive actual expenses incurred while serving
61 30 in their official capacity, subject to statutory limits.
61 31 Voting members may also be eligible to receive compensation as
61 32 provided in section 7E.6.
61 33 3. Members of the commission shall appoint a chairperson.
61 34 The commission shall meet at least quarterly during each fiscal
61 35 year. A majority of the voting members currently appointed

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62 1 to the commission shall constitute a quorum. A quorum shall
62 2 be required for the conduct of business of the commission and
62 3 the affirmative vote of a majority of the currently appointed
62 4 voting members is necessary for any substantive action taken by
62 5 the commission. A member shall not vote on any action if the
62 6 member has a conflict of interest on the matter and a statement
62 7 by the member of a conflict of interest shall be conclusive for
62 8 this purpose.
62 9 Sec. 119. Section 216A.75, Code 2009, is amended by striking
62 10 the section and inserting in lieu thereof the following:
62 11 216A.75 Commission powers and duties.
62 12 The commission shall have the following powers and duties:
62 13 1. Study the opportunities for and changing needs of persons
62 14 with disabilities in this state.
62 15 2. Serve as liaisons between the office and the public,
62 16 sharing information and gathering constituency input.
62 17 3. Recommend to the board the adoption of rules pursuant
62 18 to chapter 17A as it deems necessary for the commission and
62 19 office.
62 20 4. Recommend legislative and executive action to the
62 21 governor and general assembly.
62 22 5. Establish advisory committees, work groups, or other
62 23 coalitions as appropriate.
62 24 Sec. 120. Section 216A.92, Code 2009, is amended by striking
62 25 the section and inserting in lieu thereof the following:
62 26 216A.92 Division of community action agencies.
62 27 1. The division of community action agencies is
62 28 established. The purpose of the division of community action
62 29 agencies is to strengthen, supplement, and coordinate efforts
62 30 to develop the full potential of each citizen by recognizing
62 31 certain community action agencies and supporting certain
62 32 community=based programs delivered by community action
62 33 agencies.
62 34 2. The division shall do all of the following:
62 35 a. Provide financial assistance for community action

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63 1 agencies to implement community action programs, as permitted
63 2 by the community service block grant and subject to the funding
63 3 made available for the program.
63 4 b. Administer the community services block grant, the
63 5 low=income energy assistance block grants, department of energy
63 6 funds for weatherization, and other possible funding sources.
63 7 If a political subdivision is the community action agency,
63 8 the financial assistance shall be allocated to the political
63 9 subdivision.
63 10 c. Implement accountability measures for its programs and
63 11 require regular reporting on the measures by the community
63 12 action agencies.
63 13 d. Issue an annual report to the governor and general
63 14 assembly by July 1 of each year.
63 15 Sec. 121. Section 216A.92A, subsection 1, paragraph c, Code
63 16 2009, is amended to read as follows:
63 17 c. One=third of the members shall be persons who, according
63 18 to federal guidelines, have incomes at or below one hundred
63 19 eighty=five percent of poverty level.
63 20 Sec. 122. Section 216A.92A, subsection 3, Code 2009, is
63 21 amended to read as follows:
63 22 3. The commission shall select from its membership a
63 23 chairperson and other officers as it deems necessary. The
63 24 commission shall meet no less than four times per year. A
63 25 majority of the members of the commission shall constitute a
63 26 quorum.
63 27 Sec. 123. Section 216A.92B, Code 2009, is amended by
63 28 striking the section and inserting in lieu thereof the
63 29 following:
63 30 216A.92B Commission powers and duties.
63 31 The commission shall have the following powers and duties:
63 32 1. Recommend to the board the adoption of rules pursuant
63 33 to chapter 17A as it deems necessary for the commission and
63 34 division.
63 35 2. Supervise the collection of data regarding the scope of

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64 1 services provided by the community action agencies.
64 2 3. Serve as liaisons between the division and the public,
64 3 sharing information and gathering constituency input.
64 4 4. Make recommendations to the governor and the general
64 5 assembly for executive and legislative action designed to
64 6 improve the status of low=income persons in the state.
64 7 5. Establish advisory committees, work groups, or other
64 8 coalitions as appropriate.
64 9 Sec. 124. Section 216A.93, Code 2009, is amended to read as
64 10 follows:
64 11 216A.93 Establishment of community action agencies.
64 12 The division shall recognize and assist in the designation
64 13 of certain community action agencies to assist in the
64 14 delivery of community action programs. These programs shall
64 15 include~~,~~ but not be limited to~~,~~ outreach, community services
64 16 block grant, low=income energy assistance, and weatherization
64 17 programs. If a community action agency is in effect and
64 18 currently serving an area, that community action agency shall
64 19 become the designated community action agency for that area.
64 20 ~~If there is not a designated community action agency in the~~
~~64 21 area a city council or county board of supervisors or any~~
~~64 22 combination of one or more councils or boards may establish~~
~~64 23 a community action agency and may apply to the division for~~
~~64 24 recognition. The council or board or the combination may adopt~~
~~64 25 an ordinance or resolution establishing a community action~~
~~64 26 agency if a community action agency has not been designated.~~
~~64 27 It is the purpose of the division of community action agencies~~
~~64 28 to strengthen, supplement, and coordinate efforts to develop~~
~~64 29 the full potential of each citizen by recognizing certain~~
~~64 30 community action agencies and the continuation of certain~~
~~64 31 community=based programs delivered by community action~~
~~64 32 agencies.~~ If any geographic area of the state ceases to be
64 33 served by a designated community action agency, the division
64 34 may solicit applications and assist the governor in designating
64 35 a community action agency for that area in accordance with

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65 1 current community services block grant requirements.
65 2 Sec. 125. Section 216A.94, subsection 2, Code 2009, is
65 3 amended to read as follows:
65 4 2. Notwithstanding subsection 1, a public agency
65 5 shall establish an advisory board ~~or may contract with a~~
~~65 6 delegate agency~~ to assist the governing board in meeting
65 7 the requirements of section 216A.95. The advisory board ~~or~~
~~65 8 delegate agency board~~ shall be composed of the same type
65 9 of membership as a board of directors for community action
65 10 agencies under subsection 1. ~~However, the public agency acting~~
~~65 11 as~~ In addition, the advisory board of the community action
65 12 agency shall have the sole authority to determine annual
65 13 program budget requests.
65 14 Sec. 126. Section 216A.95, subsection 1, Code 2009, is
65 15 amended by striking the subsection and inserting in lieu
65 16 thereof the following:
65 17 1. The governing board or advisory board shall fully
65 18 participate in the development, planning, implementation, and
65 19 evaluation of programs to serve low=income communities.
65 20 Sec. 127. Section 216A.96, subsection 1, Code 2009, is
65 21 amended by striking the subsection and inserting in lieu
65 22 thereof the following:
65 23 1. Plan and implement strategies to alleviate the
65 24 conditions of poverty and encourage self=sufficiency for
65 25 citizens in its service area and in Iowa. In doing so,
65 26 an agency shall plan for a community action program by
65 27 establishing priorities among projects, activities, and areas
65 28 to provide for the most efficient use of possible resources.
65 29 Sec. 128. Section 216A.96, subsection 4, Code 2009, is
65 30 amended to read as follows:
65 31 4. Encourage and support self=help, volunteer, business,
65 32 labor, and other groups and organizations to assist public
65 33 officials and agencies in supporting a community action program
65 34 ~~which results in the additional use of~~ by providing private
65 35 resources ~~while~~, developing new employment opportunities,

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66 1 encouraging investments ~~which have an impact on reducing~~
~~66 2 poverty among the poor~~ in areas of concentrated poverty, and
66 3 providing methods by which low=income persons can work with
66 4 private organizations, businesses, and institutions in seeking
66 5 solutions to problems of common concern.
66 6 Sec. 129. Section 216A.97, Code 2009, is amended to read as
66 7 follows:
66 8 216A.97 Administration.
66 9 A community action agency or a delegate agency may
66 10 administer the components of a community action program
66 11 when the program is consistent with plans and purposes and
66 12 applicable law. The community action programs may be projects
66 13 which are eligible for assistance from any source. The
66 14 programs shall be developed to meet local needs and may be
66 15 designed to meet eligibility standards of a federal or state
66 16 program ~~providing assistance to a plan to meet local needs~~.
66 17 Sec. 130. Section 216A.98, Code 2009, is amended to read as
66 18 follows:
66 19 216A.98 Audit.
66 20 Each community action agency shall be audited annually but
66 21 shall not be required to obtain a duplicate audit to meet the
66 22 requirements of this section. In lieu of an audit by the
66 23 auditor of state, the community action agency may contract with
66 24 or employ a certified public accountant to conduct the audit,
66 25 pursuant to the applicable terms and conditions prescribed by
66 26 sections 11.6 and 11.19 and an audit format prescribed by the
66 27 auditor of state. Copies of each audit shall be furnished to
66 28 the division ~~within three months following the annual audit~~ in
66 29 a manner prescribed by the division.
66 30 Sec. 131. Section 216A.102, subsection 3, Code 2009, is
66 31 amended to read as follows:
66 32 3. Under rules developed by the division of community action
66 33 agencies of the department of human rights and adopted by
66 34 the board, the fund may be used to negotiate reconnection of
66 35 essential utility services with the energy provider.

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Sec. 132. Section 216A.104, subsections 4 and 5, Code 2009, are amended by striking the subsections.

Sec. 133. 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. 134. Section 216A.111, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 135. Section 216A.111, subsection 3, Code 2009, is amended to read as follows:

3. ~~"Division"~~ "Office" means the ~~division~~ office of deaf services of the department of human rights.

Sec. 136. 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

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68 1 hearing.
68 2 4. Serve as an information clearinghouse on programs and
68 3 agencies operating to assist persons who are deaf or hard of
68 4 hearing.
68 5 Sec. 137. Section 216A.113, Code 2009, is amended by
68 6 striking the section and inserting in lieu thereof the
68 7 following:
68 8 216A.113 Deaf services commission established.
68 9 1. The commission on the deaf is established, and shall
68 10 consist of seven voting members appointed by the governor,
68 11 subject to confirmation by the senate pursuant to section
68 12 2.32. Membership of the commission shall include at least four
68 13 members who are deaf and who cannot hear human speech with or
68 14 without use of amplification and at least one member who is
68 15 hard of hearing. All members shall reside in Iowa.
68 16 2. Members of the commission shall serve four=year
68 17 staggered terms which shall begin and end pursuant to section
68 18 69.19. Members whose terms expire may be reappointed.
68 19 Vacancies on the commission may be filled for the remainder
68 20 of the term in the same manner as the original appointment.
68 21 Members shall receive actual expenses incurred while serving in
68 22 their official capacity, subject to statutory limits. Members
68 23 may also be eligible to receive compensation as provided in
68 24 section 7E.6.
68 25 3. Members of the commission shall appoint a chairperson
68 26 and vice chairperson and other officers as the commission
68 27 deems necessary. The commission shall meet at least quarterly
68 28 during each fiscal year. A majority of the members currently
68 29 appointed to the commission shall constitute a quorum. A
68 30 quorum shall be required for the conduct of business of the
68 31 commission and the affirmative vote of a majority of the
68 32 currently appointed members is necessary for any substantive
68 33 action taken by the commission. A member shall not vote on any
68 34 action if the member has a conflict of interest on the matter
68 35 and a statement by the member of a conflict of interest shall

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69 1 be conclusive for this purpose.
69 2 Sec. 138. Section 216A.114, Code 2009, is amended by
69 3 striking the section and inserting in lieu thereof the
69 4 following:
69 5 216A.114 Commission powers and duties.
69 6 The commission shall have the following powers and duties:
69 7 1. Study the changing needs and opportunities for the deaf
69 8 and hard=of=hearing people in this state.
69 9 2. Serve as a liaison between the office and the public,
69 10 sharing information and gathering constituency input.
69 11 3. Recommend to the board for adoption rules pursuant
69 12 to chapter 17A as it deems necessary for the commission and
69 13 office.
69 14 4. Recommend legislative and executive action to the
69 15 governor and general assembly.
69 16 5. Establish advisory committees, work groups, or other
69 17 coalitions as appropriate.
69 18 Sec. 139. NEW SECTION. 216A.131A Division of criminal and
69 19 juvenile justice planning.
69 20 The division of criminal and juvenile justice planning is
69 21 established to fulfill the responsibilities of this subchapter,
69 22 including the duties specified in sections 216A.135, 216A.136,
69 23 216A.137, 216A.138, and 216A.139.
69 24 Sec. 140. Section 216A.132, subsection 1, unnumbered
69 25 paragraph 1, Code 2009, is amended to read as follows:
69 26 A criminal and juvenile justice planning advisory council is
69 27 established consisting of twenty=three members who shall all
69 28 reside in the state.
69 29 Sec. 141. Section 216A.132, subsection 1, paragraph b, Code
69 30 2009, is amended to read as follows:
69 31 b. The departments of human services, corrections,
69 32 and public safety, the ~~division~~ office on the status of
69 33 ~~African=Americans~~ African Americans, the Iowa department of
69 34 public health, the chairperson of the board of parole, the
69 35 attorney general, the state public defender, the governor's

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70 1 office of drug control policy, and the chief justice of the
70 2 supreme court shall each designate a person to serve on the
70 3 council. The person appointed by the Iowa department of public
70 4 health shall be from the departmental staff who administer the
70 5 comprehensive substance abuse program under chapter 125.
70 6 Sec. 142. Section 216A.132, Code 2009, is amended by adding
70 7 the following new subsection:
70 8 NEW SUBSECTION. 3. Members of the council shall appoint
70 9 a chairperson and vice chairperson and other officers as the
70 10 council deems necessary. A majority of the voting members
70 11 currently appointed to the council shall constitute a quorum.
70 12 A quorum shall be required for the conduct of business of the
70 13 council and the affirmative vote of a majority of the currently
70 14 appointed members is necessary for any substantive action taken
70 15 by the council. A member shall not vote on any action if the
70 16 member has a conflict of interest on the matter and a statement
70 17 by the member of a conflict of interest shall be conclusive for
70 18 this purpose.
70 19 Sec. 143. Section 216A.133, subsection 5, Code 2009, is
70 20 amended to read as follows:
70 21 5. Administer federal funds and funds appropriated by
70 22 the state or that are otherwise available in compliance with
70 23 applicable laws, regulations, and other requirements for
70 24 purposes of study, research, investigation, planning, and
70 25 implementation in the areas of criminal and juvenile justice.
70 26 Sec. 144. Section 216A.133, Code 2009, is amended by adding
70 27 the following new subsections:
70 28 NEW SUBSECTION. 8. Provide input to the department director
70 29 in the development of budget recommendations for the division.
70 30 NEW SUBSECTION. 9. Serve as liaison between the division
70 31 and the public, sharing information and gathering constituency
70 32 input.
70 33 NEW SUBSECTION. 10. Recommend to the board for adoption
70 34 rules pursuant to chapter 17A as it deems necessary for the
70 35 council and division.

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71 1 NEW SUBSECTION. 11. Recommend legislative and executive
71 2 action to the governor and general assembly.
71 3 NEW SUBSECTION. 12. Establish advisory committees, work
71 4 groups, or other coalitions as appropriate.
71 5 Sec. 145. Section 216A.138, subsection 8, Code 2009, is
71 6 amended by striking the subsection.
71 7 Sec. 146. Section 216A.141, subsection 1, Code 2009, is
71 8 amended by striking the subsection.
71 9 Sec. 147. Section 216A.141, subsection 3, Code 2009, is
71 10 amended to read as follows:
71 11 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
71 12 status of ~~African=Americans~~ African Americans of the department
71 13 of human rights.
71 14 Sec. 148. Section 216A.142, Code 2009, is amended by
71 15 striking the section and inserting in lieu thereof the
71 16 following:
71 17 216A.142 Commission on the status of African Americans
71 18 established.
71 19 1. The commission on the status of African Americans is
71 20 established and shall consist of seven members appointed by
71 21 the governor, subject to confirmation by the senate. All
71 22 members shall reside in Iowa. At least five members shall be
71 23 individuals who are African American.
71 24 2. Terms of office are staggered four=year terms. Members
71 25 whose terms expire may be reappointed. Vacancies on the
71 26 commission shall be filled for the remainder of the term of and
71 27 in the same manner as the original appointment. The commission
71 28 shall meet quarterly and may hold special meetings on the call
71 29 of the chairperson. The members of the commission shall be
71 30 reimbursed for actual expenses while engaged in their official
71 31 duties. Members may also be eligible to receive compensation
71 32 as provided in section 7E.6.
71 33 3. Members of the commission shall appoint a chairperson
71 34 and vice chairperson and other officers as the commission
71 35 deems necessary. A majority of members of the commission

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72 1 shall constitute a quorum. A quorum shall be required for the
72 2 conduct of business of the commission and the affirmative vote
72 3 of a majority of the currently appointed members is necessary
72 4 for any substantive action taken by the commission. A member
72 5 shall not vote on any action if the member has a conflict of
72 6 interest on the matter and a statement by the member of a
72 7 conflict of interest shall be conclusive for this purpose.
72 8 Sec. 149. Section 216A.143, Code 2009, is amended by
72 9 striking the section and inserting in lieu thereof the
72 10 following:
72 11 216A.143 Commission powers and duties.
72 12 The commission shall have the following powers and duties:
72 13 1. Study the opportunities for and changing needs of the
72 14 African American community in this state.
72 15 2. Serve as liaison between the office and the public,
72 16 sharing information and gathering constituency input.
72 17 3. Recommend to the board for adoption rules pursuant
72 18 to chapter 17A as it deems necessary for the commission and
72 19 office.
72 20 4. Recommend executive and legislative action to the
72 21 governor and general assembly.
72 22 5. Establish advisory committees, work groups, or other
72 23 coalitions as appropriate.
72 24 Sec. 150. Section 216A.146, Code 2009, is amended by
72 25 striking the section and inserting in lieu thereof the
72 26 following:
72 27 216A.146 Office on the status of African Americans.
72 28 The office on the status of African Americans is established
72 29 and shall do the following:
72 30 1. Serve as the central permanent agency to advocate for
72 31 African Americans.
72 32 2. Coordinate and cooperate with the efforts of state
72 33 departments and agencies to serve the needs of African
72 34 Americans in participating fully in the economic, social, and
72 35 cultural life of the state, and provide direct assistance to

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73 1 individuals who request it.
73 2 3. Develop, coordinate, and assist other public or private
73 3 organizations which serve African Americans.
73 4 4. Serve as an information clearinghouse on programs and
73 5 agencies operating to assist African Americans.
73 6 Sec. 151. Section 216A.151, subsection 1, Code 2009, is
73 7 amended by striking the subsection.
73 8 Sec. 152. Section 216A.151, subsection 3, Code 2009, is
73 9 amended to read as follows:
73 10 3. "Commission" means the commission ~~on the status of~~
~~73 11 Iowans~~ of Asian and Pacific Islander ~~heritage~~ affairs.
73 12 Sec. 153. Section 216A.151, subsection 4, Code 2009, is
73 13 amended to read as follows:
73 14 4. ~~"Division"~~ "Office" means the ~~division on the status of~~
~~73 15 Iowans~~ office of Asian and Pacific Islander ~~heritage~~ affairs of
73 16 the department of human rights.
73 17 Sec. 154. Section 216A.152, Code 2009, is amended by
73 18 striking the section and inserting in lieu thereof the
73 19 following:
73 20 216A.152 Commission of Asian and Pacific Islander affairs
73 21 established.
73 22 1. The commission of Asian and Pacific Islander affairs is
73 23 established and shall consist of seven members appointed by the
73 24 governor, subject to confirmation by the senate. Members shall
73 25 be appointed representing every geographical area of the state
73 26 and ethnic groups of Asian and Pacific Islander heritage. All
73 27 members shall reside in Iowa.
73 28 2. Terms of office are four years and shall begin and end
73 29 pursuant to section 69.19. Members whose terms expire may be
73 30 reappointed. Vacancies on the commission may be filled for the
73 31 remainder of the term of and in the same manner as the original
73 32 appointment. Members shall receive actual expenses incurred
73 33 while serving in their official capacity, subject to statutory
73 34 limits. Members may also be eligible to receive compensation
73 35 as provided in section 7E.6.

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74 1 3. Members of the commission shall appoint a chairperson
74 2 and vice chairperson and other officers as the commission deems
74 3 necessary. The commission shall meet at least quarterly during
74 4 each fiscal year. A majority of the members of the commission
74 5 shall constitute a quorum. A quorum shall be required for the
74 6 conduct of business of the commission and the affirmative vote
74 7 of a majority of the currently appointed members is necessary
74 8 for any substantive action taken by the commission. A member
74 9 shall not vote on any action if the member has a conflict of
74 10 interest on the matter and a statement by the member of a
74 11 conflict of interest shall be conclusive for this purpose.
74 12 Sec. 155. Section 216A.153, Code 2009, is amended by
74 13 striking the section and inserting in lieu thereof the
74 14 following:
74 15 216A.153 Commission powers and duties.
74 16 The commission shall have the following powers and duties:
74 17 1. Study the opportunities for and changing needs of the
74 18 Asian and Pacific Islander persons in this state.
74 19 2. Serve as liaison between the office and the public,
74 20 sharing information and gathering constituency input.
74 21 3. Recommend to the board for adoption rules pursuant
74 22 to chapter 17A as it deems necessary for the commission and
74 23 office.
74 24 4. Recommend legislative and executive action to the
74 25 governor and general assembly.
74 26 5. Establish advisory committees, work groups, or other
74 27 coalitions as appropriate.
74 28 Sec. 156. Section 216A.154, Code 2009, is amended by
74 29 striking the section and inserting in lieu thereof the
74 30 following:
74 31 216A.154 Office of Asian and Pacific Islander affairs.
74 32 The office of Asian and Pacific Islander affairs is
74 33 established and shall do the following:
74 34 1. Serve as the central permanent agency to advocate for
74 35 Iowans of Asian and Pacific Islander heritage.

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75 1 2. Coordinate and cooperate with the efforts of state
75 2 departments and agencies to serve the needs of Iowans of Asian
75 3 and Pacific Islander heritage in participating fully in the
75 4 economic, social, and cultural life of the state, and provide
75 5 direct assistance to individuals who request it.
75 6 3. Develop, coordinate, and assist other public or private
75 7 organizations which serve Iowans of Asian and Pacific Islander
75 8 heritage.
75 9 4. Serve as an information clearinghouse on programs
75 10 and agencies operating to assist Iowans of Asian and Pacific
75 11 Islander heritage.
75 12 Sec. 157. Section 216A.161, subsection 1, Code 2009, is
75 13 amended by striking the subsection.
75 14 Sec. 158. Section 216A.161, subsection 2, Code 2009, is
75 15 amended to read as follows:
75 16 2. "Commission" means the commission ~~on~~ of Native American
75 17 affairs.
75 18 Sec. 159. Section 216A.161, subsection 3, Code 2009, is
75 19 amended to read as follows:
75 20 3. ~~"Division"~~ "Office" means the ~~division on~~ office
75 21 of Native American affairs of the department of human rights.
75 22 Sec. 160. Section 216A.162, subsection 1, Code 2009, is
75 23 amended to read as follows:
75 24 1. A commission ~~on~~ of Native American affairs is established
75 25 consisting of eleven voting members appointed by the governor,
75 26 subject to confirmation by the senate. ~~The members of the~~
~~75 27 commission shall appoint one of the members to serve as~~
~~75 28 chairperson of the commission.~~
75 29 Sec. 161. Section 216A.162, Code 2009, is amended by adding
75 30 the following new subsection:
75 31 NEW SUBSECTION. 4. Members of the commission shall appoint
75 32 one of their members to serve as chairperson and may appoint
75 33 such other officers as the commission deems necessary. The
75 34 commission shall meet at least four times per year and shall
75 35 hold special meetings on the call of the chairperson. The

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76 1 members of the commission shall be reimbursed for actual
76 2 expenses while engaged in their official duties. A member
76 3 may also be eligible to receive compensation as provided in
76 4 section 7E.6. A majority of the members of the commission
76 5 shall constitute a quorum. A quorum shall be required for the
76 6 conduct of business of the commission and the affirmative vote
76 7 of a majority of the currently appointed members is necessary
76 8 for any substantive action taken by the commission. A member
76 9 shall not vote on any action if the member has a conflict of
76 10 interest on the matter and a statement by the member of a
76 11 conflict of interest shall be conclusive for this purpose.
76 12 Sec. 162. Section 216A.165, subsections 1 through 9, Code
76 13 2009, are amended by striking the subsections and inserting in
76 14 lieu thereof the following:
76 15 1. Study the opportunities for and changing needs of Native
76 16 American persons in this state.
76 17 2. Serve as a liaison between the department and the public,
76 18 sharing information and gathering constituency input.
76 19 3. Recommend to the board for adoption rules pursuant
76 20 to chapter 17A as it deems necessary for the commission and
76 21 office.
76 22 4. Recommend legislative and executive action to the
76 23 governor and general assembly.
76 24 5. Establish advisory committees, work groups, or other
76 25 coalitions as appropriate.
76 26 Sec. 163. Section 216A.166, Code 2009, is amended by
76 27 striking the section and inserting in lieu thereof the
76 28 following:
76 29 216A.166 Office of Native American affairs.
76 30 The office of Native American affairs is established and
76 31 shall do the following:
76 32 1. Serve as the central permanent agency to advocate for
76 33 Native Americans.
76 34 2. Coordinate and cooperate with the efforts of state
76 35 departments and agencies to serve the needs of Native Americans

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77 1 in participating fully in the economic, social, and cultural
77 2 life of the state, and provide direct assistance to individuals
77 3 who request it.
77 4 3. Develop, coordinate, and assist other public or private
77 5 organizations which serve Native Americans.
77 6 4. Serve as an information clearinghouse on programs and
77 7 agencies operating to assist Native Americans.
77 8 Sec. 164. Section 216A.167, subsections 1 and 2, Code 2009,
77 9 are amended by striking the subsections.
77 10 Sec. 165. Section 216A.167, subsection 3, unnumbered
77 11 paragraph 1, Code 2009, is amended to read as follows:
77 12 The commission <u>and office</u> shall not have the authority to do
77 13 any of the following:
77 14 Sec. 166. REPEAL. Sections 216A.16, 216A.17, 216A.55,
77 15 216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73, 216A.76,
77 16 216A.77, 216A.78, 216A.79, 216A.101, 216A.103, 216A.115,
77 17 216A.116, 216A.117, 216A.134, 216A.144, 216A.145, 216A.147,
77 18 216A.148, 216A.149, 216A.155, 216A.156, 216A.157, 216A.158,
77 19 216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and 216A.170,
77 20 Code 2009, are repealed.
77 21 Sec. 167. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION ==
77 22 TRANSITION PROVISIONS.
77 23 1. Except for the department director, no other employee
77 24 of the department of human rights shall be appointed by the
77 25 governor. Those persons now occupying positions that were
77 26 previously appointed by the governor shall be retained but
77 27 shall be subject to the merit system and state human resource
77 28 management system as provided by sections 8A.412 and 8A.413.
77 29 2. Through December 31, 2010, the department director shall
77 30 be granted reasonable flexibility within the department's
77 31 appropriation and allotted full=time equivalent positions to
77 32 reassign, retrain, or reclassify personnel as deemed necessary
77 33 in order to most effectively and efficiently carry out the
77 34 department's mission. Any personnel in the state merit system
77 35 of employment who are transferred from one work unit to another

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78 1 due to the effect of this division of this Act shall be so
78 2 transferred without any loss in salary, benefits, or accrued
78 3 years of service.
78 4 3. In regard to updating references and format in the Iowa
78 5 administrative code in order to correspond to the transferring
78 6 of the authority to adopt rules from the previous divisions
78 7 of the department of human rights to the department of human
78 8 rights as established by this division of this Act, the
78 9 administrative rules coordinator and the administrative rules
78 10 review committee, in consultation with the administrative code
78 11 editor, shall jointly develop a schedule for the necessary
78 12 updating of the Iowa administrative code.
78 13 4. Current contracts that bind any division of the
78 14 department of human rights shall be honored by the department,
78 15 or expediently and judiciously amended if changes in the name
78 16 of the contractor must be made before the expiration of the
78 17 contract.
78 18 5. All client and organizational files in the possession
78 19 of any office subsumed within the division of community
78 20 advocacy and services as enacted by this division of this Act
78 21 will become the property of the office that will serve that
78 22 population.
78 23 6. Any replacement of signs, logos, stationery, insignia,
78 24 uniforms, and related items that is made due to the effect of
78 25 this division of this Act shall if possible be done as part of
78 26 the normal replacement cycle for such items.
78 27 7. The governor, in consultation with the director of
78 28 the department of human rights, shall establish a process
78 29 to implement the requirements of this division of this Act
78 30 and shall have the authority to terminate and modify the
78 31 terms of office of voting members of the commissions and the
78 32 council within the department of human rights in order to
78 33 effectuate the requirements of this division of this Act. New
78 34 appointments or reappointments to the commissions and the
78 35 council as required by this division of this Act shall be made

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79 1 to effectuate the requirement, if applicable, that members
79 2 shall serve for staggered four=year terms.
79 3 Sec. 168. EFFECTIVE UPON ENACTMENT. This division of this
79 4 Act, being deemed of immediate importance, takes effect upon
79 5 enactment.
79 6 DIVISION XII
79 7 GAMBLING SETOFFS
79 8 Sec. 169. Section 99D.28, subsection 1, Code 2009, is
79 9 amended to read as follows:
79 10 1. A licensee or a person acting on behalf of a licensee
79 11 shall be provided electronic access to the names of the
79 12 persons indebted to a claimant agency pursuant to the process
79 13 established pursuant to section 99D.7, subsection 23. The
79 14 electronic access provided by the claimant agency shall include
79 15 access to the names of the debtors, their social security
79 16 numbers, and any other information that assists the licensee
79 17 in identifying the debtors. If the name of a debtor provided
79 18 to the licensee through electronic access is retrieved by
79 19 the licensee and the winnings are equal to or greater than
79 20 ~~ten~~ one thousand two hundred dollars per occurrence, the
79 21 retrieval of such a name shall constitute a valid lien upon and
79 22 claim of lien against the winnings of the debtor whose name
79 23 is electronically retrieved from the claimant agency. If a
79 24 debtor's winnings are equal to or greater than ~~ten~~ one thousand
79 25 two hundred dollars per occurrence, the full amount of the debt
79 26 shall be collectible from any winnings due the debtor without
79 27 regard to limitations on the amounts that may be collectible in
79 28 increments through setoff or other proceedings.
79 29 Sec. 170. Section 99F.19, subsection 1, Code 2009, is
79 30 amended to read as follows:
79 31 1. A licensee or a person acting on behalf of a licensee
79 32 shall be provided electronic access to the names of the
79 33 persons indebted to a claimant agency pursuant to the process
79 34 established pursuant to section 99F.4, subsection 26. The
79 35 electronic access provided by the claimant agency shall include

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80 1 access to the names of the debtors, their social security
80 2 numbers, and any other information that assists the licensee
80 3 in identifying the debtors. If the name of a debtor provided
80 4 to the licensee through electronic access is retrieved by
80 5 the licensee and the winnings are equal to or greater than
80 6 ~~ten~~ one thousand two hundred dollars per occurrence, the
80 7 retrieval of such a name shall constitute a valid lien upon and
80 8 claim of lien against the winnings of the debtor whose name
80 9 is electronically retrieved from the claimant agency. If a
80 10 debtor's winnings are equal to or greater than ~~ten~~ one thousand
80 11 two hundred dollars per occurrence, the full amount of the debt
80 12 shall be collectible from any winnings due the debtor without
80 13 regard to limitations on the amounts that may be collectible in
80 14 increments through setoff or other proceedings.
80 15 DIVISION XIII
80 16 DEPARTMENT OF MANAGEMENT == FINANCIAL ADMINISTRATION
80 17 REORGANIZATION
80 18 Sec. 171. NEW SECTION. 8.71 Definitions.
80 19 As used in this section and sections 8.72 through 8.89,
80 20 unless the context otherwise requires:
80 21 1. "Agency" or "state agency" means a unit of state
80 22 government, which is an authority, board, commission,
80 23 committee, council, department, or independent agency as
80 24 defined in section 7E.4, including but not limited to each
80 25 principal central department enumerated in section 7E.5.
80 26 However, "agency" or "state agency" does not mean any of the
80 27 following:
80 28 a. The office of the governor or the office of an elective
80 29 constitutional or statutory officer.
80 30 b. The general assembly, or any office or unit under its
80 31 administrative authority.
80 32 c. The judicial branch, as provided in section 602.1102.
80 33 d. A political subdivision of the state or its offices
80 34 or units, including but not limited to a county, city, or
80 35 community college.

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81 1 2. "Department" means the department of management.
81 2 3. "Director" means the director of the department of
81 3 management or the director's designee.
81 4 Sec. 172. NEW SECTION. 8.72 Financial administration
81 5 duties.
81 6 The department shall provide for the efficient management
81 7 and administration of the financial resources of state
81 8 government and shall have and assume the following powers and
81 9 duties:
81 10 1. Centralized accounting and payroll system. To assume the
81 11 responsibilities related to a centralized accounting system for
81 12 state government and to establish a centralized payroll system
81 13 for all state agencies.
81 14 2. Setoff procedures. To establish and maintain a setoff
81 15 procedure as provided in section 8.74.
81 16 3. Cost allocation system. To establish a cost allocation
81 17 system as provided in section 8.75.
81 18 4. Collection and payment of funds == monthly payments. To
81 19 control the payment of all moneys into the state treasury,
81 20 and all payments from the state treasury by the preparation
81 21 of appropriate warrants, or warrant checks, directing such
81 22 collections and payment, and to advise the treasurer of state
81 23 monthly in writing of the amount of public funds not currently
81 24 needed for operating expenses. Whenever the state treasury
81 25 includes state funds that require distribution to counties,
81 26 cities, or other political subdivisions of this state, and the
81 27 counties, cities, and other political subdivisions certify to
81 28 the director that warrants will be stamped for lack of funds
81 29 within the thirty=day period following certification, the
81 30 director may partially distribute the funds on a monthly basis.
81 31 Whenever the law requires that any funds be paid by a specific
81 32 date, the director shall prepare a final accounting and shall
81 33 make a final distribution of any remaining funds prior to that
81 34 date.
81 35 5. Preaudit system. To establish and fix a reasonable

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82 1 imprest cash fund for each state department and institution
82 2 for disbursement purposes where needed. These revolving
82 3 funds shall be reimbursed only upon vouchers approved by the
82 4 director. It is the purpose of this subsection to establish a
82 5 preaudit system of settling all claims against the state, but
82 6 the preaudit system is not applicable to any of the following:
82 7 a. Institutions under the control of the state board of
82 8 regents.
82 9 b. The state fair board as established in chapter 173.
82 10 c. The Iowa dairy industry commission as established in
82 11 chapter 179, the Iowa beef cattle producers association as
82 12 established in chapter 181, the Iowa pork producers council
82 13 as established in chapter 183A, the Iowa egg council as
82 14 established in chapter 184, the Iowa turkey marketing council
82 15 as established in chapter 184A, the Iowa soybean association
82 16 as provided in chapter 185, and the Iowa corn promotion board
82 17 as established in chapter 185C.
82 18 6. Audit of claims. To set rules and procedures for the
82 19 preaudit of claims by individual agencies or organizations.
82 20 The director reserves the right to refuse to accept incomplete
82 21 or incorrect claims and to review, preaudit, or audit claims
82 22 as determined by the director.
82 23 7. Contracts. To certify, record, and encumber all formal
82 24 contracts to prevent overcommitment of appropriations and
82 25 allotments.
82 26 8. Accounts. To keep the central budget and proprietary
82 27 control accounts of the general fund of the state and special
82 28 funds, as defined in section 8.2, of the state government.
82 29 Upon elimination of the state deficit under generally accepted
82 30 accounting principles, including the payment of items budgeted
82 31 in a subsequent fiscal year which under generally accepted
82 32 accounting principles should be budgeted in the current fiscal
82 33 year, the recognition of revenues received and expenditures
82 34 paid and transfers received and paid within the time period
82 35 required pursuant to section 8.33 shall be in accordance with

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83 1 generally accepted accounting principles. Budget accounts
83 2 are those accounts maintained to control the receipt and
83 3 disposition of all funds, appropriations, and allotments.
83 4 Proprietary accounts are those accounts relating to assets,
83 5 liabilities, income, and expense. For each fiscal year, the
83 6 financial position and results of operations of the state shall
83 7 be reported in a comprehensive annual financial report prepared
83 8 in accordance with generally accepted accounting principles, as
83 9 established by the governmental accounting standards board.
83 10 9. Fair board and state board of regents. To control
83 11 the financial operations of the state fair board and the
83 12 institutions under the state board of regents:
83 13 a. By charging all warrants issued to the respective
83 14 educational institutions and the state fair board to an advance
83 15 account to be further accounted for and not as an expense which
83 16 requires no further accounting.
83 17 b. By charging all collections made by the educational
83 18 institutions and state fair board to the respective advance
83 19 accounts of the institutions and state fair board, and by
83 20 crediting all such repayment collections to the respective
83 21 appropriations and special funds.
83 22 c. By charging all disbursements made to the respective
83 23 allotment accounts of each educational institution or state
83 24 fair board and by crediting all such disbursements to the
83 25 respective advance and inventory accounts.
83 26 d. By requiring a monthly abstract of all receipts and
83 27 of all disbursements, both money and stores, and a complete
83 28 account current each month from each educational institution
83 29 and the state fair board.
83 30 10. Entities representing agricultural producers. To control
83 31 the financial operations of the Iowa dairy industry commission
83 32 as provided in chapter 179, the Iowa beef cattle producers
83 33 association as provided in chapter 181, the Iowa pork producers
83 34 council as provided in chapter 183A, the Iowa egg council as
83 35 provided in chapter 184, the Iowa turkey marketing council

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84 1 as provided in chapter 184A, the Iowa soybean association as
84 2 provided in chapter 185, and the Iowa corn promotion board as
84 3 provided in chapter 185C.
84 4 11. Custody of records. To have the custody of all books,
84 5 papers, records, documents, vouchers, conveyances, leases,
84 6 mortgages, bonds, and other securities appertaining to the
84 7 fiscal affairs and property of the state, which are not
84 8 required to be kept in some other office.
84 9 12. Interest of the permanent school fund. To transfer the
84 10 interest of the permanent school fund to the credit of the
84 11 interest for Iowa schools fund.
84 12 13. Forms. To prescribe all accounting and business
84 13 forms and the system of accounts and reports of financial
84 14 transactions by all departments and agencies of the state
84 15 government other than those of the legislative branch.
84 16 14. Federal cash management and improvement act
84 17 administrator.
84 18 a. To serve as administrator for state actions relating to
84 19 the federal Cash Management and Improvement Act of 1990, Pub.
84 20 L. No. 101=453, as codified in 31 U.S.C. { 6503. The director
84 21 shall perform the following duties relating to the federal law:
84 22 (1) Act as the designated representative of the state in the
84 23 negotiation and administration of contracts between the state
84 24 and federal government relating to the federal law.
84 25 (2) Modify the centralized statewide accounting system
84 26 and develop, or require to be developed by the appropriate
84 27 departments of state government, the reports and procedures
84 28 necessary to complete the managerial and financial reports
84 29 required to comply with the federal law.
84 30 b. There is annually appropriated from the general fund
84 31 of the state to the department an amount sufficient to pay
84 32 interest costs that may be due the federal government as a
84 33 result of implementation of the federal law. This paragraph
84 34 does not authorize the payment of interest from the general
84 35 fund of the state for any department of administrative

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85 1 services' revolving, trust, or special fund of the department
85 2 of administrative services where monthly interest earnings
85 3 accrue to the credit of the department of administrative
85 4 services' revolving, trust, or special fund. For any
85 5 department of administrative services' revolving, trust, or
85 6 special fund where monthly interest is accrued to the credit of
85 7 the fund, the director may authorize a supplemental expenditure
85 8 to pay interest costs from the individual fund which are due
85 9 the federal government as a result of implementation of the
85 10 federal law.
85 11 Sec. 173. NEW SECTION. 8.73 Rules == deposit of
85 12 departmental moneys.
85 13 The director shall prescribe by rule the manner and methods
85 14 by which all departments and agencies of the state that
85 15 collect money for and on behalf of the state shall cause the
85 16 money to be deposited with the treasurer of state or in a
85 17 depository designated by the treasurer of state. All such
85 18 moneys collected shall be deposited at such times and in such
85 19 depositories to permit the state of Iowa to deposit the funds
85 20 in a manner consistent with the state's investment policies.
85 21 All such moneys shall be promptly deposited, as directed, even
85 22 though the individual amount remitted may not be correct. If
85 23 any individual amount remitted is in excess of the amount
85 24 required, the department or agency receiving the same shall
85 25 refund the excess amount. If the individual amount remitted is
85 26 insufficient, the person, firm, or corporation concerned shall
85 27 be immediately billed for the amount of the deficiency.
85 28 Sec. 174. NEW SECTION. 8.74 Setoff procedures.
85 29 1. Definitions. As used in this section, unless the context
85 30 otherwise requires:
85 31 a. "Collection entity" means the department of management
85 32 and any other state agency that maintains a separate accounting
85 33 system and elects to establish a debt collection setoff
85 34 procedure for collection of debts owed to the state or its
85 35 agencies.

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86 1 b. "Person" does not include a state agency.
86 2 c. "Qualifying debt" includes but is not limited to the
86 3 following:
86 4 (1) Any debt, which is assigned to the department of human
86 5 services, or which the child support recovery unit is otherwise
86 6 attempting to collect, or which the foster care recovery unit
86 7 of the department of human services is attempting to collect
86 8 on behalf of a child receiving foster care provided by the
86 9 department of human services.
86 10 (2) An amount that is due because of a default on a
86 11 guaranteed student or parental loan under chapter 261.
86 12 (3) Any debt which is in the form of a liquidated sum due,
86 13 owing, and payable to the clerk of the district court.
86 14 d. "State agency" means a board, commission, department,
86 15 including the department of administrative services, or other
86 16 administrative office or unit of the state of Iowa or any
86 17 other state entity reported in the Iowa comprehensive annual
86 18 financial report, or a political subdivision of the state, or
86 19 an office or unit of a political subdivision. "State agency"
86 20 does include the clerk of the district court as it relates to
86 21 the collection of a qualifying debt. "State agency" does not
86 22 include the general assembly or the governor.
86 23 2. Setoff procedure. The collection entity shall establish
86 24 and maintain a procedure to set off against any claim owed to
86 25 a person by a state agency any liability of that person owed
86 26 to a state agency, a support debt being enforced by the child
86 27 support recovery unit pursuant to chapter 252B, or such other
86 28 qualifying debt. The procedure shall only apply when at the
86 29 discretion of the director it is feasible. The procedure shall
86 30 meet the following conditions:
86 31 a. Before setoff, a person's liability to a state agency and
86 32 the person's claim on a state agency shall be in the form of a
86 33 liquidated sum due, owing, and payable.
86 34 b. Before setoff, the state agency shall obtain and forward
86 35 to the collection entity the full name and social security

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87 1 number of the person liable to it or to whom a claim is owing
87 2 who is a natural person. If the person is not a natural person,
87 3 before setoff, the state agency shall forward to the collection
87 4 entity the information concerning the person as the collection
87 5 entity shall, by rule, require. The collection entity
87 6 shall cooperate with other state agencies in the exchange of
87 7 information relevant to the identification of persons liable
87 8 to or of claimants of state agencies. However, the collection
87 9 entity shall provide only relevant information required by a
87 10 state agency. The information shall be held in confidence
87 11 and used for the purpose of setoff only. Section 422.72,
87 12 subsection 1, does not apply to this paragraph.
87 13 c. Before setoff, a state agency shall, at least annually,
87 14 submit to the collection entity the information required
87 15 by paragraph "b" along with the amount of each person's
87 16 liability to and the amount of each claim on the state agency.
87 17 The collection entity may, by rule, require more frequent
87 18 submissions.
87 19 d. Before setoff, the amount of a person's claim on a state
87 20 agency and the amount of a person's liability to a state agency
87 21 shall constitute a minimum amount set by rule of the collection
87 22 entity.
87 23 e. Upon submission of an allegation of liability by a state
87 24 agency, the collection entity shall notify the state agency
87 25 whether the person allegedly liable is entitled to payment from
87 26 a state agency, and, if so entitled, shall notify the state
87 27 agency of the amount of the person's entitlement and of the
87 28 person's last address known to the collection entity. Section
87 29 422.72, subsection 1, does not apply to this paragraph.
87 30 f. (1) Upon notice of entitlement to a payment, the state
87 31 agency shall send written notification to that person of the
87 32 state agency's assertion of its rights to all or a portion of
87 33 the payment and of the state agency's entitlement to recover
87 34 the liability through the setoff procedure, the basis of
87 35 the assertion, the opportunity to request that a jointly or

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88 1 commonly owned right to payment be divided among owners, and
88 2 the person's opportunity to give written notice of intent
88 3 to contest the amount of the allegation. The state agency
88 4 shall send a copy of the notice to the collection entity. A
88 5 state agency subject to chapter 17A shall give notice, conduct
88 6 hearings, and allow appeals in conformity with chapter 17A.
88 7 (2) However, upon submission of an allegation of the
88 8 liability of a person which is owing and payable to the
88 9 clerk of the district court and upon the determination by
88 10 the collection entity that the person allegedly liable is
88 11 entitled to payment from a state agency, the collection entity
88 12 shall send written notification to the person which states the
88 13 assertion by the clerk of the district court of rights to all
88 14 or a portion of the payment, the clerk's entitlement to recover
88 15 the liability through the setoff procedure, the basis of the
88 16 assertions, the person's opportunity to request within fifteen
88 17 days of the mailing of the notice that the collection entity
88 18 divide a jointly or commonly owned right to payment between
88 19 owners, the opportunity to contest the liability to the clerk
88 20 by written application to the clerk within fifteen days of the
88 21 mailing of the notice, and the person's opportunity to contest
88 22 the collection entity's setoff procedure.
88 23 g. Upon the timely request of a person liable to a state
88 24 agency or of the spouse of that person and upon receipt of the
88 25 full name and social security number of the person's spouse,
88 26 a state agency shall notify the collection entity of the
88 27 request to divide a jointly or commonly owned right to payment.
88 28 Any jointly or commonly owned right to payment is rebuttably
88 29 presumed to be owned in equal portions by its joint or common
88 30 owners.
88 31 h. The collection entity shall, after the state agency has
88 32 sent notice to the person liable or, if the liability is owing
88 33 and payable to the clerk of the district court, the collection
88 34 entity has sent notice to the person liable, set off the amount
88 35 owed to the agency against any amount which a state agency owes

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89 1 that person. The collection entity shall refund any balance
89 2 of the amount to the person. The collection entity shall
89 3 periodically transfer amounts set off to the state agencies
89 4 entitled to them. If a person liable to a state agency gives
89 5 written notice of intent to contest an allegation, a state
89 6 agency shall hold a refund or rebate until final disposition
89 7 of the allegation. Upon completion of the setoff, a state
89 8 agency shall notify in writing the person who was liable or,
89 9 if the liability is owing and payable to the clerk of the
89 10 district court, shall comply with the procedures as provided
89 11 in paragraph "j".
89 12 i. The department of revenue's existing right to credit
89 13 against tax due or to become due under section 422.73 is not to
89 14 be impaired by a right granted to or a duty imposed upon the
89 15 collection entity or other state agency by this section. This
89 16 section is not intended to impose upon the collection entity or
89 17 the department of revenue any additional requirement of notice,
89 18 hearing, or appeal concerning the right to credit against tax
89 19 due under section 422.73.
89 20 j. If the alleged liability is owing and payable to the
89 21 clerk of the district court and setoff as provided in this
89 22 section is sought, all of the following shall apply:
89 23 (1) The judicial branch shall prescribe procedures to
89 24 permit a person to contest the amount of the person's liability
89 25 to the clerk of the district court.
89 26 (2) The collection entity shall, except for the procedures
89 27 described in subparagraph (1), prescribe any other applicable
89 28 procedures concerning setoff as provided in this subsection.
89 29 (3) Upon completion of the setoff, the collection entity
89 30 shall file, at least monthly, with the clerk of the district
89 31 court a notice of satisfaction of each obligation to the
89 32 full extent of all moneys collected in satisfaction of the
89 33 obligation. The clerk shall record the notice and enter a
89 34 satisfaction for the amounts collected and a separate written
89 35 notice is not required.

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90 1 3. Priority claims. In the case of multiple claims to
90 2 payments filed under this section, priority shall be given to
90 3 claims filed by the child support recovery unit or the foster
90 4 care recovery unit, next priority shall be given to claims
90 5 filed by the college student aid commission, next priority
90 6 shall be given to claims filed by the investigations division
90 7 of the department of inspections and appeals, next priority
90 8 shall be given to claims filed by a clerk of the district
90 9 court, and last priority shall be given to claims filed by
90 10 other state agencies. In the case of multiple claims in which
90 11 the priority is not otherwise provided by this subsection,
90 12 priority shall be determined in accordance with rules to be
90 13 established by the director.
90 14 4. State reciprocal agreements. The director shall have
90 15 the authority to enter into reciprocal agreements with the
90 16 departments of revenue of other states that have enacted
90 17 legislation that is substantially equivalent to the setoff
90 18 procedure provided in this section for the recovery of an
90 19 amount due because of a default on a guaranteed student or
90 20 parental loan under chapter 261. A reciprocal agreement shall
90 21 also be approved by the college student aid commission. The
90 22 agreement shall authorize the department to provide by rule for
90 23 the setoff of state income tax refunds or rebates of defaulters
90 24 from states with which Iowa has a reciprocal agreement and to
90 25 provide for sending lists of names of Iowa defaulters to the
90 26 states with which Iowa has a reciprocal agreement for setoff of
90 27 that state's income tax refunds.
90 28 5. Agency reimbursements. Under substantive rules
90 29 established by the director, the department shall seek
90 30 reimbursement from other state agencies to recover its costs
90 31 for setting off liabilities.
90 32 Sec. 175. NEW SECTION. 8.75 Cost allocation system ==
90 33 appropriation.
90 34 The department shall develop and administer an indirect
90 35 cost allocation system for state agencies. The system shall

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91 1 be based upon standard cost accounting methodologies and shall
91 2 be used to allocate both direct and indirect costs of state
91 3 agencies or state agency functions in providing centralized
91 4 services to other state agencies. A cost that is allocated to
91 5 a state agency pursuant to this system shall be billed to the
91 6 state agency and the cost is payable to the general fund of the
91 7 state. The source of payment for the billed cost shall be any
91 8 revenue source except for the general fund of the state. If a
91 9 state agency is authorized by law to bill and recover direct
91 10 expenses, the state agency shall recover indirect costs in the
91 11 same manner.
91 12 Sec. 176. NEW SECTION. 8.76 Accounting.
91 13 The director may at any time require any person receiving
91 14 money, securities, or property belonging to the state, or
91 15 having the management, disbursement, or other disposition of
91 16 them, an account of which is kept in the department, to render
91 17 statements of them and information in reference to them.
91 18 Sec. 177. NEW SECTION. 8.77 Stating account.
91 19 If an officer who is accountable to the state treasury for
91 20 any money or property neglects to render an account to the
91 21 director within the time prescribed by law, or if no time is so
91 22 prescribed, within twenty days after being required to do so by
91 23 the director, the director shall state an account against the
91 24 officer from the books of the officer's office, charging ten
91 25 percent damages on the whole sum appearing due, and interest
91 26 at the rate of six percent per annum on the aggregate from the
91 27 time when the account should have been rendered; all of which
91 28 may be recovered by action brought on the account, or on the
91 29 official bond of the officer.
91 30 Sec. 178. NEW SECTION. 8.78 Compelling payment.
91 31 If an officer fails to pay into the state treasury the amount
91 32 received by the officer within the time prescribed by law, or
91 33 having settled with the director, fails to pay the amount found
91 34 due, the director shall charge the officer with twenty percent
91 35 damages on the amount due, with interest on the aggregate from

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92 1 the time the amount became due at the rate of six percent per
92 2 annum, and the whole may be recovered by an action brought on
92 3 the account, or on the official bond of the officer, and the
92 4 officer shall forfeit the officer's commission.
92 5 Sec. 179. NEW SECTION. 8.79 Defense to claim.
92 6 The penal provisions in sections 8.77 and 8.78 are subject
92 7 to any legal defense which the officer may have against the
92 8 account as stated by the director, but judgment for costs shall
92 9 be rendered against the officer in the action, whatever its
92 10 result, unless the officer rendered an account within the time
92 11 named in those sections.
92 12 Sec. 180. NEW SECTION. 8.80 Requested credits == oath
92 13 required.
92 14 When a county treasurer or other receiver of public moneys
92 15 seeks to obtain credit on the books of the department for
92 16 payment made to the county treasurer, before giving such credit
92 17 the director shall require that person to take and subscribe an
92 18 oath that the person has not used, loaned, or appropriated any
92 19 of the public moneys for the person's private benefit or for
92 20 the benefit of any other person.
92 21 Sec. 181. NEW SECTION. 8.81 Requisition for information.
92 22 In those cases where the director is authorized to call
92 23 upon persons or officers for information, or statements,
92 24 or accounts, the director may issue a requisition therefor
92 25 in writing to the person or officer called upon, allowing
92 26 reasonable time, which, having been served and return made to
92 27 the director, as a notice in a civil action, is evidence of the
92 28 making of the requisition.
92 29 Sec. 182. NEW SECTION. 8.82 Limits on claims.
92 30 The director is limited in authorizing the payment of
92 31 claims, as follows:
92 32 1. Funding limit.
92 33 a. A claim shall not be allowed by the department if the
92 34 appropriation or fund of certification available for paying the
92 35 claim has been exhausted or proves insufficient.

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93 1 b. The authority of the director is subject to the following
93 2 exceptions:
93 3 (1) Claims by state employees for benefits pursuant to
93 4 chapters 85, 85A, 85B, and 86 are subject to limitations
93 5 provided in those chapters.
93 6 (2) Claims for medical assistance payments authorized under
93 7 chapter 249A are subject to the time limits imposed by rule
93 8 adopted by the department of human services.
93 9 (3) Claims approved by an agency according to the provisions
93 10 of section 25.2.
93 11 2. Convention expenses. Claims for expenses in attending
93 12 conventions, meetings, conferences, or gatherings of members
93 13 of an association or society organized and existing as a
93 14 quasi=public association or society outside the state of Iowa
93 15 shall not be allowed at public expense, unless authorized by
93 16 the executive council; and claims for these expenses outside
93 17 of the state shall not be allowed unless the voucher is
93 18 accompanied by the portion of the minutes of the executive
93 19 council, certified to by its secretary, showing that the
93 20 expense was authorized by the council. This section does not
93 21 apply to claims in favor of the governor, attorney general,
93 22 utilities board members, or to trips referred to in sections
93 23 97B.7A and 217.20.
93 24 3. Payment from fees. Claims for per diem and expenses
93 25 payable from fees shall not be approved for payment in excess
93 26 of those fees if the law provides that such expenditures are
93 27 limited to the special funds collected and deposited in the
93 28 state treasury.
93 29 Sec. 183. NEW SECTION. 8.83 Claims == approval.
93 30 The director before approving a claim on behalf of the
93 31 department shall determine:
93 32 1. That the creation of the claim is clearly authorized by
93 33 law. Statutes authorizing the expenditure may be referenced
93 34 through account coding authorized by the director.
93 35 2. That the claim has been authorized by an officer or

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94 1 official body having legal authority to so authorize and that
94 2 the fact of authorization has been certified to the director by
94 3 such officer or official body.
94 4 3. That all legal requirements have been observed,
94 5 including notice and opportunity for competition, if required
94 6 by law.
94 7 4. That the claim is in proper form as the director may
94 8 provide.
94 9 5. That the charges are reasonable, proper, and correct and
94 10 no part of the claim has been paid.
94 11 Sec. 184. NEW SECTION. 8.84 Vouchers == interest == payment
94 12 of claims.
94 13 1. Before a warrant or its equivalent is issued for
94 14 a claim payable from the state treasury, the department
94 15 shall file an itemized voucher showing in detail the items
94 16 of service, expense, item furnished, or contract for which
94 17 payment is sought. However, the director may authorize the
94 18 prepayment of claims when the best interests of the state are
94 19 served under rules adopted by the director. The claimant's
94 20 original invoice shall be attached to a department's approved
94 21 voucher. The director shall adopt rules specifying the
94 22 form and contents for invoices submitted by a vendor to a
94 23 department. The requirements apply to acceptance of an invoice
94 24 by a department. A department shall not impose additional or
94 25 different requirements on submission of invoices than those
94 26 contained in rules of the director unless the director exempts
94 27 the department from the invoice requirements or a part of the
94 28 requirements upon a finding that compliance would result in
94 29 poor accounting or management practices.
94 30 2. Vouchers for postage, stamped envelopes, and postal
94 31 cards may be audited as soon as an order for them is entered.
94 32 3. The departments, the general assembly, and the courts
94 33 shall pay their claims in a timely manner. If a claim
94 34 for services, supplies, materials, or a contract which is
94 35 payable from the state treasury remains unpaid after sixty

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95 1 days following the receipt of the claim or the satisfactory
95 2 delivery, furnishing, or performance of the services, supplies,
95 3 materials, or contract, whichever date is later, the state
95 4 shall pay interest at the rate of one percent per month on
95 5 the unpaid amount of the claim. This subsection does not
95 6 apply to claims against the state under chapters 25 and 669
95 7 or to claims paid by federal funds. The interest shall be
95 8 charged to the appropriation or fund to which the claim is
95 9 certified. Departments may enter into contracts for goods or
95 10 services on payment terms of less than sixty days if the state
95 11 may obtain a financial benefit or incentive which would not
95 12 otherwise be available from the vendor. The department, in
95 13 consultation with other affected departments, shall develop
95 14 policies to promote consistency and fiscal responsibility
95 15 relating to payment terms authorized under this subsection.
95 16 The director shall adopt rules under chapter 17A relating to
95 17 the administration of this subsection.
95 18 Sec. 185. NEW SECTION. 8.85 Warrants == form.
95 19 A warrant shall bear on its face the signature of the
95 20 director or its facsimile, or the signature of an assistant
95 21 or its facsimile in case of a vacancy in the office of the
95 22 director; a proper number, date, amount, and name of payee;
95 23 a reference to the law under which it is drawn; whether for
95 24 salaries or wages, services, or supplies, and what kind of
95 25 supplies; and from what office or department, or for what
95 26 other general or special purposes; or in lieu thereof, a
95 27 coding system may be used, which particulars shall be entered
95 28 in a warrant register kept for that purpose in the order of
95 29 issuance; and as soon as practicable after issuing a warrant
95 30 register, the director shall certify a duplicate of it to the
95 31 treasurer of state.
95 32 Sec. 186. NEW SECTION. 8.86 Required payee.
95 33 All warrants shall be drawn to the order of the person
95 34 entitled to payment or compensation, except that when goods
95 35 or materials are purchased in foreign countries, warrants may

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96 1 be drawn upon the treasurer of state, payable to the bearer
96 2 for the net amount of invoice and current exchange, and the
96 3 treasurer of state shall furnish a foreign draft payable to the
96 4 order of the person from whom purchase is made.
96 5 Sec. 187. NEW SECTION. 8.87 Prohibited payee.
96 6 In no case shall warrants be drawn in the name of the
96 7 certifying office, department, board, or institution, or in
96 8 the name of an employee, except for personal service rendered
96 9 or expense incurred by the employee, unless express statutory
96 10 authority exists therefor.
96 11 Sec. 188. NEW SECTION. 8.88 Claims exceeding
96 12 appropriations.
96 13 A claim shall not be allowed when the claim will exceed the
96 14 amount specifically appropriated for the claim.
96 15 Sec. 189. NEW SECTION. 8.89 Cancellation of state warrants.
96 16 On the last business day of each month, the director shall
96 17 cancel and request the treasurer of state to stop payment on
96 18 all state warrants which have been outstanding and unredeemed
96 19 by the treasurer of state for six months or longer.
96 20 Sec. 190. Section 8.9, subsection 1, Code Supplement 2009,
96 21 is amended to read as follows:
96 22 1. The office of grants enterprise management is
96 23 established in the department of management. The function of
96 24 the office is to develop and administer a system to track,
96 25 identify, advocate for, and coordinate nonstate grants as
96 26 defined in section 8.2, subsections 1 and 3. Staffing for
96 27 the office of grants enterprise management shall be provided
96 28 by a facilitator appointed by the director of the department
96 29 of management. Additional staff may be hired, subject to the
96 30 availability of funding. Funding for the office is from the
96 31 appropriation to the department ~~pursuant to section 8A.505,~~
~~96 32 subsection 2~~.
96 33 Sec. 191. Section 8.31, subsection 4, Code 2009, is amended
96 34 to read as follows:
96 35 4. The procedure to be employed in controlling the

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97 1 expenditures and receipts of the state fair board and
97 2 the institutions under the state board of regents, whose
97 3 collections are not deposited in the state treasury, is that
97 4 outlined in section ~~8A.502~~ 8.72, subsection 9.
97 5 Sec. 192. Section 8A.102, subsection 2, Code 2009, is
97 6 amended to read as follows:
97 7 2. The person appointed as director shall be professionally
97 8 qualified by education and have no less than five years'
97 9 experience in the field of management, public or private sector
97 10 personnel administration including the application of merit
97 11 principles in employment, ~~financial management,~~ and policy
97 12 development and implementation. The appointment shall be made
97 13 without regard for political affiliation. The director shall
97 14 not be a member of any local, state, or national committee
97 15 of a political party, an officer or member of a committee in
97 16 any partisan political club or organization, or hold or be a
97 17 candidate for a paid elective public office. The director is
97 18 subject to the restrictions on political activity provided
97 19 in section 8A.416. The governor shall set the salary of the
97 20 director within pay grade nine.
97 21 Sec. 193. Section 8A.103, unnumbered paragraph 1, Code
97 22 2009, is amended to read as follows:
97 23 The department is created for the purpose of managing and
97 24 coordinating the major resources of state government including
97 25 the human, ~~financial,~~ physical, and information resources of
97 26 state government.
97 27 Sec. 194. Section 8A.104, subsection 12, Code 2009, is
97 28 amended to read as follows:
97 29 12. Serve as the chief information officer for the
97 30 state. However, the director may designate a person in the
97 31 department to serve in this capacity at the discretion of
97 32 the director. If the director designates a person to serve
97 33 as chief information officer, the person designated shall be
97 34 professionally qualified by education and have no less than
97 35 five years' experience in the ~~fields~~ field of information

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technology ~~and financial management~~.

Sec. 195. Section 8A.111, subsection 11, Code 2009, is amended by striking the subsection.

Sec. 196. 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. 197. 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~~ 8.74. 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. 198. 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~~ 8.72, subsection 9, and that a final audit of such state agencies shall be made at the close of each fiscal year.

Sec. 199. Section 25.2, subsection 5, Code 2009, is amended to read as follows:

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99 1 5. Outstanding state warrants that have been canceled
99 2 pursuant to section ~~8A.519~~ 8.89 and were charged to the general
99 3 fund of the state or another state funding source shall be
99 4 addressed as provided in section 556.2C.
99 5 Sec. 200. Section 96.11, subsection 16, Code 2009, is
99 6 amended to read as follows:
99 7 16. Reimbursement of setoff costs. The department shall
99 8 include in the amount set off in accordance with section
99 9 ~~8A.504~~ 8.74, for the collection of an overpayment created
99 10 pursuant to section 96.3, subsection 7, or section 96.16,
99 11 subsection 4, an additional amount for the reimbursement of
99 12 setoff costs incurred by the department of administrative
99 13 services.
99 14 Sec. 201. Section 97B.7A, subsection 5, Code 2009, is
99 15 amended to read as follows:
99 16 5. Travel. In the administration of the investment of
99 17 moneys in the retirement fund, employees of the system and
99 18 members of the board may travel outside the state for the
99 19 purpose of meeting with investment firms and consultants and
99 20 attending conferences and meetings to fulfill their fiduciary
99 21 responsibilities. This travel is not subject to section
99 22 ~~8A.512~~ 8.82, subsection 2.
99 23 Sec. 202. Section 99D.2, subsection 3, Code 2009, is amended
99 24 to read as follows:
99 25 3. "Claimant agency" means a state agency as defined
99 26 in section ~~8A.504~~ 8.74, subsection 1, or the state court
99 27 administrator as defined in section 602.1101.
99 28 Sec. 203. Section 99D.28, subsection 2, Code 2009, is
99 29 amended to read as follows:
99 30 2. The licensee is authorized and directed to withhold
99 31 any winnings of a debtor which are paid out directly by the
99 32 licensee subject to the lien created by this section and
99 33 provide notice of such withholding to the winner when the
99 34 winner appears and claims winnings in person. The licensee
99 35 shall pay the funds over to the collection entity which

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100 1 administers the setoff program pursuant to section ~~8A.504~~ 8.74.
100 2 Sec. 204. Section 99F.1, subsection 4, Code 2009, is amended
100 3 to read as follows:
100 4 4. "Claimant agency" means a state agency as defined
100 5 in section ~~8A.504~~ 8.74, subsection 1, or the state court
100 6 administrator as defined in section 602.1101.
100 7 Sec. 205. Section 99F.19, subsection 2, Code 2009, is
100 8 amended to read as follows:
100 9 2. The licensee is authorized and directed to withhold
100 10 any winnings of a debtor which are paid out directly by the
100 11 licensee subject to the lien created by this section and
100 12 provide notice of such withholding to the winner when the
100 13 winner appears and claims winnings in person. The licensee
100 14 shall pay the funds over to the collection entity which
100 15 administers the setoff program pursuant to section ~~8A.504~~ 8.74.
100 16 Sec. 206. Section 99G.38, subsection 3, Code 2009, is
100 17 amended to read as follows:
100 18 3. The state of Iowa offset program, as provided in section
100 19 ~~8A.504~~ 8.74, shall be available to the authority to facilitate
100 20 receipt of funds owed to the authority.
100 21 Sec. 207. Section 217.34, Code 2009, is amended to read as
100 22 follows:
100 23 217.34 Debt setoff.
100 24 The investigations division of the department of inspections
100 25 and appeals and the department of human services shall provide
100 26 assistance to set off against a person's or provider's income
100 27 tax refund or rebate any debt which has accrued through written
100 28 contract, subrogation, departmental recoupment procedures,
100 29 or court judgment and which is in the form of a liquidated
100 30 sum due and owing the department of human services. The
100 31 department of inspections and appeals, with approval of the
100 32 department of human services, shall adopt rules under chapter
100 33 17A necessary to assist the department of ~~administrative~~
~~100 34 services~~ management in the implementation of the setoff under
100 35 section ~~8A.504~~ 8.74 in regard to money owed to the state

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101 1 for public assistance overpayments. The department of human
101 2 services shall adopt rules under chapter 17A necessary to
101 3 assist the department of ~~administrative services~~ management in
101 4 the implementation of the setoff under section ~~8A.504~~ 8.74, in
101 5 regard to collections by the child support recovery unit and
101 6 the foster care recovery unit.
101 7 Sec. 208. Section 218.58, subsection 5, Code 2009, is
101 8 amended to read as follows:
101 9 5. A claim for payment relating to a project shall be
101 10 itemized on a voucher form pursuant to section ~~8A.514~~ 8.84,
101 11 certified by the claimant and the architect or engineer
101 12 in charge, and audited and approved by the department of
101 13 ~~administrative services~~ management. Upon approval by the
101 14 department of ~~administrative services~~ management, the director
101 15 of the department of ~~administrative services~~ management shall
101 16 draw a warrant to be paid by the treasurer of state from funds
101 17 appropriated for the project. A partial payment made before
101 18 completion of the project does not constitute final acceptance
101 19 of the work or a waiver of any defect in the work.
101 20 Sec. 209. Section 218.85, Code 2009, is amended to read as
101 21 follows:
101 22 218.85 Uniform system of accounts.
101 23 The director of human services through the administrators
101 24 in control of the institutions shall install in all the
101 25 institutions the most modern, complete, and uniform system of
101 26 accounts, records, and reports possible. The system shall be
101 27 prescribed by the director of the department of ~~administrative~~
~~101 28 services~~ management as authorized in section ~~8A.502~~ 8.72,
101 29 subsection 13, and, among other matters, shall clearly show
101 30 the detailed facts relative to the handling and uses of all
101 31 purchases.
101 32 Sec. 210. Section 234.8, Code 2009, is amended to read as
101 33 follows:
101 34 234.8 Fees for child welfare services.
101 35 The department of human services may charge a fee for

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102 1 child welfare services to a person liable for the cost of the
102 2 services. The fee shall not exceed the reasonable cost of the
102 3 services. The fee shall be based upon the person's ability
102 4 to pay and consideration of the fee's impact upon the liable
102 5 person's family and the goals identified in the case permanency
102 6 plan. The department may assess the liable person for the fee
102 7 and the means of recovery shall include a setoff against an
102 8 amount owed by a state agency to the person assessed pursuant
102 9 to section ~~8A.504~~ 8.74. In addition the department may
102 10 establish an administrative process to recover the assessment
102 11 through automatic income withholding. The department shall
102 12 adopt rules pursuant to chapter 17A to implement the provisions
102 13 of this section. This section does not apply to court=ordered
102 14 services provided to juveniles which are a charge upon the
102 15 state pursuant to section 232.141 and services for which the
102 16 department has established a support obligation pursuant to
102 17 section 234.39.
102 18 Sec. 211. Section 252B.5, subsection 4, Code Supplement
102 19 2009, is amended to read as follows:
102 20 4. Assistance to set off against a debtor's income tax
102 21 refund or rebate any support debt, which is assigned to
102 22 the department of human services or which the child support
102 23 recovery unit is attempting to collect on behalf of any
102 24 individual not eligible as a public assistance recipient, which
102 25 has accrued through written contract, subrogation, or court
102 26 judgment, and which is in the form of a liquidated sum due
102 27 and owing for the care, support, or maintenance of a child.
102 28 Unless the periodic payment plan provisions for a retroactive
102 29 modification pursuant to section 598.21C apply, the entire
102 30 amount of a judgment for accrued support, notwithstanding
102 31 compliance with a periodic payment plan or regardless of the
102 32 date of entry of the judgment, is due and owing as of the date
102 33 of entry of the judgment and is delinquent for the purposes of
102 34 setoff, including for setoff against a debtor's federal income
102 35 tax refund or other federal nontax payment. The department

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of human services shall adopt rules pursuant to chapter 17A necessary to assist the department of ~~administrative services~~ management in the implementation of the child support setoff as established under section ~~8A.504~~ 8.74.

Sec. 212. 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. 213. 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. 214. 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

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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. 215. 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 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. 216. 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. 217. 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~~ 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. 218. Section 422.12K, subsection 2, Code Supplement 2009, is amended to read as follows:

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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~~ 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. 219. 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~~ 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. 220. 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

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106 1 administration.
106 2 Sec. 221. Section 422.72, subsection 3, paragraph a, Code
106 3 2009, is amended to read as follows:
106 4 a. Unless otherwise expressly permitted by section
106 5 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
106 6 sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63,
106 7 and this section, a tax return, return information, or
106 8 investigative or audit information shall not be divulged to any
106 9 person or entity, other than the taxpayer, the department, or
106 10 internal revenue service for use in a matter unrelated to tax
106 11 administration.
106 12 Sec. 222. Section 456A.16, unnumbered paragraph 7, Code
106 13 2009, is amended to read as follows:
106 14 The department shall adopt rules to implement this section.
106 15 However, before a checkoff pursuant to this section shall be
106 16 permitted, all liabilities on the books of the department of
106 17 ~~administrative services~~ management and accounts identified as
106 18 owing under section ~~8A.504~~ 8.74 and the political contribution
106 19 allowed under section 68A.601 shall be satisfied.
106 20 Sec. 223. Section 556.2C, subsection 1, paragraph a, Code
106 21 2009, is amended to read as follows:
106 22 a. An unpaid, outdated warrant that is canceled pursuant to
106 23 section ~~8A.519~~ 8.89 shall be included in a list of outstanding
106 24 state warrants maintained by the director of the department of
106 25 ~~administrative services~~ management. On or before July 1 of
106 26 each year, the director of the department of ~~administrative~~
~~106 27 services~~ management shall provide the office of the treasurer
106 28 of state with a consolidated list of such outstanding warrants
106 29 that have not been previously reported to the office.
106 30 Sec. 224. Section 602.8102, subsection 58A, Code 2009, is
106 31 amended to read as follows:
106 32 58A. Assist the department of ~~administrative services~~
106 33 management in setting off against debtors' income tax refunds
106 34 or rebates under section ~~8A.504~~ 8.74, debts which are due,
106 35 owing, and payable to the clerk of the district court as

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criminal fines, civil penalties, surcharges, or court costs.

Sec. 225. 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. 226. 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. 227. 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, 8A.515, 8A.516, 8A.517, 8A.518, and 8A.519, Code 2009, are repealed.

Sec. 228. REPEAL. Section 8A.505, Code Supplement 2009, is repealed.

Sec. 229. DEPARTMENT OF MANAGEMENT == CENTRALIZED PAYROLL SYSTEM. The department of management shall examine the possibility of merging all state payroll systems into

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108 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 and the state board of regents, 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. 230. 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 XIV

ADMINISTRATION AND REGULATION APPROPRIATIONS

Sec. 231. 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:

..... $ 325,000
..... FTEs 5.00

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

Sec. 232. DEPARTMENT OF MANAGEMENT == GRANTS ENTERPRISE MANAGEMENT. There is appropriated from the general fund of

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109 1 the state to the department of management for the fiscal year
109 2 beginning July 1, 2010, and ending June 30, 2011, the following
109 3 amount, or so much thereof as is necessary, to be used for the
109 4 purposes designated:
109 5 For the office of grants enterprise management, including
109 6 salaries, support, maintenance, miscellaneous purposes, and for
109 7 not more than the following full=time equivalent position:
109 8 ..... $ 50,000
109 9 ..... FTEs 1.00
109 10 The moneys appropriated in this section shall be used by
109 11 the department of management to create and fill an additional
109 12 position in the office of grants enterprise management.
109 13 DIVISION XV
109 14 ELIMINATION OF STATE ENTITIES
109 15 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF AGRICULTURE AND
109 16 LAND STEWARDSHIP
109 17 Sec. 233. Section 159.20, subsection 1, paragraph j, Code
109 18 Supplement 2009, is amended to read as follows:
109 19 j. Assist the office of renewable fuels and coproducts
109 20 ~~and the renewable fuels and coproducts advisory committee~~ in
109 21 administering the provisions of chapter 159A.
109 22 Sec. 234. Section 159A.1, subsection 3, Code 2009, is
109 23 amended to read as follows:
109 24 3. This state adopts a policy of enhancing agricultural
109 25 production by encouraging the development and use of fuels and
109 26 coproducts derived from agricultural commodities, as provided
109 27 in this chapter, including rules adopted by the office of
109 28 renewable fuels and coproducts ~~and the renewable fuels and~~
~~109 29 coproducts advisory committee~~.
109 30 Sec. 235. Section 159A.2, subsection 2, Code 2009, is
109 31 amended by striking the subsection.
109 32 Sec. 236. Section 159A.3, subsection 2, paragraph h, Code
109 33 Supplement 2009, is amended by striking the paragraph.
109 34 Sec. 237. Section 159A.3, subsection 2, paragraph i, Code
109 35 Supplement 2009, is amended by striking the paragraph.

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Sec. 238. 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. 239. 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.

~~2.~~ b. ~~The office shall promote~~ 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.

~~3.~~ c. ~~The committee shall develop~~ 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.

~~4.~~ d. ~~The office shall promote~~ 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.

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111 1 ~~5.~~ 2. The office may contract to provide all or part of
111 2 ~~these~~ the services described in subsection 1.
111 3 Sec. 240. Section 159A.7, subsection 2, Code Supplement
111 4 2009, is amended to read as follows:
111 5 2. Moneys in the fund shall be used only to carry out
111 6 the provisions of this section and sections 159A.3, ~~159A.4,~~
~~111 7 159A.5,~~ 159A.6, 159A.6A, and 159A.6B within the state of Iowa.
111 8 Sec. 241. Section 190C.1, subsection 2, Code 2009, is
111 9 amended by striking the subsection.
111 10 Sec. 242. Section 190C.2B, subsection 1, Code 2009, is
111 11 amended to read as follows:
111 12 1. The department shall implement and administer the
111 13 provisions of this chapter for agricultural products that have
111 14 been produced and handled within this state using organic
111 15 methods as provided in this chapter. ~~The department may~~
~~111 16 consult with the council in implementing and administering this~~
~~111 17 chapter.~~ The department may certify agricultural products that
111 18 have been produced and handled outside this state using an
111 19 organic method as provided in this chapter.
111 20 Sec. 243. Section 190C.3, subsection 2, Code 2009, is
111 21 amended to read as follows:
111 22 2. The department may request assistance from ~~the council~~
~~111 23 as provided in section 190C.2A or from~~ one or more regional
111 24 organic associations as provided in section 190C.6.
111 25 Sec. 244. Section 214A.1, subsection 7, Code 2009, is
111 26 amended by striking the subsection.
111 27 Sec. 245. Section 214A.1, Code 2009, is amended by adding
111 28 the following new subsection:
111 29 NEW SUBSECTION. 17A. "Office" means the office of renewable
111 30 fuels and coproducts created pursuant to section 159A.3.
111 31 Sec. 246. Section 214A.2, subsection 1, Code Supplement
111 32 2009, is amended to read as follows:
111 33 1. The department shall adopt rules pursuant to chapter
111 34 17A for carrying out this chapter. The rules may include~~,~~ but
111 35 are not limited to~~,~~ specifications relating to motor fuel,

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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. 247. 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~~ 159A.3. 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. 248. 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. 249. REPEAL. Section 159A.4, Code Supplement 2009, is

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113 1 repealed.
113 2 Sec. 250. REPEAL. Sections 159A.5, 190C.2, and 190C.2A,
113 3 Code 2009, are repealed.
113 4 DIVISION XVI
113 5 ELIMINATION OF STATE ENTITIES
113 6 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES'
113 7 CONTROL OF THE NATURAL HABITAT
113 8 Sec. 251. 2008 Iowa Acts, chapter 1080, section 1,
113 9 subsection 6, is amended to read as follows:
113 10 6. This section is repealed on ~~July 1, 2010~~ the effective
113 11 date of this section of this division of this Act.
113 12 Sec. 252. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
113 13 is repealed.
113 14 Sec. 253. EFFECTIVE UPON ENACTMENT. The following
113 15 provisions of this division of this Act, being deemed of
113 16 immediate importance, take effect upon enactment:
113 17 The section of this Act amending 2008 Iowa Acts, chapter
113 18 1080, section 1, concerning the sustainable natural resource
113 19 funding advisory committee.
113 20 The sections of this Act repealing 2009 Iowa Acts, chapter
113 21 144, section 49, establishing an upland game bird study
113 22 advisory committee.
113 23 DIVISION XVII
113 24 ELIMINATION OF STATE ENTITIES
113 25 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES ==
113 26 IOWA CLIMATE CHANGE ADVISORY COUNCIL
113 27 Sec. 254. Section 455B.851, subsections 1 through 8, Code
113 28 2009, are amended by striking the subsections.
113 29 Sec. 255. Section 455B.851, subsection 9, Code 2009, is
113 30 amended to read as follows:
113 31 9. By September 1 of each year, the department shall submit
113 32 a report to the governor and the general assembly regarding
113 33 the greenhouse gas emissions in the state during the previous
113 34 calendar year and forecasting trends in such emissions. ~~The~~
~~113 35 first submission by the department shall be filed by September~~

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~~1, 2008, for the calendar year beginning January 1, 2007.~~

Sec. 256. Section 473.7, subsection 12, paragraph b, Code Supplement 2009, is amended to read as follows:

b. ~~In the course of the review, the institutions shall meet at least twice with the Iowa climate change advisory council established in section 455B.851.~~ The office shall submit a report, based upon input from the institutions, containing its findings and recommendations to the governor and general assembly by January 1, 2011.

Sec. 257. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

Sec. 258. Section 15G.201, subsection 10, Code 2009, is amended by striking the subsection.

Sec. 259. Section 15G.202, subsection 6, Code 2009, is amended to read as follows:

6. The infrastructure board shall meet with ~~three or more members of the underground storage tank fund board who shall represent the underground storage tank fund board~~ the department of natural resources. The ~~representatives~~ 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. 260. Section 15G.203, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A person may apply to the department of economic development to receive financial incentives on a cost=share basis. The department of economic development shall forward the applications to the ~~underground storage tank fund board~~ department of natural resources as required by ~~that~~

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~~115  1 board~~ the department of natural resources for evaluation
115  2 and recommendation.  The ~~underground storage tank fund~~
~~115  3 board~~ department of natural resources may rank the applications
115  4 with comments and shall forward them to the infrastructure
115  5 board for approval or disapproval.  The department of economic
115  6 development shall award financial incentives on a cost=share
115  7 basis to an eligible person whose application was approved by
115  8 the infrastructure board.
115  9    Sec. 261.  Section 15G.204, subsection 1, Code 2009, is
115 10 amended to read as follows:
115 11    1.  A person may apply to the department of economic
115 12 development to receive financial incentives on a cost=share
115 13 basis.  The department of economic development shall forward
115 14 the applications to the ~~underground storage tank fund~~
~~115 15 board~~ department of natural resources as required by ~~that~~
~~115 16 board~~ the department of natural resources for evaluation
115 17 and recommendation.  The ~~underground storage tank fund~~
~~115 18 board~~ department of natural resources may rank the applications
115 19 with comments and shall forward them to the infrastructure
115 20 board for approval or disapproval.  The department of economic
115 21 development shall award financial incentives on a cost=share
115 22 basis to an eligible person whose application was approved by
115 23 the infrastructure board.
115 24    Sec. 262.  Section 16.1, subsection 1, paragraph ad,
115 25 subparagraph (12), Code Supplement 2009, is amended by striking
115 26 the subparagraph.
115 27    Sec. 263.  Section 68B.35, subsection 2, paragraph e, Code
115 28 Supplement 2009, is amended to read as follows:
115 29    e.  Members of the state banking council, the ethics and
115 30 campaign disclosure board, the credit union review board, the
115 31 economic development board, the employment appeal board, the
115 32 environmental protection commission, the health facilities
115 33 council, the Iowa finance authority, the Iowa public employees'
115 34 retirement system investment board, the board of the Iowa
115 35 lottery authority, the natural resource commission, the

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116 1 board of parole, ~~the petroleum underground storage tank~~
~~116 2 fund board,~~ the public employment relations board, the state
116 3 racing and gaming commission, the state board of regents,
116 4 the tax review board, the transportation commission, the
116 5 office of consumer advocate, the utilities board, the Iowa
116 6 telecommunications and technology commission, and any full=time
116 7 members of other boards and commissions as defined under
116 8 section 7E.4 who receive an annual salary for their service
116 9 on the board or commission. The Iowa ethics and campaign
116 10 disclosure board shall conduct an annual review to determine
116 11 if members of any other board, commission, or authority should
116 12 file a statement and shall require the filing of a statement
116 13 pursuant to rules adopted pursuant to chapter 17A.
116 14 Sec. 264. Section 424.1, subsections 3 through 5, Code 2009,
116 15 are amended to read as follows:
116 16 3. The director of revenue shall enter into a contract or
116 17 agreement with the ~~board~~ department of natural resources to
116 18 provide assistance requested by the ~~board~~ department of natural
116 19 resources. Policy issues arising under this chapter or chapter
116 20 455G shall be determined by the ~~board~~ department of natural
116 21 resources, and the ~~board~~ department of natural resources shall
116 22 be joined as a real party in interest when a policy issue is
116 23 raised.
116 24 4. The ~~board~~ environmental protection commission shall
116 25 retain rulemaking authority, but may contract with the
116 26 department of revenue for assistance in drafting rules. The
116 27 ~~board~~ commission shall retain contested case jurisdiction over
116 28 any challenge to the diminution rate or cost factor. The
116 29 department of revenue shall conduct all other contested cases
116 30 and be responsible for other agency action in connection with
116 31 the environmental protection charge imposed under this chapter.
116 32 5. The ~~board~~ department of natural resources shall
116 33 reimburse the department of revenue by contract for the
116 34 reasonable cost of administration of the environmental
116 35 protection charge imposed under this chapter and for other

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117 1 duties delegated to the department of revenue or to the
117 2 director of revenue by the ~~board~~ department of natural
117 3 resources.
117 4 Sec. 265. Section 424.2, subsection 1, Code 2009, is amended
117 5 by striking the subsection.
117 6 Sec. 266. Section 424.3, subsection 5, Code Supplement
117 7 2009, is amended to read as follows:
117 8 5. The cost factor is an amount per gallon of
117 9 diminution determined by the ~~board~~ department of natural
117 10 resources pursuant to this subsection. The ~~board~~ department
117 11 of natural resources, after public hearing, shall determine,
117 12 or shall adjust, the cost factor to the greater of either an
117 13 amount reasonably calculated to generate an annual average
117 14 revenue, year to year, of seventeen million dollars from the
117 15 charge, excluding penalties and interest, or ten dollars. The
117 16 ~~board~~ department of natural resources may determine or adjust
117 17 the cost factor at any time but shall at minimum determine the
117 18 cost factor at least once each fiscal year.
117 19 Sec. 267. Section 424.5, subsections 1 and 5, Code 2009, are
117 20 amended to read as follows:
117 21 1. It is unlawful for any person to deposit petroleum into
117 22 a tank in this state, unless a depositor permit has been issued
117 23 to that person under this section. A depositor shall file with
117 24 the department an application for a permit. An application
117 25 for a permit shall be made upon a form prescribed by the
117 26 ~~board~~ department of natural resources and shall set forth the
117 27 name under which the applicant transacts or intends to transact
117 28 business, the location or locations of the applicant's place
117 29 of business, and any other information as the ~~board~~ department
117 30 of natural resources may require. The application shall
117 31 be signed by the owner if a natural person; in the case of
117 32 an association or partnership, by a member or partner; in
117 33 the case of a corporation, by an executive officer or some
117 34 person specifically authorized by the corporation to sign the
117 35 application, to which shall be attached the written evidence of

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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 ~~board~~ 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. 268. Section 424.6, subsection 1, unnumbered paragraph 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. 269. 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.

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119 1 Sec. 270. Section 424.11, subsection 1, paragraph b, Code
119 2 Supplement 2009, is amended to read as follows:
119 3 b. The environmental protection charge lien shall attach at
119 4 the time the charge becomes due and payable and shall continue
119 5 for ten years from the time the lien attaches unless sooner
119 6 released or otherwise discharged. The lien may be extended,
119 7 within ten years from the date the lien attaches, by filing
119 8 for record a notice with the appropriate county official of
119 9 the appropriate county and from the time of such filing, the
119 10 lien shall be extended to the property in such county for ten
119 11 years, unless sooner released or otherwise discharged, with no
119 12 limit on the number of extensions. The director shall charge
119 13 off any account whose lien is allowed to lapse and may charge
119 14 off any account and release the corresponding lien before the
119 15 lien has lapsed if the director determines under uniform rules
119 16 adopted by the ~~board~~ environmental protection commission that
119 17 the account is uncollectible or collection costs involved would
119 18 not warrant collection of the amount due.
119 19 Sec. 271. Section 424.15, unnumbered paragraph 2, Code
119 20 2009, is amended to read as follows:
119 21 Refunds may be made only from the unallocated or uncommitted
119 22 moneys in the road use tax fund, and are limited by the
119 23 total amount budgeted by the ~~board~~ department of natural
119 24 resources for charge refunds.
119 25 Sec. 272. Section 424.16, subsections 1 and 2, Code
119 26 Supplement 2009, are amended to read as follows:
119 27 1. a. The ~~board~~ department of natural resources shall
119 28 notify each person who has previously filed an environmental
119 29 protection charge return, and any other person known to the
119 30 ~~board~~ department of natural resources who will owe the charge
119 31 at any address obtainable for that person, at least thirty days
119 32 in advance of the start of any calendar quarter during which an
119 33 administrative change in the cost factor, pursuant to section
119 34 424.3, subsection 5, becomes effective.
119 35 b. Notice shall be provided by mailing a notice of the

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120 1 change to the address listed on the person's last return.
120 2 The mailing of the notice is presumptive evidence of the
120 3 receipt of the notice by the person to whom addressed. The
120 4 ~~board~~ department of natural resources shall also publish the
120 5 same notice at least twice in a paper of general circulation
120 6 within the state at least thirty days in advance of the first
120 7 day of the calendar quarter during which a change in paragraph
120 8 "a" becomes effective.
120 9 2. A notice authorized or required under this section may
120 10 be given by mailing the notice to the person for whom it is
120 11 intended, addressed to that person at the address given in the
120 12 last return filed by the person pursuant to this chapter, or if
120 13 no return has been filed, then to any address obtainable. The
120 14 mailing of the notice is presumptive evidence of the receipt
120 15 of the notice by the person to whom addressed. Any period
120 16 of time which is determined according to this chapter by the
120 17 giving of notice commences to run from the date of mailing of
120 18 the notice. Neither mailed notice or notice by publication
120 19 is required for the initial determination and imposition of
120 20 the charge. The ~~board~~ department of natural resources shall
120 21 undertake to provide reasonable notice of the environmental
120 22 protection charge and procedures, as in the ~~board's~~ department
120 23 of natural resources' sole discretion it deems appropriate,
120 24 provided that the actual charge and procedures are published in
120 25 the Iowa administrative bulletin prior to the effective date
120 26 of the charge.
120 27 Sec. 273. Section 427B.20, subsection 1, paragraph a, Code
120 28 Supplement 2009, is amended to read as follows:
120 29 a. "Actual portion of the costs paid by the owner or operator
120 30 of an underground storage tank in connection with a remedial
120 31 action for which the Iowa comprehensive petroleum underground
120 32 storage tank fund shares in the cost of corrective action" means
120 33 the amount determined by the ~~fund's board~~ department of natural
120 34 resources, or the ~~board's~~ designee of the department of natural
120 35 resources, as the administrator of the Iowa comprehensive

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121 1 petroleum underground storage tank fund, and for which the
121 2 owner or operator was not reimbursed from any other source.
121 3 Sec. 274. Section 455B.471, subsection 1, Code 2009, is
121 4 amended by striking the subsection.
121 5 Sec. 275. Section 455B.474, subsection 1, paragraph f,
121 6 subparagraphs (9) and (10), Code Supplement 2009, are amended
121 7 to read as follows:
121 8 (9) Replacement or upgrade of a tank on a site classified
121 9 as a high or low risk site shall be equipped with a secondary
121 10 containment system with monitoring of the space between
121 11 the primary and secondary containment structures or other
121 12 ~~board~~ department approved tank system or methodology.
121 13 (10) The commission ~~and the board~~ shall ~~cooperate to~~ ensure
121 14 that remedial measures required by the corrective action
121 15 rules adopted pursuant to this paragraph are reasonably
121 16 cost=effective and shall, to the fullest extent possible, avoid
121 17 duplicating and conflicting requirements.
121 18 Sec. 276. Section 455B.474, subsection 9, paragraph d, Code
121 19 Supplement 2009, is amended to read as follows:
121 20 d. The certification of groundwater professionals shall not
121 21 impose liability on ~~the board,~~ the department~~,~~ or the fund for
121 22 any claim or cause of action of any nature, based on the action
121 23 or inaction of a groundwater professional certified pursuant
121 24 to this subsection.
121 25 Sec. 277. Section 455B.477, subsection 7, Code 2009, is
121 26 amended to read as follows:
121 27 7. The civil penalties or other damages or moneys recovered
121 28 by the state or the petroleum underground storage tank fund
121 29 in connection with a petroleum underground storage tank under
121 30 this part of this division or chapter 455G shall be credited to
121 31 the fund created in section 455G.3 and allocated between fund
121 32 accounts according to the fund budget. Any federal moneys,
121 33 including but not limited to federal underground storage tank
121 34 trust fund moneys, received by the state or the department of
121 35 natural resources in connection with a release occurring on

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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. 278. 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 of natural resources~~ commission rules on proof of financial responsibility.

Sec. 279. Section 455G.2, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 280. 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~~ commission. A community remediation does not expand the scope of coverage otherwise available or relieve liability otherwise imposed under state or federal law.

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123 1 6. "Corrective action" means an action taken to minimize,
123 2 eliminate, or clean up a release to protect the public
123 3 health and welfare or the environment. Corrective action
123 4 includes~~,~~ but is not limited to~~,~~ excavation of an underground
123 5 storage tank for the purposes of repairing a leak or removal
123 6 of a tank, removal of contaminated soil, and cleansing of
123 7 groundwaters or surface waters. Corrective action does
123 8 not include replacement of an underground storage tank or
123 9 other capital improvements to the tank. Corrective action
123 10 specifically excludes third=party liability. Corrective action
123 11 includes the expenses incurred to prepare a site cleanup report
123 12 for approval by the department ~~of natural resources~~ detailing
123 13 the planned response to a release or suspected release, but not
123 14 necessarily all actions proposed to be taken by a site cleanup
123 15 report.
123 16 12. "Insurance" includes any form of financial assistance
123 17 or showing of financial responsibility sufficient to comply
123 18 with the federal Resource Conservation and Recovery Act or the
123 19 ~~Iowa department of natural resources'~~ department's underground
123 20 storage tank financial responsibility rules.
123 21 Sec. 281. Section 455G.2, subsection 3, Code 2009, is
123 22 amended to read as follows:
123 23 3. "Bond" means a bond, note, or other obligation issued by
123 24 the ~~authority~~ treasurer of state for the fund and the purposes
123 25 of this chapter.
123 26 Sec. 282. Section 455G.2, Code 2009, is amended by adding
123 27 the following new subsections:
123 28 NEW SUBSECTION. 4A. "Commission" means the environmental
123 29 protection commission created pursuant to section 455A.6.
123 30 NEW SUBSECTION. 6A. "Department" means the department of
123 31 natural resources created pursuant to section 455A.2.
123 32 Sec. 283. Section 455G.3, subsections 1, 2, and 5, Code
123 33 2009, are amended to read as follows:
123 34 1. The Iowa comprehensive petroleum underground storage
123 35 tank fund is created as a separate fund in the state treasury,

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124 1 and any funds remaining in the fund at the end of each fiscal
124 2 year shall not revert to the general fund but shall remain
124 3 in the Iowa comprehensive petroleum underground storage tank
124 4 fund. Interest or other income earned by the fund shall
124 5 be deposited in the fund. The fund shall include moneys
124 6 credited to the fund under this section, section 321.145,
124 7 subsection 2, paragraph "a", and sections 455G.8 and 455G.9,
124 8 and section 455G.11, Code 2003, and other funds which by
124 9 law may be credited to the fund. The moneys in the fund are
124 10 appropriated to and for the purposes of the ~~board~~ department as
124 11 provided in this chapter. Amounts in the fund shall not be
124 12 subject to appropriation for any other purpose by the general
124 13 assembly, but shall be used only for the purposes set forth
124 14 in this chapter. The ~~treasurer of state~~ department shall act
124 15 as custodian of the fund and disburse amounts contained in
124 16 it as directed by the ~~board~~ department including automatic
124 17 disbursements of funds as received pursuant to the terms of
124 18 bond indentures and documents and security provisions to
124 19 trustees and custodians. The ~~treasurer of state~~ department is
124 20 authorized to invest the funds deposited in the fund at
124 21 the direction of the ~~board~~ department and subject to any
124 22 limitations contained in any applicable bond proceedings.
124 23 The income from such investment shall be credited to and
124 24 deposited in the fund. The fund shall be administered by
124 25 the ~~board~~ department which shall make expenditures from the
124 26 fund consistent with the purposes of the programs set out in
124 27 this chapter without further appropriation. The fund may be
124 28 divided into different accounts with different depositories as
124 29 determined by the ~~board~~ department and to fulfill the purposes
124 30 of this chapter.
124 31 2. The ~~board~~ department shall assist Iowa's owners and
124 32 operators of petroleum underground storage tanks in complying
124 33 with federal environmental protection agency technical and
124 34 financial responsibility regulations by establishment of the
124 35 Iowa comprehensive petroleum underground storage tank fund.

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125 1 The ~~authority~~ treasurer of state may issue its bonds, or series
125 2 of bonds, to assist the ~~board~~ department, as provided in this
125 3 chapter.
125 4 5. For purposes of payment of refunds of the environmental
125 5 protection charge under section 424.15 by the department
125 6 of revenue, the ~~treasurer of state~~ department of natural
125 7 resources shall allocate to the department of administrative
125 8 services the total amount budgeted by the ~~fund's~~
~~125 9 board~~ department of natural resources for environmental
125 10 protection charge refunds. Any unused funds shall be remitted
125 11 to the ~~treasurer of state~~ department of natural resources.
125 12 Sec. 284. Section 455G.4, Code Supplement 2009, is amended
125 13 to read as follows:
125 14 455G.4 ~~Governing board~~ Duties.
125 15 ~~1. Members of the board.~~
125 16 ~~a. The Iowa comprehensive petroleum underground storage tank~~
~~125 17 fund board is established consisting of the following members:~~
125 18 ~~(1) The director of the department of natural resources, or~~
~~125 19 the director's designee.~~
125 20 ~~(2) The treasurer of state, or the treasurer's designee.~~
125 21 ~~(3) The commissioner of insurance, or the commissioner's~~
~~125 22 designee.~~
125 23 ~~(4) Two public members appointed by the governor and~~
~~125 24 confirmed by the senate to staggered four-year terms, except~~
~~125 25 that, of the first members appointed, one public member shall~~
~~125 26 be appointed for a term of two years and one for a term of four~~
~~125 27 years. A public member shall have experience, knowledge, and~~
~~125 28 expertise of the subject matter embraced within this chapter.~~
~~125 29 Two public members shall be appointed with experience in~~
~~125 30 either, or both, financial markets or insurance.~~
125 31 ~~(5) Two owners or operators appointed by the governor.~~
~~125 32 One of the owners or operators appointed pursuant to this~~
~~125 33 subparagraph shall have been a petroleum systems insured~~
~~125 34 through the underground storage tank insurance fund as it~~
~~125 35 existed on June 30, 2004, or a successor to the underground~~

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~~126 1 storage tank insurance fund and shall have been an insured~~
~~126 2 through the insurance account of the comprehensive petroleum~~
~~126 3 underground storage tank fund on or before October 26, 1990.~~
~~126 4 One of the owners or operators appointed pursuant to this~~
~~126 5 subparagraph shall be self-insured.~~
126 6 ~~(6) The director of the legislative services agency, or~~
~~126 7 the director's designee. The director under this subparagraph~~
~~126 8 shall not participate as a voting member of the board.~~
126 9 ~~b. A public member appointed pursuant to paragraph "a",~~
~~126 10 subparagraph (4), shall not have a conflict of interest. For~~
~~126 11 purposes of this section, a "conflict of interest" means an~~
~~126 12 affiliation, within the twelve months before the member's~~
~~126 13 appointment, with the regulated tank community, or with a~~
~~126 14 person or property and casualty insurer offering competitive~~
~~126 15 insurance or other means of financial assurance or which~~
~~126 16 previously offered environmental hazard insurance for a member~~
~~126 17 of the regulated tank community.~~
126 18 ~~c. The filling of positions reserved for public~~
~~126 19 representatives, vacancies, membership terms, payment of~~
~~126 20 compensation and expenses, and removal of members are governed~~
~~126 21 by chapter 69. Members of the board are entitled to receive~~
~~126 22 reimbursement of actual expenses incurred in the discharge of~~
~~126 23 their duties within the limits of funds appropriated to the~~
~~126 24 board or made available to the fund. Each member of the board~~
~~126 25 may also be eligible to receive compensation as provided in~~
~~126 26 section 7E.6. The members shall elect a voting chairperson of~~
~~126 27 the board from among the members of the board.~~
126 28 ~~2. Department cooperation with board. The director of~~
~~126 29 the department of natural resources shall cooperate with the~~
~~126 30 board in the implementation of this part so as to minimize~~
~~126 31 unnecessary duplication of effort, reporting, or paperwork and~~
~~126 32 maximize environmental protection.~~
126 33 ~~3. Rules and emergency rules.~~
126 34 1. a. The ~~board~~ commission shall adopt rules regarding
126 35 its practice and procedures, develop underwriting standards,

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127 1 establish procedures for investigating and settling claims made
127 2 against the fund, and otherwise implement and administer this
127 3 chapter.
127 4 b. Rules necessary for the implementation and collection of
127 5 the environmental protection charge shall be adopted.
127 6 c. Rules to facilitate and encourage the use of community
127 7 remediation whenever possible shall be adopted.
127 8 d. The ~~board~~ commission shall adopt rules relating to
127 9 appeal procedures which shall require ~~the administrator to~~
~~127 10 deliver~~ notice of appeal to be delivered to the affected
127 11 parties within fifteen days of receipt of notice, require
127 12 that the hearing be held within one hundred eighty days of
127 13 the filing of the petition unless good cause is shown for
127 14 the delay, and require that a final decision be issued no
127 15 later than one hundred twenty days following the close of the
127 16 hearing. The time restrictions in this paragraph may be waived
127 17 by mutual agreement of the parties.
127 18 ~~4. Public bid.~~
127 19 2. All contracts entered into by the ~~board~~ department,
127 20 including contracts relating to community remediation, shall be
127 21 awarded on a competitive basis to the maximum extent practical.
127 22 In those situations where it is determined that public
127 23 bidding is not practical, the basis for the determination of
127 24 impracticability shall be documented by the ~~board~~ department or
127 25 its designee. ~~This subsection applies only to contracts~~
~~127 26 entered into on or after July 1, 1992.~~
127 27 ~~5. Contract approval.~~
127 28 3. a. The ~~board~~ commission shall approve any contract
127 29 entered into pursuant to this chapter if the cost of the
127 30 contract exceeds seventy=five thousand dollars.
127 31 b. A listing of all contracts entered into pursuant to this
127 32 chapter shall be presented at each ~~board~~ commission meeting
127 33 and shall be made available to the public. The listing shall
127 34 state the interested parties to the contract, the amount of the
127 35 contract, and the subject matter of the contract.

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128 1 c. The ~~board~~ commission shall be required to review and
128 2 approve or disapprove the ~~administrator's~~ department's failure
128 3 to approve a contract under section 455G.12A. Review by the
128 4 ~~board~~ commission shall not be required for cancellation or
128 5 replacement of a contract for a site included in a community
128 6 remediation project or when an emergency situation exists.
128 7 ~~6. Reporting.~~
128 8 4. Beginning July 2003, the ~~board~~ department shall submit
128 9 a written report quarterly to the legislative council, the
128 10 chairperson and ranking member of the committee on environment
128 11 and energy independence in the senate, and the chairperson
128 12 and ranking member of the committee on environmental
128 13 protection in the house of representatives regarding changes
128 14 in the status of the program including but not limited to
128 15 the number of open claims by claim type; the number of new
128 16 claims submitted and the eligibility status of each claim;
128 17 a summary of the risk classification of open claims; the
128 18 status of all claims at high=risk sites including the number
128 19 of corrective action design reports submitted, approved, and
128 20 implemented during the reporting period; total moneys reserved
128 21 on open claims and total moneys paid on open claims; and a
128 22 summary of budgets approved and invoices paid for high=risk
128 23 site activities including a breakdown by corrective action
128 24 design report, construction and equipment, implementation,
128 25 operation and maintenance, monitoring, over excavation, free
128 26 product recovery, site reclassification, reporting and other
128 27 expenses, or a similar breakdown. In each report submitted
128 28 by the ~~board~~ department, the ~~board~~ department shall include
128 29 an estimated timeline to complete corrective action at all
128 30 currently eligible high=risk sites where a corrective action
128 31 design report has been submitted by a claimant and approved
128 32 during the reporting period. The timeline shall include the
128 33 projected year when a no further action designation will be
128 34 obtained based upon the corrective action activities approved
128 35 or anticipated at each claimant site. The timeline shall be

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129 1 broken down in annual increments with the number or percentage
129 2 of sites projected to be completed for each time period. The
129 3 report shall identify and report steps taken to expedite
129 4 corrective action and eliminate the state's liability for open
129 5 claims.
129 6 Sec. 285. Section 455G.5, Code 2009, is amended to read as
129 7 follows:
129 8 455G.5 Independent contractors to be retained by
129 9 ~~board~~ department.
129 10 ~~The board shall administer the fund. A contract entered~~
~~129 11 into on or after July 1, 1992, to retain a person to act as the~~
~~129 12 administrator of the fund shall be subject to public bid. All~~
~~129 13 other contracts to retain a person under this section shall be~~
~~129 14 in compliance with the public bidding requirements of section~~
~~129 15 455G.4, subsection 4.~~
129 16 The ~~board~~ department may enter into a contract or an
129 17 agreement authorized under chapter 28E with a private agency
129 18 or person, ~~the department of natural resources, the Iowa~~
~~129 19 finance authority,~~ the department of administrative services,
129 20 the department of revenue, other departments, agencies, or
129 21 governmental subdivisions of this state, another state, or
129 22 the United States, in connection with its administration and
129 23 implementation of this chapter or chapter 424 or 455B.
129 24 The ~~board~~ department may reimburse a contractor, public
129 25 or private, retained pursuant to this section for expenses
129 26 incurred in the execution of a contract or agreement.
129 27 Reimbursable expenses include, by way of example, but not
129 28 exclusion, the costs of collecting the environmental protection
129 29 charge or administering specific delegated duties or powers of
129 30 the ~~board~~ department.
129 31 Sec. 286. Section 455G.6, unnumbered paragraph 1, Code
129 32 Supplement 2009, is amended to read as follows:
129 33 In administering the fund, the ~~board~~ department has all of
129 34 the general powers reasonably necessary and convenient to carry
129 35 out its purposes and duties and may do any of the following,

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subject to express limitations contained in this chapter:

Sec. 287. Section 455G.6, subsections 1, 7, 8, 9, 10, 12, 15, 16, and 17, Code Supplement 2009, are amended to read as 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

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131 1 and only out of the moneys, assets, or revenues of the fund,
131 2 all of which may be deposited with trustees or depositories
131 3 in accordance with bond or security documents and pledged
131 4 by the ~~board~~ department to the payment thereof, and are not
131 5 an indebtedness of this state ~~or the authority~~, or a charge
131 6 against the general credit or general fund of the state ~~or the~~
~~131 7 authority~~, and the state shall not be liable for any financial
131 8 undertakings with respect to the fund. Bonds issued under
131 9 this chapter shall contain on their face a statement that the
131 10 bonds do not constitute an indebtedness of the state ~~or the~~
~~131 11 authority~~.
131 12 9. The proceeds of bonds issued by the ~~authority~~ treasurer
131 13 of state and not required for immediate disbursement may be
131 14 deposited with a trustee or depository as provided in the
131 15 bond documents and invested in any investment approved by
131 16 the ~~authority~~ treasurer of state and specified in the trust
131 17 indenture, resolution, or other instrument pursuant to which
131 18 the bonds are issued without regard to any limitation otherwise
131 19 provided by law.
131 20 10. The bonds shall be:
131 21 a. In a form, issued in denominations, executed in a manner,
131 22 and payable over terms and with rights of redemption, and be
131 23 subject to such other terms and conditions as prescribed in the
131 24 trust indenture, resolution, or other instrument authorizing
131 25 their issuance.
131 26 b. Negotiable instruments under the laws of the state and
131 27 may be sold at prices, at public or private sale, and in a
131 28 manner, as prescribed by the ~~authority~~ treasurer of state.
131 29 Chapters 73A, 74, 74A and 75 do not apply to their sale or
131 30 issuance of the bonds.
131 31 c. Subject to the terms, conditions, and covenants providing
131 32 for the payment of the principal, redemption premiums, if
131 33 any, interest, and other terms, conditions, covenants, and
131 34 protective provisions safeguarding payment, not inconsistent
131 35 with this chapter and as determined by the trust indenture,

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132 1 resolution, or other instrument authorizing their issuance.
132 2 12. Bonds must be authorized by a trust indenture,
132 3 resolution, or other instrument of the ~~authority~~ treasurer of
132 4 state, approved by the ~~board~~ department. However, a trust
132 5 indenture, resolution, or other instrument authorizing the
132 6 issuance of bonds may delegate to an officer of the issuer the
132 7 power to negotiate and fix the details of an issue of bonds.
132 8 15. a. Subject to the terms of any bond documents, moneys
132 9 in the fund or fund accounts may be expended for ~~administration~~
~~132 10 expenses,~~ civil penalties, moneys paid under an agreement,
132 11 stipulation, or settlement, for the costs associated with sites
132 12 within a community remediation project, for costs related to
132 13 contracts entered into with a state agency or university, costs
132 14 for activities relating to litigation, or for the costs of any
132 15 other activities as the ~~board~~ department may determine are
132 16 necessary and convenient to facilitate compliance with and
132 17 to implement the intent of federal laws and regulations and
132 18 this chapter. ~~For purposes of this chapter, administration~~
~~132 19 expenses include expenses incurred by the underground storage~~
~~132 20 tank section of the department of natural resources in relation~~
~~132 21 to tanks regulated under this chapter.~~ Moneys in the fund
132 22 or fund accounts shall not be expended by the department for
132 23 administrative expenses.
132 24 b. The authority granted under this subsection which allows
132 25 the ~~board~~ department to expend fund moneys on an activity
132 26 the ~~board~~ department determines is necessary and convenient
132 27 to facilitate compliance with and to implement the intent of
132 28 federal laws and regulations and this chapter, shall only be
132 29 used in accordance with the following:
132 30 (1) Prior ~~board~~ department approval shall be required
132 31 before expenditure of moneys pursuant to this authority shall
132 32 be made.
132 33 (2) If the expenditure of fund moneys pursuant to this
132 34 authority would result in the ~~board~~ department establishing
132 35 a policy which would substantially affect the operation

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133 1 of the program, rules shall be adopted by the
133 2 commission pursuant to chapter 17A prior to the ~~board~~
~~133 3 or the administrator~~ department taking any action pursuant to
133 4 this proposed policy.
133 5 16. The ~~board shall cooperate with the~~ department ~~of~~
~~133 6 natural resources~~, in the implementation and administration
133 7 of this chapter ~~to~~, shall assure that in combination with
133 8 existing state statutes and rules governing underground storage
133 9 tanks, the state will be, and continue to be, recognized by
133 10 the federal government as having an "approved state account"
133 11 under the federal Resource Conservation and Recovery Act,
133 12 especially by compliance with the Act's subtitle I financial
133 13 responsibility requirements as enacted in the federal Superfund
133 14 Amendments and Reauthorization Act of 1986 and the financial
133 15 responsibility regulations adopted by the United States
133 16 environmental protection agency at 40 C.F.R. pts. 280 and 281.
133 17 Whenever possible this chapter shall be interpreted to further
133 18 the purposes of, and to comply, and not to conflict, with such
133 19 federal requirements.
133 20 17. The ~~board~~ commission may adopt rules pursuant to
133 21 chapter 17A providing for the transfer of all or a portion
133 22 of the liabilities of the ~~board~~ department under this
133 23 chapter. Notwithstanding other provisions to the contrary,
133 24 the ~~board~~ department, upon such transfer, shall not maintain
133 25 any duty to reimburse claimants under this chapter for those
133 26 liabilities transferred.
133 27 Sec. 288. Section 455G.7, Code Supplement 2009, is amended
133 28 to read as follows:
133 29 455G.7 Security for bonds == capital reserve fund ==
133 30 irrevocable contracts.
133 31 1. For the purpose of securing one or more issues of
133 32 bonds for the fund, the ~~authority~~ treasurer of state, with
133 33 the approval of the ~~board~~ department, may authorize the
133 34 establishment of one or more special funds, called "capital
133 35 reserve funds". The ~~authority~~ treasurer of state may pay

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134 1 into the capital reserve funds the proceeds of the sale of
134 2 its bonds and other money which may be made available to
134 3 the ~~authority~~ treasurer of state from other sources for the
134 4 purposes of the capital reserve funds. Except as provided in
134 5 this section, money in a capital reserve fund shall be used
134 6 only as required for any of the following:
134 7 a. The payment of the principal of and interest on bonds or
134 8 of the sinking fund payments with respect to those bonds.
134 9 b. The purchase or redemption of the bonds.
134 10 c. The payment of a redemption premium required to be paid
134 11 when the bonds are redeemed before maturity.
134 12 However, money in a capital reserve fund shall not be
134 13 withdrawn if the withdrawal would reduce the amount in the
134 14 capital reserve fund to less than the capital reserve fund
134 15 requirement, except for the purpose of making payment, when
134 16 due, of principal, interest, redemption premiums on the bonds,
134 17 and making sinking fund payments when other money pledged to
134 18 the payment of the bonds is not available for the payments.
134 19 Income or interest earned by, or increment to, a capital
134 20 reserve fund from the investment of all or part of the capital
134 21 reserve fund may be transferred by the ~~authority~~ treasurer of
134 22 state to other accounts of the fund if the transfer does not
134 23 reduce the amount of the capital reserve fund below the capital
134 24 reserve fund requirement.
134 25 2. If the ~~authority~~ treasurer of state decides to issue
134 26 bonds secured by a capital reserve fund, the bonds shall not be
134 27 issued if the amount in the capital reserve fund is less than
134 28 the capital reserve fund requirement, unless at the time of
134 29 issuance of the bonds the ~~authority~~ treasurer of state deposits
134 30 in the capital reserve fund from the proceeds of the bonds to
134 31 be issued or from other sources, an amount which, together with
134 32 the amount then in the capital reserve fund, is not less than
134 33 the capital reserve fund requirement.
134 34 3. In computing the amount of a capital reserve fund for the
134 35 purpose of this section, securities in which all or a portion

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135 1 of the capital reserve fund is invested shall be valued by a
135 2 reasonable method established by the ~~authority~~ treasurer of
135 3 state. Valuation shall include the amount of interest earned
135 4 or accrued as of the date of valuation.
135 5 4. In this section, "capital reserve fund requirement" means
135 6 the amount required to be on deposit in the capital reserve
135 7 fund as of the date of computation.
135 8 5. To assure maintenance of the capital reserve funds,
135 9 the ~~authority~~ treasurer of state shall, on or before July 1
135 10 of each calendar year, make and deliver to the governor the
135 11 ~~authority's~~ treasurer of state's certificate stating the sum,
135 12 if any, required to restore each capital reserve fund to the
135 13 capital reserve fund requirement for that fund. Within thirty
135 14 days after the beginning of the session of the general assembly
135 15 next following the delivery of the certificate, the governor
135 16 may submit to both houses printed copies of a budget including
135 17 the sum, if any, required to restore each capital reserve fund
135 18 to the capital reserve fund requirement for that fund. Any
135 19 sums appropriated by the general assembly and paid to the
135 20 ~~authority~~ treasurer of state pursuant to this section shall be
135 21 deposited in the applicable capital reserve fund.
135 22 6. All amounts paid by the state pursuant to this section
135 23 shall be considered advances by the state and, subject to the
135 24 rights of the holders of any bonds of the ~~authority~~ treasurer
135 25 of state that have previously been issued or will be issued,
135 26 shall be repaid to the state without interest from all
135 27 available revenues of the fund in excess of amounts required
135 28 for the payment of bonds of the ~~authority~~ treasurer of state,
135 29 the capital reserve fund, and operating expenses.
135 30 7. If any amount deposited in a capital reserve fund is
135 31 withdrawn for payment of principal, premium, or interest on
135 32 the bonds or sinking fund payments with respect to bonds
135 33 thus reducing the amount of that fund to less than the
135 34 capital reserve fund requirement, the ~~authority~~ treasurer of
135 35 state shall immediately notify the governor and the general

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136 1 assembly of this event and shall take steps to restore the
136 2 capital reserve fund to the capital reserve fund requirement
136 3 for that fund from any amounts designated as being available
136 4 for such purpose.
136 5 Sec. 289. Section 455G.8, unnumbered paragraph 1, Code
136 6 2009, is amended to read as follows:
136 7 Revenue for the fund shall include~~,~~ but is not limited
136 8 to~~,~~ the following, which shall be deposited with the
136 9 ~~board~~ department or its designee as provided by any bond or
136 10 security documents and credited to the fund:
136 11 Sec. 290. Section 455G.8, subsection 2, Code 2009, is
136 12 amended to read as follows:
136 13 2. Statutory allocations fund. The moneys credited from the
136 14 statutory allocations fund under section 321.145, subsection
136 15 2, paragraph "a", shall be allocated, consistent with this
136 16 chapter, among the fund's accounts, for debt service and other
136 17 fund expenses, according to the fund budget, resolution, trust
136 18 agreement, or other instrument prepared or entered into by
136 19 the ~~board~~ department or ~~authority~~ treasurer of state under
136 20 direction of the ~~board~~ department.
136 21 Sec. 291. Section 455G.9, subsection 1, paragraph a,
136 22 subparagraph (1), unnumbered paragraph 1, Code 2009, is amended
136 23 to read as follows:
136 24 Corrective action for an eligible release reported to the
136 25 department ~~of natural resources~~ on or after July 1, 1987, but
136 26 prior to May 5, 1989. Third=party liability is specifically
136 27 excluded from remedial account coverage. For a claim for a
136 28 release under this subparagraph, the remedial program shall pay
136 29 in accordance with subsection 4. For a release to be eligible
136 30 for coverage under this subparagraph the following conditions
136 31 must be satisfied:
136 32 Sec. 292. Section 455G.9, subsection 1, paragraph a,
136 33 subparagraph (1), subparagraph division (c), Code 2009, is
136 34 amended to read as follows:
136 35 (c) The claim for coverage pursuant to this subparagraph

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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. 293. Section 455G.9, subsection 1, paragraph a, subparagraph (1), 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. 294. 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. 295. 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

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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. 296. 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. 297. 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. 298. 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. 299. Section 455G.9, subsection 1, paragraphs b, c, e,

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139 1 and f, Code 2009, are amended to read as follows:
139 2 b. Corrective action and third=party liability for a
139 3 release discovered on or after January 24, 1989, for which a
139 4 responsible owner or operator able to pay cannot be found and
139 5 for which the federal underground storage tank trust fund or
139 6 other federal moneys do not provide coverage. For the purposes
139 7 of this section property shall not be deeded or quitclaimed
139 8 to the state or ~~board~~ department in lieu of cleanup.
139 9 Additionally, the ability to pay shall be determined after a
139 10 claim has been filed. The ~~board~~ department is not liable for
139 11 any cost where either the responsible owner or operator, or
139 12 both, have a net worth greater than fifteen thousand dollars,
139 13 or where the responsible party can be determined. Third=party
139 14 liability specifically excludes any claim, cause of action,
139 15 or suit, for personal injury including~~,~~ but not limited
139 16 to~~,~~ loss of use or of private enjoyment, mental anguish,
139 17 false imprisonment, wrongful entry or eviction, humiliation,
139 18 discrimination, or malicious prosecution.
139 19 c. Corrective action and third=party liability for a tank
139 20 owned or operated by a financial institution eligible to
139 21 participate in the remedial account under section 455G.16 if
139 22 the prior owner or operator is unable to pay, if so authorized
139 23 by the ~~board~~ department as part of a condition or incentive
139 24 for financial institution participation in the fund pursuant
139 25 to section 455G.16. Third=party liability specifically
139 26 excludes any claim, cause of action, or suit, for personal
139 27 injury including~~,~~ but not limited to~~,~~ loss of use or of
139 28 private enjoyment, mental anguish, false imprisonment, wrongful
139 29 entry or eviction, humiliation, discrimination, or malicious
139 30 prosecution.
139 31 e. Corrective action for a release reported to the
139 32 department ~~of natural resources~~ after May 5, 1989, and on
139 33 or before October 26, 1990, in connection with a tank owned
139 34 or operated by a state agency or department which elects to
139 35 participate in the remedial account pursuant to this paragraph.

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140 1 A state agency or department which does not receive a standing
140 2 unlimited appropriation which may be used to pay for the
140 3 costs of a corrective action may opt, with the approval of
140 4 the ~~board~~ department, to participate in the remedial account.
140 5 As a condition of opting to participate in the remedial
140 6 account, the agency or department shall pay all registration
140 7 fees, storage tank management fees, environmental protection
140 8 charges, and all other charges and fees upon all tanks owned
140 9 or operated by the agency or department in the same manner
140 10 as if the agency or department were a person required to
140 11 maintain financial responsibility. Once an agency has opted
140 12 to participate in the remedial program, it cannot opt out,
140 13 and shall continue to pay all charges and fees upon all tanks
140 14 owned or operated by the agency or department so long as the
140 15 charges or fees are imposed on similarly situated tanks of a
140 16 person required to maintain financial responsibility. The
140 17 ~~board~~ commission shall by rule adopted pursuant to chapter
140 18 17A provide the terms and conditions for a state agency or
140 19 department to opt to participate in the remedial account. A
140 20 state agency or department which opts to participate in the
140 21 remedial account shall be subject to the minimum copayment
140 22 schedule of subsection 4, as if the state agency or department
140 23 were a person required to maintain financial responsibility.
140 24 f. One hundred percent of the costs up to twenty thousand
140 25 dollars incurred by the ~~board~~ department under section
140 26 455G.12A, subsection 2, unnumbered paragraph 2, for site
140 27 cleanup reports. Costs of a site cleanup report which
140 28 exceed twenty thousand dollars shall be considered a cost of
140 29 corrective action and the amount shall be included in the
140 30 calculations for corrective action cost copayments under
140 31 subsection 4. The ~~board~~ department shall have the discretion
140 32 to authorize a site cleanup report payment in excess of twenty
140 33 thousand dollars if the site is participating in community
140 34 remediation.
140 35 Sec. 300. Section 455G.9, subsection 1, paragraph g,

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141 1 subparagraph (4), Code 2009, is amended to read as follows:
141 2 (4) The release was reported ~~to the board~~ by October 26,
141 3 1991.
141 4 Sec. 301. Section 455G.9, subsection 1, paragraphs i, k, and
141 5 l, Code 2009, are amended to read as follows:
141 6 i. Notwithstanding section 455G.1, subsection 2, corrective
141 7 action, for a release which was tested prior to October 26,
141 8 1990, and for which the site was issued a no=further=action
141 9 letter by the department ~~of natural resources~~ and which was
141 10 later determined, due to sale of the property or removal of a
141 11 nonoperating tank, to require remediation which was reported
141 12 ~~to the administrator~~ by October 26, 1992, in an amount as
141 13 specified in subsection 4. In order to qualify for benefits
141 14 under this paragraph, the applicant must not have operated a
141 15 tank on the property during the period of time for which the
141 16 applicant owned the property and the applicant must not be a
141 17 financial institution.
141 18 k. ~~Pursuant to an agreement between the board and the~~
~~141 19 department of natural resources, assessment~~ Assessment and
141 20 corrective action arising out of releases at sites for which
141 21 a no further action certificate has been issued pursuant to
141 22 section 455B.474, when the department determines that an
141 23 unreasonable risk to public health and safety may still exist.
141 24 ~~At a minimum, the agreement shall address eligible costs,~~
~~141 25 contracting for services, and conditions under which sites may~~
~~141 26 be reevaluated.~~
141 27 l. Costs for the permanent closure of an underground storage
141 28 tank system that was in place on the date an eligible claim
141 29 was submitted under paragraph "a". Reimbursement is limited
141 30 to costs approved by the ~~board~~ department prior to the closure
141 31 activities.
141 32 Sec. 302. Section 455G.9, subsections 2, 3, 5, 7, and 10,
141 33 Code 2009, are amended to read as follows:
141 34 2. Remedial account funding. The remedial account
141 35 shall be funded by that portion of the proceeds of the use

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142 1 tax imposed under chapter 423, subchapter III, and other
142 2 moneys and revenues budgeted to the remedial account by the
142 3 ~~board~~ department.
142 4 3. Trust fund to be established. When the remedial account
142 5 has accumulated sufficient capital to provide dependable
142 6 income to cover the expenses of expected future releases or
142 7 expected future losses for which no responsible owner is
142 8 available, the excess capital shall be transferred to a trust
142 9 fund administered by the ~~board~~ department and created for that
142 10 purpose.
142 11 5. Recovery of gain on sale of property. If an owner
142 12 or operator ceases to own or operate a tank site for which
142 13 remedial account benefits were received within ten years of
142 14 the receipt of any account benefit and sells or transfers a
142 15 property interest in the tank site for an amount which exceeds
142 16 one hundred twenty percent of the precorrective action value,
142 17 adjusted for equipment and capital improvements, the owner or
142 18 operator shall refund to the remedial account an amount equal
142 19 to ninety percent of the amount in excess of one hundred twenty
142 20 percent of the precorrective action value up to a maximum of
142 21 the expenses incurred by the remedial account associated with
142 22 the tank site plus interest, equal to the interest for the
142 23 most recent twelve=month period for the most recent bond issue
142 24 for the fund, on the expenses incurred, compounded annually.
142 25 An owner or operator under this subsection shall notify the
142 26 ~~board~~ department of the sale or transfer of the property
142 27 interest in the tank site. Expenses incurred by the fund are a
142 28 lien upon the property recordable and collectible in the same
142 29 manner as the lien provided for in section 424.11 at the time
142 30 of sale or transfer, subject to the terms of this section.
142 31 This subsection shall not apply if the sale or transfer
142 32 is pursuant to a power of eminent domain, or benefits. When
142 33 federal cleanup funds are recovered, the funds are to be
142 34 deposited to the remedial account of the fund and used solely
142 35 for the purpose of future cleanup activities.

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143 1 7. Expenses of cleanup not required. When an owner or
143 2 operator who is eligible for benefits under this chapter is
143 3 allowed by the department ~~of natural resources~~ to monitor in
143 4 place, the expenses incurred for cleanup beyond the level
143 5 required by the department ~~of natural resources~~ are not covered
143 6 under any of the accounts established under the fund. The
143 7 cleanup expenses incurred for work completed beyond what is
143 8 required is the responsibility of the person contracting for
143 9 the excess cleanup.
143 10 10. Expenses incurred by governmental subdivisions. The
143 11 ~~board~~ commission may adopt rules for reimbursement for
143 12 reasonable expenses incurred by a governmental subdivision
143 13 for treating, handling, or disposing, as required by the
143 14 department, of petroleum=contaminated soil and groundwater
143 15 encountered in a public right=of=way during installation,
143 16 maintenance, or repair of a public improvement. The
143 17 ~~board~~ department may seek full recovery from a responsible
143 18 party liable for the release for such expenses and for
143 19 all other costs and reasonable attorney fees and costs of
143 20 litigation for which moneys are expended by the fund. Any
143 21 expense described in this subsection incurred by the fund
143 22 constitutes a lien upon the property from which the release
143 23 occurred. A lien shall be recorded and an expense shall be
143 24 collected in the same manner as provided in section 424.11.
143 25 Sec. 303. Section 455G.12, Code 2009, is amended to read as
143 26 follows:
143 27 455G.12 ~~Board~~ Commission authority for prioritization.
143 28 If the ~~board~~ commission determines that, within the realm
143 29 of sound business judgment and practice, prioritization of
143 30 assistance is necessary in light of funds available for loan
143 31 guarantees or insurance coverage, the ~~board~~ commission may
143 32 develop rules for assistance or coverage prioritization based
143 33 upon adherence or planned adherence of the owner or operator
143 34 to higher than minimum environmental protection and safety
143 35 compliance considerations.

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144 1 Prior to the adoption of prioritization rules, the
144 2 ~~board~~ commission shall at minimum review the following issues:
144 3 1. The positive environmental impact of assistance
144 4 prioritization.
144 5 2. The economic feasibility, including the availability of
144 6 private financing, for an owner or operator to obtain priority
144 7 status.
144 8 3. Any negative impact on Iowa's rural petroleum
144 9 distribution network which could result from prioritization.
144 10 4. Any similar prioritization systems in use by the private
144 11 financing or insurance markets in this state, including terms,
144 12 conditions, or exclusions.
144 13 5. The intent of this chapter that the ~~board~~ commission
144 14 shall maximize the availability of reasonably priced,
144 15 financially sound insurance coverage or loan guarantee
144 16 assistance.
144 17 Sec. 304. Section 455G.12A, Code 2009, is amended to read
144 18 as follows:
144 19 455G.12A Cost containment authority.
144 20 1. Validity of contracts. A contract in which one of the
144 21 parties to the contract is an owner or operator of a petroleum
144 22 underground storage tank, for goods or services which may be
144 23 payable or reimbursable from the fund, is invalid unless and
144 24 until the ~~administrator~~ department has approved the contract
144 25 as fair and equitable to the tank owner or operator, and found
144 26 that the contract terms are within the range of usual and
144 27 customary rates for similar or equivalent goods or services
144 28 within the state, and found that the goods or services are
144 29 necessary for the owner or operator to comply with fund or
144 30 regulatory standards. An owner or operator may appoint the
144 31 ~~administrator~~ department as an agent for the purposes of
144 32 negotiating contracts with suppliers of goods or services
144 33 compensable by the fund. The ~~administrator~~ department may
144 34 select another contractor for goods or services other than
144 35 the one offered by the owner or operator, if the scope of the

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145 1 proposed work or actual work of the offered contractor does not
145 2 reflect the quality of workmanship required, or the costs are
145 3 determined to be excessive.
145 4 2. Contract approval. In the course of review and
145 5 approval of a contract pursuant to this section, the
145 6 ~~administrator~~ department may require an owner or operator
145 7 to obtain and submit three bids, provided that the
145 8 ~~administrator~~ department coordinates bid submission with the
145 9 department. The ~~administrator~~ department may require specific
145 10 terms and conditions in a contract subject to approval.
145 11 The ~~board~~ department shall have authority to contract for
145 12 site cleanup reports. The ~~board's~~ department's responsibility
145 13 for site cleanup reports is limited to those site cleanup
145 14 reports subject to approval by the department ~~of natural~~
~~145 15 resources~~ and required in connection with the remediation of a
145 16 release which is eligible for benefits under section 455G.9.
145 17 The site cleanup report shall address existing and available
145 18 remedial technologies and the costs associated with the use
145 19 of each technology. The ~~board~~ department shall not have the
145 20 authority to affect a contract which has been given written
145 21 approval under this section.
145 22 3. Exclusive contracts. The ~~administrator~~ department may
145 23 enter into a contract or an exclusive contract with the
145 24 supplier of goods or services required by a class of tank
145 25 owners or operators in connection with an expense payable or
145 26 reimbursable from the fund, to supply a specified good or
145 27 service for a gross maximum price, fixed rate, on an exclusive
145 28 basis, or subject to another contract term or condition
145 29 reasonably calculated to obtain goods or services for the
145 30 fund or for tank owners and operators at a reasonable cost.
145 31 A contract may provide for direct payment from the fund to a
145 32 supplier.
145 33 The ~~administrator~~ department may retain~~, subject to board~~
~~145 34 approval,~~ an independent person to assist in the review of work
145 35 required in connection with a release or tank system for which

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146 1 fund benefits are sought, and to establish prevailing cost of
146 2 goods and services needed. Nothing in this section is intended
146 3 to preempt the regulatory authority of the department.
146 4 4. Prior approval by ~~administrator~~ department. Unless
146 5 emergency conditions exist, a contractor performing services
146 6 pursuant to this section shall have the budget for the
146 7 work approved by the ~~administrator~~ department prior to
146 8 commencement of the work. No expense incurred which
146 9 is above the budgeted amount shall be paid unless the
146 10 ~~administrator~~ department approves such expense prior to its
146 11 being incurred. All invoices or bills shall be submitted
146 12 with appropriate documentation as deemed necessary by the
146 13 ~~board~~ department, no later than thirty days after the work has
146 14 been performed. Neither the ~~board~~ department nor an owner or
146 15 operator is responsible for payment for work incurred which has
146 16 not been previously approved by the ~~board~~ department.
146 17 Sec. 305. Section 455G.13, subsection 1, Code 2009, is
146 18 amended to read as follows:
146 19 1. Full recovery sought from owner. The ~~board~~ department
146 20 shall seek full recovery from the owner, operator, or other
146 21 potentially responsible party liable for the released petroleum
146 22 which is the subject of a corrective action, for which the fund
146 23 expends moneys for corrective action or third=party liability,
146 24 and for all other costs, including reasonable attorney fees and
146 25 costs of litigation for which moneys are expended by the fund
146 26 in connection with the release. When federal cleanup funds
146 27 are recovered, the funds are to be deposited to the remedial
146 28 account of the fund and used solely for the purpose of future
146 29 cleanup activities.
146 30 Sec. 306. Section 455G.13, subsection 2, paragraph a, Code
146 31 2009, is amended to read as follows:
146 32 a. The ~~board or the~~ department ~~of natural resources~~ shall
146 33 not seek recovery for expenses in connection with corrective
146 34 action for a release from an owner or operator eligible for
146 35 assistance under the remedial account except for any unpaid

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147 1 portion of the deductible or copayment. This section does
147 2 not affect any authorization of the department ~~of natural~~
~~147 3 resources~~ to impose or collect civil or administrative fines
147 4 or penalties or fees. The remedial account shall not be held
147 5 liable for any third=party liability.
147 6 Sec. 307. Section 455G.13, subsection 3, Code 2009, is
147 7 amended to read as follows:
147 8 3. Owner or operator not in compliance, subject to full
147 9 and total cost recovery. Notwithstanding subsection 2, the
147 10 liability of an owner or operator shall be the full and total
147 11 costs of corrective action and bodily injury or property damage
147 12 to third parties, as specified in subsection 1, if the owner
147 13 or operator has not complied with the financial responsibility
147 14 or other underground storage tank ~~rules~~ requirements of ~~the~~
~~147 15 department of natural resources or with~~ this chapter and rules
147 16 adopted under this chapter.
147 17 Sec. 308. Section 455G.13, subsection 4, paragraph a, Code
147 18 2009, is amended to read as follows:
147 19 a. Failed, without sufficient cause, to respond to a release
147 20 of petroleum from the tank upon, or in accordance with, a
147 21 notice issued by the director of the department ~~of natural~~
~~147 22 resources~~.
147 23 Sec. 309. Section 455G.13, subsections 5, 6, 8, 9, 10, and
147 24 12, Code 2009, are amended to read as follows:
147 25 5. Lien on tank site. Any amount for which an owner or
147 26 operator is liable to the fund, if not paid when due, by
147 27 statute, rule, or contract, or determination of liability by
147 28 the ~~board or~~ department ~~of natural resources~~ after hearing,
147 29 shall constitute a lien upon the real property where the tank,
147 30 which was the subject of corrective action, is situated, and
147 31 the liability shall be collected in the same manner as the
147 32 environmental protection charge pursuant to section 424.11.
147 33 6. Joinder of parties. The department ~~of natural~~
~~147 34 resources~~ has standing in any case or contested action related
147 35 to the fund or a tank to assert any claim that the department

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148 1 may have regarding the tank at issue in the case or contested
148 2 action, upon motion and sufficient showing by a party to a cost
148 3 recovery or subrogation action provided for under this section,
148 4 the court or the administrative law judge shall join to the
148 5 action any potentially responsible party who may be liable for
148 6 costs and expenditures of the type recoverable pursuant to this
148 7 section.
148 8 8. Third=party contracts not binding on ~~board~~ department,
148 9 proceedings against responsible party. An insurance,
148 10 indemnification, hold harmless, conveyance, or similar
148 11 risk=sharing or risk=shifting agreement shall not be effective
148 12 to transfer any liability for costs recoverable under
148 13 this section. The fund~~, board,~~ or department ~~of natural~~
~~148 14 resources~~ may proceed directly against the owner or operator or
148 15 other allegedly responsible party. This section does not bar
148 16 any agreement to insure, hold harmless, or indemnify a party to
148 17 the agreement for any costs or expenditures under this chapter,
148 18 and does not modify rights between the parties to an agreement,
148 19 except to the extent the agreement shifts liability to an
148 20 owner or operator eligible for assistance under the remedial
148 21 account for any damages or other expenses in connection with
148 22 a corrective action for which another potentially responsible
148 23 party is or may be liable. Any such provision is null and void
148 24 and of no force or effect.
148 25 9. Later proceedings permitted against other parties. The
148 26 entry of judgment against a party to the action does not bar
148 27 a future action by the ~~board or the~~ department ~~of natural~~
~~148 28 resources~~ against another person who is later alleged to be
148 29 or discovered to be liable for costs and expenditures paid by
148 30 the fund. Notwithstanding section 668.5 no other potentially
148 31 responsible party may seek contribution or any other recovery
148 32 from an owner or operator eligible for assistance under the
148 33 remedial account for damages or other expenses in connection
148 34 with corrective action for a release for which the potentially
148 35 responsible party is or may be liable. Subsequent successful

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149 1 proceedings against another party shall not modify or reduce
149 2 the liability of a party against whom judgment has been
149 3 previously entered.
149 4 10. Claims against potentially responsible parties. Upon
149 5 payment by the fund for corrective action or third=party
149 6 liability pursuant to this chapter, the rights of the claimant
149 7 to recover payment from any potentially responsible party, are
149 8 assumed by the ~~board~~ department to the extent paid by the fund.
149 9 A claimant is precluded from receiving double compensation for
149 10 the same injury.
149 11 In an action brought pursuant to this chapter seeking
149 12 damages for corrective action or third=party liability, the
149 13 court shall permit evidence and argument as to the replacement
149 14 or indemnification of actual economic losses incurred or to be
149 15 incurred in the future by the claimant by reason of insurance
149 16 benefits, governmental benefits or programs, or from any other
149 17 source.
149 18 A claimant may elect to permit the ~~board~~ department to pursue
149 19 the claimant's cause of action for any injury not compensated
149 20 by the fund against any potentially responsible party, provided
149 21 the attorney general determines such representation would
149 22 not be a conflict of interest. If a claimant so elects, the
149 23 ~~board's~~ department's litigation expenses shall be shared on a
149 24 pro rata basis with the claimant, but the claimant's share of
149 25 litigation expenses is payable exclusively from any share of
149 26 the settlement or judgment payable to the claimant.
149 27 12. Recovery or subrogation == installers and
149 28 inspectors. Notwithstanding any other provision contained in
149 29 this chapter, the ~~board~~ department or a person insured under
149 30 the underground storage tank insurance fund established in
149 31 section 455G.11, Code 2003, has no right of recovery or right
149 32 of subrogation against an installer or an inspector who was
149 33 insured by the underground storage tank insurance fund for the
149 34 tank giving rise to the liability other than for recovery of
149 35 any deductibles paid.

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150 1 Sec. 310. Section 455G.16, unnumbered paragraph 1, Code
150 2 2009, is amended to read as follows:
150 3 The ~~board~~ department may impose conditions on the
150 4 participation of a financial institution in the fund.
150 5 Conditions shall be reasonably intended to increase the
150 6 quantity of private capital available for loans to tank owners
150 7 or operators who are small businesses within the meaning of
150 8 section 455G.2. Additionally, the ~~board~~ department may offer
150 9 incentives to financial institutions meeting conditions imposed
150 10 by the ~~board~~ department. Incentives may include extended
150 11 fund coverage of corrective action or third=party liability
150 12 expenses, waiver of copayment or deductible requirements, or
150 13 other benefits not offered to other participants, if reasonably
150 14 intended to increase the quantity of private capital available
150 15 for loans by an amount greater than the increased costs of the
150 16 incentives to the fund.
150 17 Sec. 311. Section 455G.20, Code 2009, is amended to read as
150 18 follows:
150 19 455G.20 Final approval.
150 20 Notwithstanding any other provision to the contrary, the
150 21 department ~~of natural resources~~ shall have final approval for a
150 22 determination as to when remediation shall begin on a site.
150 23 Sec. 312. Section 455G.21, subsection 1, Code 2009, is
150 24 amended to read as follows:
150 25 1. A marketability fund is created as a separate fund in
150 26 the state treasury under the control of the ~~board~~ department.
150 27 The ~~board~~ department shall administer the marketability
150 28 fund. Notwithstanding section 8.33, moneys remaining in
150 29 the marketability fund at the end of each fiscal year shall
150 30 not revert to the general fund but shall remain in the
150 31 marketability fund. The marketability fund shall include,
150 32 notwithstanding section 12C.7, interest earned by the
150 33 marketability fund or other income specifically allocated to
150 34 the marketability fund.
150 35 Sec. 313. Section 455G.21, subsection 2, paragraph a, Code

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151 1 2009, is amended to read as follows:
151 2 a. The innocent landowners fund shall be established as a
151 3 separate fund in the state treasury under the control of the
151 4 ~~board~~ department. The innocent landowners fund shall include
151 5 any moneys recovered pursuant to cost recovery enforcement
151 6 under section 455G.13. Notwithstanding section 455G.1,
151 7 subsection 2, benefits for the costs of corrective action may
151 8 be provided to the owner of a petroleum=contaminated property,
151 9 or an owner or operator of an underground storage tank located
151 10 on the property, who is not otherwise eligible to receive
151 11 benefits under section 455G.9 due to the date on which the
151 12 release causing the contamination was reported or the date
151 13 the claim was filed. An owner of a petroleum=contaminated
151 14 property, or an owner or operator of an underground storage
151 15 tank located on the property, shall be eligible for payment
151 16 of corrective action costs subject to copayment requirements
151 17 under section 455G.9, subsection 4. The ~~board~~ commission may
151 18 adopt rules conditioning receipt of benefits under this
151 19 paragraph to those petroleum=contaminated properties which
151 20 present a higher degree of risk to the public health and
151 21 safety or the environment and may adopt rules providing for
151 22 denial of benefits under this paragraph to a person who did
151 23 not make a good faith attempt to comply with the provisions of
151 24 this chapter. This paragraph does not confer a legal right
151 25 to an owner of petroleum=contaminated property, or an owner
151 26 or operator of an underground storage tank located on the
151 27 property, for receipt of benefits under this paragraph.
151 28 Sec. 314. REPEAL. Section 16.151, Code 2009, is repealed.
151 29 Sec. 315. REPEAL. 1989 Iowa Acts, chapter 131, section 63,
151 30 is repealed.
151 31 Sec. 316. REPEAL. 2009 Iowa Acts, chapter 184, section 39,
151 32 is repealed.
151 33 Sec. 317. APPROPRIATION == GENERAL FUND. There is
151 34 appropriated from the Iowa comprehensive petroleum underground
151 35 storage tank fund to the general fund of the state for the

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152 1 fiscal year beginning July 1, 2010, and ending June 30, 2011,
152 2 the following amount:
152 3 ..... $ 800,000
152 4 Sec. 318. APPROPRIATION == DEPARTMENT OF NATURAL
152 5 RESOURCES. There is appropriated from the Iowa comprehensive
152 6 petroleum underground storage tank fund to the department
152 7 of natural resources for the fiscal year beginning July 1,
152 8 2010, and ending June 30, 2011, the following amount, or so
152 9 much thereof as is necessary, to be used for the purposes
152 10 designated:
152 11 For administering the Iowa comprehensive petroleum
152 12 underground storage tank fund, including salaries, support,
152 13 maintenance, and miscellaneous purposes:
152 14 ..... $ 700,000
152 15 Sec. 319. TRANSITION PROVISIONS.
152 16 1. This division of this Act and the transfer of
152 17 administrative duties to the department of natural resources
152 18 shall not constitute grounds for recision or modification
152 19 of any contracts entered into by or on behalf of the Iowa
152 20 comprehensive petroleum underground storage tank fund board.
152 21 2. Any rule, regulation, form, order, or directive
152 22 promulgated by the Iowa comprehensive petroleum underground
152 23 storage tank fund board and in effect on the effective date
152 24 of this division of this Act shall continue in full force and
152 25 effect until amended, repealed, or supplemented by affirmative
152 26 action of the environmental protection commission under the
152 27 duties and powers of the commission as established in this
152 28 division of this Act and under the procedure established in
152 29 subsection 3.
152 30 Any license or permit issued by Iowa comprehensive petroleum
152 31 underground storage tank fund board and in effect on the
152 32 effective date of this division of this Act shall continue in
152 33 full force and effect until expiration or renewal.
152 34 3. In regard to updating references and format in the Iowa
152 35 administrative code in order to correspond to the restructuring

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153 1 as established in this division of this Act, the administrative
153 2 rules coordinator and the administrative rules review
153 3 committee, in consultation with the administrative code editor,
153 4 shall jointly develop a schedule for the necessary updating of
153 5 the Iowa administrative code.
153 6 4. Any cause of action or statute of limitation relating
153 7 to the Iowa comprehensive petroleum underground storage tank
153 8 fund board shall not be affected as a result of the transfer
153 9 and such cause or statute of limitation shall apply to the
153 10 successor department or commission.
153 11 5. Any replacement of signs, logos, stationery, insignia,
153 12 uniforms, and related items that is made due to the effect of
153 13 this division of this Act should be done as part of the normal
153 14 replacement cycle for such items.
153 15 DIVISION XIX
153 16 ECONOMIC DEVELOPMENT == COMMITTEES AND COUNCILS
153 17 Sec. 320. Section 15.108, subsection 7, paragraph h, Code
153 18 2009, is amended by striking the paragraph.
153 19 Sec. 321. Section 15G.115, subsections 2 and 3, Code
153 20 Supplement 2009, are amended to read as follows:
153 21 2. a. Each application from a business for financial
153 22 assistance under the grow Iowa values financial assistance
153 23 program shall be reviewed by the due diligence committee
153 24 established by the board pursuant to section 15.103, subsection
153 25 6. The due diligence committee shall make a recommendation on
153 26 each application to the board.
153 27 ~~b. Each application from a business for financial assistance~~
~~153 28 under the value-added agriculture component of the grow Iowa~~
~~153 29 values financial assistance program shall be reviewed by the~~
~~153 30 agricultural products advisory council established in section~~
~~153 31 15.203, which shall make a recommendation on each application~~
~~153 32 to the board.~~
153 33 ~~c.~~ b. Each application for financial assistance from funds
153 34 allocated by the department for deposit in the innovation
153 35 and commercialization development fund pursuant to section

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154 1 15G.111, subsection 10, shall be reviewed by the technology
154 2 commercialization committee established in section 15.116,
154 3 which shall make a recommendation on each application to the
154 4 board.
154 5 3. In overseeing the administration of the grow Iowa values
154 6 fund and grow Iowa values financial assistance program pursuant
154 7 to this chapter, the board shall do all of the following:
154 8 a. At the first scheduled meeting of the board after the
154 9 start of a new fiscal year, take final action on all of the
154 10 following:
154 11 (1) The department's recommendations for the annual fiscal
154 12 year allocation of moneys in the fund, as provided in section
154 13 15G.111, subsection 4. The board may adjust the allocation of
154 14 moneys during the fiscal year as necessary.
154 15 (2) The department's recommendations for the allocation
154 16 of moneys among the program components referred to in section
154 17 15G.112, subsection 1, paragraph "b". The board may adjust the
154 18 allocation of moneys during the fiscal year as necessary.
154 19 b. Consider the recommendation of the due diligence
154 20 committee ~~and the agricultural products advisory council~~ on
154 21 each application for financial assistance, as described in
154 22 subsection 2, and take final action on each application.
154 23 c. Take final action on the required plans for proposed
154 24 expenditures submitted by the entities receiving moneys
154 25 allocated under section 15G.111, subsections 5 through 8.
154 26 d. Take final action on any rules recommended by the
154 27 department for the implementation of the provisions of this
154 28 chapter.
154 29 Sec. 322. REPEAL. Section 15.114, Code 2009, is repealed.
154 30 Sec. 323. REPEAL. Section 15.203, Code Supplement 2009, is
154 31 repealed.
154 32 DIVISION XX
154 33 CONSOLIDATION OF HOUSING PROGRAMS
154 34 Sec. 324. NEW SECTION. 16.41 Shelter assistance fund.
154 35 1. A shelter assistance fund is created as a revolving

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155 1 fund in the state treasury under the control of the authority
155 2 consisting of any moneys appropriated by the general assembly
155 3 and received under section 428A.8 for purposes of the
155 4 rehabilitation, expansion, or costs of operations of group home
155 5 shelters for the homeless and domestic violence shelters.
155 6 2. Of the moneys in the fund, not less than five hundred
155 7 forty?six thousand dollars shall be spent annually on homeless
155 8 shelter projects.
155 9 3. Notwithstanding section 8.33, all moneys in the shelter
155 10 assistance fund which remain unexpended or unobligated at the
155 11 close of the fiscal year shall not revert to the general fund
155 12 of the state but shall remain available for expenditure for
155 13 subsequent fiscal years.
155 14 Sec. 325. Section 428A.8, subsection 2, unnumbered
155 15 paragraph 1, Code 2009, is amended to read as follows:
155 16 The treasurer of state shall deposit or transfer the
155 17 receipts paid the treasurer of state pursuant to subsection
155 18 1 to either the general fund of the state, the housing trust
155 19 fund created in section 16.181, or the shelter assistance fund
155 20 created in section ~~15.349~~ 16.41 as follows:
155 21 Sec. 326. REPEAL. Section 15.349, Code 2009, is repealed.
155 22 Sec. 327. DEPARTMENTAL PROGRAM REVIEW == HOUSING PROGRAMS.
155 23 1. The department of economic development and the Iowa
155 24 finance authority shall conduct a joint review of programs
155 25 administered by the agencies that relate to housing, including
155 26 all such federal programs. The joint review of programs shall
155 27 include a review of all federal moneys received and spent on
155 28 housing programs. The agencies shall identify all programs
155 29 that are duplicative of another program and all programs that
155 30 have purposes similar to that of another program.
155 31 2. The agencies shall produce a report on how best to
155 32 transfer all responsibilities for housing=related programs from
155 33 the department of economic development to the Iowa finance
155 34 authority.
155 35 3. By September 1, 2010, the agencies shall submit a joint

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156 1 written report to the governor, the department of management,
156 2 and the general assembly consisting of the information required
156 3 under this section, a complete list of programs reviewed
156 4 pursuant to this section, and any other relevant information.
156 5 DIVISION XXI
156 6 AREA EDUCATION AGENCIES
156 7 Sec. 328. Section 8D.5, subsection 1, Code 2009, is amended
156 8 by striking the subsection.
156 9 Sec. 329. Section 8D.5, subsection 2, Code 2009, is amended
156 10 to read as follows:
156 11 2. a. A regional telecommunications council is established
156 12 in each of the merged areas established pursuant to chapter
156 13 260C consisting of nine members, including one member each
156 14 to be appointed by each of the ~~appointing authorities under~~
~~156 15 subsection 1~~ following: the state board of regents, the
156 16 Iowa association of community college trustees, the area
156 17 education agency boards, the Iowa association of school
156 18 boards, the school administrators of Iowa, the Iowa association
156 19 of independent colleges and universities, the Iowa state
156 20 education association, the Iowa association of nonpublic
156 21 school administrators, and the administrator of the public
156 22 broadcasting division of the department of education.
156 23 Additional ex officio, nonvoting members may also be appointed
156 24 to the regional telecommunications councils by the director of
156 25 the department of education.
156 26 b. The regional telecommunications councils shall ~~advise~~
~~156 27 the education telecommunications council on the assessment~~
~~156 28 of~~ assess local educational needs~~,~~ and ~~the coordination~~
~~156 29 of~~ coordinate program activities including scheduling,
156 30 and shall advise the department of administrative services
156 31 and the department of education regarding local education
156 32 needs and program activities. The councils shall establish
156 33 scheduling and site usage policies for educational users of
156 34 the network and develop proposed rules and changes to rules
156 35 for recommendation to the commission. The councils shall

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157 1 also recommend long=range plans for enhancements needed for
157 2 educational applications.
157 3 c. The community college located in the merged area of a
157 4 regional telecommunications council shall staff and facilitate
157 5 the activities of the council. The community college and
157 6 the council may enter into a chapter 28E agreement for such
157 7 arrangement.
157 8 Sec. 330. Section 8D.8, Code 2009, is amended to read as
157 9 follows:
157 10 8D.8 Scheduling for authorized users.
157 11 ~~Except as provided in section 8D.5, an~~ An authorized user
157 12 is responsible for all scheduling of the use of the authorized
157 13 user's facility. A person who disputes a scheduling decision
157 14 of such user may petition the commission for a review of such
157 15 decision pursuant to section 8D.3, subsection 3, paragraph "c".
157 16 Sec. 331. Section 8D.13, subsection 8, Code 2009, is amended
157 17 to read as follows:
157 18 8. ~~The education~~ Each regional telecommunications
157 19 council shall review all requests for grants for educational
157 20 telecommunications applications from applicants within its
157 21 merged area, if they are a part of the Iowa communications
157 22 network, to ensure that the educational telecommunications
157 23 application is consistent with the telecommunications plan.
157 24 All other grant requests shall be reviewed as determined by
157 25 the commission. If the ~~education~~ regional telecommunications
157 26 council finds that a grant request is inconsistent with
157 27 the telecommunications plan, the grant request shall not be
157 28 allowed.
157 29 Sec. 332. Section 256.9, Code Supplement 2009, is amended by
157 30 adding the following new subsection:
157 31 NEW SUBSECTION. 59. Provide guidance and standards to area
157 32 education agencies for federal and state education initiatives
157 33 which the area education agencies must implement statewide.
157 34 Sec. 333. Section 273.8, subsection 1, Code Supplement
157 35 2009, is amended to read as follows:

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158 1 1. Board of directors. The board of directors of an area
158 2 education agency shall consist of not less than ~~five nor more~~
~~158 3 than~~ nine members, each a resident of and elected in the
158 4 manner provided in this section from a director district that
158 5 is approximately equal in population to the other director
158 6 districts in the area education agency. Each director shall
158 7 serve a four=year term which commences at the organization
158 8 meeting.
158 9 Sec. 334. Section 273.8, subsection 2, paragraphs b and c,
158 10 Code Supplement 2009, are amended to read as follows:
158 11 b. ~~A candidate~~ Candidates for election to the area education
158 12 agency board shall be nominated by the boards of directors of
158 13 the school districts located within the boundaries of the area
158 14 education agency. Each school district board shall file a
158 15 statement of candidacy for each candidate nominated with the
158 16 area education agency secretary not later than August 15 of
158 17 the odd=numbered year, on forms prescribed by the department
158 18 of education. The statement of candidacy shall include the
158 19 candidate's name, address, and school district. The list of
158 20 candidates shall be sent by the secretary of the area education
158 21 agency in ballot form by certified mail to the presidents
158 22 of the boards of directors of all school districts within
158 23 the director district not later than September 1. In order
158 24 for the ballot to be counted, the ballot must be received in
158 25 the secretary's office by the end of the normal business day
158 26 on September 30 or be clearly postmarked by an officially
158 27 authorized postal service not later than September 29 and
158 28 received by the secretary not later than noon on the first
158 29 Monday following September 30.
158 30 c. The board of each separate school district that is
158 31 located entirely or partially inside an area education agency
158 32 director district shall cast a vote for director of the area
158 33 education agency board based upon the ratio that the population
158 34 of the school district, or portion of the school district, in
158 35 the director district bears to the total population in the

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159 1 director district. The population of each school district or
159 2 portion shall be determined by the department of education.
159 3 The member of the area education agency board to be elected may
159 4 be a member of a local school district board of directors and
159 5 shall be an elector and a resident of the director district~~,~~
~~159 6 but shall not be a school district employee~~. The board of
159 7 directors of the area education agency shall be comprised of at
159 8 least one of each of the following:
159 9 (1) A superintendent.
159 10 (2) A principal.
159 11 (3) A teacher who does not hold a special education license
159 12 or endorsement.
159 13 (4) A special education teacher.
159 14 (5) A special education paraprofessional.
159 15 (6) A parent or guardian of a child requiring special
159 16 education who has an individualized education program and is
159 17 receiving special education services from an area education
159 18 agency.
159 19 Sec. 335. Section 273.8, subsection 3, Code Supplement
159 20 2009, is amended to read as follows:
159 21 3. Director district convention. If no ~~candidate~~
~~159 22 files~~ statement of candidacy is filed with the area education
159 23 agency secretary by the deadline specified in subsection 2, or
159 24 a vacancy occurs, or the statements of candidacy filed do not
159 25 meet the specifications of subsection 2, paragraph "c", or if
159 26 otherwise required as provided in section 273.23, subsection
159 27 3, a director district convention, attended by members of the
159 28 boards of directors of the local school districts located
159 29 within the director district, shall be called to elect a
159 30 board member for that director district in accordance with
159 31 the intent of this section. The convention location shall
159 32 be determined by the area education agency administrator.
159 33 Notice of the time, date, and place of a director district
159 34 convention shall be published by the area education agency
159 35 administrator in at least one newspaper of general circulation

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160 1 in the director district at least thirty days prior to the
160 2 day of the convention. The cost of publication shall be
160 3 paid by the area education agency. A candidate for election
160 4 to the area education agency board shall file a statement
160 5 of candidacy with the area education agency secretary at
160 6 least ten days prior to the date of the director district
160 7 convention on forms prescribed by the department of education,
160 8 or nominations may be made at the convention by a delegate from
160 9 a board of directors of a school district located within the
160 10 director district. A statement of candidacy shall include the
160 11 candidate's name, address, and school district. Delegates to
160 12 director district conventions shall not be bound by a school
160 13 board or any school board member to pledge their votes to any
160 14 candidate prior to the date of the convention.
160 15 Sec. 336. Section 273.10, subsection 2, Code Supplement
160 16 2009, is amended to read as follows:
160 17 2. Prior to a visit to an area education agency, the
160 18 accreditation team shall have access to that area education
160 19 agency's program audit report filed with the department. After
160 20 a visit to an area education agency, the accreditation team
160 21 shall determine whether the accreditation standards for a
160 22 program, including but not limited to standards established
160 23 pursuant to section 256.9, subsection 59, have been met and
160 24 shall make a report to the director and the state board,
160 25 together with a recommendation as to whether the programs of
160 26 the area education agency should receive initial accreditation
160 27 or remain accredited. The accreditation team shall report
160 28 strengths and weaknesses, if any, for each accreditation
160 29 standard and shall advise the area education agency of
160 30 available resources and technical assistance to further enhance
160 31 the strengths and improve areas of weakness. An area education
160 32 agency may respond to the accreditation team's report.
160 33 Sec. 337. Section 273.23, subsection 1, Code 2009, is
160 34 amended to read as follows:
160 35 1. A petition filed under section 273.21 shall state

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161 1 the number of directors on the initial board which shall be
161 2 ~~either seven or~~ not less than nine directors. The petition
161 3 shall specify the number of directors to be retained from
161 4 each area, and those numbers shall be proportionate to the
161 5 populations of the agencies. If the proportionate balance of
161 6 directors among the affected agencies specified in the plan
161 7 is affected by school districts petitioning to be excluded
161 8 from the reorganization, or if the proposal specified in the
161 9 plan does not comply with the requirement for proportionate
161 10 representation, the state board shall modify the proposal.
161 11 However, all area education agencies affected shall retain at
161 12 least one member.
161 13 Sec. 338. Section 280.20, subsection 3, Code 2009, is
161 14 amended by striking the subsection.
161 15 Sec. 339. REPEAL. Chapters 261D and 280A, Code and Code
161 16 Supplement 2009, are repealed.
161 17 Sec. 340. REPEAL. Section 256.32, Code 2009, is repealed.
161 18 Sec. 341. DEPARTMENT OF EDUCATION STUDY OF AREA EDUCATION
161 19 AGENCY FUNDING AND SERVICES. The department of education shall
161 20 conduct a study of the current area education agency funding
161 21 system and develop alternative proposals for funding the area
161 22 education agency system, including but not limited to proposals
161 23 for a line item appropriation and funding that does not rely
161 24 on per pupil allocations based on school district enrollments,
161 25 and for a change in the process by which state and property
161 26 tax=generated funds flow to the area education agencies. The
161 27 department shall submit its findings and recommendations in a
161 28 report to the general assembly by December 15, 2010.
161 29 Sec. 342. DEPARTMENT OF EDUCATION STUDY OF AREA EDUCATION
161 30 AGENCY STANDARDS FOR SERVICES. The department of education
161 31 shall conduct a study of current and potential area education
161 32 agency standards of services and shall develop potential
161 33 standards of performance aligned with the standards of
161 34 services which shall be a component of the area education
161 35 agency accreditation process. The department shall submit

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its findings and recommendations in a report to the general assembly and the governor by October 1, 2010.

DIVISION XXII

EARLY CHILDHOOD IOWA INITIATIVE

Sec. 343. 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 health and education 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 board" or "state board" means the early childhood Iowa state board created in section 256I.3.

Sec. 344. NEW SECTION. 256I.2 Desired results == purpose and scope.

1. It is intended that through the early childhood Iowa initiative every community 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.

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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 early childhood Iowa state board, 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.
Sec. 345. NEW SECTION. 256I.3 Early childhood Iowa state board created.
1. The early childhood Iowa state board is created to promote a vision for a comprehensive early care, education, health, and human services system in this state. The board shall oversee state and local efforts. The vision shall be achieved through strategic planning, funding identification, guidance, and decision=making authority to assure collaboration among state and local early care, education, health, and human services systems.
2. a. The board shall consist of nine voting members with three citizen members and six state agency members. A citizen member shall not be an elected official, public employee, or paid staff member of an agency receiving funding through the early childhood Iowa initiative. The six state agency members shall be the directors or their designee of the following

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164 1 departments: economic development, education, human rights,
164 2 human services, public health, and workforce development. The
164 3 designees of state agency directors shall be selected on an
164 4 annual basis. The citizen members shall be appointed by the
164 5 governor, subject to confirmation by the senate.
164 6 b. The governor's citizen member appointees shall be
164 7 selected from individuals nominated by early childhood Iowa
164 8 area boards. The term of office of the citizen members is
164 9 three years. A citizen member vacancy on the board shall be
164 10 filled in the same manner as the original appointment for the
164 11 balance of the unexpired term.
164 12 3. Citizen members shall be reimbursed for actual and
164 13 necessary expenses incurred in performance of their duties.
164 14 Citizen members shall be paid a per diem as specified in
164 15 section 7E.6.
164 16 4. In addition to the voting members, the state board shall
164 17 include four members of the general assembly with not more than
164 18 one member from each chamber being from the same political
164 19 party. The two senators shall be appointed one each by the
164 20 majority leader of the senate and by the minority leader of
164 21 the senate. The two representatives shall be appointed one
164 22 each by the speaker of the house of representatives and by the
164 23 minority leader of the house of representatives. Legislative
164 24 members shall serve in an ex officio, nonvoting capacity. A
164 25 legislative member is eligible for per diem and expenses as
164 26 provided in section 2.10.
164 27 5. The governor shall select a chairperson from the state
164 28 board's voting members. The state board may select other
164 29 officers from the voting members as determined to be necessary
164 30 by the board. The board shall meet regularly as determined by
164 31 the board, upon the call of the board's chairperson, or upon
164 32 the call of a majority of voting members. The board shall meet
164 33 at least quarterly.
164 34 Sec. 346. NEW SECTION. 256I.4 Early childhood Iowa state
164 35 board duties.

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165 1 The state board shall perform the following duties:
165 2 1. Provide oversight of early childhood Iowa areas.
165 3 2. Manage and coordinate the provision of grant funding and
165 4 other moneys made available to early childhood Iowa areas by
165 5 combining all or portions of appropriations or other revenues
165 6 as authorized by law.
165 7 3. Approve the geographic boundaries for the early
165 8 childhood Iowa areas throughout the state and approve any
165 9 proposed changes in the boundaries.
165 10 4. Create a strategic plan that supports a comprehensive
165 11 system of early care, education, health, and human services.
165 12 The strategic plan shall be annually updated and disseminated
165 13 to the public. Specific items to be addressed in the strategic
165 14 plan shall include but are not limited to all of the following:
165 15 a. Provisions to strengthen the state structure including
165 16 interagency levels of collaboration, coordination, and
165 17 integration.
165 18 b. Provisions for building public=private partnerships.
165 19 c. Provisions to support consolidating, blending, and
165 20 redistributing state=administered funding streams and the
165 21 coordination of federal funding streams. The strategic plan
165 22 shall also address integration of services provided through
165 23 area boards, other state and local commissions, committees,
165 24 and other bodies with overlapping and similar purposes which
165 25 contribute to redundancy and fragmentation in early care,
165 26 education, health, and human services programs provided to the
165 27 public.
165 28 d. Provisions for improving the efficiency of working with
165 29 federally mandated bodies.
165 30 e. Identification of indicators that measure the success of
165 31 the various strategies that impact communities, families, and
165 32 children. The indicators shall be developed with input from
165 33 area boards.
165 34 5. Adopt common performance measures and data for services,
165 35 programs, and activities provided by area boards. Data from

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166 1 common performance measures shall be included in the state
166 2 board's annual report.
166 3 6. Develop and implement a levels of excellence rating
166 4 system for use with the state board's designation process for
166 5 area boards. Allow for flexibility and creativity of area
166 6 boards in implementing area board responsibilities and provide
166 7 authority for the area boards to support the communities in the
166 8 areas served. The levels of excellence rating system shall
166 9 utilize a tiered approach for recognizing the performance of
166 10 an area board. The system shall provide for action to address
166 11 poor performing areas as well as higher performing areas. If
166 12 an area board achieves the highest rating level, the state
166 13 board shall allow special flexibility provisions in regard to
166 14 the funding appropriated or allocated for that area board. The
166 15 state board may determine how often area boards are reviewed
166 16 under the system.
166 17 7. Adopt rules pursuant to chapter 17A as necessary for the
166 18 designation, governance, and oversight of area boards and the
166 19 administration of this chapter. The state board shall provide
166 20 for area board input in the rules adoption process.
166 21 8. Develop guidelines for recommended insurance or other
166 22 liability coverage and take other actions to assist area boards
166 23 in acquiring such coverage at a reasonable cost. Moneys
166 24 expended by an area board to acquire necessary insurance or
166 25 other liability coverage shall be considered an administrative
166 26 cost.
166 27 9. In January each year, submit an annual report to the
166 28 governor and general assembly that includes but is not limited
166 29 to all of the following:
166 30 a. Any updates to the strategic plan.
166 31 b. The status and results of the early childhood Iowa
166 32 initiative efforts to engage the public regarding the early
166 33 care, education, health, human services, and other needs of
166 34 children zero through age five.
166 35 c. The status and results of the efforts to develop and

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167 1 promote private sector involvement with the early care system.
167 2 d. The status of the early childhood Iowa initiative and
167 3 the overall early care system in achieving the set of desired
167 4 results.
167 5 e. The data and common performance measures addressed by
167 6 the strategic plan, which shall include but is not limited to
167 7 funding amounts.
167 8 f. The indicators addressed by the strategic plan along with
167 9 associated data trends and their source.
167 10 10. Integrate statewide quality standards and results
167 11 indicators adopted by other boards and commissions into the
167 12 state board's funding requirements for investments in early
167 13 care, health, education, and human services.
167 14 11. Ensure alignment of other state departments' activities
167 15 with the strategic plan.
167 16 12. Develop and keep current memoranda of agreements
167 17 between the state agencies represented on the state board to
167 18 promote system development and integration and to clarify the
167 19 roles and responsibilities of partner agencies.
167 20 13. Work with the early childhood coordination center
167 21 in building public=private partnerships for promoting the
167 22 collaborative early care, education, health, and human services
167 23 system.
167 24 14. Support and align the early childhood Iowa internet site
167 25 with other agencies and improve internet communication.
167 26 Sec. 347. NEW SECTION. 256I.5 Early childhood coordination
167 27 center.
167 28 1. The department is the lead agency for implementation
167 29 of the early childhood Iowa initiative and for support of
167 30 the state board and the comprehensive early care, education,
167 31 health, and human services system.
167 32 2. a. The early childhood coordination center is
167 33 established as a work unit of the department to provide a
167 34 center for facilitation, communication, and coordination for
167 35 early childhood Iowa activities and funding and for improvement

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168 1 of the individual early care, education, health, and human
168 2 services systems and the comprehensive system.
168 3 b. Staffing for the center shall be provided by a project
168 4 director, a deputy, a family support coordinator, and a first
168 5 years first coordinator. Dedicated fiscal staff and support
168 6 staff may be designated, subject to an appropriation made for
168 7 this purpose. The center shall submit reports to the governor,
168 8 state board, and the general assembly. The project director
168 9 shall provide primary staffing to the board, coordinate state
168 10 technical assistance activities and implementation of the
168 11 technical assistance system, and oversee other communication
168 12 and coordination functions.
168 13 3. The director of the department of education may
168 14 designate additional staff, as part of the early childhood Iowa
168 15 initiative, to work with the center in providing coordination
168 16 and other support to the state's comprehensive early care,
168 17 education, health, and human services system.
168 18 4. The director of the department shall establish a
168 19 technical assistance team to work with the center. The team
168 20 shall consist of staff from the state agencies represented on
168 21 the state board.
168 22 5. The center shall work with the state and area boards to
168 23 provide leadership for comprehensive system development. The
168 24 center shall also do all of the following:
168 25 a. Enter into memoranda of agreement with the departments of
168 26 economic development, education, human rights, human services,
168 27 public health, and workforce development to formalize the
168 28 respective departments' commitments to collaborating with and
168 29 integrating a comprehensive early care, education, health,
168 30 and human services system. Items addressed in the memoranda
168 31 shall include but are not limited to data sharing and providing
168 32 staffing to the technical assistance team.
168 33 b. Work with private businesses, foundations, and nonprofit
168 34 organizations to develop sustained funding.
168 35 c. Maintain the internet site in accordance with section

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169 1 256I.10.
169 2 d. Propose any needed revisions to administrative rules
169 3 based on stakeholder input.
169 4 e. Provide technical support to the state and area boards
169 5 and to the early childhood Iowa areas through staffing services
169 6 made available through the state agencies that serve on the
169 7 state board.
169 8 f. Develop, collect, disseminate, and provide guidance for
169 9 common performance measures for the programs receiving funding
169 10 under the auspices of the area boards.
169 11 g. If a disagreement arises within an early childhood Iowa
169 12 area regarding the interests represented on the area's board,
169 13 board decisions, or other disputes that cannot be locally
169 14 resolved, upon request, provide state or regional technical
169 15 assistance as deemed appropriate by the center to assist the
169 16 area in resolving the disagreement.
169 17 Sec. 348. NEW SECTION. 256I.6 Early childhood Iowa areas.
169 18 1. The purpose of an early childhood Iowa area is to enable
169 19 local citizens to lead collaborative efforts involving early
169 20 care, education, health, and human services on behalf of
169 21 the children, families, and other citizens residing in the
169 22 area. Leadership functions may include but are not limited
169 23 to strategic planning for and oversight and managing of such
169 24 programs and the funding made available to the early childhood
169 25 Iowa area for such programs from federal, state, local, and
169 26 private sources. The focus of the area shall be to achieve the
169 27 desired results and to improve other results for families with
169 28 young children.
169 29 2. An early childhood Iowa area shall be designated by using
169 30 existing county boundaries to the extent possible.
169 31 3. The designation of an early childhood Iowa area
169 32 boundaries and the creation of an area board are both subject
169 33 to the approval of the state board. The state board shall
169 34 determine if a proposed area board can efficiently and
169 35 effectively administer the responsibilities and authority of

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170 1 the area to be served. The state board may apply additional
170 2 criteria for designating areas and approving area boards, but
170 3 shall apply all of the following minimum criteria:
170 4 a. An area cannot encompass more than four counties.
170 5 b. The counties encompassing a multicounty area must have
170 6 contiguous borders.
170 7 c. A single county area shall have a minimum population
170 8 of children zero through age five in excess of five thousand,
170 9 based on the most recent population estimates issued by the
170 10 United States bureau of the census.
170 11 4. If the state board determines exceptional circumstances
170 12 exist, the state board may waive any of the criteria otherwise
170 13 specified in subsection 3.
170 14 Sec. 349. NEW SECTION. 256I.7 Early childhood Iowa area
170 15 boards created.
170 16 1. a. The early childhood Iowa functions for an area
170 17 shall be performed under the authority of an early childhood
170 18 Iowa area board. The membership of an area board shall
170 19 consist of elected officials in the area and citizen members
170 20 who reside in the area. A citizen member shall not be an
170 21 employee of or otherwise represent education, health, or
170 22 human services agencies or be a paid staff member of an
170 23 agency receiving funding through the early childhood Iowa
170 24 initiative. In addition, the membership of an area board shall
170 25 include representation from education, health, human services,
170 26 business, and faith interests, and at least one parent,
170 27 grandparent, or guardian of a child from zero through age five.
170 28 The education, health, and human services agencies represented
170 29 on an area board may receive funding from the area board.
170 30 b. Terms of office of area board members shall be not more
170 31 than three years and the terms shall be staggered.
170 32 2. An area board may designate an advisory council
170 33 consisting of persons employed by or otherwise paid to
170 34 represent an entity listed in subsection 1 or other provider
170 35 of service.

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171 1 3. An area board shall elect a chairperson from among the
171 2 members who are citizens or elected officials.
171 3 4. An area board is a unit of local government for purposes
171 4 of chapter 670, relating to tort liability of governmental
171 5 subdivisions. For purposes of implementing a formal
171 6 organizational structure, an area board may utilize recommended
171 7 guidelines and bylaws established for this purpose by the state
171 8 board.
171 9 5. All meetings of an area board or any committee or other
171 10 body established by an area board at which public business
171 11 is discussed or formal action taken shall comply with the
171 12 requirements of chapter 21. An area board shall maintain its
171 13 records in accordance with chapter 22.
171 14 Sec. 350. NEW SECTION. 256I.8 Early childhood Iowa area
171 15 board duties.
171 16 1. An early childhood Iowa area board shall do all of the
171 17 following:
171 18 a. Designate a public agency of this state, as defined in
171 19 section 28E.2, a community action agency as defined in section
171 20 216A.91, an area education agency established under section
171 21 273.2, or a nonprofit corporation, to be the fiscal agent for
171 22 grant moneys or for other moneys administered by the area
171 23 board.
171 24 b. Administer early childhood Iowa grant moneys available
171 25 from the state to the area board as provided by law and other
171 26 federal, state, local, and private moneys made available to
171 27 the area board. Eligibility for receipt of early childhood
171 28 Iowa grant moneys shall be limited to those early childhood
171 29 area boards that have developed an approved community plan in
171 30 accordance with this chapter. An early childhood area board
171 31 may apply to the state board for any private moneys received
171 32 by the early childhood Iowa initiative outside of a state
171 33 appropriation.
171 34 c. Develop a comprehensive community plan for providing
171 35 services for children from zero through age five. At a

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172 1 minimum, the plan shall do all of the following:
172 2 (1) Describe community and area needs for children from zero
172 3 through age five as identified through ongoing assessments.
172 4 (2) Describe the current and desired levels of community
172 5 and area coordination of services for children from zero
172 6 through age five, including the involvement and specific
172 7 responsibilities of all related organizations and entities.
172 8 (3) Identify all federal, state, local, and private funding
172 9 sources including funding estimates available in the early
172 10 childhood Iowa area that will be used to provide services to
172 11 children from zero through age five.
172 12 (4) Describe how funding sources will be used
172 13 collaboratively and the degree to which the sources can be
172 14 combined to provide necessary services to young children and
172 15 their families.
172 16 (5) Identify the desired results and the community=wide
172 17 indicators the area board expects to address through
172 18 implementation of the comprehensive community plan. The plan
172 19 shall identify community=specific, quantifiable performance
172 20 measures to be reported in the area board's annual report and
172 21 integration with the strategic plan adopted by the state board.
172 22 (6) Describe the current status of support services to
172 23 prevent the spread of infectious diseases, prevent child
172 24 injuries, develop health emergency protocols, help with
172 25 medication, and care for children with special health needs
172 26 that are being provided to child care facilities registered or
172 27 licensed under chapter 237A within the early childhood Iowa
172 28 area.
172 29 d. Submit an annual report on the effectiveness of the
172 30 community plan in addressing school readiness and children's
172 31 health and safety needs to the state board and to the local
172 32 government bodies in the area. The annual report shall
172 33 indicate the effectiveness of the area board in addressing
172 34 state and locally determined goals.
172 35 e. Function as a coordinating body for services offered

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173 1 by different entities directed to similar purposes within the
173 2 area.
173 3 f. Assume other responsibilities established by law or
173 4 administrative rule.
173 5 2. An area board may do any of the following:
173 6 a. Designate one or more committees to assist with area
173 7 board functions.
173 8 b. Utilize community bodies for input to the area board and
173 9 implementation of services.
173 10 Sec. 351. NEW SECTION. 256I.9 School ready children grant
173 11 program.
173 12 1. The state board shall develop and promote a school ready
173 13 children grant program which shall provide for all of the
173 14 following components:
173 15 a. Identify the performance measures that will be used to
173 16 assess the effectiveness of the school ready children grants.
173 17 b. Identify guidelines and a process to be used for
173 18 determining the readiness of an early childhood Iowa area board
173 19 for administering a school ready children grant.
173 20 c. Provide for technical assistance concerning funding
173 21 sources, program design, and other pertinent areas.
173 22 2. The state board shall provide maximum flexibility to
173 23 grantees for the use of the grant moneys included in a school
173 24 ready children grant.
173 25 3. A school ready children grant shall, to the extent
173 26 possible, be used to support programs that meet quality
173 27 standards identified by the state board. At a minimum, a grant
173 28 shall be used to provide all of the following:
173 29 a. Preschool services provided on a voluntary basis to
173 30 children deemed at risk.
173 31 b. Family support services and parent education programs
173 32 promoted to parents of children from zero through age five.
173 33 Family support services shall include but are not limited to
173 34 home visitation.
173 35 c. Other services to support the strategic plan developed

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174 1 by the state board.
174 2 4. a. A school ready children grant shall be awarded to
174 3 an area board annually, as funding is available. Receipt of
174 4 continued funding is subject to submission of the required
174 5 annual report and the state board's determination that the area
174 6 board is measuring, through the use of performance measures and
174 7 community=wide indicators developed by the state board with
174 8 input from area boards, progress toward and is achieving the
174 9 desired results and other results identified in the community
174 10 plan. Each area board shall participate in the levels of
174 11 excellence rating system to measure the area's success. If the
174 12 use of performance measures and community=wide indicators does
174 13 not show that an area board has made progress toward achieving
174 14 the results identified in the community plan, the state board
174 15 may request a plan of corrective action, withhold any increase
174 16 in funding, or withdraw grant funding.
174 17 b. The state board shall distribute school ready children
174 18 grant moneys to area boards with approved comprehensive
174 19 community plans based upon a determination of an early
174 20 childhood Iowa area's readiness to effectively utilize the
174 21 grant moneys. The grant moneys shall be adjusted for other
174 22 federal and state grant moneys to be received by the area for
174 23 services to children from zero through age five.
174 24 c. An area board's readiness shall be determined by
174 25 evidence of successful collaboration among public and private
174 26 early care, education, health, and human services interests
174 27 in the area or a documented program design that supports a
174 28 strong likelihood of a successful collaboration between these
174 29 interests. Other criteria which may be used by the state board
174 30 to determine readiness and evaluate the funding flexibility for
174 31 an area include one or more of the following:
174 32 (1) The levels of excellence rating received by the area.
174 33 (2) Experience or other evidence of the area's capacity to
174 34 successfully implement the services in the area's community
174 35 plan.

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175 1 (3) Local public and private funding and other resources
175 2 committed to implementation of the community plan.
175 3 (4) The adequacy of plans for commitment of local funding
175 4 and other resources for implementation of the community plan.
175 5 d. The provisions for distribution of school ready children
175 6 grant moneys shall be determined by the state board.
175 7 e. The amount of school ready children grant funding an area
175 8 board may carry forward from one fiscal year to the succeeding
175 9 fiscal year shall not exceed twenty percent of the grant amount
175 10 for the fiscal year. All of the school ready children grant
175 11 funds received by an area board for a fiscal year which remain
175 12 unencumbered or unobligated at the close of a fiscal year shall
175 13 be carried forward to the succeeding fiscal year. However, the
175 14 grant amount for the succeeding fiscal year shall be reduced
175 15 by the amount in excess of twenty percent of the grant amount
175 16 received for the fiscal year.
175 17 Sec. 352. NEW SECTION. 256I.10 Early childhood Iowa
175 18 internet site.
175 19 1. The department shall provide for the operation of an
175 20 internet site for purposes of widely distributing information
175 21 regarding early care, education, health, and human services and
175 22 other information provided by the departments represented on
175 23 the state board and the public and private agencies addressing
175 24 the comprehensive system for such services.
175 25 2. Information provided on the internet site shall include
175 26 but is not limited to all of the following:
175 27 a. Information about the early childhood Iowa initiative for
175 28 state and local use.
175 29 b. A link to a special internet site directed to parents,
175 30 including parent=specific information on early care, education,
175 31 health, and human services and links to other resources
175 32 available on the internet and from other sources.
175 33 c. Program standards for early care, education, health, and
175 34 human services that have been approved by state agencies.
175 35 3. The department shall provide to the state board

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176 1 information regarding the extent and frequency of usage of the
176 2 internet site or sites and this information shall be included
176 3 in the board's annual report to the governor and general
176 4 assembly.
176 5 Sec. 353. NEW SECTION. 256I.11 Early childhood Iowa fund.
176 6 1. An early childhood Iowa fund is created in the state
176 7 treasury. The moneys credited to the fund are not subject to
176 8 section 8.33 and moneys in the fund shall not be transferred,
176 9 used, obligated, appropriated, or otherwise encumbered except
176 10 as provided by law. Notwithstanding section 12C.7, subsection
176 11 2, interest or earnings on moneys deposited in the fund shall
176 12 be credited to the fund.
176 13 2. A school ready children grants account is created in the
176 14 fund under the authority of the director of the department of
176 15 education. Moneys credited to the account shall be distributed
176 16 by the department in the form of grants to early childhood Iowa
176 17 areas pursuant to criteria established by the state board in
176 18 accordance with law.
176 19 3. Unless a different amount is authorized by law, up
176 20 to five percent of the school ready children grant moneys
176 21 distributed to an area board may be used by the area board for
176 22 administrative costs.
176 23 4. a. An early childhood programs grants account is
176 24 created in the fund under the authority of the director of
176 25 the department of education. Moneys credited to the account
176 26 under the auspices of the department of human services are
176 27 appropriated to and shall be distributed by the department
176 28 of education in the form of grants to early childhood Iowa
176 29 areas pursuant to criteria established by the state board in
176 30 accordance with law. The criteria shall include but are not
176 31 limited to a requirement that an early childhood Iowa area must
176 32 be designated by the state board in order to be eligible to
176 33 receive an early childhood programs grant.
176 34 b. The maximum funding amount an early childhood Iowa area
176 35 is eligible to receive from the early childhood programs grant

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177 1 account for a fiscal year shall be determined by applying
177 2 the area's percentage of the state's average monthly family
177 3 investment program population in the preceding fiscal year to
177 4 the total amount credited to the account for the fiscal year.
177 5 c. An early childhood Iowa area receiving funding from
177 6 the early childhood programs grant account shall comply with
177 7 any federal reporting requirements associated with the use
177 8 of that funding and other results and reporting requirements
177 9 established by the state board. The early childhood
177 10 coordination center shall provide technical assistance
177 11 in identifying and meeting the federal requirements. The
177 12 availability of funding provided from the account is subject to
177 13 changes in federal requirements and amendments to Iowa law.
177 14 d. The moneys distributed from the early childhood programs
177 15 grant account shall be used by early childhood Iowa areas
177 16 for the purposes of enhancing quality child care capacity in
177 17 support of parent capability to obtain or retain employment.
177 18 The moneys shall be used with a primary emphasis on low=income
177 19 families and children from zero to age five. Moneys shall be
177 20 provided in a flexible manner and shall be used to implement
177 21 strategies identified by the early childhood Iowa area to
177 22 achieve such purposes. The department of education may use a
177 23 portion of the funding appropriated to the department under
177 24 this subsection for provision of technical assistance and
177 25 other support to the early childhood Iowa areas developing and
177 26 implementing strategies with grant moneys distributed from the
177 27 account.
177 28 e. Moneys from a federal block grant that are credited
177 29 to the early childhood programs grant account but are not
177 30 distributed to an early childhood Iowa area or otherwise remain
177 31 unobligated or unexpended at the end of the fiscal year shall
177 32 revert to the fund created in section 8.41 to be available for
177 33 appropriation by the general assembly in a subsequent fiscal
177 34 year.
177 35 5. A first years first account is created in the fund under

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178 1 the authority of the department of education. The account
178 2 shall consist of gift or grant moneys obtained from any source,
178 3 including but not limited to the federal government. Moneys
178 4 credited to the account are appropriated to the department to
178 5 be used for the early childhood=related purposes for which the
178 6 moneys were received.
178 7 Sec. 354. Section 135.106, subsection 3, Code 2009, is
178 8 amended to read as follows:
178 9 3. It is the intent of the general assembly to provide
178 10 communities with the discretion and authority to redesign
178 11 existing local programs and services targeted at and assisting
178 12 families expecting babies and families with children who
178 13 are newborn through five years of age. The Iowa department
178 14 of public health, department of human services, department
178 15 of education, and other state agencies and programs, as
178 16 appropriate, shall provide technical assistance and support
178 17 to communities desiring to redesign their local programs and
178 18 shall facilitate the consolidation of existing state funding
178 19 appropriated and made available to the community for family
178 20 support services. Funds which are consolidated in accordance
178 21 with this subsection shall be used to support the redesigned
178 22 service delivery system. In redesigning services, communities
178 23 are encouraged to implement a single uniform family risk
178 24 assessment mechanism and shall demonstrate the potential for
178 25 improved outcomes for children and families. Requests by local
178 26 communities for the redesigning of services shall be submitted
178 27 to the Iowa department of public health, department of human
178 28 services, and department of education, and are subject to the
178 29 approval of the early childhood Iowa ~~empowerment~~ state board
178 30 in consultation with the departments, based on the practices
178 31 utilized with ~~community empowerment~~ early childhood Iowa areas
178 32 under chapter ~~28~~ 256I.
178 33 Sec. 355. Section 135.119, subsection 2, paragraph d, Code
178 34 Supplement 2009, is amended to read as follows:
178 35 d. The program plan shall incorporate a multiyear,

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179 1 collaborative approach for implementation of the plan. The
179 2 plan shall address how to involve those who regularly work
179 3 with parents and persons responsible for the care of a
179 4 child, including but not limited to child abuse prevention
179 5 programs, child care resource and referral programs, child
179 6 care providers, family support programs, programs receiving
179 7 funding through the ~~community empowerment~~ early childhood
179 8 Iowa initiative, public and private schools, health care
179 9 providers, local health departments, birth centers, and
179 10 birthing hospitals.
179 11 Sec. 356. Section 135.159, subsection 3, paragraph i, Code
179 12 Supplement 2009, is amended to read as follows:
179 13 i. For children, coordinate with and integrate guidelines,
179 14 data, and information from existing newborn and child health
179 15 programs and entities, including but not limited to the healthy
179 16 opportunities for parents to experience success ? healthy
179 17 families Iowa program, the ~~community empowerment program~~ early
179 18 childhood Iowa initiative, the center for congenital and
179 19 inherited disorders screening and health care programs,
179 20 standards of care for pediatric health guidelines, the office
179 21 of multicultural health established in section 135.12, the oral
179 22 health bureau established in section 135.15, and other similar
179 23 programs and services.
179 24 Sec. 357. Section 142A.4, subsection 8, Code Supplement
179 25 2009, is amended to read as follows:
179 26 8. Assist with the linkage of the initiative with child
179 27 welfare and juvenile justice decategorization projects,
179 28 education programming, ~~community empowerment~~ early childhood
179 29 Iowa areas, and other programs and services directed to youth
179 30 at the state and community level.
179 31 Sec. 358. Section 142A.8, subsection 2, Code 2009, is
179 32 amended to read as follows:
179 33 2. A community partnership area shall encompass a
179 34 county or multicounty area, school district or multischool
179 35 district area, economic development enterprise zone that

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180 1 meets the requirements of an urban or rural enterprise
180 2 community under ~~Title~~ Tit. XIII of the federal Omnibus Budget
180 3 Reconciliation Act of 1993, or ~~community empowerment~~ early
180 4 childhood Iowa area, in accordance with criteria adopted by
180 5 the commission for appropriate population levels and size of
180 6 geographic areas.
180 7 Sec. 359. Section 216A.140, subsection 5, paragraph j, Code
180 8 Supplement 2009, is amended to read as follows:
180 9 j. ~~Office of community empowerment in the department~~
~~180 10 of management~~ Early childhood coordination center in the
180 11 department of education.
180 12 Sec. 360. Section 217.42, subsection 1, Code 2009, is
180 13 amended to read as follows:
180 14 1. The organizational structure to deliver the department's
180 15 field services shall be based upon service areas. The service
180 16 areas shall serve as a basis for providing field services to
180 17 persons residing in the counties comprising the service area.
180 18 The service areas shall be those designated by the department
180 19 effective January 1, 2002. In determining the service areas,
180 20 the department shall consider other geographic service areas
180 21 including but not limited to judicial districts and ~~community~~
~~180 22 empowerment~~ early childhood Iowa areas. The department shall
180 23 consult with the county boards of supervisors in a service
180 24 area with respect to the selection of the service area manager
180 25 responsible for the service area who is initially selected for
180 26 the service area designated effective January 1, 2002, and any
180 27 service area manager selected for the service area thereafter.
180 28 Following establishment of the service areas effective January
180 29 1, 2002, if a county seeks to change the boundaries of a
180 30 service area, the change shall only take place if the change is
180 31 mutually agreeable to the department and all affected counties.
180 32 If it is necessary for the department to significantly modify
180 33 its field operations or the composition of a designated service
180 34 area, or if it is necessary for the department to change the
180 35 number of offices operating less than full=time, the department

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181 1 shall consult with the affected counties prior to implementing
181 2 such action.
181 3 Sec. 361. Section 232.188, subsection 4, paragraph c, Code
181 4 2009, is amended to read as follows:
181 5 c. A decategorization governance board shall coordinate
181 6 the project's planning and budgeting activities with the
181 7 departmental service area manager for the county or counties
181 8 comprising the project area and the ~~community empowerment~~ early
181 9 childhood Iowa area board or boards for the ~~community~~
181 10 ~~empowerment~~ early childhood Iowa area or areas within which the
181 11 decategorization project is located.
181 12 Sec. 362. Section 237A.21, subsection 3, paragraph n, Code
181 13 Supplement 2009, is amended to read as follows:
181 14 n. One designee of the ~~community empowerment office of the~~
181 15 ~~department of management~~ early childhood coordination center
181 16 in the department of education.
181 17 Sec. 363. Section 237A.21, subsection 3, paragraph q, Code
181 18 Supplement 2009, is amended to read as follows:
181 19 q. One person who represents the early childhood Iowa
181 20 ~~council~~ state board created in section ~~135.173~~ 256I.3.
181 21 Sec. 364. Section 237A.22, subsection 1, paragraph j, Code
181 22 Supplement 2009, is amended to read as follows:
181 23 j. Advise and assist the early childhood Iowa ~~council~~ state
181 24 board in developing the strategic plan required pursuant to
181 25 section ~~135.173~~ 256I.4.
181 26 Sec. 365. Section 237A.26, subsection 8, Code 2009, is
181 27 amended to read as follows:
181 28 8. For purposes of improving the quality and consistency
181 29 of data collection, consultation, and other support to child
181 30 care home and child development home providers, a resource and
181 31 referral services agency grantee shall coordinate and assist
181 32 with publicly and privately funded efforts administered at
181 33 the community level to provide the support. The support and
181 34 efforts addressed by a grantee may include but are not limited
181 35 to community=funded child care home and child development home

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182 1 consultants. Community members involved with the assistance
182 2 may include but are not limited to the efforts of ~~a community~~
~~182 3 empowerment~~ an early childhood Iowa area board under chapter
182 4 ~~28~~ 256I, and of community representatives of education, health,
182 5 human services, business, faith, and public interests.
182 6 Sec. 366. Section 237A.30, subsection 1, Code 2009, is
182 7 amended to read as follows:
182 8 1. The department shall work with the ~~community empowerment~~
~~182 9 office of the department of management~~ early childhood
182 10 coordination center in the department of education established
182 11 in section ~~28.3~~ 256I.5 and the state child care advisory
182 12 council in designing and implementing a voluntary quality
182 13 rating system for each provider type of child care facility.
182 14 Sec. 367. Section 256C.3, subsection 3, paragraph e, Code
182 15 2009, is amended to read as follows:
182 16 e. Collaboration with participating families, early care
182 17 providers, and community partners including but not limited to
182 18 ~~community empowerment~~ early childhood Iowa area boards, head
182 19 start programs, shared visions and other programs provided
182 20 under the auspices of the child development coordinating
182 21 council, licensed child care centers, registered child
182 22 development homes, area education agencies, child care resource
182 23 and referral services provided under section 237A.26, early
182 24 childhood special education programs, services funded by
182 25 ~~Title~~ Tit. I of the federal Elementary and Secondary Education
182 26 Act of 1965, and family support programs.
182 27 Sec. 368. Section 256C.3, subsection 4, paragraph a, Code
182 28 2009, is amended to read as follows:
182 29 a. Methods of demonstrating community readiness to
182 30 implement high=quality instruction in a local program
182 31 shall be identified. The potential provider shall submit
182 32 a collaborative program proposal that demonstrates the
182 33 involvement of multiple community stakeholders including
182 34 but not limited to, and only as applicable, parents, the
182 35 school district, accredited nonpublic schools and faith=based

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183 1 representatives, the area education agency, the ~~community~~
~~183 2 empowerment~~ early childhood Iowa area board, representatives
183 3 of business, head start programs, shared visions and other
183 4 programs provided under the auspices of the child development
183 5 coordinating council, center=based and home=based providers
183 6 of child care services, human services, public health, and
183 7 economic development programs. The methods may include but are
183 8 not limited to a school district providing evidence of a public
183 9 hearing on the proposed programming and written documentation
183 10 of collaboration agreements between the school district,
183 11 existing community providers, and other community stakeholders
183 12 addressing operational procedures and other critical measures.
183 13 Sec. 369. Section 256C.4, subsection 2, paragraph b, Code
183 14 2009, is amended to read as follows:
183 15 b. The enrollment count of eligible students shall not
183 16 include a child who is included in the enrollment count
183 17 determined under section 257.6 or a child who is served by
183 18 a program already receiving state or federal funds for the
183 19 purpose of the provision of four=year=old preschool programming
183 20 while the child is being served by the program. Such preschool
183 21 programming includes but is not limited to child development
183 22 assistance programs provided under chapter 256A, special
183 23 education programs provided under section 256B.9, school ready
183 24 children grant programs and other programs provided under
183 25 chapter ~~28~~ 256I, and federal head start programs and the
183 26 services funded by ~~Title~~ Tit. I of the federal Elementary and
183 27 Secondary Education Act of 1965.
183 28 Sec. 370. Section 279.60, Code 2009, is amended to read as
183 29 follows:
183 30 279.60 Kindergarten assessment == access to data == reports.
183 31 Each school district shall administer the dynamic indicators
183 32 of basic early literacy skills kindergarten benchmark
183 33 assessment or other kindergarten benchmark assessment adopted
183 34 by the department of education in consultation with the early
183 35 childhood Iowa ~~empowerment~~ state board to every kindergarten

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184 1 student enrolled in the district not later than the date
184 2 specified in section 257.6, subsection 1. The school district
184 3 shall also collect information from each parent, guardian,
184 4 or legal custodian of a kindergarten student enrolled in the
184 5 district, including but not limited to whether the student
184 6 attended preschool, factors identified by the early ~~care~~
~~184 7 staff~~ childhood coordination center pursuant to section
184 8 ~~28.3~~ 256I.5, and other demographic factors. Each school
184 9 district shall report the results of the assessment and
184 10 the preschool information collected to the department of
184 11 education in the manner prescribed by the department not
184 12 later than January 1 of that school year. The ~~early care~~
~~184 13 staff designated pursuant to section 28.3~~ early childhood
184 14 coordination center in the department of education shall
184 15 have access to the raw data. The department shall review
184 16 the information submitted pursuant to this section and shall
184 17 submit its findings and recommendations annually in a report to
184 18 the governor, the general assembly, the early childhood Iowa
184 19 ~~empowerment~~ state board, and the ~~community empowerment~~ early
184 20 childhood Iowa area boards.
184 21 Sec. 371. Section 915.35, subsection 4, paragraph b, Code
184 22 Supplement 2009, is amended to read as follows:
184 23 b. A child protection assistance team may also consult
184 24 with or include juvenile court officers, medical and mental
184 25 health professionals, physicians or other hospital=based health
184 26 professionals, court=appointed special advocates, guardians ad
184 27 litem, and members of a multidisciplinary team created by the
184 28 department of human services for child abuse investigations. A
184 29 child protection assistance team may work cooperatively with
184 30 the ~~local community empowerment~~ early childhood Iowa area
184 31 board established under ~~section 28.6~~ chapter 256I. The child
184 32 protection assistance team shall work with the department
184 33 of human services in accordance with section 232.71B,
184 34 subsection 3, in developing the protocols for prioritizing
184 35 the actions taken in response to child abuse reports and for

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185 1 law enforcement agencies working jointly with the department
185 2 at the local level in processes for child abuse reports. The
185 3 department of justice may provide training and other assistance
185 4 to support the activities of a child protection assistance
185 5 team.
185 6 Sec. 372. REPEALS.
185 7 1. Chapter 28, Code and Code Supplement 2009, is repealed.
185 8 2. Section 135.173, Code Supplement 2009, is repealed.
185 9 3. Section 135.174, Code 2009, is repealed.
185 10 Sec. 373. IMPLEMENTATION OF ACT. Section 25B.2, subsection
185 11 3, shall not apply to this division of this Act.
185 12 Sec. 374. TRANSITION.
185 13 1. Effective on or after July 1, 2010, as determined by
185 14 the early childhood Iowa state board created pursuant to this
185 15 division of this Act, the designations granted by the Iowa
185 16 empowerment board to community empowerment areas and community
185 17 empowerment area boards under chapter 28, Code 2009, are
185 18 withdrawn. However, subject to the approval of the early
185 19 childhood Iowa state board in accordance with the area board
185 20 designation criteria established by this division of this Act,
185 21 all or a portion of the membership of a community empowerment
185 22 area board may be redesignated to serve as the membership of
185 23 the initial early childhood Iowa area board for the relevant
185 24 early childhood Iowa area to be served. Subject to rules
185 25 to be adopted by the state board addressing redesignation of
185 26 community empowerment areas as early childhood Iowa areas,
185 27 existing multicounty community empowerment area boards may
185 28 choose to be redefined as early childhood Iowa area boards.
185 29 2. Effective on or after July 1, 2010, as determined by the
185 30 early childhood Iowa state board, any school ready children
185 31 grant or other state or federal funds in the possession
185 32 of a community empowerment area remaining unobligated or
185 33 unexpended shall be returned to the department of education.
185 34 The department shall credit funds received to the school ready
185 35 children grant account or other corresponding account of the

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186 1 early childhood Iowa fund. The moneys credited shall be
186 2 redisseminated to an early childhood Iowa area or areas that
186 3 correspond geographically to the boundaries of the community
186 4 empowerment area that returned the funds.
186 5 3. Until the early childhood Iowa state board has adopted
186 6 administrative rules to implement the provisions of chapter
186 7 256I, as enacted by this division of this Act, the department
186 8 of education shall apply the relevant rules adopted to
186 9 implement the community empowerment initiative under chapter
186 10 28, Code 2009, in place of the state agency or agencies
186 11 designated to administer the relevant rules. The state board
186 12 shall also adopt rules addressing transition of contracts
186 13 entered into by community empowerment area boards that include
186 14 provisions in effect on or after July 1, 2010.
186 15 DIVISION XXIII
186 16 HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES
186 17 Sec. 375. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN
186 18 SERVICES PROGRAMS. The department of human services shall
186 19 develop and implement strategies to increase efficiencies by
186 20 reducing paperwork, decreasing staff time, and providing more
186 21 streamlined services to the public relative to programs under
186 22 the purview of the department. Such strategies may include
186 23 but are not limited to simplifying and reducing duplication in
186 24 eligibility determinations among programs by utilizing the same
186 25 eligibility processes across programs to the extent allowed by
186 26 federal law. The department shall provide a progress report
186 27 to the joint appropriations subcommittee on health and human
186 28 services on a quarterly basis.
186 29 Sec. 376. PHARMACEUTICAL IMPROVEMENTS. The department
186 30 of human services, department of public health, department
186 31 of corrections, department of management, and any
186 32 other appropriate agency shall review the provision of
186 33 pharmaceuticals to populations they serve and programs under
186 34 their respective purview to determine efficiencies in the
186 35 purchase of pharmaceuticals. The departments shall develop

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187 1 strategies to implement efficiencies and reduce costs to the
187 2 state, and shall determine any changes in state law or approval
187 3 from the federal government necessary to implement any strategy
187 4 identified.
187 5 DIVISION XXIV
187 6 HOSPITAL LICENSING BOARD
187 7 Sec. 377. Section 135B.5, subsection 1, Code 2009, is
187 8 amended to read as follows:
187 9 1. Upon receipt of an application for license and the
187 10 license fee, the department shall issue a license if the
187 11 applicant and hospital facilities comply with this chapter
187 12 and the rules of the department. Each licensee shall receive
187 13 annual reapproval upon payment of five hundred dollars and
187 14 upon filing of an application form which is available from the
187 15 department. ~~The annual licensure fee shall be dedicated to~~
~~187 16 support and provide educational programs on regulatory issues~~
~~187 17 for hospitals licensed under this chapter in consultation~~
~~187 18 with the hospital licensing board.~~ Licenses shall be either
187 19 general or restricted in form. Each license shall be issued
187 20 only for the premises and persons or governmental units named
187 21 in the application and is not transferable or assignable except
187 22 with the written approval of the department. Licenses shall
187 23 be posted in a conspicuous place on the licensed premises as
187 24 prescribed by rule of the department.
187 25 Sec. 378. Section 135B.7, subsection 1, paragraph a, Code
187 26 Supplement 2009, is amended to read as follows:
187 27 a. The department, with the advice ~~and approval of the~~
~~187 28 hospital licensing board~~ and approval of the state board of
187 29 health, shall adopt rules setting out the standards for the
187 30 different types of hospitals to be licensed under this chapter.
187 31 The department shall enforce the rules.
187 32 Sec. 379. REPEAL. Section 135B.10, Code 2009, is repealed.
187 33 Sec. 380. REPEAL. Section 135B.11, Code Supplement 2009,
187 34 is repealed.
187 35 DIVISION XXV

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188 1 CHILD SUPPORT
188 2 Sec. 381. Section 252D.17, Code 2009, is amended by adding
188 3 the following new subsection:
188 4 NEW SUBSECTION. 13. The department shall establish
188 5 criteria and a phased=in schedule to require, no later than
188 6 June 30, 2015, payors of income to electronically transmit
188 7 the amounts withheld under an income withholding order. The
188 8 department shall assist payors of income in complying with
188 9 the required electronic transmission, and shall adopt rules
188 10 setting forth procedures for use in electronic transmission of
188 11 funds, and exemption from use of electronic transmission taking
188 12 into consideration any undue hardship electronic transmission
188 13 creates for payors of income.
188 14 DIVISION XXVI
188 15 FALSE CLAIMS ACT
188 16 Sec. 382. NEW SECTION. 685.1 Definitions.
188 17 As used in this chapter, unless the context otherwise
188 18 requires:
188 19 1. "Claim" means any request or demand for money, property,
188 20 or services made to any employee, officer, or agent of the
188 21 state, or to any contractor, grantee, or other recipient,
188 22 whether under contract or not, if any portion of the money,
188 23 property, or services requested or demanded issued from, or
188 24 was provided by, the state, or if the state will reimburse the
188 25 contractor, grantee, or other recipient for any portion of the
188 26 money or property which is requested or demanded.
188 27 2. "Employer" means any natural person, corporation, firm,
188 28 association, organization, partnership, business, trust, or
188 29 state=affiliated entity involved in a nongovernmental function,
188 30 including state universities and state hospitals.
188 31 3. a. "Knowing" or "knowingly" means that a person, with
188 32 respect to information, does any of the following:
188 33 (1) Has actual knowledge of the information.
188 34 (2) Acts in deliberate ignorance of the truth or falsity of
188 35 the information.

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189 1 (3) Acts in reckless disregard of the truth or falsity of
189 2 the information.
189 3 b. "Knowing" or "knowingly" with respect to information does
189 4 not require proof of specific intent to defraud.
189 5 4. "Qui tam plaintiff" means a private plaintiff who brings
189 6 an action under this chapter on behalf of the state.
189 7 Sec. 383. NEW SECTION. 685.2 Acts subjecting person to
189 8 treble damages, costs, and civil penalties == exceptions.
189 9 1. A person who commits any of the following acts is liable
189 10 to the state for three times the amount of damages which the
189 11 state sustains because of the act of that person. A person who
189 12 commits any of the following acts shall also be liable to the
189 13 state for the costs of a civil action brought to recover any of
189 14 those penalties or damages, and shall be liable to the state
189 15 for a civil penalty of not less than five thousand dollars and
189 16 not more than ten thousand dollars for each violation:
189 17 a. Knowingly presents or causes to be presented to any
189 18 employee, officer, or agent of the state, or to any contractor,
189 19 grantee, or other recipient of state funds, a false or
189 20 fraudulent claim for payment or approval.
189 21 b. Knowingly makes, uses, or causes to be made or used, a
189 22 false record or statement to get a false or fraudulent claim
189 23 paid or approved.
189 24 c. Conspires to defraud the state by getting a false claim
189 25 allowed or paid, or conspires to defraud the state by knowingly
189 26 making, using, or causing to be made or used, a false record or
189 27 statement to conceal, avoid, or decrease an obligation to pay
189 28 or transmit money or property to the state.
189 29 d. Has possession, custody, or control of public property or
189 30 money used or to be used by the state and knowingly delivers or
189 31 causes to be delivered less property than the amount for which
189 32 the person receives a certificate or receipt.
189 33 e. Is authorized to make or deliver a document certifying
189 34 receipt of property used or to be used by the state and
189 35 knowingly makes or delivers a receipt that falsely represents

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190 1 the property used or to be used.
190 2 f. Knowingly buys, or receives as a pledge of an obligation
190 3 or debt, public property from any person who lawfully may not
190 4 sell or pledge the property.
190 5 g. Knowingly makes, uses, or causes to be made or used, a
190 6 false record or statement to conceal, avoid, or decrease an
190 7 obligation to pay or transmit money or property to the state.
190 8 h. Is a beneficiary of an inadvertent submission of a false
190 9 claim to any employee, officer, or agent of the state, or to
190 10 any contractor, grantee, or other recipient of state funds,
190 11 subsequently discovers the falsity of the claim, and fails
190 12 to disclose the false claim to the attorney general within a
190 13 reasonable time after discovery of the false claim.
190 14 2. Notwithstanding subsection 1, the court may assess
190 15 not less than two times the amount of damages which the
190 16 state sustains because of the act of the person described in
190 17 subsection 1, and no civil penalty, if the court finds all of
190 18 the following:
190 19 a. The person committing the violation furnished the
190 20 attorney general with all information known to that person
190 21 about the violation within thirty days after the date on which
190 22 the person first obtained the information.
190 23 b. The person fully cooperated with any investigation by the
190 24 attorney general.
190 25 c. At the time the person furnished the attorney general
190 26 with information about the violation, a criminal prosecution,
190 27 civil action, or administrative action had not commenced
190 28 with respect to the violation, and the person did not have
190 29 actual knowledge of the existence of an investigation into the
190 30 violation.
190 31 3. This section shall not apply to claims, records, or
190 32 statements made under Title X relating to state revenue and
190 33 taxation.
190 34 Sec. 384. NEW SECTION. 685.3 Investigations and
190 35 prosecutions == powers of prosecuting authority == civil actions

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191 1 by individuals as qui tam plaintiffs and as private citizens ==
191 2 jurisdiction of courts.
191 3 1. The attorney general shall diligently investigate a
191 4 violation under section 685.2. If the attorney general finds
191 5 that a person has violated or is violating section 685.2, the
191 6 attorney general may bring a civil action under this section
191 7 against that person.
191 8 2. a. A person may bring a civil action for a violation of
191 9 this chapter for the person and for the state in the name of
191 10 the state. The person bringing the action shall be referred
191 11 to as the qui tam plaintiff. Once filed, the action may be
191 12 dismissed only with the written consent of the court, taking
191 13 into account the best interest of the parties involved and the
191 14 public purposes behind this chapter.
191 15 b. A copy of the complaint and written disclosure of
191 16 substantially all material evidence and information the
191 17 person possesses shall be served on the attorney general. The
191 18 complaint shall also be filed in camera, shall remain under
191 19 seal for at least sixty days, and shall not be served on the
191 20 defendant until the court so orders. The attorney general may
191 21 elect to intervene and proceed with the action within sixty
191 22 days after the attorney general receives both the complaint and
191 23 the material evidence and the information.
191 24 c. The attorney general may, for good cause shown, move the
191 25 court for extensions of the time during which the complaint
191 26 remains under seal under paragraph "b". Any such motions may be
191 27 supported by affidavits or other submissions in camera. The
191 28 defendant shall not be required to respond to any complaint
191 29 filed under this section until after the complaint is unsealed
191 30 and served upon the defendant pursuant to rules of civil
191 31 procedure.
191 32 d. Before the expiration of the sixty=day period or any
191 33 extensions obtained under paragraph "c", the attorney general
191 34 shall do one of the following:
191 35 (1) Proceed with the action, in which case the action shall

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192 1 be conducted by the attorney general.
192 2 (2) Notify the court that the attorney general declines to
192 3 take over the action, in which case the person bringing the
192 4 action shall have the right to conduct the action.
192 5 e. When a person brings a valid action under this section,
192 6 no person other than the attorney general may intervene or
192 7 bring a related action based on the facts underlying the
192 8 pending action.
192 9 3. a. If the attorney general proceeds with the action,
192 10 the attorney general shall have the primary responsibility for
192 11 prosecuting the action, and shall not be bound by an act of
192 12 the person bringing the action. Such person shall have the
192 13 right to continue as a party to the action, subject to the
192 14 limitations specified in paragraph "b".
192 15 b. (1) The attorney general may move to dismiss the action
192 16 for good cause notwithstanding the objections of the qui tam
192 17 plaintiff if the qui tam plaintiff has been notified by the
192 18 attorney general of the filing of the motion and the court has
192 19 provided the qui tam plaintiff with an opportunity to oppose
192 20 the motion and present evidence at a hearing.
192 21 (2) The attorney general may settle the action with the
192 22 defendant notwithstanding the objections of the qui tam
192 23 plaintiff if the court determines, after a hearing providing
192 24 the qui tam plaintiff an opportunity to present evidence, that
192 25 the proposed settlement is fair, adequate, and reasonable under
192 26 all of the circumstances.
192 27 (3) Upon a showing by the attorney general that unrestricted
192 28 participation during the course of the litigation by the
192 29 person initiating the action would interfere with or unduly
192 30 delay the attorney general's prosecution of the case, or would
192 31 be repetitious, irrelevant, or for purposes of harassment,
192 32 the court may, in its discretion, impose limitations on the
192 33 person's participation, including but not limited to any of the
192 34 following:
192 35 (a) Limiting the number of witnesses the person may call.

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193 1 (b) Limiting the length of the testimony of such witnesses.
193 2 (c) Limiting the person's cross=examination of witnesses.
193 3 (d) Otherwise limiting the participation by the person in
193 4 the litigation.
193 5 (4) Upon a showing by the defendant that unrestricted
193 6 participation during the course of the litigation by the person
193 7 initiating the action would be for purposes of harassment or
193 8 would cause the defendant undue burden or unnecessary expense,
193 9 the court may limit the participation by the person in the
193 10 litigation.
193 11 c. If the attorney general elects not to proceed with the
193 12 action, the person who initiated the action shall have the
193 13 right to conduct the action. If the attorney general requests,
193 14 the attorney general shall be served with copies of all
193 15 pleadings filed in the action and shall be supplied with copies
193 16 of all deposition transcripts at the state's expense. When a
193 17 person proceeds with the action, the court, without limiting
193 18 the status and rights of the person initiating the action, may
193 19 permit the attorney general to intervene at a later date upon a
193 20 showing of good cause.
193 21 d. Whether or not the attorney general proceeds with the
193 22 action, upon a showing by the attorney general that certain
193 23 actions of discovery by the person initiating the action
193 24 would interfere with the attorney general's investigation or
193 25 prosecution of a criminal or civil matter arising out of the
193 26 same facts, the court may stay such discovery for a period of
193 27 not more than sixty days. Such a showing shall be conducted
193 28 in camera. The court may extend the sixty=day period upon
193 29 a further showing in camera that the attorney general has
193 30 pursued the criminal or civil investigation or proceedings
193 31 with reasonable diligence and any proposed discovery in the
193 32 civil action will interfere with the ongoing criminal or civil
193 33 investigation or proceedings.
193 34 e. Notwithstanding subsection 2, the attorney general may
193 35 elect to pursue the state's claim through any alternate remedy

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194 1 available to the state, including any administrative proceeding
194 2 to determine a civil penalty. If any such alternate remedy
194 3 is pursued in another proceeding, the person initiating the
194 4 action shall have the same rights in such proceeding as such
194 5 person would have had if the action had continued under this
194 6 section. Any finding of fact or conclusion of law made in
194 7 such other proceeding that has become final with respect to
194 8 a party who is also a party to an action under this section,
194 9 shall be conclusive as to all such parties to an action under
194 10 this section. For purposes of this paragraph, a finding or
194 11 conclusion is final if it has been finally determined on appeal
194 12 to the appropriate court of the state, if all time for filing
194 13 such an appeal with respect to the finding or conclusion has
194 14 expired, or if the finding or conclusion is not subject to
194 15 judicial review.
194 16 4. a. (1) If the attorney general proceeds with an action
194 17 brought by a person under subsection 2, the person shall,
194 18 subject to subparagraph (2), receive at least fifteen percent
194 19 but not more than twenty=five percent of the proceeds of the
194 20 action or settlement of the claim, which includes damages,
194 21 civil penalties, payments for costs of compliance, and any
194 22 other economic benefit realized by the state or federal
194 23 government as a result of the action, depending upon the
194 24 extent to which the person substantially contributed to the
194 25 prosecution of the action.
194 26 (2) If the action is one which the court finds to be
194 27 based primarily on disclosures of specific information, other
194 28 than information provided by the person bringing the action,
194 29 relating to allegations or transactions specifically in a
194 30 criminal, civil, or administrative hearing, or in a legislative
194 31 or administrative report, hearing, audit, or investigation, or
194 32 from the news media, the court may award an amount the court
194 33 considers appropriate, but in no case more than ten percent
194 34 of the proceeds, taking into account the significance of the
194 35 information and the role of the person bringing the action in

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195 1 advancing the case to litigation.
195 2 (3) Any payment to a person under subparagraph (1) or (2)
195 3 shall be made from the proceeds. Any such person shall also
195 4 receive an amount for reasonable expenses which the appropriate
195 5 court finds to have been necessarily incurred, plus reasonable
195 6 attorney fees and costs. All such expenses, fees, and costs
195 7 shall be awarded against the defendant.
195 8 b. If the attorney general does not proceed with an action
195 9 under this section, the person bringing the action or settling
195 10 the claim shall receive an amount which the court decides is
195 11 reasonable for collecting the civil penalty and damages. The
195 12 amount shall be not less than twenty=five percent and not more
195 13 than thirty percent of the proceeds of the action or settlement
195 14 and shall be paid out of such proceeds, which includes damages,
195 15 civil penalties, payments for costs of compliance, and any
195 16 other economic benefit realized by the state or federal
195 17 government as a result of the action. Such person shall also
195 18 receive an amount for reasonable expenses which the appropriate
195 19 court finds to have been necessarily incurred, plus reasonable
195 20 attorney fees and costs. All such expenses, fees, and costs
195 21 shall be awarded against the defendant.
195 22 c. Whether or not the attorney general proceeds with the
195 23 action, if the court finds that the action was brought by a
195 24 person who planned and initiated the violation of section
195 25 685.2 upon which the action was brought, the court may, to the
195 26 extent the court considers appropriate, reduce the share of
195 27 the proceeds of the action which the person would otherwise
195 28 receive under paragraph "a" or "b", taking into account the
195 29 role of that person in advancing the case to litigation and any
195 30 relevant circumstances pertaining to the violation. If the
195 31 person bringing the action is convicted of criminal conduct
195 32 arising from the person's role in the violation of section
195 33 685.2, the person shall be dismissed from the civil action and
195 34 shall not receive any share of the proceeds of the action.
195 35 Such dismissal shall not prejudice the right of the attorney

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196 1 general to continue the action.
196 2 d. If the attorney general does not proceed with the action
196 3 and the person bringing the action conducts the action, the
196 4 court may award to the defendant reasonable attorney fees and
196 5 expenses if the defendant prevails in the action and the court
196 6 finds that the claim of the person bringing the action was
196 7 clearly frivolous, clearly vexatious, or brought primarily for
196 8 purposes of harassment.
196 9 5. a. A court shall not have jurisdiction over an action
196 10 brought under subsection 2 against a member of the general
196 11 assembly, a member of the judiciary, or an executive branch
196 12 official if the action is based on evidence or information
196 13 known to the attorney general when the action was brought.
196 14 b. A person shall not bring an action under subsection 2
196 15 which is based upon allegations or transactions which are the
196 16 subject of a civil suit or an administrative civil penalty
196 17 proceeding in which the state is already a party.
196 18 c. Upon motion of the attorney general, the court may in
196 19 consideration of all the equities, dismiss a qui tam plaintiff
196 20 if the elements of the actionable false claims alleged in the
196 21 qui tam complaint have been publicly disclosed specifically
196 22 in the news media or in a publicly disseminated governmental
196 23 report, at the time the complaint is filed.
196 24 d. The state is not liable for expenses which a person
196 25 incurs in bringing an action under this section.
196 26 6. Any employee who is discharged, demoted, suspended,
196 27 threatened, harassed, or in any other manner discriminated
196 28 against in the terms and conditions of employment by the
196 29 person's employer because of lawful acts performed by the
196 30 employee on behalf of the employee or others in furtherance
196 31 of an action under this section, including investigation for,
196 32 initiation of, testimony for, or assistance in an action filed
196 33 or to be filed under this section, shall be entitled to all
196 34 relief necessary to make the employee whole. Such relief
196 35 shall include reinstatement with the same seniority status

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197 1 such employee would have had but for the discrimination, two
197 2 times the amount of back pay, interest on the back pay, and
197 3 compensation for any special damages sustained as a result of
197 4 the discrimination, including litigation costs and reasonable
197 5 attorney fees. An employee may bring an action in the
197 6 appropriate court of the state for the relief provided in this
197 7 subsection.
197 8 Sec. 385. NEW SECTION. 685.4 Limitation of actions ==
197 9 burden of proof.
197 10 1. A civil action under section 685.3 shall not be brought
197 11 more than ten years after the date on which the violation was
197 12 committed.
197 13 2. A civil action under section 685.3 may be brought based
197 14 on activity prior to January 1, 2007, if the limitations period
197 15 pursuant to subsection 1 has not lapsed.
197 16 3. In any action brought under section 685.3, the attorney
197 17 general or the qui tam plaintiff shall be required to prove all
197 18 essential elements of the cause of action, including damages,
197 19 by a preponderance of the evidence.
197 20 4. Notwithstanding any other provision of law, a guilty
197 21 verdict rendered in a criminal proceeding charging false
197 22 statements or fraud, whether upon a verdict after trial or upon
197 23 a plea of guilty or nolo contendere, shall estop the defendant
197 24 from denying the essential elements of the offense in any
197 25 action which involves the same transaction as in the criminal
197 26 proceeding and which is brought under section 685.3, subsection
197 27 1, 2, or 3.
197 28 Sec. 386. NEW SECTION. 685.5 Remedies under other laws ==
197 29 application.
197 30 1. The provisions of this chapter are not exclusive, and the
197 31 remedies provided for in this chapter shall be in addition to
197 32 any other remedies provided for in any other law or available
197 33 under common law.
197 34 2. This chapter shall be liberally construed and applied
197 35 to promote the public interest. This chapter shall also

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198 1 be construed and applied in a manner that reflects the
198 2 congressional intent behind the federal False Claims Act,
198 3 31 U.S.C. { 3729=3733, including the legislative history
198 4 underlying the 1986 amendments to the federal False Claims Act.
198 5 Sec. 387. NEW SECTION. 685.6 Venue.
198 6 An action brought under this chapter may be brought in any
198 7 judicial district in which the defendant or, in the case of
198 8 multiple defendants, any one defendant can be found, resides,
198 9 transacts business, or in which any act proscribed under this
198 10 chapter occurred. A summons as required by the rules of civil
198 11 procedure shall be issued by the appropriate district court and
198 12 service at any place within or outside the United States.
198 13 Sec. 388. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
198 14 APPLICABILITY. This division of this Act, being deemed of
198 15 immediate importance, takes effect upon enactment and applies
198 16 retroactively to January 1, 2007.
198 17 DIVISION XXVII
198 18 MEDICAID PRESCRIPTION DRUGS
198 19 Sec. 389. Section 249A.20A, subsection 4, Code 2009, is
198 20 amended to read as follows:
198 21 4. With the exception of drugs prescribed for the treatment
198 22 of human immunodeficiency virus or acquired immune deficiency
198 23 syndrome, transplantation, or cancer ~~and drugs prescribed~~
~~198 24 for mental illness~~ with the exception of drugs and drug
198 25 compounds that do not have a significant variation in a
198 26 therapeutic profile or side effect profile within a therapeutic
198 27 class, prescribing and dispensing of prescription drugs not
198 28 included on the preferred drug list shall be subject to prior
198 29 authorization.
198 30 Sec. 390. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING. The
198 31 department shall adopt rules pursuant to chapter 17A to
198 32 restrict physicians and other prescribers to prescribing not
198 33 more than a 72=hour or three=day supply of a prescription drug
198 34 not included on the medical assistance preferred drug list
198 35 while seeking approval to continue prescribing the medication.

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199 1 Sec. 391. MEDICAID MENTAL HEALTH MEDICATIONS. The
199 2 department shall adopt rules pursuant to chapter 17A to require
199 3 that unless the manufacturer of a chemically unique mental
199 4 health prescription drug enters into a contract to provide the
199 5 state with a supplemental rebate, the drug shall be placed on
199 6 the nonpreferred drug list and subject to prior authorization
199 7 before a medical assistance program recipient is able to obtain
199 8 the drug.
199 9 DIVISION XXVIII
199 10 MEDICAID DISEASE MANAGEMENT
199 11 Sec. 392. MEDICAID DISEASE MANAGEMENT FOR CHILDREN. The
199 12 department of human services shall design and implement a
199 13 disease management program for children to address the most
199 14 prevalent chronic diseases among children in Iowa. The program
199 15 may include technology=based disease management, in=person or
199 16 telephonic care management, self=management strategies, and
199 17 health literacy education and training.
199 18 DIVISION XXIX
199 19 MEDICAID HOME AND COMMUNITY=BASED SERVICES WAIVER PAYMENTS
199 20 Sec. 393. MEDICAID HOME AND COMMUNITY=BASED SERVICES WAIVER
199 21 PAYMENTS == REVIEW. The department of human services shall
199 22 evaluate payment records and determine the proper mechanism
199 23 to trigger a review of payments for services provided under a
199 24 home and community=based services waiver that are in excess of
199 25 the median amount for payments through the waivers. Following
199 26 development of the trigger mechanism, the department shall
199 27 require advance approval for services for which payment is
199 28 projected to exceed the median.
199 29 DIVISION XXX
199 30 DIVESTITURE == MEDICAID PROGRAM
199 31 Sec. 394. Section 249F.1, subsection 2, paragraph a, Code
199 32 2009, is amended to read as follows:
199 33 a. "Transfer of assets" means any transfer or assignment
199 34 of a legal or equitable interest in property, as defined in
199 35 section 702.14, from a transferor to a transferee for less than

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200 1 fair consideration, made while the transferor is receiving
200 2 medical assistance or within five years prior to application
200 3 for medical assistance by the transferor. Any such transfer
200 4 or assignment is presumed to be made with the intent, on the
200 5 part of the transferee; transferor; or another person acting
200 6 on behalf of a transferor who is an actual or implied agent,
200 7 guardian, attorney=in=fact, or person acting as a fiduciary,
200 8 of enabling the transferor to obtain or maintain eligibility
200 9 for medical assistance or of impacting the recovery or payment
200 10 of a medical assistance debt. This presumption is rebuttable
200 11 only by clear and convincing evidence that the transferor's
200 12 eligibility or potential eligibility for medical assistance or
200 13 the impact on the recovery or payment of a medical assistance
200 14 debt was no part of the ~~transferee's~~ reason of the transferee;
200 15 transferor; or other person acting on behalf of a transferor
200 16 who is an actual or implied agent, guardian, attorney=in=fact,
200 17 or person acting as a fiduciary for making or accepting the
200 18 transfer or assignment. A transfer of assets includes a
200 19 transfer of an interest in the transferor's home, domicile, or
200 20 land appertaining to such home or domicile while the transferor
200 21 is receiving medical assistance, unless otherwise exempt under
200 22 paragraph "b".
200 23 Sec. 395. Section 249F.1, subsection 2, paragraph b,
200 24 subparagraph (6), Code 2009, is amended to read as follows:
200 25 (6) Transfers of assets that would, at the time of the
200 26 transferor's application for medical assistance, have been
200 27 exempt from consideration as a resource if retained by the
200 28 transferor, pursuant to 42 U.S.C. { 1382b(a), as implemented
200 29 by regulations adopted by the secretary of the United States
200 30 department of health and human services, excluding the home and
200 31 land appertaining to the home.
200 32 DIVISION XXXI
200 33 CHILD CARE ADVISORY COMMITTEE
200 34 Sec. 396. NEW SECTION. 135.173A Child care advisory
200 35 committee.

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201 1 1. The early childhood Iowa council shall establish a state
201 2 child care advisory committee as part of the council. The
201 3 advisory committee shall advise and make recommendations to the
201 4 governor, general assembly, department of human services, and
201 5 other state agencies concerning child care.
201 6 2. The membership of the advisory committee shall consist of
201 7 a broad spectrum of parents and other persons from across the
201 8 state with an interest in or involvement with child care.
201 9 3. Except as otherwise provided, the voting members of
201 10 the advisory committee shall be appointed by the council
201 11 from a list of names submitted by a nominating committee to
201 12 consist of one member of the advisory committee, one member
201 13 of the department of human services' child care staff, three
201 14 consumers of child care, and one member of a professional child
201 15 care organization. Two names shall be submitted for each
201 16 appointment. The voting members shall be appointed for terms
201 17 of three years.
201 18 4. The voting membership of the advisory committee shall be
201 19 appointed in a manner so as to provide equitable representation
201 20 of persons with an interest in child care and shall include all
201 21 of the following:
201 22 a. Two parents of children served by a registered child
201 23 development home.
201 24 b. Two parents of children served by a licensed center.
201 25 c. Two not=for=profit child care providers.
201 26 d. Two for=profit child care providers.
201 27 e. One child care home provider.
201 28 f. Three child development home providers.
201 29 g. One child care resource and referral service grantee.
201 30 h. One nongovernmental child advocacy group representative.
201 31 i. One designee of the department of human services.
201 32 j. One designee of the Iowa department of public health.
201 33 k. One designee of the department of education.
201 34 l. One head start program provider.
201 35 m. One person who is a business owner or executive officer

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202 1 from nominees submitted by the Iowa chamber of commerce
202 2 executives.
202 3 n. One designee of the community empowerment office of the
202 4 department of management.
202 5 o. One person who is a member of the Iowa afterschool
202 6 alliance.
202 7 p. One person who is part of a local program implementing
202 8 the statewide preschool program for four=year=old children
202 9 under chapter 256C.
202 10 q. One person who represents the early childhood Iowa
202 11 council.
202 12 5. In addition to the voting members of the advisory
202 13 committee, the membership shall include four legislators as
202 14 ex officio, nonvoting members. The four legislators shall
202 15 be appointed one each by the majority leader of the senate,
202 16 the minority leader of the senate, the speaker of the house
202 17 of representatives, and the minority leader of the house of
202 18 representatives for terms as provided in section 69.16B.
202 19 6. In fulfilling the advisory committee's role, the
202 20 committee shall do all of the following:
202 21 a. Consult with the department of human services and make
202 22 recommendations concerning policy issues relating to child
202 23 care.
202 24 b. Advise the department of human services concerning
202 25 services relating to child care, including but not limited to
202 26 any of the following:
202 27 (1) Resource and referral services.
202 28 (2) Provider training.
202 29 (3) Quality improvement.
202 30 (4) Public=private partnerships.
202 31 (5) Standards review and development.
202 32 (6) The federal child care and development block grant,
202 33 state funding, grants, and other funding sources for child
202 34 care.
202 35 c. Assist the department of human services in developing an

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203 1 implementation plan to provide seamless service to recipients
203 2 of public assistance, which includes child care services.
203 3 For the purposes of this subsection, "seamless service"
203 4 means coordination, where possible, of the federal and state
203 5 requirements which apply to child care.
203 6 d. Advise and provide technical services to the director of
203 7 the department of education or the director's designee relating
203 8 to prekindergarten, kindergarten, and before and after school
203 9 programming and facilities.
203 10 e. Make recommendations concerning child care expansion
203 11 programs that meet the needs of children attending a core
203 12 education program by providing child care before and after the
203 13 core program hours and during times when the core program does
203 14 not operate.
203 15 f. Make recommendations for improving collaborations
203 16 between the child care programs involving the department of
203 17 human services and programs supporting the education and
203 18 development of young children including but not limited to the
203 19 federal head start program, the statewide preschool program for
203 20 four=year=old children and the early childhood, at=risk, and
203 21 other early education programs administered by the department
203 22 of education.
203 23 g. Make recommendations for eliminating duplication and
203 24 otherwise improving the eligibility determination processes
203 25 used for the state child care assistance program and other
203 26 programs supporting low=income families, including but not
203 27 limited to the federal head start, early head start, and even
203 28 start programs; the early childhood, at=risk, and preschool
203 29 programs administered by the department of education; the
203 30 family and self=sufficiency grant program; and the family
203 31 investment program.
203 32 h. Make recommendations as to the most effective and
203 33 efficient means of managing the state and federal funding
203 34 available for the state child care assistance program.
203 35 i. Review program data from the department of human services

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204 1 and other departments concerning child care as deemed to be
204 2 necessary by the advisory committee, although a department
204 3 shall not provide personally identifiable data or information.
204 4 j. Advise and assist the early childhood Iowa council in
204 5 developing the strategic plan required pursuant to section
204 6 135.173.
204 7 7. The department of human services shall provide
204 8 information to the advisory committee semiannually on all of
204 9 the following:
204 10 a. Federal, state, local, and private revenues and
204 11 expenditures for child care, including but not limited to
204 12 updates on the current and future status of the revenues and
204 13 expenditures.
204 14 b. Financial information and data relating to regulation of
204 15 child care by the department of human services and the usage of
204 16 the state child care assistance program.
204 17 c. Utilization and availability data relating to child care
204 18 regulation, quantity, and quality from consumer and provider
204 19 perspectives.
204 20 d. Statistical and demographic data regarding child care
204 21 providers and the families utilizing child care.
204 22 e. Statistical data regarding the processing time for
204 23 issuing notices of decision to state child care assistance
204 24 applicants and for issuing payments to child care providers.
204 25 8. The advisory committee shall coordinate with the early
204 26 childhood Iowa council its reporting annually in December
204 27 to the governor and general assembly concerning the status
204 28 of child care in the state, providing findings, and making
204 29 recommendations. The annual report may be personally presented
204 30 to the general assembly's standing committees on human
204 31 resources by a representative of the advisory committee.
204 32 Sec. 397. Section 237A.1, subsection 16, Code 2009, is
204 33 amended to read as follows:
204 34 16. "State child care advisory ~~council"~~ committee" means
204 35 the state child care advisory ~~council~~ committee established

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205 1 pursuant to ~~sections 237A.21 and 237A.22~~ section 135.173A.
205 2 Sec. 398. Section 237A.12, subsection 3, Code 2009, is
205 3 amended to read as follows:
205 4 3. Rules relating to fire safety for child care centers
205 5 shall be adopted under this chapter by the state fire marshal
205 6 in consultation with the department. Rules adopted by the
205 7 state fire marshal for a building which is owned or leased by a
205 8 school district or accredited nonpublic school and used as a
205 9 child care facility shall not differ from standards adopted by
205 10 the state fire marshal for school buildings under chapter 100.
205 11 Rules relating to sanitation shall be adopted by the department
205 12 in consultation with the director of public health. All rules
205 13 shall be developed in consultation with the state child care
205 14 advisory ~~council~~ committee. The state fire marshal shall
205 15 inspect the facilities.
205 16 Sec. 399. Section 237A.25, subsection 1, Code 2009, is
205 17 amended to read as follows:
205 18 1. The department shall develop consumer information
205 19 material to assist parents in selecting a child care provider.
205 20 In developing the material, the department shall consult with
205 21 department of human services staff, department of education
205 22 staff, the state child care advisory ~~council~~ committee, the
205 23 Iowa empowerment board, and child care resource and referral
205 24 services. In addition, the department may consult with other
205 25 entities at the local, state, and national level.
205 26 Sec. 400. Section 237A.30, subsection 1, Code 2009, is
205 27 amended to read as follows:
205 28 1. The department shall work with the community empowerment
205 29 office of the department of management established in section
205 30 28.3 and the state child care advisory ~~council~~ committee in
205 31 designing and implementing a voluntary quality rating system
205 32 for each provider type of child care facility.
205 33 Sec. 401. Section 256.9, subsection 32, paragraph b, Code
205 34 Supplement 2009, is amended to read as follows:
205 35 b. Standards and materials developed shall include

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206 1 materials which employ developmentally appropriate practices
206 2 and incorporate substantial parental involvement. The
206 3 materials and standards shall include alternative teaching
206 4 approaches including collaborative teaching and alternative
206 5 dispute resolution training. The department shall consult
206 6 with the child development coordinating council, the state
206 7 child care advisory ~~council~~ committee established pursuant
206 8 to section 135.173A, the department of human services,
206 9 the state board of regents center for early developmental
206 10 education, the area education agencies, the department of
206 11 ~~child~~ human development and family studies in the college of
206 12 ~~family and consumer~~ human sciences at Iowa state university of
206 13 science and technology, the early childhood elementary division
206 14 of the college of education at the university of Iowa, and the
206 15 college of education at the university of northern Iowa, in
206 16 developing these standards and materials.
206 17 Sec. 402. REPEAL. Sections 237A.21 and 237A.22, Code
206 18 Supplement 2009, are repealed.
206 19 Sec. 403. IMPLEMENTATION == EFFECTIVE DATE.
206 20 1. The early childhood Iowa council shall develop a
206 21 legislation proposal identifying memberships slots for
206 22 the state child care advisory committee as created by this
206 23 division of this Act. The proposal shall ensure that there
206 24 is appropriate representation for the various types of child
206 25 care arrangements available in the state and for expertise.
206 26 The proposal shall be submitted to the governor and general
206 27 assembly on or before December 15, 2010.
206 28 2. If a provision of this Act or another enactment of
206 29 the Eighty=third General Assembly repeals section 135.173
206 30 and creates the early childhood Iowa state board in new Code
206 31 chapter 256I, the early childhood Iowa state board shall
206 32 fulfill the responsibilities assigned to the early childhood
206 33 Iowa council in subsection 1 and the department of education
206 34 shall propose corrective legislation for the provisions of
206 35 this division of this Act in accordance with section 2.16 for

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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 XXXII

STATE MENTAL HEALTH INSTITUTES

Sec. 404. MOUNT PLEASANT MHI CLOSURE COSTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For transition costs relating to the transfer of authority over the state facilities of the state mental health institute at Mount Pleasant from the department of human services to the department of corrections in accordance with this division of this Act:

..... $ 0

Sec. 405. Section 218.1, Code 2009, is amended to read as follows:

218.1 Institutions controlled.

1. The director of human services shall have the general and full authority given under statute to control, manage, direct, and operate the ~~following~~ institutions listed in subsection 2 under the director's jurisdiction, and may at the director's discretion assign the powers and authorities given the director by statute to any one of the deputy directors, division administrators, or officers or employees of the divisions of the department of human services~~:~~.

2. The institutions under the authority of the director of human services are the following:

~~1.~~ a. Glenwood state resource center.

~~2.~~ b. Woodward state resource center.

~~3.~~ c. Mental health institute, Cherokee, Iowa.

~~4.~~ d. Mental health institute, Clarinda, Iowa.

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~~5.~~ e. Mental health institute, Independence, Iowa.
~~6. Mental health institute, Mount Pleasant, Iowa.~~
~~7.~~ f. State training school.
~~8.~~ g. Iowa juvenile home.
~~9.~~ h. Other facilities not attached to the campus of the main institution as program developments require.

Sec. 406. Section 219.1, subsection 1, Code 2009, is amended to read as follows:

1. All of the following ~~shall be~~ are collectively designated as a single state medical institution:
~~a. The mental health institute, Mount Pleasant, Iowa.~~
~~b.~~ a. The mental health institute, Independence, Iowa.
~~c.~~ b. The mental health institute, Clarinda, Iowa.
~~d.~~ c. The mental health institute, Cherokee, Iowa.
~~e.~~ d. The Glenwood state resource center.
~~f.~~ e. The Woodward state resource center.

Sec. 407. Section 226.1, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The state hospitals for persons with mental illness ~~shall be designated~~, known as the state mental health institutes, are as follows:
~~a. Mental Health Institute, Mount Pleasant, Iowa.~~
~~b.~~ a. Mental ~~Health Institute~~ health institute, Independence, Iowa.
~~c.~~ b. Mental ~~Health Institute~~ health institute, Clarinda, Iowa.
~~d.~~ c. Mental ~~Health Institute~~ health institute, Cherokee, Iowa.

Sec. 408. Section 226.9C, subsection 1, Code 2009, is amended to read as follows:

1. The ~~state mental health institute at Mount Pleasant shall~~ department of human services may operate ~~the~~ a dual diagnosis mental health and substance abuse program at a state mental health institute. The dual diagnosis program shall operate on a net budgeting basis in which fifty percent of the

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209 1 actual per diem and ancillary services costs are chargeable to
209 2 the patient's county of legal settlement or as a state case,
209 3 as appropriate.
209 4 1A. Subject to the approval of the department, revenues
209 5 attributable to the dual diagnosis program for each fiscal year
209 6 shall be deposited in the mental health institute's account
209 7 and are appropriated to the department for the dual diagnosis
209 8 program, including but not limited to all of the following
209 9 revenues:
209 10 a. Moneys received by the state from billings to counties
209 11 under section 230.20.
209 12 b. Moneys received from billings to the Medicare program.
209 13 c. Moneys received from a managed care contractor providing
209 14 services under contract with the department or any private
209 15 third=party payor.
209 16 d. Moneys received through client participation.
209 17 e. Any other revenues directly attributable to the dual
209 18 diagnosis program.
209 19 Sec. 409. TRANSITION PROVISIONS.
209 20 1. The director of human services and the director of the
209 21 department of corrections shall work together to transfer
209 22 authority over the facilities at the state mental health
209 23 institute at Mount Pleasant from the department of human
209 24 services to the department of corrections. The transfer shall
209 25 be completed on or before July 1, 2011.
209 26 2. The department of human services shall do all of the
209 27 following during the fiscal year beginning July 1, 2009,
209 28 relating to the transfer of authority over such facilities:
209 29 a. Adopt rules revising the catchment areas for the state
209 30 mental health institutes from four areas to three areas served
209 31 by the state mental health institutes at Cherokee, Clarinda,
209 32 and Independence. The rules shall also address relocation
209 33 of statewide programs to appropriate state mental health
209 34 institutes.
209 35 b. Transfer the patients at the state mental health

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210 1 institute at Mount Pleasant to suitable alternative placements.
210 2 3. Moneys appropriated to the department of human services
210 3 for the fiscal year beginning July 1, 2009, and ending June 30,
210 4 2010, for the state mental health institute at Mount Pleasant
210 5 shall be expended for the patients placed at the institute,
210 6 for services provided at alternative placements or for costs
210 7 incurred by the department of human services relating to the
210 8 transfer of programs.
210 9 4. Administrative rules adopted by the department of
210 10 human services for the state mental health institute at Mount
210 11 Pleasant in effect as of July 1, 2009, shall remain applicable
210 12 until the transfer of the authority over the facilities to the
210 13 department of corrections has been completed. The departments
210 14 of human services and corrections shall jointly provide written
210 15 notice to the legislative services agency when the transfer has
210 16 been completed.
210 17 Sec. 410. IMPLEMENTATION. Section 25B.2, subsection 3,
210 18 shall not apply to this division of this Act.
210 19 Sec. 411. EFFECTIVE UPON ENACTMENT. This division of this
210 20 Act, being deemed of immediate importance, takes effect upon
210 21 enactment.
210 22 DIVISION XXXIII
210 23 MH/MR/DD/BI COMMISSION DUTIES
210 24 Sec. 412. Section 135C.23, subsection 2, paragraph b, Code
210 25 Supplement 2009, is amended to read as follows:
210 26 b. This section does not prohibit the admission of a
210 27 patient with a history of dangerous or disturbing behavior to
210 28 an intermediate care facility for persons with mental illness,
210 29 intermediate care facility for persons with mental retardation,
210 30 nursing facility, or county care facility when the intermediate
210 31 care facility for persons with mental illness, intermediate
210 32 care facility for persons with mental retardation, nursing
210 33 facility, or county care facility has a program which has
210 34 received prior approval from the department to properly care
210 35 for and manage the patient. An intermediate care facility for

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211 1 persons with mental illness, intermediate care facility for
211 2 persons with mental retardation, nursing facility, or county
211 3 care facility is required to transfer or discharge a resident
211 4 with dangerous or disturbing behavior when the intermediate
211 5 care facility for persons with mental illness, intermediate
211 6 care facility for persons with mental retardation, nursing
211 7 facility, or county care facility cannot control the resident's
211 8 dangerous or disturbing behavior. The department~~, in~~
~~211 9 coordination with the state mental health, mental retardation,~~
~~211 10 developmental disabilities, and brain injury commission created~~
~~211 11 in section 225C.5,~~ shall adopt rules pursuant to chapter 17A
211 12 for programs to be required in intermediate care facilities
211 13 for persons with mental illness, intermediate care facilities
211 14 for persons with mental retardation, nursing facilities, and
211 15 county care facilities that admit patients or have residents
211 16 with histories of dangerous or disturbing behavior.
211 17 Sec. 413. Section 229.24, subsection 3, unnumbered
211 18 paragraph 1, Code 2009, is amended to read as follows:
211 19 If all or part of the costs associated with hospitalization
211 20 of an individual under this chapter are chargeable to a
211 21 county of legal settlement, the clerk of the district court
211 22 shall provide to the county of legal settlement and to the
211 23 county in which the hospitalization order is entered~~, in a~~
~~211 24 form prescribed by the mental health, mental retardation,~~
~~211 25 developmental disabilities, and brain injury commission,~~ the
211 26 following information pertaining to the individual which would
211 27 be confidential under subsection 1:
211 28 Sec. 414. Section 230A.2, Code 2009, is amended to read as
211 29 follows:
211 30 230A.2 Services offered.
211 31 A community mental health center established or operating
211 32 as authorized by section 230A.1 may offer to residents of the
211 33 county or counties it serves any or all of the mental health
211 34 services defined ~~by the mental health, mental retardation,~~
~~211 35 developmental disabilities, and brain injury commission~~ in the

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212 1 comprehensive state mental health and disability services plan
212 2 under section 225C.6B.
212 3 Sec. 415. Section 230A.15, Code 2009, is amended to read as
212 4 follows:
212 5 230A.15 Comprehensive community mental health program.
212 6 A community mental health center established or operating
212 7 as authorized by section 230A.1, or which a county or group
212 8 of counties has agreed to establish or support pursuant
212 9 to that section, may with approval of the board or boards
212 10 of supervisors of the county or counties supporting or
212 11 establishing the center, undertake to provide a comprehensive
212 12 community mental health program for the county or counties.
212 13 A center providing a comprehensive community mental health
212 14 program shall, at a minimum, make available to residents of the
212 15 county or counties it serves all of the ~~comprehensive~~ mental
212 16 health services described in the comprehensive state mental
212 17 health and disability services plan under section 225C.6B.
212 18 Sec. 416. Section 331.424A, subsection 1, Code Supplement
212 19 2009, is amended to read as follows:
212 20 1. For the purposes of this chapter, unless the context
212 21 otherwise requires, "services fund" means the county mental
212 22 health, mental retardation, and developmental disabilities
212 23 services fund created in subsection 2. The ~~county finance~~
~~212 24 committee created in section 333A.2 shall consult with~~
~~212 25 the~~ state commission ~~in adopting~~ shall adopt rules ~~and~~
~~212 26 prescribing forms~~ for administering the services fund. The
212 27 county finance committee created in section 333A.2 shall
212 28 prescribe forms in accordance with the rules adopted by the
212 29 state commission. The forms shall allow for reporting of
212 30 services for persons with brain injury and other optional
212 31 services funded through a services fund.
212 32 Sec. 417. Section 331.438, subsection 1, paragraph b, Code
212 33 2009, is amended to read as follows:
212 34 b. "Qualified mental health, mental retardation, and
212 35 developmental disabilities services" means the services

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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. 418. 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)~~ (2) 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)~~ (3) 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~~

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~~214 1 331.440 and other rules necessary for the implementation of~~
~~214 2 county management plans and expenditure reports required for~~
~~214 3 state payment pursuant to section 331.439.~~
214 4 ~~(10) Consider recommendations to improve the programs and~~
~~214 5 cost-effectiveness of state and county contracting processes~~
~~214 6 and procedures, including strategies for negotiations relating~~
~~214 7 to managed care. The recommendations implemented by the~~
~~214 8 commission for the state and county regarding managed care~~
~~214 9 shall include but are not limited to standards for limiting~~
~~214 10 excess costs and profits, and for restricting cost shifting~~
~~214 11 under a managed care system.~~
214 12 ~~(11)~~ (4) Provide input, when appropriate, to the director
214 13 of human services in any decision involving administrative
214 14 rules which were adopted by the department of human services
214 15 pertaining to the ~~mental illness, mental retardation, and~~
~~214 16 developmental disabilities~~ services system administered by
214 17 counties.
214 18 ~~(12) Identify the fiscal impact of existing or proposed~~
~~214 19 legislation and administrative rules on state and county~~
~~214 20 expenditures.~~
214 21 ~~(13) Adopt administrative rules providing statewide~~
~~214 22 standards and a monitoring methodology to determine whether~~
~~214 23 cost-effective individualized services are available as~~
~~214 24 required pursuant to section 331.439, subsection 1, paragraph~~
~~214 25 "b".~~
214 26 ~~(14)~~ (5) Consider recommendations for and adopt
214 27 administrative rules establishing statewide minimum standards
214 28 for services and other support required to be available to
214 29 persons covered by a county management plan under section
214 30 331.439.
214 31 ~~(15)~~ (6) Consider recommendations for measuring and
214 32 improving the quality of state and county mental health, mental
214 33 retardation, and developmental disabilities services and other
214 34 support.
214 35 ~~(16) Develop a procedure for each county to disclose to~~

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~~215 1 the department of human services information approved by the~~
~~215 2 commission concerning the mental health, mental retardation,~~
~~215 3 developmental disabilities, and brain injury services provided~~
~~215 4 to the individuals served through the county central point~~
~~215 5 of coordination process. The procedure shall incorporate~~
~~215 6 protections to ensure that if individually identified~~
~~215 7 information is disclosed, it is disclosed and maintained in~~
~~215 8 compliance with applicable Iowa and federal confidentiality~~
~~215 9 laws, including but not limited to federal Health Insurance~~
~~215 10 Portability and Accountability Act, Pub. L. No. 104-191,~~
~~215 11 requirements.~~
215 12 Sec. 419. Section 331.439, subsection 1, unnumbered
215 13 paragraph 1, Code 2009, is amended to read as follows:
215 14 The state payment to eligible counties under this section
215 15 shall be made as provided in sections 331.438 and 426B.2. A
215 16 county is eligible for the state payment, as defined in section
215 17 331.438, for a fiscal year if the director of human services~~,~~
~~215 18 in consultation with the state commission,~~ determines for a
215 19 specific fiscal year that all of the following conditions are
215 20 met:
215 21 Sec. 420. Section 331.439, subsection 1, paragraph a, Code
215 22 2009, is amended to read as follows:
215 23 a. The county accurately reported by December 1 the
215 24 county's expenditures for mental health, mental retardation,
215 25 and developmental disabilities services and the information
215 26 required under section 225C.6A, subsection ~~2~~ 3, paragraph
215 27 "c", for the previous fiscal year ~~on forms prescribed by~~ in
215 28 accordance with rules adopted by the state commission. If
215 29 the department determines good cause exists, the department
215 30 may extend a deadline otherwise imposed under this chapter,
215 31 chapter 225C, or chapter 426B for a county's reporting
215 32 concerning mental health, mental retardation, or developmental
215 33 disabilities services or related revenues and expenditures.
215 34 Sec. 421. Section 331.439, subsection 1, paragraph b,
215 35 unnumbered paragraph 1, Code 2009, is amended to read as

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216 1 follows:
216 2 The county developed and implemented a county management
216 3 plan for the county's mental health, mental retardation, and
216 4 developmental disabilities services system in accordance with
216 5 the provisions of this paragraph "b". The plan shall comply
216 6 with the administrative rules adopted for this purpose by the
216 7 state commission and is subject to the approval of the director
216 8 of human services in consultation with the state commission.
216 9 The plan shall include a description of the county's service
216 10 management provision for mental health, mental retardation, and
216 11 developmental disabilities services. For mental retardation
216 12 and developmental disabilities service management, the plan
216 13 shall describe the county's development and implementation of a
216 14 ~~managed~~ system of cost=effective individualized services and
216 15 shall comply with the provisions of paragraph "f". The goal
216 16 of this part of the plan shall be to assist the individuals
216 17 served to be as independent, productive, and integrated into
216 18 the community as possible. The service management provisions
216 19 for mental health shall comply with the provisions of paragraph
216 20 "e". A county is subject to all of the following provisions
216 21 in regard to the county's services system management plan and
216 22 planning process:
216 23 Sec. 422. Section 331.439, subsection 1, paragraph b,
216 24 subparagraphs (2) and (3), Code 2009, are amended to read as
216 25 follows:
216 26 (2) For informational purposes, the county shall submit a
216 27 management plan review to the department of human services by
216 28 December 1 of each year. The annual review shall incorporate
216 29 an analysis of the data associated with the services
216 30 system managed during the preceding fiscal year by the county
216 31 or by a ~~managed care~~ private entity on behalf of the county.
216 32 The annual review shall also identify measurable outcomes
216 33 and results showing the county's progress in fulfilling
216 34 the purposes listed in paragraph "c", and in achieving the
216 35 disability services outcomes and indicators identified by the

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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~~ services 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. 423. 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 ~~service~~ services system management functions:

(1) The ~~service~~ services system seeks to empower persons to exercise their own choices about the amounts and types of services and other support received.

(2) The ~~service~~ services system seeks to empower the persons to accept responsibility, exercise choices, and take risks.

(3) The ~~service~~ services system seeks to provide services and other support that are individualized, provided to produce results, flexible, and cost=effective.

(4) The ~~service~~ services system seeks to provide services and other ~~supports~~ support 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

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218 1 all requirements of this lettered paragraph are met by the
218 2 private entity. The mental health ~~service management~~ services
218 3 system shall incorporate a central point of coordination and
218 4 clinical assessment process developed in accordance with the
218 5 provisions of section 331.440.
218 6 (2) ~~A managed care~~ The county services system for mental
218 7 health proposed by a county shall include but is not limited
218 8 to all of the following elements which shall be specified in
218 9 administrative rules adopted by the state commission:
218 10 (a) The enrollment and eligibility process.
218 11 (b) The scope of services included.
218 12 (c) The method of plan administration.
218 13 (d) The process for managing utilization and access to
218 14 services and other assistance.
218 15 (e) The quality assurance process.
218 16 (f) The risk management provisions and fiscal viability of
218 17 the provisions, if the county contracts with a private ~~managed~~
~~218 18 care~~ entity.
218 19 f. For mental retardation and developmental disabilities
218 20 services management, the county must either develop and
218 21 implement a ~~managed~~ system of care which addresses a full
218 22 array of appropriate services and cost=effective delivery of
218 23 services by contracting directly with service providers or
218 24 ~~contract~~ by contracting with a state=approved ~~managed care~~
~~218 25 contractor or contractors~~ private entity to manage the county
218 26 services system. ~~Any system or contract implemented under~~
~~218 27 this paragraph~~ The county services system shall incorporate a
218 28 central point of coordination and clinical assessment process
218 29 developed in accordance with the provisions of section 331.440.
218 30 The elements of ~~the county managed system of care~~ a county
218 31 services system shall be specified in rules developed by the
218 32 department of human services in consultation with and adopted
218 33 by the state commission.
218 34 Sec. 424. Section 331.439, subsection 3, paragraph b, Code
218 35 2009, is amended to read as follows:

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219 1 b. Based upon information contained in county management
219 2 plans and budgets and proposals made by representatives of
219 3 counties, the state commission shall recommend an allowed
219 4 growth factor adjustment to the governor by November 15
219 5 for the fiscal year which commences two years from the
219 6 beginning date of the fiscal year in progress at the time the
219 7 recommendation is made. The allowed growth factor adjustment
219 8 ~~shall~~ may address various costs including but not limited to
219 9 the costs associated with new consumers of service, service
219 10 cost inflation, and investments for economy and efficiency. In
219 11 developing the service cost inflation recommendation, the state
219 12 commission shall consider the cost trends indicated by the
219 13 gross expenditure amount reported in the expenditure reports
219 14 submitted by counties pursuant to subsection 1, paragraph
219 15 "a". The governor shall consider the state commission's
219 16 recommendation in developing the governor's recommendation for
219 17 an allowed growth factor adjustment for such fiscal year. The
219 18 governor's recommendation shall be submitted at the time the
219 19 governor's proposed budget for the succeeding fiscal year is
219 20 submitted in accordance with chapter 8.
219 21 Sec. 425. Section 331.439, subsection 7, Code 2009, is
219 22 amended to read as follows:
219 23 7. A county shall annually report data concerning the
219 24 county's services system managed ~~by~~ in accordance with the
219 25 county management plan. At a minimum, the data reported shall
219 26 indicate the number of different individuals who utilized
219 27 services in a fiscal year and the various types of services.
219 28 Data reported under this subsection shall be submitted with
219 29 the county's expenditure report required under subsection 1,
219 30 paragraph "a".
219 31 DIVISION XXXIV
219 32 MH/MR/DD/BI SERVICES
219 33 Sec. 426. Section 225C.4, subsection 1, paragraph a, Code
219 34 2009, is amended to read as follows:
219 35 a. Prepare and administer the comprehensive mental health

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220 1 and disability services plan as provided in section 225C.6B,
220 2 including state mental health and mental retardation plans
220 3 for the provision of disability services within the state and
220 4 ~~prepare and administer~~ the state developmental disabilities
220 5 plan. The administrator shall consult with the Iowa department
220 6 of public health, the state board of regents or a body
220 7 designated by the board for that purpose, the department
220 8 of management or a body designated by the director of the
220 9 department for that purpose, the department of education, the
220 10 department of workforce development and any other appropriate
220 11 governmental body, in order to facilitate coordination of
220 12 disability services provided in this state. The state mental
220 13 health and mental retardation plans shall be consistent with
220 14 the state health plan, and shall incorporate county disability
220 15 services plans.
220 16 Sec. 427. Section 225C.6, subsections 1 and 3, Code 2009,
220 17 are amended to read as follows:
220 18 1. To the extent funding is available, the commission shall
220 19 perform the following duties:
220 20 a. Advise the administrator on the administration of the
220 21 overall state disability services system.
220 22 b. Adopt necessary rules pursuant to chapter 17A which
220 23 relate to disability programs and services, including but not
220 24 limited to definitions of each disability included within the
220 25 term "disability services" as necessary for purposes of state,
220 26 county, and regional planning, programs, and services.
220 27 c. Adopt standards for community mental health centers,
220 28 services, and programs as recommended under section 230A.16.
220 29 The ~~commission~~ administrator shall determine whether to grant,
220 30 deny, or revoke the accreditation of the centers, services, and
220 31 programs.
220 32 d. Adopt standards for ~~the care of and services to persons~~
~~220 33 with mental illness and mental retardation residing in county~~
~~220 34 care facilities recommended under section 227.4~~ the provision
220 35 under medical assistance of individual case management

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221 1 services.
221 2 e. Unless another governmental body sets standards for a
221 3 service available to persons with disabilities, adopt state
221 4 standards for that service. ~~The commission shall provide that~~
~~221 5 a service provider's compliance with standards for a service~~
~~221 6 set by a nationally recognized body shall be deemed to be in~~
~~221 7 compliance with the state standards adopted by the commission~~
~~221 8 for that service. The commission shall adopt state standards~~
~~221 9 for those residential and community=based providers of services~~
~~221 10 to persons with mental illness or developmental disabilities~~
~~221 11 that are not otherwise subject to licensure by the department~~
~~221 12 of human services or department of inspections and appeals,~~
~~221 13 including but not limited to remedial services payable under~~
~~221 14 the medical assistance program and other services payable from~~
~~221 15 funds credited to a county mental health, mental retardation,~~
~~221 16 and developmental disabilities services fund created in section~~
~~221 17 331.424A. In addition, the~~ The commission shall review the
221 18 licensing standards used by the department of human services
221 19 or department of inspections and appeals for those facilities
221 20 providing disability services ~~to persons with mental illness~~
~~221 21 or developmental disabilities~~.
221 22 f. Assure that proper reconsideration and appeal procedures
221 23 are available to persons aggrieved by decisions, actions, or
221 24 circumstances relating to accreditation.
221 25 g. Adopt necessary rules for awarding grants from the state
221 26 and federal government as well as other moneys that become
221 27 available to the division for grant purposes.
221 28 h. Annually submit to the governor and the general assembly:
221 29 (1) A report concerning the activities of the commission.
221 30 (2) Recommendations formulated by the commission for
221 31 changes in law.
221 32 i. By January 1 of each odd=numbered year, submit to the
221 33 governor and the general assembly an evaluation of:
221 34 (1) The extent to which services to persons with
221 35 disabilities are actually available to persons in each county

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222 1 in the state and the quality of those services.
222 2 (2) The effectiveness of the services being provided by
222 3 disability service providers in this state and by each of the
222 4 state mental health institutes established under chapter 226
222 5 and by each of the state resource centers established under
222 6 chapter 222.
222 7 j. Advise the administrator, the council on human services,
222 8 the governor, and the general assembly on budgets and
222 9 appropriations concerning disability services.
222 10 k. Coordinate activities with the governor's developmental
222 11 disabilities council and the mental health planning council,
222 12 created pursuant to federal law. Work with other state
222 13 agencies on coordinating, collaborating, and communicating
222 14 concerning activities involving persons with disabilities.
222 15 ~~l. Establish standards for the provision under medical~~
222 16 ~~assistance of individual case management services. The~~
222 17 ~~commission shall determine whether to grant, deny, or revoke~~
222 18 ~~the accreditation of the services.~~
222 19 ~~m.~~ l. Identify basic financial eligibility standards for
222 20 disability services. The standards shall include but are not
222 21 limited to the following:
222 22 (1) A financial eligibility standard providing that a
222 23 person with an income equal to or less than one hundred fifty
222 24 percent of the federal poverty level, as defined by the most
222 25 recently revised poverty income guidelines published by the
222 26 United States department of health and human services, is
222 27 eligible for disability services paid with public funding.
222 28 However, a county may apply a copayment requirement for a
222 29 particular disability service to a person with an income
222 30 equal to or less than one hundred fifty percent of the
222 31 federal poverty level, provided the disability service and
222 32 the copayment amount both comply with rules adopted by the
222 33 commission applying uniform standards with respect to copayment
222 34 requirements. A person with an income above one hundred fifty
222 35 percent of the federal poverty level may be eligible subject

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223 1 to a copayment or other cost=sharing arrangement subject to
223 2 limitations adopted in rule by the commission.
223 3 (2) A requirement that a person who is eligible for
223 4 federally funded services and other support must apply for the
223 5 services and support.
223 6 (3) Resource limitations that are derived from the federal
223 7 supplemental security income program limitations. A person
223 8 with resources above the federal supplemental security income
223 9 program limitations may be eligible subject to limitations
223 10 adopted in rule by the commission. If a person does not
223 11 qualify for federally funded services and other support
223 12 but meets income, resource, and functional eligibility
223 13 requirements, the following types of resources shall be
223 14 disregarded:
223 15 (a) A retirement account that is in the accumulation stage.
223 16 (b) A burial, medical savings, or assistive technology
223 17 account.
223 18 ~~n.~~ m. Identify disability services outcomes and indicators
223 19 to support the ability of eligible persons with a disability to
223 20 live, learn, work, and recreate in communities of the persons'
223 21 choice. The identification duty includes but is not limited to
223 22 responsibility for identifying, collecting, and analyzing data
223 23 as necessary to issue reports on outcomes and indicators at the
223 24 county and state levels.
223 25 ~~o. Prepare five=year plans based upon the county management~~
~~223 26 plans developed pursuant to section 331.439.~~
223 27 ~~p. Work with other state agencies on coordinating,~~
~~223 28 collaborating, and communicating concerning activities~~
~~223 29 involving persons with disabilities.~~
223 30 ~~q. Perform analyses and other functions associated with~~
~~223 31 a redesign of the mental health and developmental disability~~
~~223 32 services systems for adults and for children.~~
223 33 3. If the executive branch creates a committee, task force,
223 34 council, or other advisory body to consider ~~mental health~~
~~223 35 and developmental disabilities~~ disability services policy~~,~~

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~~224 1 services,~~ or program options involving children or adult
224 2 consumers, the commission is designated to receive and consider
224 3 any report, findings, recommendations, or other work product
224 4 issued by such body. The commission may address the report,
224 5 findings, recommendations, or other work product in fulfilling
224 6 the commission's functions and to advise the department,
224 7 council on human services, governor, and general assembly
224 8 concerning disability services.
224 9 Sec. 428. Section 225C.6A, Code 2009, is amended to read as
224 10 follows:
224 11 225C.6A Mental health, developmental disability, and brain
224 12 injury service system redesign ~~implementation~~.
224 13 ~~1. Purpose. It is the intent of the general assembly~~
~~224 14 to implement a redesign of the mental health, developmental~~
~~224 15 disability, and brain injury service system over a period of~~
~~224 16 years in order to transition to a coordinated system for Iowans~~
~~224 17 with mental illness, mental retardation or other developmental~~
~~224 18 disabilities, or brain injury. Because of the significance of~~
~~224 19 the redesign to the persons who may be affected by it and the~~
~~224 20 degree of uncertainty regarding the extent of funding changes~~
~~224 21 necessary for implementation, the department and the commission~~
~~224 22 shall not implement a redesign provision through rulemaking or~~
~~224 23 other means unless specific statutory authority provides for~~
~~224 24 the provision's implementation.~~
224 25 ~~2. Initial activities.~~ ~~For the fiscal years beginning~~
~~224 26 July 1, 2004, and July 1, 2005, the~~ The commission shall do
224 27 the following relating to redesign of the disability services
224 28 system in the state:
224 29 ~~a.~~ 1. Identify sources of revenue to support statewide
224 30 delivery of core disability services to eligible disability
224 31 populations.
224 32 ~~b. Further develop adult disability services system redesign~~
~~224 33 proposals and propose a redesign of the children's disability~~
~~224 34 service system. The redesign of the children's system shall~~
~~224 35 address issues associated with an individual's transition~~

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~~225 1 between the two systems.~~
225 2 2. Ensure there is a continuous improvement process for
225 3 development and maintenance of the disability services system
225 4 for adults and children. The process shall include but is not
225 5 limited to data collection and reporting provisions.
225 6 ~~c. (1)~~3. a. Plan, collect, and analyze data as necessary
225 7 to issue cost estimates for serving additional populations and
225 8 providing core disability services statewide. The department
225 9 shall maintain compliance with applicable federal and state
225 10 privacy laws to ensure the confidentiality and integrity of
225 11 individually identifiable disability services data. The
225 12 department shall regularly assess the status of the compliance
225 13 in order to assure that data security is protected.
225 14 ~~(2)~~ b. In implementing a system under this ~~paragraph~~
~~225 15 "c"~~ subsection for collecting and analyzing state, county,
225 16 and private contractor data, the department shall establish a
225 17 client identifier for the individuals receiving services. The
225 18 client identifier shall be used in lieu of the individual's
225 19 name or social security number. The client identifier shall
225 20 consist of the last four digits of an individual's social
225 21 security number, the first three letters of the individual's
225 22 last name, the individual's date of birth, and the individual's
225 23 gender in an order determined by the department.
225 24 ~~(3)~~ c. Each county shall report to the department annually
225 25 on or before December 1, for the preceding fiscal year the
225 26 following information for each individual served: demographic
225 27 information, expenditure data, and data concerning the services
225 28 and other support provided to each individual, as specified in
225 29 administrative rule adopted by the commission.
225 30 ~~d. With consumer input, identify and propose standardized~~
~~225 31 functional assessment tools and processes for use in the~~
~~225 32 eligibility determination process when eligibility for a~~
~~225 33 particular disability population group is implemented. The~~
~~225 34 tools and processes shall be integrated with those utilized~~
~~225 35 for the medical assistance program under chapter 249A. For~~

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~~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.~~

~~e. 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.~~

~~f. Propose case rates for disability services.~~

~~g.~~ 4. 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. 429. 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

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227 1 this state.
227 2 b. In order to further the purposes listed in
227 3 ~~sections~~ section 225C.1 ~~and 225C.27~~ and in other provisions
227 4 of this chapter, the general assembly intends that efforts
227 5 focus on the goal of making available a comprehensive array
227 6 of high=quality, evidence=based consumer and family=centered
227 7 mental health and disability services and other support in the
227 8 least restrictive, community=based setting appropriate for a
227 9 consumer.
227 10 c. In addition, it is the intent of the general assembly
227 11 to promote policies and practices that achieve for consumers
227 12 the earliest possible detection of mental health problems and
227 13 the need for disability services and for early intervention;
227 14 to stress that all health care programs address mental
227 15 health disorders with the same urgency as physical health
227 16 disorders; to promote the policies of all public programs
227 17 that serve adults and children with mental disorders or with
227 18 a need for disability services, including but not limited to
227 19 child welfare, Medicaid, education, housing, criminal and
227 20 juvenile justice, substance abuse treatment, and employment
227 21 services; to consider the special mental health and disability
227 22 services needs of adults and children; and to promote recovery
227 23 and resiliency as expected outcomes for all consumers.
227 24 Sec. 430. Section 225C.6B, subsection 2, Code 2009, is
227 25 amended by striking the subsection and inserting in lieu
227 26 thereof the following:
227 27 2. Comprehensive plan. The division shall develop a
227 28 comprehensive written five=year state mental health and
227 29 disability services plan with annual updates and readopt
227 30 the plan every five years. The plan shall describe the key
227 31 components of the state's mental health and disability services
227 32 system, including the services that are community=based, state
227 33 institution=based, or regional or state=based. The five=year
227 34 plan and each update shall be submitted annually to the
227 35 commission on or before October 30 for review and approval.

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Sec. 431. 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. 432. 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. 433. REPEAL. Section 225C.27, Code 2009, is repealed.

DIVISION XXXV

MH/MR/DD/BI COMMISSION AND WAIVER NAME CHANGE

Sec. 434. Section 225C.2, subsection 3, Code 2009, is amended to read as follows:

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3. "Commission" means the mental health~~, mental retardation, developmental disabilities, and brain injury~~ and disability services commission.

Sec. 435. 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~~ and disability 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 or 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. 436. Section 249A.12, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. ~~Effective July 1, 1995, the~~ 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.

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Sec. 437. 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~~ and disability services 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 in effect as of June 30, 1996~~ intellectual disabilities:

Sec. 438. Section 249A.12, subsection 5, paragraph a, 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.

Sec. 439. Section 249A.12, subsection 6, paragraphs a and b, Code 2009, are amended to read as follows:

a. ~~Effective July 1, 2003, the~~ 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

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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. 440. 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. 441. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES == CODE EDITOR'S DIRECTIVE.
1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438, and 426B.4, Code 2009, and sections 249A.4, 249A.31, and 426B.5, Code Supplement 2009, are amended by striking the term "mental health, mental retardation, developmental disabilities, and brain injury commission" and inserting in lieu thereof the term "mental health and disability services commission".
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. 442. HOME AND COMMUNITY=BASED SERVICES WAIVER FOR PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES == CODE EDITOR'S DIRECTIVE.

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232 1 1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009,
232 2 are amended by striking the term "waiver for persons with
232 3 mental retardation" and inserting in lieu thereof the term
232 4 "waiver for persons with intellectual disabilities".
232 5 2. This division of this Act changes the name of the home
232 6 and community=based services waiver for persons with mental
232 7 retardation under the medical assistance program to the waiver
232 8 for persons with intellectual disabilities. The Code editor
232 9 shall correct any references to the term "waiver for persons
232 10 with mental retardation" or other forms of the term anywhere
232 11 else in the Iowa Code or Iowa Code Supplement, in any bills
232 12 awaiting codification, in this Act, and in any bills enacted by
232 13 the Eighty=third General Assembly, 2010 Regular Session, or any
232 14 extraordinary session.
232 15 DIVISION XXXVI
232 16 CONSOLIDATION OF ADVISORY
232 17 BODIES == COUNCIL ON HUMAN SERVICES
232 18 Sec. 443. NEW SECTION. 217.3A Advisory committees.
232 19 1. General. The council on human services shall establish
232 20 and utilize the advisory committees identified in this section
232 21 and may establish and utilize other advisory committees. The
232 22 council shall establish appointment provisions, membership
232 23 terms, operating guidelines, and other operational requirements
232 24 for committees established pursuant to this section.
232 25 2. Child abuse prevention. The council shall establish a
232 26 child abuse prevention program advisory committee to support
232 27 the child abuse prevention program implemented in accordance
232 28 with section 235A.1. The duties of the advisory committee
232 29 shall include all of the following:
232 30 a. Advise the director of human services and the
232 31 administrator of the division of the department of human
232 32 services responsible for child and family programs regarding
232 33 expenditures of funds received for the child abuse prevention
232 34 program.
232 35 b. Review the implementation and effectiveness of

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233 1 legislation and administrative rules concerning the child abuse
233 2 prevention program.
233 3 c. Recommend changes in legislation and administrative rules
233 4 to the general assembly and the appropriate administrative
233 5 officials.
233 6 d. Require reports from state agencies and other entities as
233 7 necessary to perform its duties.
233 8 e. Receive and review complaints from the public concerning
233 9 the operation and management of the child abuse prevention
233 10 program.
233 11 f. Approve grant proposals.
233 12 3. a. The council shall establish a child support advisory
233 13 committee.
233 14 (1) Members of the advisory committee shall include at least
233 15 one district judge and representatives of custodial parent
233 16 groups, noncustodial parent groups, the general assembly, the
233 17 office of citizens' aide, the Iowa state bar association, the
233 18 Iowa county attorneys association, and other constituencies
233 19 which have an interest in child support enforcement issues,
233 20 appointed by the respective entity.
233 21 (2) The legislative members of the advisory committee shall
233 22 be appointed as follows: one senator each by the majority
233 23 leader of the senate, after consultation with the president
233 24 of the senate, and by the minority leader of the senate, and
233 25 one member of the house of representatives each by the speaker
233 26 of the house of representatives, after consultation with the
233 27 majority leader of the house of representatives, and by the
233 28 minority leader of the house of representatives.
233 29 b. The legislative members of the advisory committee shall
233 30 serve for terms as provided in section 69.16B. Appointments
233 31 shall comply with sections 69.16 and 69.16A. Vacancies shall
233 32 be filled by the original appointing authority and in the
233 33 manner of the original appointments.
233 34 c. The child support advisory committee shall assist the
233 35 department in all of the following activities:

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234 1 (1) Review of existing child support guidelines and
234 2 recommendations for revision.
234 3 (2) Examination of the operation of the child support system
234 4 to identify program improvements or enhancements which would
234 5 increase the effectiveness of securing parental support and
234 6 parental involvement.
234 7 (3) Recommendation of legislation which would clarify and
234 8 improve state law regarding support for children.
234 9 d. The committee shall receive input from the public
234 10 regarding any child support issues.
234 11 4. Child welfare.
234 12 a. The council shall establish a child welfare advisory
234 13 committee to advise the department of human services on
234 14 programmatic and budgetary matters related to the provision
234 15 or purchase of child welfare services. The committee shall
234 16 meet to review departmental budgets, policies, and programs,
234 17 and proposed budgets, policies, and programs, and to make
234 18 recommendations and suggestions to make the state child welfare
234 19 budget, programs, and policies more effective in serving
234 20 families and children.
234 21 b. The membership of the advisory committee shall
234 22 include representatives of child welfare service providers,
234 23 juvenile court services, the Iowa foster and adoptive parent
234 24 association, the child advocacy board, the coalition for
234 25 family and children's services in Iowa, children's advocates,
234 26 service consumers, and others who have training or knowledge
234 27 related to child welfare services. In addition, four members
234 28 shall be legislators, all serving as ex officio, nonvoting
234 29 members, with one each appointed by the speaker of the house
234 30 of representatives, the minority leader of the house of
234 31 representatives, the majority leader of the senate, and the
234 32 minority leader of the senate. The director of human services
234 33 and the administrator of the division of the department of
234 34 human services responsible for child welfare services, or their
234 35 designees, shall also be ex officio, nonvoting members, and

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235 1 shall serve as resource persons to the advisory committee.
235 2 Sec. 444. Section 235A.1, subsections 3 and 4, Code
235 3 Supplement 2009, are amended by striking the subsections.
235 4 Sec. 445. REPEAL. Sections 234.3 and 252B.18, Code 2009,
235 5 are repealed.
235 6 Sec. 446. IMPLEMENTATION. In establishing the child abuse
235 7 prevention program, child support, and child welfare advisory
235 8 committees and appointing members, the council on human
235 9 services shall consider reappointing those individuals who
235 10 were serving as members of the child abuse prevention advisory
235 11 council, the child support advisory committee, and the child
235 12 welfare advisory committee as of June 30, 2009.
235 13 DIVISION XXXVII
235 14 REPEAL OF HEALTH ADVISORY BODIES
235 15 Sec. 447. Section 135.29, subsection 3, Code 2009, is
235 16 amended to read as follows:
235 17 3. The local substitute medical decision=making board and
235 18 its members shall not be held liable, jointly or severally,
235 19 for any actions or omissions taken or made in the official
235 20 discharge of their duties, except those acts or omissions
235 21 constituting willful or wanton misconduct. A physician or
235 22 other health care provider who acts on a decision or directive
235 23 of the local substitute medical decision=making board ~~or~~
~~235 24 state substitute medical decision=making board~~ shall not be
235 25 held liable for any damages resulting from that act, unless
235 26 such physician's or other health care provider's actions
235 27 or omissions constitute negligence in the practice of the
235 28 profession or occupation, or willful or wanton misconduct.
235 29 Sec. 448. Section 136C.3, subsection 2, paragraph b, Code
235 30 Supplement 2009, is amended by striking the paragraph.
235 31 Sec. 449. Section 691.6, subsection 3, Code Supplement
235 32 2009, is amended to read as follows:
235 33 3. To adopt rules pursuant to chapter 17A, and subject to
235 34 the approval of the director of public health~~, with the advice~~
~~235 35 and approval of the state medical examiner advisory council~~.

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236 1 Sec. 450. REPEAL. Sections 135.28, 135N.1, 135N.2, 135N.3,
236 2 135N.4, 135N.5, 135N.6, and 142C.16, Code 2009, are repealed.
236 3 Sec. 451. ELIMINATION OF SWIMMING POOL ADVISORY
236 4 COMMITTEE. On or before July 1, 2010, the department of
236 5 public health shall no longer operate any advisory committee
236 6 on swimming pools created by the department for purposes of
236 7 chapter 135I.
236 8 DIVISION XXXVIII
236 9 DEPARTMENT OF HUMAN SERVICES == FIELD SERVICES ORGANIZATION
236 10 Sec. 452. Section 217.42, subsection 1, Code 2009, is
236 11 amended to read as follows:
236 12 1. The organizational structure to deliver the department's
236 13 field services shall be based upon service areas designated by
236 14 the department. The service areas shall serve as a basis for
236 15 providing field services to persons residing in the counties
236 16 comprising the service area. ~~The service areas shall be those~~
~~236 17 designated by the department effective January 1, 2002. In~~
~~236 18 determining the service areas, the department shall consider~~
~~236 19 other geographic service areas including but not limited to~~
~~236 20 judicial districts and community empowerment areas. The~~
~~236 21 department shall consult with the county boards of supervisors~~
~~236 22 in a service area with respect to the selection of the service~~
~~236 23 area manager responsible for the service area who is initially~~
~~236 24 selected for the service area designated effective January 1,~~
~~236 25 2002, and any service area manager selected for the service~~
~~236 26 area thereafter. Following establishment of the service areas~~
~~236 27 effective January 1, 2002, if a county seeks to change the~~
~~236 28 boundaries of a service area, the change shall only take place~~
~~236 29 if the change is mutually agreeable to the department and all~~
~~236 30 affected counties. If it is necessary for the department to~~
~~236 31 significantly modify its field operations or the composition~~
~~236 32 of a designated service area, or if it is necessary for the~~
~~236 33 department to change the number of offices operating less than~~
~~236 34 full-time, the department shall consult with the affected~~
~~236 35 counties prior to implementing such action.~~

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237 1 Sec. 453. EFFECTIVE UPON ENACTMENT. This division of this
237 2 Act, being deemed of immediate importance, takes effect upon
237 3 enactment.
237 4 DIVISION XXXIX
237 5 DEPARTMENT OF HUMAN SERVICES == FAMILY SUPPORT SUBSIDY
237 6 Sec. 454. Section 225C.37, Code Supplement 2009, is amended
237 7 by adding the following new subsection:
237 8 NEW SUBSECTION. 3. Effective July 1, 2010, the department
237 9 shall not accept new applications for the family support
237 10 subsidy program and shall not approve pending applications
237 11 for the program. Subsidy termination or application denial
237 12 relating to family members enrolled in the family support
237 13 subsidy program as of July 1, 2010, is subject to section
237 14 225C.40.
237 15 DIVISION XL
237 16 DEPARTMENT OF HUMAN SERVICES == ELECTRONIC FUNDS TRANSFER
237 17 PAYMENTS
237 18 Sec. 455. NEW SECTION. 217.24 Payment by electronic funds
237 19 transfer.
237 20 The department of human services shall continue expanding
237 21 the practice of making payments to program participants and
237 22 vendors by means of electronic funds transfer. The department
237 23 shall seek the capacity for making payment by such means for
237 24 all programs administered by the department.
237 25 DIVISION XLI
237 26 DEPARTMENT OF HUMAN SERVICES == ADOPTION SUBSIDY PROGRAM
237 27 Sec. 456. ADOPTION SUBSIDY PROGRAM RATES. For the
237 28 fiscal year beginning July 1, 2010, the maximum payment for
237 29 nonrecurring expenses shall be limited to $500 and additional
237 30 amounts for court costs and other related legal expenses shall
237 31 no longer be allowed.
237 32 DIVISION XLII
237 33 GUARDIAN AD LITEM
237 34 Sec. 457. Section 232.2, subsection 22, paragraph b, Code
237 35 Supplement 2009, is amended to read as follows:

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238 1 b. ~~Unless otherwise enlarged or circumscribed by a court~~
~~238 2 or juvenile court having jurisdiction over the child or by~~
~~238 3 operation of law, the~~ The duties of a guardian ad litem with
238 4 respect to a child shall ~~include~~ be all of the following:
238 5 (1) Conducting ~~in=person~~ interviews with ~~the child,~~
~~238 6 if the child's age is appropriate for the interview, and~~
~~238 7 interviewing~~ each parent, guardian, or other person having
238 8 custody of the child, if authorized by counsel.
238 9 (2) Conducting interviews with the child, if the child's age
238 10 is appropriate for the interview~~, prior to any court=ordered~~
~~238 11 hearing~~.
238 12 (3) Visiting the home, residence, or both home and residence
238 13 of the child and any prospective home or residence of the
238 14 child~~, including~~ each time placement is changed.
238 15 (4) Interviewing any person providing medical, mental
238 16 health, social, educational, or other services to the child~~,~~
~~238 17 before any hearing referred to in subparagraph (2)~~.
238 18 (5) Obtaining firsthand knowledge, if possible, of the
238 19 facts, circumstances, and parties involved in the matter in
238 20 which the person is appointed guardian ad litem.
238 21 (6) Attending any court hearings in the matter in which the
238 22 person is appointed as the guardian ad litem.
238 23 (7) If the child is required to have a transition plan
238 24 developed in accordance with the child's case permanency plan
238 25 and subject to review and approval of a transition committee
238 26 under section 235.7, assisting the transition committee in
238 27 development of the transition plan.
238 28 DIVISION XLIII
238 29 COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND
238 30 Sec. 458. Section 35A.16, subsection 3, paragraph a, Code
238 31 Supplement 2009, is amended to read as follows:
238 32 a. If sufficient moneys are available, the department
238 33 shall annually allocate ten thousand dollars to each county
238 34 commission of veteran affairs, or to each county sharing the
238 35 services of an executive director or administrator pursuant

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239 1 to chapter 28E, to be used to provide services to veterans
239 2 pursuant to section 35B.6. Each county receiving an allocation
239 3 shall annually report on expenditure of the allocation in a
239 4 form agreed to by the department and county representatives.
239 5 DIVISION XLIV
239 6 DEPARTMENT OF CORRECTIONS
239 7 Sec. 459. Section 904.106, Code 2009, is amended to read as
239 8 follows:
239 9 904.106 Meetings == expenses.
239 10 The board shall meet at least ~~twelve times a~~ quarterly
239 11 throughout the year. Special meetings may be called by the
239 12 chairperson or upon written request of any three members of the
239 13 board. The chairperson shall preside at all meetings or in the
239 14 chairperson's absence, the vice chairperson shall preside. The
239 15 members of the board shall be paid their actual expenses while
239 16 attending the meetings. Each member of the board may also be
239 17 able to receive compensation as provided in section 7E.6.
239 18 Sec. 460. Section 904.505, Code 2009, is amended by adding
239 19 the following new subsection:
239 20 NEW SUBSECTION. 4. The disciplinary rules may impose a
239 21 reasonable administrative fee for the filing of a report of a
239 22 major disciplinary rule infraction for which an inmate is found
239 23 guilty. A fee charged pursuant to this subsection shall be
239 24 deposited in the general fund of the state.
239 25 Sec. 461. CORRECTIONAL FACILITY CLOSURE. The department
239 26 of corrections shall close by October 1, 2010, the Luster
239 27 Heights facility, which is a satellite facility of the Anamosa
239 28 state penitentiary, and farm 1 and farm 3, which are satellite
239 29 facilities of the Iowa state penitentiary, and shall transfer
239 30 the inmates confined at such facilities to other institutions
239 31 under the control of the department of corrections.
239 32 DIVISION XLV
239 33 STATE PUBLIC DEFENDER
239 34 Sec. 462. Section 13B.2A, Code 2009, is amended by striking
239 35 the section and inserting in lieu thereof the following:

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240 1 13B.2A Indigent defense == report == court=appointed counsel
240 2 fees.
240 3 1. The state public defender shall file a written report
240 4 every three years with the governor and the general assembly
240 5 by January 1 of a year in which a report is due relating to the
240 6 recommendations and activities of the state public defender
240 7 relating to the state indigent defense system. The first such
240 8 report shall be due on January 1, 2012.
240 9 2. The report shall contain recommendations to the general
240 10 assembly regarding the hourly rates paid to court=appointed
240 11 counsel and per case fee limitations. These recommendations
240 12 shall be consistent with the constitutional requirement to
240 13 provide effective assistance of counsel to those indigent
240 14 persons for whom the state is required to provide counsel.
240 15 Sec. 463. PUBLIC DEFENDERS. There is appropriated from the
240 16 general fund of the state to the office of the state public
240 17 defender of the department of inspections and appeals for the
240 18 fiscal year beginning July 1, 2010, and ending June 30, 2011,
240 19 the following amount, or so much thereof as is necessary, to be
240 20 used for the purposes designated:
240 21 For additional assistant local public defender positions
240 22 and staff, including salaries, support, maintenance, and
240 23 miscellaneous purposes:
240 24 ..... $ 640,000
240 25 ..... FTEs 10.00
240 26 Sec. 464. WAPELLO COUNTY LOCAL PUBLIC DEFENDER
240 27 OFFICE. There is appropriated from the general fund of
240 28 the state to the office of the state public defender of the
240 29 department of inspections and appeals for the fiscal year
240 30 beginning July 1, 2010, and ending June 30, 2011, the following
240 31 amount, or so much thereof as is necessary, to be used for the
240 32 purposes designated:
240 33 For establishing a local public defender office in Wapello
240 34 county pursuant to section 13B.8, including salaries, support,
240 35 maintenance, and miscellaneous purposes:

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241 1 ..... $ 500,000
241 2 ..... FTEs 6.00
241 3 DIVISION XLVI
241 4 IOWA LAW ENFORCEMENT ACADEMY
241 5 Sec. 465. Section 80B.11B, subsection 2, Code 2009, is
241 6 amended to read as follows:
241 7 2. The Iowa law enforcement academy may also charge the
241 8 department of natural resources ~~or other~~ and the department
241 9 of transportation the full costs, and any other agency or
241 10 department of the state, a member of a police force of a
241 11 city or county, or any political subdivision of the state
241 12 not more than one=half of the cost, of providing the basic
241 13 training course which is designed to meet the minimum basic
241 14 training requirements for a law enforcement officer. All
241 15 other candidates to the law enforcement academy, including a
241 16 candidate from a tribal government, shall pay the full costs of
241 17 providing the basic training requirements for a law enforcement
241 18 officer.
241 19 Sec. 466. IOWA LAW ENFORCEMENT ACADEMY == PILOT TRAINING
241 20 PROGRAM == PRIVATE SECURITY PERSONNEL. The Iowa law
241 21 enforcement academy, subject to the approval of the Iowa law
241 22 enforcement academy council, shall develop and administer a
241 23 pilot program consisting of training seminars for private
241 24 security personnel. The pilot program shall consist of fifty
241 25 hours of training for each of ten trainees at a cost of fifty
241 26 dollars per hour of training. All moneys received from the
241 27 training seminars shall be deposited in the general fund of the
241 28 state.
241 29 DIVISION XLVII
241 30 STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE
241 31 Sec. 467. NEW SECTION. 2.69 State government efficiency
241 32 review committee established.
241 33 1. A state government efficiency review committee is
241 34 established which shall meet at least every four years to
241 35 review the operations of state government. The committee shall

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242 1 meet as directed by the legislative council.
242 2 2. a. The committee shall consist of three members of the
242 3 senate appointed by the majority leader of the senate, two
242 4 members of the senate appointed by the minority leader of the
242 5 senate, three members of the house of representatives appointed
242 6 by the speaker of the house of representatives, and two members
242 7 of the house of representatives appointed by the minority
242 8 leader of the house of representatives.
242 9 b. Members shall be appointed prior to January 31 of the
242 10 first regular session of each general assembly and shall serve
242 11 for terms ending upon the convening of the following general
242 12 assembly or when their successors are appointed, whichever is
242 13 later. A vacancy shall be filled in the same manner as the
242 14 original appointment and shall be for the remainder of the
242 15 unexpired term of the vacancy.
242 16 c. The committee shall elect a chairperson and vice
242 17 chairperson.
242 18 3. The members of the committee shall be reimbursed for
242 19 actual and necessary expenses incurred in the performance
242 20 of their duties and shall be paid a per diem as specified
242 21 in section 7E.6 for each day in which they engaged in the
242 22 performance of their duties. However, per diem compensation
242 23 and expenses shall not be paid when the general assembly is
242 24 actually in session at the seat of government. Expenses and
242 25 per diem shall be paid from funds appropriated pursuant to
242 26 section 2.12.
242 27 4. The committee shall do the following:
242 28 a. Review and consider options for reorganizing state
242 29 government to improve efficiency, modernize processes,
242 30 eliminate duplication and outdated processes, reduce costs, and
242 31 increase accountability. The review shall address the expanded
242 32 use of the internet and other technology, and the incorporation
242 33 of productivity improvement measures.
242 34 b. Review recommendations received though a process to
242 35 receive state government efficiency suggestions offered by the

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243 1 public and public employees.
243 2 c. Issue a report, including its findings and
243 3 recommendations, to the general assembly.
243 4 5. The first report required by this section shall be
243 5 submitted to the general assembly no later than January 1,
243 6 2014, with subsequent reports developed and submitted by
243 7 January 1 at least every fourth year thereafter.
243 8 6. Administrative assistance shall be provided by the
243 9 legislative services agency.
243 10 DIVISION XLVIII
243 11 BOARDS AND COMMISSIONS == ESTABLISHMENT CRITERIA
243 12 Sec. 468. NEW SECTION. 69.16D Boards and commissions ==
243 13 criteria for establishing.
243 14 1. Prior to establishing a new appointive board,
243 15 commission, committee, or council of the state, the general
243 16 assembly shall consider all of the following:
243 17 a. Whether there is an existing board or commission
243 18 that would be able to perform the duties of the new board,
243 19 commission, committee, or council.
243 20 b. The estimated annual cost of the new board, commission,
243 21 committee, or council, including any additional personnel costs
243 22 arising out of the creation of the new board, commission,
243 23 committee, or council.
243 24 c. Whether a repeal date is needed for the new board,
243 25 commission, committee, or council. Whenever possible, an
243 26 appropriate repeal date should be included.
243 27 2. This section shall apply to appointive boards,
243 28 commissions, committees, and councils of the state established
243 29 by the Code on or after July 1, 2010.
243 30 EXPLANATION
243 31 This bill concerns state government, and provides for
243 32 reorganizing government agencies, eliminating boards and
243 33 commissions, providing for governmental efficiencies, and
243 34 including other matters related to the operation of state
243 35 government.

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244 1 DIGITAL GOVERNMENT.
244 2 DIVISION I == GOVERNMENT INFORMATION TECHNOLOGY SERVICES.
244 3 Division I concerns information technology services and
244 4 modifies provisions relative to information technology services
244 5 provided by the department of administrative services.
244 6 Code section 8A.111(3) is amended by striking the
244 7 requirement of the department to provide an annual report
244 8 regarding total spending on technology currently required to
244 9 be prepared by the technology governance board. This division
244 10 of the bill eliminates the board, replaces it with an advisory
244 11 council, and eliminates the requirement to prepare this annual
244 12 report.
244 13 Code section 8A.122, concerning the exemption granted
244 14 the state board of regents from obtaining services from the
244 15 department of administrative services without their consent,
244 16 is amended to eliminate this exemption as it relates to
244 17 information technology services.
244 18 Code section 8A.201 is amended to add a definition
244 19 for infrastructure services as it relates to information
244 20 technology. The bill defines infrastructure services to
244 21 include data centers, servers and mainframes, wide area and
244 22 local area networks, cybersecurity functions, and disaster
244 23 recovery technology.
244 24 Code section 8A.201(4) is amended to provide that all
244 25 state agencies are considered participating agencies for
244 26 purposes of information technology services provided by the
244 27 department of administrative services. Current law excludes
244 28 the state board of regents, public broadcasting, the state
244 29 department of transportation mobile radio network, the
244 30 department of public safety law enforcement communications
244 31 systems, the telecommunications and technology commission
244 32 with respect to information technology that is unique to the
244 33 Iowa communications network, the Iowa lottery authority, a
244 34 judicial district department of correctional services, and the
244 35 Iowa finance authority from the definition of a participating

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245 1 agency.
245 2 New Code section 8A.201A provides for the appointment of the
245 3 chief information officer (CIO). The new Code section provides
245 4 that the CIO shall be appointed by the governor, and shall have
245 5 at least five years of experience in the field of information
245 6 technology and a working knowledge of financial management.
245 7 Code section 8A.104(12), which provides that the director of
245 8 the department of administrative services shall serve as the
245 9 CIO or shall designate one, is stricken.
245 10 Code section 8A.202, concerning the mission, powers,
245 11 and duties of the department as it relates to information
245 12 technology, is amended to provide a process by which agencies
245 13 may seek a waiver for any of the requirements concerning the
245 14 acquisition of information technology. Generally, a waiver
245 15 can be granted if the requesting agency can show that a waiver
245 16 would be in the best interests of the state.
245 17 Code section 8A.203, concerning the powers and duties of
245 18 the director of the department as it relates to information
245 19 technology, is amended to provide that these powers and duties
245 20 are granted to the CIO in consultation with the director. The
245 21 section is also amended to add duties for the CIO relative to
245 22 operating the information technology aspects of the department,
245 23 rulemaking, and entering into contracts.
245 24 Code section 8A.204, establishing the technology governance
245 25 board, is amended to provide for a technology advisory council.
245 26 The bill establishes the membership of the council and provides
245 27 that the council's primary role is to advise the CIO and the
245 28 department concerning information technology services.
245 29 Code section 8A.205, concerning digital government, is
245 30 amended to provide that the department shall assist agencies in
245 31 converting printed government materials to electronic materials
245 32 which can be accessed through an internet searchable database.
245 33 Code section 8A.207, concerning the procurement of
245 34 information technology, is amended to provide that the
245 35 department shall be the sole provider of infrastructure

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246 1 services to state agencies and shall develop policies
246 2 and procedures that apply to all information technology
246 3 acquisitions by state agencies.
246 4 Code section 8A.221, establishing the IowAccess advisory
246 5 council, is rewritten by the bill. The bill eliminates
246 6 the advisory council and provides that the department shall
246 7 establish IowAccess and shall have the powers relative to
246 8 IowAccess previously granted the IowAccess advisory council
246 9 relative to setting rates and approving projects.
246 10 Code section 8A.223, providing for an annual technology
246 11 audit of the electronic transmission system by which government
246 12 records are transmitted electronically to the public, is
246 13 repealed and the requirement in Code section 8A.111 to submit
246 14 an annual report concerning the audit is stricken.
246 15 The division directs the department of administrative
246 16 services to consult with and explore opportunities with the
246 17 legislative and judicial branches of government relative to the
246 18 providing of information technology services to those branches
246 19 of government.
246 20 This division of the bill also requires the chief
246 21 information officer of the state to conduct a study regarding
246 22 convenience fees charged by state agencies by credit or debit
246 23 card or other electronic means of payment. The study shall
246 24 determine the fees charged and the revenue generated by the
246 25 fees, and shall explore ways to reduce or eliminate these fees.
246 26 The division of the bill also directs state agencies to
246 27 utilize electronic mail to notify holders of permits and
246 28 licenses that the license or permit needs to be renewed.
246 29 DIVISION II == ELECTRONIC RECORDS. Code section 7A.11A,
246 30 concerning reports to the general assembly, is amended to
246 31 eliminate the requirement that a printed copy of all reports
246 32 be filed with the general assembly. The requirement to file
246 33 reports electronically remains.
246 34 The division of the bill provides that the departments of
246 35 administrative services and cultural affairs, in consultation

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247 1 with the state records commission, shall conduct a study on and
247 2 make recommendations for the creation, storage, and retention
247 3 of state agency records in an electronic format and shall
247 4 submit a report containing the recommendations to the general
247 5 assembly by December 15, 2010. In conducting the study, the
247 6 departments shall collect and assess information from each
247 7 state agency that includes an inventory of each agency's
247 8 records including the types of agency records as well as agency
247 9 records series retention and disposition schedules. The
247 10 assessment shall include agency records identified as having
247 11 permanent historical value by the state records commission.
247 12 The departments shall also describe in the report what
247 13 efficiencies and cost=saving efforts could be achieved through
247 14 the creation, storage, and maintenance of such records in an
247 15 electronic format.
247 16 DIVISION III == PUBLICATION MODERNIZATION. The bill amends
247 17 a number of provisions which allow the legislative council
247 18 and the legislative services agency to control information
247 19 used to publish official legal publications (the Iowa Acts,
247 20 the Iowa Code, the Iowa administrative bulletins, the Iowa
247 21 administrative code, and the Iowa court rules). The bill
247 22 provides for their publication and official designation,
247 23 including production and distribution in an electronic or
247 24 printed form, and for their official publication date for
247 25 editing and revision changes. The division amends Code section
247 26 2A.6 which provides for the special distribution of legal
247 27 publications by the legislative services agency, including the
247 28 free distribution of official legal publications to federal,
247 29 state, and local governments officers, offices, or agencies.
247 30 The division provides that the legislative services agency must
247 31 make available electronic or printed versions of the official
247 32 legal publications to those persons, authorizes the agency
247 33 to charge a fee for an electronic version, and requires the
247 34 agency to establish policies requiring pricing for the printed
247 35 versions of the official legal publications. The division

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248 1 provides for the publication of the entire Iowa Code each
248 2 year or the Iowa Code and the Code Supplement in alternating
248 3 years. It updates provisions to conform with current practice
248 4 including detailing the contents of the publications. It
248 5 accounts for computer programming necessary to distribute
248 6 publications in an electronic format, and provides for citing
248 7 and authenticating provisions in those publications in order
248 8 to conform to current practice and to better accommodate
248 9 electronic publication.
248 10 The division amends provisions requiring state agencies to
248 11 deposit copies of state publications with the department of
248 12 education's division of libraries and information services, by
248 13 requiring that the publications be provided in an electronic
248 14 format.
248 15 STATE BUDGETING AND PERSONNEL PRACTICES.
248 16 DIVISION IV == STATE BUDGETING AND PERSONNEL. Code section
248 17 8.36A, concerning full=time equivalent (FTE) positions, is
248 18 amended to provide that state agencies shall not convert FTE
248 19 positions into contract positions. The bill provides that
248 20 the state agency can request the director of the department
248 21 of management to allow the conversion of an FTE to a contract
248 22 position if the conversion will provide comparable or increased
248 23 services at reduced cost.
248 24 Code section 8.62, concerning the use of retained reversion
248 25 money for employee training, is amended to provide that
248 26 an agency can use such reversion money for internet=based
248 27 training. Current law does not specify that the training be
248 28 internet=based.
248 29 Code section 8A.413 is amended to require the department of
248 30 administrative services to adopt merit system rules for the
248 31 development and operation of programs within the executive
248 32 branch to promote job sharing, telecommuting, and flex=time
248 33 employment opportunities.
248 34 This division of the bill also requires each judicial
248 35 district department of correctional services to utilize the

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249 1 state accounting system for tracking both appropriations and
249 2 expenditures, requires state agencies to budget and plan for
249 3 lean events, and encourages state agencies to share resources
249 4 and services.
249 5 This division also addresses state budgeting practices
249 6 for FY 2010=2011. Each executive branch agency is required
249 7 to separately track the budget and actual expenditures for
249 8 contract services and for employee training. The terms
249 9 of the contracts entered into or revised during the fiscal
249 10 year are required to incorporate quality assurance and cost
249 11 control measures. The training tracking is also required to
249 12 be further detailed to reflect training categories and the
249 13 report to address the use of electronically based training. In
249 14 addition, if a full=time equivalent position of a department
249 15 remains vacant for at least six months during FY 2010=2011, the
249 16 department's FTE authorization shall be reduced accordingly and
249 17 the money appropriated for that FTE position shall only be used
249 18 for FTE positions and not any other purpose.
249 19 This division of the bill also directs each joint
249 20 appropriations subcommittee of the general assembly to conduct
249 21 a review of fees charged by agencies within the purview of that
249 22 budget subcommittee.
249 23 DIVISION V == SPAN OF CONTROL. This division revises
249 24 provisions contained in the 2009 Iowa Acts revising state
249 25 human resource management requirements under the department of
249 26 administrative services in Code section 8A.402 for the span of
249 27 control of supervisory employees in the executive branch.
249 28 The term "supervisory employee" is defined to mean a
249 29 public employee who has authority, in the interest of a
249 30 public employer, to hire, transfer, suspend, lay off, recall,
249 31 promote, discharge, assign, reward, or discipline other public
249 32 employees, the responsibility to direct such employees, or to
249 33 adjust the grievances of such employees, or to effectively
249 34 recommend any listed action. A supervisory employee is not
249 35 a member of a collective bargaining unit. If a supervisory

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250 1 employee is being laid off as part of expanding the number
250 2 of employees in the ratio of supervisory employees to other
250 3 employees, the supervisory employee does not have the right
250 4 to replace or bump a junior employee not being laid off for a
250 5 position for which the supervisory employee is qualified.
250 6 Current law provides for an executive branch policy to have
250 7 an aggregate ratio in the number of employees per supervisory
250 8 employee of 14 to one by the target date of July 1, 2011. The
250 9 bill instead provides for a ratio of 15 to one by fiscal year
250 10 2011=2012, with an annual incremental increase in the ratio by
250 11 one until the ratio becomes 20 to one by fiscal year 2016=2017.
250 12 Current law allows a small agency with not more than 28
250 13 full=time equivalent employees to apply for an exception.
250 14 The bill allows an additional exception when the supervisory
250 15 employee ratio is subject to a federal requirement.
250 16 The bill also provides that if layoffs are implemented, the
250 17 number of middle management position layoffs are to correspond
250 18 to the relative number of direct service position layoffs. The
250 19 state system is required to improve by specifically defining
250 20 and accounting for supervisory employees span of control.
250 21 Reporting requirements are extended to cover the multiyear
250 22 period addressed by the bill.
250 23 The exemption from the span of control requirements for
250 24 the state board of regents, department of human services,
250 25 and judicial district department of correctional services is
250 26 removed.
250 27 The division takes effect upon enactment.
250 28 ADMINISTRATION AND REGULATION.
250 29 DIVISION VI == DEPARTMENT OF ADMINISTRATIVE SERVICES ==
250 30 PURCHASING. Division VI of the bill concerns purchasing items
250 31 through and by the department of administrative services.
250 32 Code section 8A.302(1), concerning the purchase of items of
250 33 general use, is amended to eliminate the general exemption from
250 34 the requirement to purchase these items from the department of
250 35 administrative services for the department of transportation,

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251 1 institutions under the control of the state board of regents,
251 2 the department for the blind, and any other agencies otherwise
251 3 exempted. The division does authorize the department to allow
251 4 these agencies to purchase these items without utilizing the
251 5 department of administrative services if in the best interests
251 6 of the state. A corresponding change is made to Code section
251 7 307.21 to provide that the department of transportation
251 8 may utilize centralized purchasing for itself only if the
251 9 department of administrative services so authorizes.
251 10 Code section 8A.311(10), concerning the authority of
251 11 agencies to obtain services directly from a vendor, is amended
251 12 to require the agency to obtain approval from the department
251 13 to purchase directly from a vendor. In addition, the division
251 14 requires that a waiver may be granted if purchasing from a
251 15 vendor is more economical, and not just as economical.
251 16 New Code section 8A.311A provides authority to the
251 17 department of administrative services to require agencies to
251 18 purchase goods or services of general use as designated by
251 19 the department pursuant to a master contract established by
251 20 the department. The new Code section also gives governmental
251 21 subdivisions the option to purchase goods and services pursuant
251 22 to the contract. The new Code section provides that the
251 23 department shall establish master contracts for a particular
251 24 service if the department determines that a high=quality
251 25 good or service can be acquired by agencies and governmental
251 26 subdivisions at lower cost through establishment of a master
251 27 contract. The division provides that an agency can directly
251 28 purchase the item from a vendor if the department determines
251 29 that the agency satisfies the requirements for a direct
251 30 purchase otherwise provided in Code section 8A.311(10) or is
251 31 acquired pursuant to an existing contract.
251 32 This division of the bill also directs the department of
251 33 administrative services to require agencies to provide the
251 34 department of administrative services with reports about what
251 35 agencies plan to buy on an annual basis, require agencies to

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252 1 report on an annual basis about efforts to standardize products
252 2 and services within their own agencies and with other state
252 3 agencies, require employees who conduct bids for services to
252 4 receive training on an annual basis about procurement rules
252 5 and regulations and procurement best practices, identify
252 6 procurement compliance employees within the department of
252 7 administrative services, review the process and basis for
252 8 establishing department of administrative services fees
252 9 for purchasing, establish a work group to collaborate on
252 10 best practices to implement the best cost savings for the
252 11 state, explore interstate and intergovernmental purchasing
252 12 opportunities and encourage the legislative and judicial
252 13 branches to participate in consolidated purchasing and
252 14 efficiencies wherever possible, and to expand the use of
252 15 procurement cards.
252 16 DIVISION VII == DEPARTMENT OF ADMINISTRATIVE SERVICES ==
252 17 OPERATIONS. Division VII of this bill concerns operations of
252 18 the department of administrative services.
252 19 Code section 8A.104, concerning the duties of the director
252 20 of the department, is amended to provide that a duty of the
252 21 director is to examine and develop best practices for the
252 22 efficient operation of government and to encourage state
252 23 agencies to adopt and implement these practices.
252 24 New Code section 8A.459 provides that all state employees,
252 25 by July 1, 2011, shall, unless a collective bargaining
252 26 agreement provides otherwise, receive their pay and allowances
252 27 through electronic funds transfer. The new Code section
252 28 allows state employees to receive their pay and allowances
252 29 through a paper warrant but only after paying the department
252 30 an administrative fee for processing such paper warrants. The
252 31 bill does allow the department to grant a waiver from paying
252 32 the administrative fee.
252 33 This division of the bill also requires the department of
252 34 administrative services to study ways to streamline the hiring
252 35 process for personnel within state agencies.

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253 1 The division also requires the department to conduct an
253 2 audit of real estate and leases of state government, study the
253 3 possibility of selling and leasing back government properties,
253 4 and to submit a report to the general assembly by January 1,
253 5 2011, concerning these audits and studies.
253 6 During FY 2010=2011, the division directs the department of
253 7 administrative services, in collaboration with the departments
253 8 of human services and corrections, to identify and sell real
253 9 property under their control that is no longer needed and will
253 10 maximize the return to the state. The division also directs
253 11 the department of administrative services to identify and sell,
253 12 or sell and lease back, property under their control that will
253 13 maximize the return to the state. In both instances, money
253 14 received from the sale of real property shall be deposited in
253 15 the general fund of the state.
253 16 DIVISION VIII == ALCOHOLIC BEVERAGES DIVISION ==
253 17 REORGANIZATION. This division of this bill transfers the
253 18 alcoholic beverages division from the department of commerce
253 19 to the department of revenue.
253 20 DIVISION IX == ALCOHOLIC BEVERAGES DIVISION == OPERATIONS.
253 21 This division concerns certain operations of the alcoholic
253 22 beverages division.
253 23 This division of the bill requires the administrator of the
253 24 alcoholic beverages division of the department of commerce
253 25 to close the main state warehouse keeping alcoholic liquors
253 26 every Friday from July 1, 2010, until June 30, 2015, with the
253 27 authority to extend this closure requirement for an additional
253 28 fiscal year. The bill authorizes the administrator to keep the
253 29 warehouse open on designated Fridays if anticipated sales on
253 30 that Friday justify keeping the warehouse open.
253 31 This division also restricts the number of checks conducted
253 32 to ensure licensed retail establishment compliance with tobacco
253 33 laws, regulations, and ordinances applicable to minors to one
253 34 such check for the fiscal year beginning July 1, 2010, and
253 35 ending June 30, 2011. The division authorizes an additional

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254 1 check for any retail outlet found in violation during the first
254 2 check. The compliance checks are conducted pursuant to the
254 3 terms of a Code chapter 28D agreement entered into between
254 4 the division of tobacco use prevention and control of the
254 5 Iowa department of public health and the alcoholic beverages
254 6 division of the department of commerce.
254 7 DIVISION X == ALCOHOLIC BEVERAGES DIVISION == DIRECT
254 8 SHIPMENT OF WINE. This division of the bill authorizes the
254 9 direct shipment of wine from out=of=state wine manufacturers to
254 10 residents of this state under specified circumstances.
254 11 Current law provides that a winery licensed or permitted
254 12 pursuant to laws regulating alcoholic beverages in another
254 13 state which affords Iowa an equal reciprocal shipping privilege
254 14 may ship into this state by private common carrier, to a person
254 15 21 years of age or older, not more than 18 liters of wine
254 16 per month, for consumption or use by the person. This bill
254 17 removes the requirement or condition of reciprocity, such that
254 18 a wine manufacturer in any state may ship wine directly to Iowa
254 19 residents, subject to the terms and conditions specified in the
254 20 bill.
254 21 The bill provides that a wine manufacturer licensed or
254 22 permitted pursuant to laws regulating alcoholic beverages
254 23 in another state must obtain a wine direct shipper license
254 24 to directly ship wine to Iowa residents. A license may be
254 25 obtained upon receipt by the administrator of the alcoholic
254 26 beverages division of the department of commerce of a written
254 27 application from a wine manufacturer, accompanied by a true
254 28 copy of the manufacturer's current alcoholic beverage license
254 29 issued in another state, and a copy of the manufacturer's
254 30 winery license issued by the federal alcohol and tobacco tax
254 31 and trade bureau. A $25 license fee is additionally required,
254 32 and the bill specifies that a license may be annually renewed
254 33 if the information originally submitted is resubmitted each
254 34 year together with the $25 fee.
254 35 The bill imposes certain requirements and restrictions

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255 1 upon the direct shipment of wine. The bill provides that
255 2 no more than 18 liters of wine may be shipped per month by
255 3 a wine direct shipper licensee to an Iowa resident 21 years
255 4 of age or older, for the resident's personal use and not for
255 5 resale. Additionally, the wine must be properly registered
255 6 with the federal alcohol and tobacco tax and trade bureau, and
255 7 manufactured on the winery premises of the wine direct shipper
255 8 licensee. The bill further specifies that all containers of
255 9 direct shipped wine must be conspicuously labeled with the
255 10 words CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
255 11 REQUIRED FOR DELIVERY or alternative preapproved wording, and
255 12 that the containers be shipped by a licensed alcohol carrier.
255 13 The bill requires a direct shipper licensee to remit to
255 14 the division an amount equivalent to the $1.75 per gallon
255 15 wine gallonage tax for deposit in the beer and liquor control
255 16 fund created in Code section 123.53, and subject to the same
255 17 time, manner, and penalty requirements or provisions as are
255 18 otherwise applicable to the tax. The bill maintains sales and
255 19 use tax exemptions, and refund value exemptions, currently
255 20 applicable to reciprocal shipments of wine in Code section
255 21 123.187. Additionally, the bill provides that a direct shipper
255 22 licensee shall be deemed to have consented to the jurisdiction
255 23 of the division or any other agency or court in the state, and
255 24 that the division may perform an audit of shipping records upon
255 25 request.
255 26 The bill specifies that an alcohol carrier license shall
255 27 be issued subject to requirements, fees, and upon application
255 28 forms to be determined by the administrator by rule. An
255 29 alcohol carrier licensee shall not be authorized to deliver
255 30 wine to any person under 21 years of age, or to any person
255 31 who either is or appears to be in an intoxicated state or
255 32 condition. The bill requires a licensee to obtain valid proof
255 33 of identity and age prior to delivery, and the signature of an
255 34 adult. The bill imposes specified recordkeeping requirements
255 35 as a condition of maintaining an alcohol carrier license.

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256 1 The bill maintains the current provision that the holder of
256 2 a permit for the sale or manufacture and sale of wine issued
256 3 by the division shall be authorized under that permit to ship
256 4 out of state by private common carrier, to a person 21 years of
256 5 age or older, not more than 18 liters of wine per month, for
256 6 consumption or use by the person.
256 7 The bill subjects violators of the bill's provisions to the
256 8 license suspension and revocation provisions, and civil penalty
256 9 provisions, otherwise applicable to permittees in Code section
256 10 123.39.
256 11 DIVISION XI == DEPARTMENT OF HUMAN RIGHTS == REORGANIZATION.
256 12 This division of this bill concerns the department of human
256 13 rights. The bill reorganizes the department into three
256 14 divisions, the new division of community advocacy and services,
256 15 the current division of community action agencies, and the
256 16 current division of criminal and juvenile justice planning.
256 17 The current divisions of Latino affairs, status of women,
256 18 persons with disabilities, deaf services, status of African
256 19 Americans, Iowans of Asian and Pacific Islander heritage, and
256 20 Native American affairs, are redesignated as offices and are
256 21 included within the new division of community advocacy and
256 22 services. The bill also provides that the administrators of
256 23 the various divisions of the department, currently appointed
256 24 by the governor, are eliminated. However, administrators
256 25 appointed by the department director are retained for the three
256 26 remaining divisions. The division does provide, however,
256 27 that current administrators eliminated by the division shall
256 28 be retained as employees of the department but shall be
256 29 subject to the merit system. In addition, except for the
256 30 commission of Native American affairs, all commissions within
256 31 the new division of community advocacy and services are
256 32 limited to seven voting members. The current human rights
256 33 administrative=coordinating council is stricken and replaced
256 34 with a human rights board. In addition, the bill reassigns
256 35 duties and responsibilities between the offices and commissions

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257 1 within the department. The various subchapters of Code chapter
257 2 216A are amended by the bill as follows:
257 3 ADMINISTRATION:
257 4 Code section 216A.1 is amended to establish that the
257 5 department consists of three new divisions, the division of
257 6 community advocacy and services, the division of community
257 7 action agencies, and the division of criminal and juvenile
257 8 justice planning, and renames the current divisions now
257 9 included within the division of community advocacy and services
257 10 of the department as offices.
257 11 Code section 216A.2, concerning the department director and
257 12 administrators, is amended. The bill maintains current law
257 13 that provides that the director of the department of human
257 14 rights is appointed by the governor, subject to confirmation
257 15 by the senate. However, the bill provides that the current
257 16 administrators of the various divisions of the department,
257 17 appointed by the governor, are eliminated. In addition, the
257 18 bill also provides that the department director is responsible
257 19 for appointing the personnel of the department. The rewritten
257 20 Code section also provides that the department director has
257 21 the authority to solicit gifts on behalf of the department,
257 22 commissions, or offices, and can enter into contracts, and
257 23 issue reports on behalf of the department.
257 24 Code section 216A.3, concerning the human rights
257 25 administrative=coordinating council, is stricken and replaced
257 26 with a human rights board. The new board consists of nine
257 27 voting members and five nonvoting members. The nine voting
257 28 members shall be selected by the applicable permanent
257 29 commissions and councils of the department and two additional
257 30 voting members shall be appointed by the governor. The
257 31 nonvoting members shall consist of the director of the
257 32 department and four members of the general assembly. Current
257 33 law provides that the administrator of each division of the
257 34 department is a member of the eliminated council. The bill
257 35 provides that the duties of the board include adopting the

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258 1 proposed budget for the department, adopting rules of the
258 2 department, and developing a comprehensive strategic plan for
258 3 the department. The bill also provides that any substantive
258 4 action taken by the board must be adopted by a two=thirds vote.
258 5 New Code section 216A.7 provides that the director or an
258 6 administrator of one of the divisions created by this bill
258 7 shall have access to nonconfidential information of state
258 8 entities that is relevant to the department upon request.
258 9 DIVISION OF LATINO AFFAIRS:
258 10 The bill renames the division of Latino affairs as the office
258 11 of Latino affairs and eliminates the administrator position.
258 12 Code section 216A.12, concerning the commission of Latino
258 13 affairs, is amended by the bill. The bill provides that the
258 14 commission shall consist of seven and not nine members, shall
258 15 meet at least quarterly each year, and establishes a mechanism
258 16 for a member not to vote on a matter in which the person has
258 17 a conflict of interest. Code section 216A.13, concerning the
258 18 organization of the commission, is rewritten to establish the
258 19 duties of the commission and the substance of the current Code
258 20 section is moved to the rewritten Code section 216A.12.
258 21 Code section 216A.14, concerning commission employees, is
258 22 stricken and rewritten by the bill. Current law granting
258 23 authority to the commission to employ personnel is stricken
258 24 as this authority is provided to the department director in
258 25 the bill. The rewritten Code section provides for the duties
258 26 of the office of Latino affairs. The bill transfers to the
258 27 office current duties of the commission concerning assistance
258 28 to state agencies and other public organizations relative to
258 29 Latino persons, training, and work. The bill eliminates the
258 30 requirement to establish a Latino information center.
258 31 Code section 216A.15, concerning the duties of the
258 32 commission on Latino affairs, is amended to strike those duties
258 33 transferred to the office of Latino affairs. In addition, the
258 34 bill also strikes the authority of the commission to adopt
258 35 rules.

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259 1 Code section 216A.16, concerning commission powers to accept
259 2 gifts, solicit grants, and enter into contracts, and Code
259 3 section 216A.17, concerning a commission biennial report, are
259 4 repealed by the bill.
259 5 DIVISION ON THE STATUS OF WOMEN:
259 6 The bill renames the division on the status of women as the
259 7 office on the status of women and eliminates the administrator
259 8 position.
259 9 Code section 216A.52, creating the commission on the status
259 10 of women, Code section 216A.53, concerning commission terms of
259 11 office, and Code section 216A.54, concerning the meetings of
259 12 the commission, are stricken and the Code sections rewritten
259 13 by the bill.
259 14 Rewritten Code section 216A.52 establishes the duties of
259 15 the office on the status of women which include some duties
259 16 currently assigned to the commission. The bill provides that
259 17 the office shall serve as the primary advocate for, and shall
259 18 provide assistance and information relative to, women and
259 19 girls.
259 20 Rewritten Code section 216A.53 establishes the commission.
259 21 Provisions of current Code sections 216A.52, 216A.53, and
259 22 216A.54, are modified and included in this rewritten Code
259 23 section. The bill changes current law by reducing the number
259 24 of commission members from 13 to seven, providing that all
259 25 members must reside in Iowa and that the commission must meet
259 26 at least quarterly, instead of at least six times per year.
259 27 The rewritten Code section also specifies what constitutes a
259 28 quorum, what vote is necessary for substantive action, and
259 29 includes a conflict of interest provision for members.
259 30 Rewritten Code section 216A.54 establishes the powers and
259 31 duties of the commission. The Code section provides that the
259 32 commission shall study opportunities for and changing needs
259 33 of women and girls, serve as a liaison between the office and
259 34 the public, recommend rules for the commission and office, the
259 35 new human rights board, and recommend proposed policies and

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260 1 legislation.
260 2 Code section 216A.55, concerning the objectives of the
260 3 commission, and Code section 216A.56, concerning the authority
260 4 of the commission to employ personnel and set the budget, are
260 5 repealed by the bill.
260 6 Code sections 216A.57 and 216A.58, concerning the duties and
260 7 authority of the commission, are repealed. Current law allowed
260 8 the commission to hold hearings, enter into contracts, and
260 9 accept grants of money or property.
260 10 Code section 216A.59, concerning access to information,
260 11 is repealed. The authority granted in this Code section is
260 12 provided to the department director and administrators of the
260 13 department, in new Code section 216A.7.
260 14 Code section 216A.60, concerning a commission annual report,
260 15 is repealed.
260 16 DIVISION OF PERSONS WITH DISABILITIES:
260 17 The bill renames the division of persons with disabilities
260 18 as the office of persons with disabilities and eliminates the
260 19 administrator position.
260 20 Code section 216A.72 is stricken and rewritten by the
260 21 bill to establish the duties of the office of persons with
260 22 disabilities. The duties currently assigned to the commission
260 23 of persons with disabilities and specified in current Code
260 24 section 216A.77, subsections 1 through 6, are modified and
260 25 transferred to the office.
260 26 Code section 216A.73, providing for ex officio members of
260 27 the commission, is repealed.
260 28 Code section 216A.74, concerning the membership of the
260 29 commission, is stricken and rewritten by the bill to include
260 30 the membership of the commission which is reduced from 24 ex
260 31 officio and voting members to seven voting members, the terms
260 32 of office, and officers of the commission, currently provided
260 33 in Code sections 216A.74 through 216A.76. The rewritten Code
260 34 section also specifies that the commission must meet at least
260 35 quarterly, what constitutes a quorum, what vote is necessary

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261 1 for substantive action, and includes a conflict of interest
261 2 provision for members.
261 3 Code section 216A.75, is stricken and rewritten by the bill,
261 4 to provide for the duties of the commission. The Code section
261 5 provides that the commission shall study opportunities for and
261 6 changing needs of persons with disabilities, serve as a liaison
261 7 between the office and the public, recommend to the new board
261 8 rules for the commission and office, and recommend proposed
261 9 policies and legislation.
261 10 Code section 216A.76, concerning officers of the commission,
261 11 and Code section 216A.77, concerning duties of the commission,
261 12 are repealed.
261 13 Code section 216A.78, concerning the administrator, and Code
261 14 section 216A.79, concerning acceptance of gifts and grants, are
261 15 repealed.
261 16 DIVISION OF COMMUNITY ACTION AGENCIES:
261 17 The bill maintains the division of community action agencies
261 18 as a division but modifies some of the division's functions.
261 19 Code section 216A.92, concerning duties of the
261 20 administrator, is stricken and rewritten to provide that the
261 21 division shall provide assistance to implement community action
261 22 programs, administer low=income energy assistance block grants,
261 23 administer department of energy funds for weatherization,
261 24 implement accountability measures, and issue an annual report.
261 25 Code section 216A.92A, concerning the commission of
261 26 community action agencies, is amended to specify that the
261 27 commission must meet at least four times per year.
261 28 Code section 216A.92B, concerning the duties of the
261 29 commission, is rewritten by the bill. The bill provides that
261 30 the commission shall supervise collection of data on services
261 31 provided by community action agencies, serve as a liaison
261 32 between the division and the public, recommend to the new board
261 33 rules for the commission and division, and recommend proposed
261 34 policies and legislation.
261 35 Code section 216A.93, concerning establishment of community

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262 1 action agencies, is amended to provide that if any geographic
262 2 area in the state ceases to be served by a community action
262 3 agency, the division may assist the governor in designating an
262 4 agency for that area.
262 5 Code section 216A.101, concerning an emergency
262 6 weatherization fund, and Code section 216A.103, establishing an
262 7 Iowa affordable heating program, are repealed.
262 8 Code section 216A.107, concerning the family development
262 9 and self=sufficiency council, is amended to specify what
262 10 constitutes a quorum, what vote is necessary for substantive
262 11 action, and includes a conflict of interest provision for
262 12 members.
262 13 DIVISION OF DEAF SERVICES:
262 14 The bill renames the division of deaf services as the office
262 15 of deaf services and eliminates the administrator position.
262 16 Code section 216A.112, creating the commission of deaf
262 17 services, and Code section 216A.113, granting authority to the
262 18 commission to employ staff, are stricken and the Code sections
262 19 rewritten.
262 20 Rewritten Code section 216A.112 establishes the duties of
262 21 the office of deaf services.
262 22 Rewritten Code section 216A.113 creates the commission.
262 23 Current provisions of Code section 216A.112 are transferred
262 24 to this Code section which specifies that the commission must
262 25 meet at least quarterly, what constitutes a quorum, what vote
262 26 is necessary for substantive action, and includes a conflict
262 27 of interest provision for members. The bill provides that the
262 28 term of office for commission members is four years and not the
262 29 current three years.
262 30 Code section 216A.114, concerning the powers and duties
262 31 of the commission, is rewritten by the bill. The bill
262 32 provides that the commission shall study the needs of deaf
262 33 and hard=of=hearing people, serve as a liaison between the
262 34 office and the public, recommend to the new board rules for the
262 35 commission and office, provide input to the department director

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263 1 concerning the budget, and recommend proposed policies and
263 2 legislation.
263 3 Code section 216A.115, concerning the powers of the
263 4 commission that include the ability to accept grants and enter
263 5 into contracts, is repealed by the bill.
263 6 Code section 216A.116, concerning a report of the
263 7 commission, is repealed by the bill.
263 8 Code section 216A.117, which creates the interpretation
263 9 services account, is repealed by the bill. The account
263 10 provides moneys to deaf services for continued and expanded
263 11 interpretation services.
263 12 DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING:
263 13 The bill keeps the division of criminal and juvenile justice
263 14 planning.
263 15 New Code section 216A.131A establishes the division to
263 16 perform the duties required in this subchapter.
263 17 Code section 216A.132, concerning the criminal and juvenile
263 18 justice planning council, is amended to provide that the
263 19 council must appoint a chairperson and vice chairperson, to
263 20 establish what constitutes a quorum and a majority to take
263 21 affirmative action, and to establish a conflict of interest
263 22 provision for members.
263 23 Code section 216A.133, concerning duties of the council, is
263 24 amended by adding additional duties. The additional duties
263 25 include assisting agencies in using criminal juvenile justice
263 26 data, serving as a liaison between the division and the public,
263 27 adopting rules for the council and division, providing input to
263 28 the department director concerning the budget, and recommending
263 29 proposed policies and legislation.
263 30 DIVISION ON THE STATUS OF AFRICAN AMERICANS:
263 31 The bill renames the division on the status of African
263 32 Americans as the office on the status of African Americans and
263 33 eliminates the administrator position.
263 34 Code section 216A.142, concerning the commission on the
263 35 status of African Americans, is rewritten by the bill. The

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264 1 rewritten Code section reduces the number of members of the
264 2 commission from nine to seven, provides that the members must
264 3 reside in Iowa, provides for the terms of office, requires the
264 4 appointment of a chairperson and vice chairperson, establishes
264 5 quorum and majority vote requirements, and establishes a
264 6 conflict of interest provision for members.
264 7 Code section 216A.143, concerning meetings of the
264 8 commission, is stricken and rewritten by the bill to establish
264 9 the powers and duties of the commission. The bill provides
264 10 that the commission shall study the needs of the African
264 11 American community, serve as a liaison between the office and
264 12 the public, recommend to the new board rules for the commission
264 13 and office, establish advisory committees, and recommend
264 14 proposed policies and legislation.
264 15 Code section 216A.144, concerning objectives of the
264 16 commission, is repealed by the bill.
264 17 Code section 216A.145, concerning the authority of the
264 18 administrator, is repealed.
264 19 Code section 216A.146, concerning the duties of the
264 20 commission, is amended by the bill to establish the office on
264 21 the status of African Americans and provide for the duties of
264 22 the office.
264 23 Code section 216A.147, concerning additional authority for
264 24 the commission, Code section 216A.148, concerning access to
264 25 information, and Code section 216A.149, concerning an annual
264 26 report, are repealed by the bill.
264 27 DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC
264 28 ISLANDER HERITAGE:
264 29 The bill renames the division on the status of Iowans of
264 30 Asian and Pacific Islander heritage as the office of Asian
264 31 and Pacific Islander affairs and eliminates the administrator
264 32 position.
264 33 Code sections 216A.152, 216A.153, and 216A.154, concerning
264 34 the commission on the status of Iowans of Asian and Pacific
264 35 Islander heritage, are stricken and included in rewritten

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265 1 Code section 216A.152. The rewritten Code section reduces
265 2 the number of members of the commission from nine to seven,
265 3 and also specifies that the members must reside in Iowa, the
265 4 commission must meet at least quarterly, what constitutes a
265 5 quorum, what vote is necessary for substantive action, and
265 6 includes a conflict of interest provision for members.
265 7 Rewritten Code section 216A.153 provides for the powers
265 8 and duties of the commission. The bill provides that the
265 9 commission shall study the needs of Asian and Pacific Islanders
265 10 in this state, serve as a liaison between the office and the
265 11 public, recommend to the new board rules for the commission and
265 12 office, establish advisory committees, and recommend proposed
265 13 policies and legislation.
265 14 Rewritten Code section 216A.154 establishes the office of
265 15 Asian and Pacific Islander affairs and its duties.
265 16 Code section 216A.155, concerning the duties of the
265 17 commission, is repealed.
265 18 Code section 216A.156, concerning review of grant
265 19 applications and budget requests, Code section 216A.157,
265 20 concerning additional commission authority, Code section
265 21 216A.158, concerning employees and responsibility, Code section
265 22 216A.159, concerning state agency assistance, and Code section
265 23 216A.160, concerning an annual report, are repealed by the
265 24 bill.
265 25 DIVISION ON NATIVE AMERICAN AFFAIRS:
265 26 The bill renames the division on Native American affairs
265 27 as the office of Native American affairs and eliminates the
265 28 administrator position.
265 29 Code section 216A.162, concerning the commission on Native
265 30 American affairs, is amended to provide for the appointment
265 31 of a chairperson, quarterly meetings, compensation, what
265 32 constitutes a quorum, what vote is necessary for substantive
265 33 action, and includes a conflict of interest provision for
265 34 members. Code section 216A.164, concerning meetings of
265 35 the commission, is repealed and the substance of these Code

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sections incorporated in Code section 216A.162.

Code section 216A.165, concerning duties of the commission, is rewritten to provide that the duties are studying opportunities for and changing needs of Native American persons, serving as a liaison between the office and the public, recommending to the new board rules for the commission and office, establishing advisory committees, and recommending proposed policies and legislation.

Code section 216A.166 is amended to establish the office of Native American affairs and its duties.

Code section 216A.167, concerning additional duties of the commission, is amended by striking the authority of the commission concerning the budget of the commission and office and the ability to enter into contracts and accept gifts.

Code section 216A.168, concerning the administrator, Code section 216A.169, concerning state agency assistance, and Code section 216A.170, concerning an annual report, are repealed by the bill.

The bill also establishes transition provisions relative to the reorganization of the department as provided in the bill. As part of these provisions, the bill provides that the governor, in consultation with the director of the department of human rights, establish a process to implement the changes in this division relative to changes in this division concerning the members of commissions and boards within the department.

This division of this bill takes effect upon enactment.

DIVISION XII == GAMBLING SETOFFS. Division XII of the bill relates to the setoff of debts from gambling winnings.

Currently, a debtor who wins money on a wager at a racetrack, excursion gambling boat, or gambling structure in this state is subject to a setoff from those winnings of the amount of debt owed if the winnings are equal to or greater than $10,000. Division XII amends Code sections 99D.28 and 99F.19 so that debtors who win $1,200 or more are subject to the setoff.

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267 1 DIVISION XIII == DEPARTMENT OF MANAGEMENT == FINANCIAL
267 2 ADMINISTRATION REORGANIZATION. Division XIII of the bill
267 3 transfers the financial administration duties of the department
267 4 of administrative services to the department of management. In
267 5 addition, the bill requires the department of management to
267 6 establish a centralized payroll system for all state agencies.
267 7 This division also requires the department of management
267 8 to explore the possibility of merging all state payroll
267 9 systems within the centralized payroll system operated by the
267 10 department and to provide that state employees be paid on a
267 11 semimonthly instead of a biweekly basis.
267 12 DIVISION XIV == ADMINISTRATION AND REGULATION
267 13 APPROPRIATIONS. This division of the bill appropriates money to
267 14 the department of revenue to hire additional examiners and to
267 15 the department of management to create and fill an additional
267 16 position in the office of grants enterprise management.
267 17 AGRICULTURE AND NATURAL RESOURCES.
267 18 DIVISION XV == ELIMINATION OF STATE ENTITIES ASSOCIATED
267 19 WITH THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. This
267 20 division eliminates entities associated with the department of
267 21 agriculture and land stewardship.
267 22 RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE. This
267 23 bill eliminates the renewable fuels and coproducts advisory
267 24 committee established in the department of agriculture and land
267 25 stewardship (Code section 159A.4). The committee consists of
267 26 persons heading state agencies or their designees, including
267 27 the department of agriculture and land stewardship, the
267 28 department of economic development, the state department of
267 29 transportation, and the office of energy independence; and
267 30 persons representing persons interested in renewable fuels
267 31 including retail motor fuel dealers, petroleum refiners,
267 32 farmers (with special representation for livestock producers,
267 33 corn growers, and soybean producers), and renewable fuel
267 34 producers. The committee advises the department of agriculture
267 35 and land stewardship and other persons regarding the production

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and consumption of renewable fuels and coproducts, but does not control policy decisions (Code section 159A.5). Departmental programs to encourage the production and consumption of renewable fuels and coproducts are administered by the office of renewable fuels and coproducts.

ORGANIC ADVISORY COUNCIL. The bill eliminates an organic advisory council established within the department of agriculture and land stewardship (Code section 190C.2). The council is composed of persons who operate farms producing organic agricultural products, operate businesses processing organic agricultural products, and operate businesses handling or selling organic agricultural products. It also includes persons who have earned an educational degree and have experience in agricultural or food science, and persons who are interested in the public interest, the natural environment, or consumers. The advisory council is required to assist the department of agriculture and land stewardship in developing policies, establishing and changing fees, providing advice, and promoting organic agricultural products in compliance with the state organic program (Code section 190C.2A). The department retains its statutory duties and powers to administer the program.

DIVISION XVI == ELIMINATION OF STATE ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES' CONTROL OF THE NATURAL HABITAT. The bill eliminates entities established within the department of natural resources that carry out duties associated with the conservation of fish, wildlife, and habitat generally under the jurisdiction of the natural resource commission.

SUSTAINABLE NATURAL RESOURCE FUNDING ADVISORY COMMITTEE. The bill eliminates the sustainable natural resource funding advisory committee (2008 Iowa Acts, chapter 1080). The committee is composed of state officials including the director of the department of natural resources, a commissioner of a soil and water conservation district, and representatives of

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269 1 persons interested in the natural environment, agriculture,
269 2 land improvement, renewable fuels, rivers, and wildlife. It
269 3 also includes four members of the general assembly who serve as
269 4 ex officio, nonvoting members. The committee is required to
269 5 submit a report to the general assembly in 2010.
269 6 The committee's elimination takes effect upon enactment.
269 7 UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. The bill
269 8 eliminates the upland game bird study advisory committee
269 9 established to restore sustainable and socially acceptable
269 10 populations of pheasants and quail in the state to maximize
269 11 the economic value of upland game bird hunting to Iowa's
269 12 economy (2009 Iowa Acts, ch. 144, section 49). The committee
269 13 is composed of persons representing organizations associated
269 14 with conservation, farming, hunting, realty, environmental
269 15 protection, and land management; Iowa's United States senators;
269 16 federal agencies responsible for fish and wildlife and farm
269 17 policy; and the department of agriculture and land stewardship,
269 18 the department of natural resources, the department of economic
269 19 development, the state department of transportation, and the
269 20 state soil conservation committee. It also includes four
269 21 members of the general assembly. The committee is required to
269 22 submit a final report to the governor and the general assembly
269 23 by January 10, 2010.
269 24 The committee's elimination takes effect upon enactment.
269 25 DIVISION XVII == ELIMINATION OF STATE ENTITIES ASSOCIATED
269 26 WITH THE DEPARTMENT OF NATURAL RESOURCES == IOWA CLIMATE CHANGE
269 27 ADVISORY COUNCIL. The bill eliminates the Iowa climate change
269 28 advisory council established within the department of natural
269 29 resources (Iowa Code section 455B.851). The council consists
269 30 of persons engaged in academic and research institutions,
269 31 farming, public transit, utilities, environmental protection,
269 32 business, energy conservation, renewable fuel promotion,
269 33 local government, and alternative energy production. It also
269 34 includes four ex officio, nonvoting members of the general
269 35 assembly. The council was responsible for developing multiple

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270 1 scenarios designed to reduce statewide greenhouse gas emissions
270 2 in order to reduce such emissions by 50 percent by 2050. The
270 3 council was required to submit a proposal by January 1, 2009.
270 4 The department is still required to submit a report to the
270 5 governor and the general assembly regarding the greenhouse gas
270 6 emissions in the state during the previous calendar year and
270 7 forecasting trends in such emissions.
270 8 The council's elimination takes effect upon enactment.
270 9 DIVISION XVIII == IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
270 10 STORAGE TANK FUND BOARD. Division XVIII relates to the
270 11 elimination of the Iowa comprehensive petroleum underground
270 12 storage tank fund board. This division transfers all
270 13 administrative duties of the board to the department of natural
270 14 resources and, in the case of approval of certain contracts
270 15 and duties pursuant to Code chapter 17A, to the environmental
270 16 protection commission. The division transfers the authority to
270 17 issue bonds for the Iowa comprehensive petroleum underground
270 18 storage tank fund from the Iowa finance authority to the
270 19 treasurer of state. The division makes conforming amendments.
270 20 The division eliminates the July 1, 2010, repeal of Code
270 21 sections 455G.6 and 455G.7, relating to bonding authority for
270 22 the Iowa comprehensive petroleum underground storage tank fund.
270 23 The division appropriates moneys from the Iowa comprehensive
270 24 petroleum underground storage tank fund to the department of
270 25 natural resources and to the general fund of the state.
270 26 ECONOMIC DEVELOPMENT.
270 27 DIVISION XIX == ECONOMIC DEVELOPMENT == COMMITTEES AND
270 28 COUNCILS. Division XIX of this bill relates to the duties
270 29 of certain boards, committees, and councils in the areas of
270 30 cultural affairs and economic development. The bill eliminates
270 31 some boards, committees, and councils and reassigns some of
270 32 their functions to other state governmental bodies.
270 33 Code section 15.108, subsection 7, paragraph "h", provides
270 34 for a small business advisory council and requires the
270 35 department of economic development to provide assistance to it.

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271 1 Division XIX eliminates this council.
271 2 Code section 15.203 provides for the establishment of an
271 3 agricultural products advisory council, and Code section
271 4 15G.115 provides a role for this council in approving
271 5 applications for financial assistance under the value=added
271 6 agriculture component of the grow Iowa values fund. This
271 7 division eliminates this council and removes references to the
271 8 council from the provisions of the grow Iowa values fund and
271 9 financial assistance program. With the elimination of the
271 10 council, applications for assistance under the value=added
271 11 agriculture component of the grow Iowa values fund will be
271 12 considered by the due diligence committee of the economic
271 13 development board.
271 14 Code section 15.114 provides for the establishment of
271 15 a microenterprise development advisory committee by the
271 16 department of economic development. This division eliminates
271 17 this committee.
271 18 DIVISION XX == CONSOLIDATION OF HOUSING PROGRAMS. Division
271 19 XX of the bill transfers authority for the administration of
271 20 the shelter assistance fund from the department of economic
271 21 development to the Iowa finance authority.
271 22 Division XX of the bill also directs the department of
271 23 economic development and the Iowa finance authority to conduct
271 24 a joint review of the housing=related programs they currently
271 25 administer, including all federal programs. The joint review
271 26 must include a review of all federal moneys received and spent
271 27 on housing programs and must identify all programs that are
271 28 duplicative of another program or which have purposes similar
271 29 to that of another program.
271 30 Division XX directs the department of economic development
271 31 and the Iowa finance authority to produce a report recommending
271 32 how best to transfer all responsibilities for housing=related
271 33 programs from the department of economic development to
271 34 the Iowa finance authority. The report must be submitted
271 35 by September 1, 2010, to the governor, the department of

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272 1 management, and the general assembly.
272 2 EDUCATION.
272 3 DIVISION XXI == AREA EDUCATION AGENCIES AND
272 4 EDUCATION=RELATED MATTERS. This division relates to
272 5 area education agencies (AEAs) by changing the composition
272 6 of area education agency boards of directors, directs the
272 7 director of the department of education to provide guidance and
272 8 standards to AEAs for federal and state education initiatives
272 9 which the AEAs must implement statewide, and provides for
272 10 studies related to AEA funding and standards of services.
272 11 The bill also eliminates the education telecommunications
272 12 council and revises the appointment process and duties of the
272 13 regional telecommunications councils; eliminates the council
272 14 for agriculture education, and the Iowa learning technology
272 15 initiative; and initiates the process for withdrawal from
272 16 the midwestern higher education compact. Under the bill,
272 17 the duties of the education telecommunications council are
272 18 transferred to the regional telecommunications councils.
272 19 The bill provides that each AEA board shall be comprised
272 20 of at least nine members rather than the current requirement
272 21 of between five and nine members. The bill also requires
272 22 that candidates for membership on the board be nominated by
272 23 the school districts in the area. Under the bill, the board
272 24 must be comprised of at least one superintendent, a principal,
272 25 a regular teacher, a special education teacher, a special
272 26 education paraprofessional, and a parent or guardian of a
272 27 child requiring special education who is receiving special
272 28 education services from an AEA. If a person who meets these
272 29 qualifications is not nominated, a director district convention
272 30 must be called to elect a board member for that director
272 31 district.
272 32 The bill directs AEA accreditation teams to determine
272 33 whether the standards for statewide education initiatives
272 34 developed by the director have been met. The department of
272 35 education is directed to conduct a study of the current AEA

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273 1 funding system and develop alternative proposals for funding
273 2 the AEA system. The department must submit its report to the
273 3 general assembly and the governor by December 15, 2010.
273 4 The department of education is directed to conduct a study
273 5 of current and potential AEA standards of services and to
273 6 develop potential standards of performance aligned with the
273 7 standards of services which shall be a component of the AEA
273 8 accreditation process. The department must submit its findings
273 9 and recommendations in a report to the general assembly and the
273 10 governor by October 1, 2010.
273 11 The bill includes conforming provisions.
273 12 DIVISION XXII == EARLY CHILDHOOD IOWA INITIATIVE. This
273 13 division relates to the state and local system for early care
273 14 by replacing the community empowerment initiative administered
273 15 for state purposes through the department of management with
273 16 the early childhood Iowa initiative administered through the
273 17 department of education.
273 18 The division enacts the early childhood Iowa initiative
273 19 in new Code chapter 256I to replace the community empowerment
273 20 initiative in Code chapter 28, which is repealed.
273 21 New Code section 256I.1 provides definitions.
273 22 New Code section 256I.2 states a set of desired results
273 23 for the early childhood Iowa initiative, which is essentially
273 24 the same as the set of desired results under the community
273 25 empowerment initiative. In addition, the section outlines the
273 26 purpose of the initiative and the roles of the state agencies
273 27 and communities involved with the initiative.
273 28 New Code section 256I.3 creates the early childhood Iowa
273 29 state board charged to promote the vision of a comprehensive
273 30 early care, education, health, and human services system
273 31 achieved through assuring collaboration and other coordination
273 32 efforts directed to the individual state and local systems
273 33 connected with the state agencies. The voting membership
273 34 consists of six state agency staff and three public members
273 35 and also includes four members of the general assembly serving

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as ex officio, nonvoting members. The six state agencies represented are from the departments of economic development, education, human rights, human services, public health, and workforce development.

New Code section 256I.4 outlines the duties of the state board, including authority to manage grant funding, approve boundaries of early childhood Iowa areas, designate early childhood Iowa area boards, implement a levels of excellence rating system for use in designating area boards, and create a strategic plan that implements a comprehensive system of early care, education, health, and human services.

New Code section 256I.5 designates the department of education as the lead agency for implementation of the initiative and for support of the state board and the comprehensive system. The early childhood coordination center is created in the department with specified staff, authority for designation of additional staff, and inclusion of a technical assistance team consisting of staff from the other state departments represented on the state board. The center duties include entering into memoranda of agreement with state departments and working with stakeholders to implement the initiative and resolve disputes.

New Code section 256I.6 addresses designation of early childhood Iowa areas throughout the state and includes a statement of purpose, authority of the state board in designating areas, criteria for designating boundaries, and authority to waive the criteria.

New Code section 256I.7 provides for the functions of an early childhood Iowa area to be performed by an area board, outlines membership and other requirements, provides tort liability protection, and requires compliance with laws relating to open meetings and public records.

New Code section 256I.8 addresses the required duties and optional authority for area boards. The duties include designating a public entity or nonprofit corporation to serve

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275 1 as fiscal agent, administering grant funding, developing a
275 2 comprehensive community plan, and submitting an annual report
275 3 on the effectiveness of the plan. The optional authority
275 4 relates to designating committees and using other community
275 5 bodies to provide input.
275 6 New Code section 256I.9 provides for development of a school
275 7 ready grant program. The requirements are similar to those
275 8 under the school ready children grant program implemented
275 9 under the community empowerment initiative, including the
275 10 requirements for providing preschool services for at=risk
275 11 children, and family support and parent education services
275 12 for parents with very young children, approval requirements,
275 13 evaluation components, and a limitation on authority to carry
275 14 forward unused funding to the succeeding fiscal year.
275 15 New Code section 256I.10 requires the department of
275 16 education to implement an early childhood Iowa internet site to
275 17 disseminate information concerning the early care, education,
275 18 health, and human services systems and other information and a
275 19 link to a special internet site for parents.
275 20 New Code section 256I.11 creates the early childhood Iowa
275 21 fund and the school ready children grants account, early
275 22 childhood programs grants account, and first years first
275 23 account, as part of the fund. The department of education has
275 24 authority over the fund and the accounts.
275 25 Code chapter 28, relating to the community empowerment
275 26 initiative, and Code section 135.173, relating to the early
275 27 childhood Iowa council, are repealed.
275 28 This division also makes conforming amendments to replace
275 29 references to the Iowa empowerment initiative, Iowa empowerment
275 30 board, community empowerment areas, and Code chapter 28 with
275 31 references to the early childhood Iowa initiative, early
275 32 childhood Iowa state board, early childhood Iowa areas, and
275 33 Code chapter 256I, respectively.
275 34 The division may include a state mandate as defined in
275 35 Code section 25B.3. The division makes inapplicable Code

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276 1 section 25B.2, subsection 3, which would relieve a political
276 2 subdivision from complying with a state mandate if funding for
276 3 the cost of the state mandate is not provided or specified.
276 4 Therefore, political subdivisions are required to comply with
276 5 any state mandate included in the division.
276 6 A transition section addresses transition of community
276 7 empowerment initiative provisions to the early childhood Iowa
276 8 initiative beginning on July 1, 2010, including transition
276 9 of community empowerment area boards to early childhood Iowa
276 10 area boards, state or federal funding possessed by community
276 11 empowerment area boards, and administrative rules.
276 12 DIVISION XXIII == HEALTH AND HUMAN SERVICES PROGRAM. This
276 13 division of the bill provides directives to various state
276 14 departments to develop and implement strategies to increase
276 15 efficiencies and cost savings in programs relating to health
276 16 and human services. The bill directs the department of human
276 17 services to develop and implement strategies to increase
276 18 efficiencies by reducing paperwork, decreasing staff time, and
276 19 providing more streamlined services to the public relative to
276 20 programs under the purview of the department. Such strategies
276 21 may include but are not limited to simplifying and reducing
276 22 duplication in eligibility determinations among programs by
276 23 utilizing the same eligibility processes across programs to the
276 24 extent allowed by federal law. The department is also directed
276 25 to provide a progress report to the joint appropriations
276 26 subcommittee on health and human services on a quarterly basis.
276 27 The bill also directs the departments of human services,
276 28 public health, corrections, and management, and any
276 29 other appropriate department to review the provision of
276 30 pharmaceuticals to populations they serve and programs under
276 31 their respective purview to determine efficiencies in the
276 32 purchase of pharmaceuticals. The departments are required to
276 33 develop strategies to implement efficiencies and reduce costs
276 34 to the state, and to also determine any changes in state law or
276 35 approval from the federal government necessary to implement any

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277 1 strategy identified.
277 2 DIVISION XXIV == HOSPITAL LICENSING BOARD. The hospital
277 3 licensing board consults with and advises the department of
277 4 inspections and appeals in matters relating to the licensure of
277 5 hospitals, and approves rules and standards relating to such
277 6 licensure prior to their approval by the state board of health.
277 7 This division of the bill eliminates the hospital licensing
277 8 board.
277 9 Code section 135B.5 is also amended to eliminate the
277 10 requirement that the annual licensure fee for hospitals be
277 11 dedicated to support educational programs on regulatory issues
277 12 for hospitals.
277 13 DIVISION XXV == CHILD SUPPORT. This division of the bill
277 14 relates to child support and directs the department of human
277 15 services to establish criteria and a phased=in schedule to
277 16 require, no later than June 30, 2015, payors of income to
277 17 electronically transmit the amounts withheld under an income
277 18 withholding order. The bill directs the department to assist
277 19 payors of income in complying with the required electronic
277 20 transmission, and to adopt rules setting forth procedures for
277 21 use in electronic transmission of funds, and exemption from use
277 22 of electronic transmission taking into consideration any undue
277 23 hardship electronic transmission creates for payors of income.
277 24 DIVISION XXVI == FALSE CLAIMS ACT. This division the bill
277 25 relates to the False Claims Act. This division establishes
277 26 a state false claims Act to allow a procedure for the state
277 27 and private individuals to bring an action for fraud against
277 28 another person that might result in financial loss to the
277 29 government. The federal Deficit Reduction Act of 2005, Pub.
277 30 L. No. 109=171, { 6032, provided financial encouragement to
277 31 states to have in effect a law dealing with false or fraudulent
277 32 claims that meets certain federal requirements. If a state
277 33 has such a law in place, when recoveries are made for Medicaid
277 34 funds improperly paid, the share owed to the federal government
277 35 will be decreased by 10 percent. This provision of the federal

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278 1 Deficit Reduction Act took effect January 1, 2007.
278 2 The division provides definitions of "claim", "employer",
278 3 "knowing" or "knowingly", and "qui tam plaintiff" which means a
278 4 private plaintiff who brings an action under the division on
278 5 behalf of the state.
278 6 The division provides that a person who commits certain
278 7 specified acts is liable to the state for three times the
278 8 amount of damages which the state sustains because of the act
278 9 of that person, and is also liable to the state for the costs
278 10 of a civil action brought to recover any of those penalties
278 11 or damages, and for a civil penalty of not less than $5,000
278 12 and not more than $10,000 for each violation. The prohibited
278 13 acts include: knowingly presenting or causing to be presented
278 14 to any employee, officer, or agent of the state, or to any
278 15 contractor, grantee, or other recipient of state funds, a
278 16 false or fraudulent claim for payment or approval; knowingly
278 17 making, using, or causing to be made or used, a false record
278 18 or statement to get a false or fraudulent claim paid or
278 19 approved; conspiring to defraud the state by getting a false
278 20 claim allowed or paid, or conspiring to defraud the state by
278 21 knowingly making, using, or causing to be made or used, a
278 22 false record or statement to conceal, avoid, or decrease an
278 23 obligation to pay or transmit money or property to the state;
278 24 having possession, custody, or control of public property or
278 25 money used or to be used by the state and knowingly delivering
278 26 or causing to be delivered less property than the amount for
278 27 which the person receives a certificate or receipt; being
278 28 authorized to make or deliver a document certifying receipt
278 29 of property used or to be used by the state and knowingly
278 30 making or delivering a receipt that falsely represents the
278 31 property used or to be used; knowingly buying or receiving
278 32 as a pledge of an obligation or debt, public property from
278 33 any person who lawfully may not sell or pledge the property;
278 34 knowingly making, using, or causing to be made or used, a
278 35 false record or statement to conceal, avoid, or decrease an

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279 1 obligation to pay or transmit money or property to the state;
279 2 and being a beneficiary of an inadvertent submission of a
279 3 false claim to any employee, officer, or agent of the state,
279 4 or to any contractor, grantee, or other recipient of state
279 5 funds, subsequently discovering the falsity of the claim, and
279 6 failing to disclose the false claim to the attorney general
279 7 within a reasonable time after discovery of the false claim.
279 8 The division provides for an assessment of a lesser amount of
279 9 damages under certain circumstances.
279 10 The division provides a process for the attorney general to
279 11 investigate and bring civil actions under the division. The
279 12 division also provides a process for a person to bring a civil
279 13 action for a violation of the division for the person and for
279 14 the state in the name of the state as a qui tam plaintiff. The
279 15 division provides for awards to the qui tam plaintiff, bars
279 16 certain actions including those brought against a member of
279 17 the state legislature, a member of the judicial branch, or an
279 18 executive branch official if the action is based on evidence
279 19 or information known to the attorney general when the action
279 20 was brought and other actions in which the state is already a
279 21 party. The division provides that the state is not liable for
279 22 expenses which a person incurs in bringing an action under the
279 23 bill, and provides for relief to a person who is retaliated
279 24 against by an employer for bringing a private action under the
279 25 bill.
279 26 The division provides that a civil action under the division
279 27 must be brought not more than 10 years after the date on which
279 28 the violation was committed, and requires the attorney general
279 29 or the private plaintiff to prove all essential elements of the
279 30 cause of action by a preponderance of the evidence.
279 31 The division takes effect upon enactment and is
279 32 retroactively applicable to January 1, 2007.
279 33 DIVISION XXVII == MEDICAID PRESCRIPTION DRUGS. This
279 34 division of the bill relates to prescription drugs under
279 35 the medical assistance program by directing the department

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280 1 of human services to adopt rules to restrict physicians and
280 2 other prescribers to prescribing not more than a 72=hour or
280 3 three=day supply of a prescription drug not included on the
280 4 Medicaid preferred drug list while seeking approval to continue
280 5 prescribing the medication; and directing the department to
280 6 adopt rules to require that unless the manufacturer of a
280 7 chemically unique mental health prescription drug enters into a
280 8 contract to provide the state with a supplemental rebate, the
280 9 drug shall be placed on the nonpreferred drug list and subject
280 10 to prior authorization before a Medicaid program recipient is
280 11 able to obtain the drug.
280 12 DIVISION XXVIII == MEDICAID DISEASE MANAGEMENT. Division
280 13 XXVIII of the bill relates to Medicaid disease management
280 14 for children and directs the department of human services
280 15 to design and implement a disease management program for
280 16 children to address the most prevalent chronic diseases among
280 17 children in Iowa. The program may include technology=based
280 18 disease management, in=person or telephonic care management,
280 19 self=management strategies, and health literacy education and
280 20 training.
280 21 DIVISION XXIX == MEDICAID HOME AND COMMUNITY=BASED SERVICES
280 22 WAIVER PAYMENTS. This division of the bill relates to Medicaid
280 23 home and community=based services waiver payments by directing
280 24 the department of human services to evaluate payment records
280 25 and determine the proper mechanism to trigger a review of
280 26 payments for home and community=based services waiver services
280 27 that are in excess of the median amount for payments through
280 28 the waivers. Following development of the trigger mechanism,
280 29 the department must require advance approval for services for
280 30 which payment is projected to exceed the median amount.
280 31 DIVISION XXX == DIVESTITURE == MEDICAID PROGRAM. This
280 32 division relates to divestiture activities under the Medicaid
280 33 program. This division amends the definition of "transfer
280 34 of assets" for the purpose of eligibility for the medical
280 35 assistance (Medicaid) program. The division amends the

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281 1 definition to provide that any transfer or assignment of a
281 2 legal or equitable interest in property, from a transferor to
281 3 a transferee for less than fair consideration, made while the
281 4 transferor is receiving medical assistance or within five years
281 5 prior to application for medical assistance by the transferor,
281 6 is presumed to be made with the intent, on the part of not
281 7 only the transferee, but also the transferor; or another
281 8 person acting on behalf of a transferor who is an actual or
281 9 implied agent, guardian, attorney=in=fact, or person acting as
281 10 a fiduciary, of enabling the transferor to obtain or maintain
281 11 eligibility for medical assistance or of impacting the recovery
281 12 or payment of a medical assistance debt. The presumption is
281 13 then rebuttable only by clear and convincing evidence that
281 14 the transferor's eligibility or potential eligibility for
281 15 Medicaid or the impact on the recovery or payment of a medical
281 16 assistance debt was no part of the reason of not only the
281 17 transferee, but any of the other parties specified for making
281 18 the transfer or assignment.
281 19 The division provides that a transfer of assets includes a
281 20 transfer of an interest in the transferor's home, domicile, or
281 21 land appertaining to such home or domicile while the transferor
281 22 is receiving medical assistance, unless otherwise exempt.
281 23 The division amends the listing of transfers that are exempt
281 24 from the definition to provide that a transfer of assets that
281 25 would have been exempt from consideration as a resource if
281 26 retained by the transferor pursuant to federal law does not
281 27 include a transfer of the home or land appertaining to the
281 28 home.
281 29 DIVISION XXXI == CHILD CARE ADVISORY COMMITTEE. This
281 30 division replaces the child care advisory council in Code
281 31 sections 237A.21 and 237A.22 with a child care advisory
281 32 committee established by the early childhood Iowa council. The
281 33 following changes are made from current law relating to this
281 34 advisory body: members are appointed by the early childhood
281 35 Iowa council instead of the governor and additional provisions

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282 1 are included for coordination between the council and the
282 2 new advisory committee. The division includes conforming
282 3 amendments reflecting the change. The council is required
282 4 to submit a legislation proposal to the governor and general
282 5 assembly specifying membership slots for the committee by
282 6 December 15, 2010. A contingent provision provides that if
282 7 the early childhood Iowa council is repealed and replaced by
282 8 the early childhood Iowa state board, the legislative proposal
282 9 requirement is to be assumed by the state board. Otherwise the
282 10 division takes effect July 1, 2011.
282 11 DIVISION XXXII == STATE MENTAL HEALTH INSTITUTES. This
282 12 division relates to transfer of authority over the facilities
282 13 of the state mental health institute at Mount Pleasant from the
282 14 department of human services to the department of corrections.
282 15 The Code references to the state mental health institute at
282 16 Mount Pleasant are eliminated in Code section 218.1, relating
282 17 to the institutions under the control of the director of human
282 18 services; in Code section 219.1, collectively designating the
282 19 state mental health institutes and the state resource centers
282 20 as a single state medical institution; in Code section 226.1,
282 21 relating to the official designation of the state hospitals
282 22 for persons with mental illness; and in Code section 226.9C,
282 23 authorizing the operation of a dual diagnosis mental health and
282 24 substance abuse program using net general fund budgeting.
282 25 Transition provisions are included for the departments
282 26 of human services and corrections to work together so that
282 27 the administration of the state mental health institute's
282 28 facilities is transferred from the department of human services
282 29 to the department of corrections over the course of fiscal year
282 30 2009=2010 and the succeeding fiscal year and is completed on
282 31 or before July 1, 2011.
282 32 The transition provisions include requirements for the
282 33 department of human services to revise the catchment areas
282 34 for state mental health institutes from four to three and to
282 35 transfer patients at the Mount Pleasant facility to suitable

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283 1 placements. Moneys appropriated to the department of human
283 2 services for the two state mental health institutes for fiscal
283 3 year 2009=2010 are to be used for patient services and the
283 4 department of human services administrative costs connected to
283 5 the transfer.
283 6 Administrative rules applicable to the state mental health
283 7 institute at Mount Pleasant in effect as of July 1, 2009,
283 8 are to remain in effect until completion of the transfer
283 9 of administration of the facilities to the department of
283 10 corrections. The directors of the department of human services
283 11 and the department of corrections are required to jointly
283 12 provide written notice to the legislative services agency when
283 13 the transfer is complete.
283 14 The division may include a state mandate as defined in
283 15 Code section 25B.3. The division makes inapplicable Code
283 16 section 25B.2, subsection 3, which would relieve a political
283 17 subdivision from complying with a state mandate if funding for
283 18 the cost of the state mandate is not provided or specified.
283 19 Therefore, political subdivisions are required to comply with
283 20 any state mandate included in the division.
283 21 DIVISION XXXIII == MH/MR/DD/BI COMMISSION DUTIES. This
283 22 division provides general amendments associated with the
283 23 commission in Code chapters other than Code chapter 225C.
283 24 Code section 135C.23, relating to requirements for admission
283 25 to a health care facility (defined to include residential care
283 26 facilities, nursing facilities, intermediate care facilities
283 27 for persons with mental illness, and intermediate care
283 28 facilities for persons with mental retardation), is amended to
283 29 eliminate a requirement for the department of inspections and
283 30 appeals to coordinate with the commission in the adoption of
283 31 rules. The affected rules require programs for health care
283 32 facilities that admit patients or have residents with a history
283 33 of dangerous or disturbing behavior.
283 34 Code section 229.24, relating to the confidentiality
283 35 requirements for involuntary hospitalization proceedings,

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284 1 is amended to eliminate the use of a form prescribed by the
284 2 commission when the clerk of court provides information to
284 3 counties concerning the commitment of an individual when the
284 4 costs of the individual's care are chargeable to a county.
284 5 Code section 230A.2, relating to the services offered by
284 6 a community mental health center, is amended to eliminate a
284 7 reference to the commission in defining services included in
284 8 the comprehensive mental health and developmental disability
284 9 services plan addressed by the bill in Code section 225C.6B.
284 10 Code section 230A.15, relating to requirements for a
284 11 comprehensive community mental health program, is amended to
284 12 include a reference to the comprehensive plan addressed by the
284 13 bill.
284 14 Code section 331.424A, establishing the county mental
284 15 health, mental retardation, and developmental disabilities
284 16 (MH/MR/DD) services funds, is amended to provide for adoption
284 17 of rules by the commission and issuance of forms by the county
284 18 finance committee in accordance with those rules. The forms
284 19 are to allow for reporting of services for persons with brain
284 20 injury and other optional services funded through a services
284 21 fund.
284 22 Code section 331.438, relating to county MH/MR/DD services
284 23 expenditures and the county and state planning associated with
284 24 the expenditures, is amended to strike a reference to the
284 25 expenditure reporting forms. In addition, the bill reduces the
284 26 number of duties for the commission enumerated in that section
284 27 from 16 to six.
284 28 Code section 331.439, relating to county eligibility
284 29 for state property tax relief and allowed growth funding in
284 30 connection with MH/MR/DD services, is amended to address
284 31 several issues. A requirement that the director of human
284 32 services consult with the commission when the director
284 33 determines various qualifications are met by counties is
284 34 eliminated. A reference to forms in a reporting requirement
284 35 is eliminated. Terminology references to county services

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285 are revised to incorporate the term "services system". A limitation in current law authorizing county services to be contracted out to a managed care contractor is replaced with authority to contract with any state=approved private entity. Certain costs are made optional instead of being required to be addressed by the allowed growth adjustment factor annually recommended by the commission to the governor.

DIVISION XXXIV == MH/MR/DD/BI SERVICES. This division amends Code chapter 225C, relating to the services and other support available to a person with mental illness, mental retardation, developmental disabilities, or brain injury (MI/MR/DD/BI), defined by the Code chapter as "disability services".

Code section 225C.4, relating the duties of the administrator of the division of mental health and disability services, is amended to include a reference to the comprehensive plan addressed by the bill.

Code section 225C.6, relating to the duties of the commission, is amended to reorganize the list of duties. In addition, the bill shifts responsibility from the commission to the department of human services' mental health and disability services administrator for determining whether to grant, deny, or revoke service provider accreditations. The commission retains responsibility for adopting the standards used. An existing requirement for the commission to coordinate with other bodies is expanded to include the mental health planning council and other state agencies generally.

Code section 225C.6A, relating to a service system redesign the commission worked on in fiscal years 2004=2005 and 2005=2006, is amended to eliminate obsolete language and to make various planning responsibilities permanent. Pursuant to Code section 225C.6B, as amended in the bill, the commission is required to develop a comprehensive five=year plan for mental health and all disability services. The plan is to be revised every five years and updated annually.

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286 1 Code section 225C.21, relating to supported community
286 2 services, is amended to shift the provider accreditation
286 3 determination responsibility from the commission to the
286 4 department's division administrator.
286 5 Code section 225C.52, relating to the mental health services
286 6 system for children, is amended to include a reference to the
286 7 comprehensive plan responsibility included in the bill.
286 8 The bill repeals Code section 225C.27, the purpose section
286 9 of the bill of rights and service quality standards of
286 10 persons with mental retardation, developmental disabilities,
286 11 brain injury, or chronic mental illness. The Code section
286 12 requires the commission to adopt rules to promote and encourage
286 13 fulfillment of the individual due process and participation
286 14 in planning rights provisions of the bill of rights in Code
286 15 section 225C.28B.
286 16 DIVISION XXXV == MH/MR/DD/BI COMMISSION AND WAIVER NAME
286 17 CHANGE. This division changes the name of the mental health,
286 18 mental retardation, developmental disabilities, and brain
286 19 injury commission to the mental health and disability services
286 20 commission and the name of the home and community=based
286 21 services waiver for persons with mental retardation under the
286 22 medical assistance program to the waiver for persons with
286 23 intellectual disabilities. Various specific Code provisions
286 24 are addressed and the Code editor is authorized to make these
286 25 changes in other provisions.
286 26 DIVISION XXXVI == CONSOLIDATION OF ADVISORY BODIES ==
286 27 COUNCIL ON HUMAN SERVICES. This division eliminates the
286 28 following bodies: the child abuse prevention program advisory
286 29 council (Code section 235A.1), the child support advisory
286 30 committee (Code section 252B.18), and the child welfare
286 31 advisory committee (Code section 234.3), and reauthorizes these
286 32 bodies as advisory committees established by the council on
286 33 human services. In establishing the advisory committees and
286 34 appointing members, the council on human services is required
286 35 to consider reappointing those individuals who were serving as

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287 1 members of these bodies as of June 30, 2009. Corrections are
287 2 made to the Code references to the bodies.
287 3 DIVISION XXXVII == REPEAL OF HEALTH ADVISORY BODIES. This
287 4 division eliminates the following bodies: the hemophilia
287 5 advisory council (Code chapter 135N), the state medical
287 6 examiner advisory council (Code section 691.6C), and the state
287 7 substitute medical decision=making board (Code section 135.28).
287 8 The department of public health is required to no longer
287 9 operate an advisory committee on swimming pools created by the
287 10 department.
287 11 DIVISION XXXVIII == DEPARTMENT OF HUMAN SERVICES == FIELD
287 12 SERVICES ORGANIZATION. This division relates to the field
287 13 services organization for the department of human services
287 14 under Code section 217.42, providing for service areas to be
287 15 designated by the department.
287 16 The division eliminates other language limiting the field
287 17 services organization to the service areas designated as of
287 18 January 1, 2002, requiring consideration of other geographic
287 19 service areas, requiring consultation with county boards of
287 20 supervisors regarding selection of service area managers,
287 21 providing a procedure for counties seeking to change the
287 22 boundaries of a service area, and requiring consultation with
287 23 affected counties if it is necessary for the department to
287 24 significantly modify service areas or related operations.
287 25 The division takes effect upon enactment.
287 26 DIVISION XXXIX == DEPARTMENT OF HUMAN SERVICES == FAMILY
287 27 SUPPORT SUBSIDY. This division prohibits the department of
287 28 human services, effective July 1, 2010, from accepting new
287 29 applications for the family support subsidy program and from
287 30 approving pending applications. Existing provisions under
287 31 Code section 225C.40 remain applicable regarding termination
287 32 or denial of a subsidy for existing program participants.
287 33 These provisions include death of the participant, eligibility
287 34 criteria are no longer met, the participant attains age 18, and
287 35 reporting requirements are not met.

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288 1 DIVISION XL == DEPARTMENT OF HUMAN SERVICES == ELECTRONIC
288 2 FUNDS TRANSFER PAYMENTS. This division directs the department
288 3 of human services to continue expanding the practice of making
288 4 payments to program participants and vendors by means of
288 5 electronic funds transfer. A goal is provided in new Code
288 6 section 217.24 for the department having the capacity for
288 7 making payment by such means for all departmental programs.
288 8 DIVISION XLI == DEPARTMENT OF HUMAN SERVICES == ADOPTION
288 9 SUBSIDY PROGRAM. This division provides that for the
288 10 fiscal year beginning July 1, 2010, the maximum payment for
288 11 nonrecurring expenses is limited to $500 and additional amounts
288 12 for court costs and other related legal expenses will no longer
288 13 be allowed.
288 14 DIVISION XLII == GUARDIAN AD LITEM. This division amends
288 15 the duties listed for a "guardian ad litem" under Code section
288 16 232.2, which provides definitions used in the juvenile justice
288 17 code. A guardian ad litem is a person appointed by the court,
288 18 generally an attorney, to represent the interests of a child
288 19 in any judicial proceeding to which the child is a party. The
288 20 bill narrows the duties to only attending court hearings,
288 21 eliminates the requirement for an in=person interview of the
288 22 child prior to a court hearing, and provides that required
288 23 interviews no longer have to be conducted before court
288 24 hearings.
288 25 DIVISION XLIII == COUNTY COMMISSIONS OF VETERAN AFFAIRS
288 26 FUND. This division amends Code section 35A.16, relating to
288 27 $10,000 grants provided to county veteran affairs commissions.
288 28 Each county receiving a grant is required to annually report on
288 29 expenditure of the grant.
288 30 JUSTICE SYSTEM.
288 31 DIVISION XLIV == DEPARTMENT OF CORRECTIONS. The division at
288 32 Code section 904.106 is amended to reduce the minimum number of
288 33 required meetings of the board of corrections from 12 meetings
288 34 per year to quarterly meetings per year.
288 35 Code section 904.505 is amended to allow the department of

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289 1 corrections to impose an administrative fee for the filing of
289 2 a report of a major disciplinary rule infraction for which an
289 3 inmate is found guilty. The fee shall be deposited in the
289 4 general fund of the state.
289 5 This division also closes, by October 1, 2010, the Luster
289 6 Heights facility and the farm 1 and farm 3 facilities of the
289 7 department of corrections and transfers the inmates confined at
289 8 such facilities to other institutions under the control of the
289 9 department of corrections.
289 10 DIVISION XLV == STATE PUBLIC DEFENDER. The indigent defense
289 11 advisory commission makes recommendations regarding the
289 12 hourly rates paid to court=appointed counsel and per case fee
289 13 limitations. The commission issues a report every three years.
289 14 The division eliminates the commission and requires the state
289 15 public defender to prepare the reports.
289 16 This division appropriates moneys to the office of the state
289 17 public defender of the department of inspections and appeals
289 18 for 10 additional local public defender and staff positions.
289 19 The division also appropriates moneys to the office of the
289 20 state public defender for establishing a local public defender
289 21 office in Wapello county pursuant to Code section 13B.8.
289 22 DIVISION XLVI == IOWA LAW ENFORCEMENT ACADEMY. This
289 23 division of the bill requires the Iowa law enforcement
289 24 academy to charge the department of natural resources and the
289 25 department of transportation the entire cost of providing the
289 26 basic training course for law enforcement officers. Under
289 27 current law, the academy may charge a state agency not more
289 28 than one=half the cost of the basic training course.
289 29 Division XLVI of this bill provides that the Iowa law
289 30 enforcement academy, subject to the approval of the Iowa law
289 31 enforcement academy council, shall develop and administer a
289 32 pilot program consisting of training seminars for private
289 33 security personnel, consisting of 50 hours of training for each
289 34 of 10 trainees at a cost of $50 per hour of training. The
289 35 moneys received from the training seminars are required to be

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290 1 deposited in the general fund of the state.
290 2 MISCELLANEOUS PROVISIONS.
290 3 DIVISION XLVII == STATE GOVERNMENT EFFICIENCY REVIEW
290 4 COMMITTEE. This division of this bill establishes a state
290 5 government efficiency review committee which shall meet at
290 6 least every four years to review the operations of state
290 7 government. The committee shall consist of five members of the
290 8 senate and five members of the house of representatives who
290 9 shall be appointed prior to January 31 of the first regular
290 10 session of each general assembly. The committee shall meet as
290 11 directed by the legislative council. The division provides
290 12 that the committee review and consider options for reorganizing
290 13 state government to improve efficiency, modernize processes,
290 14 eliminate duplication and outdated processes, reduce costs, and
290 15 increase accountability. The bill requires the committee, as
290 16 enacted by this bill, to issue its first report by January 1,
290 17 2014, and at least every fourth year thereafter.
290 18 DIVISION XLVIII == BOARDS AND COMMISSIONS == ESTABLISHMENT
290 19 CRITERIA. This division creates new Code section 69.16D which
290 20 provides that, prior to establishing a new board or commission,
290 21 the general assembly shall consider whether an existing board
290 22 or commission can perform the duties of the new board or
290 23 commission, the estimated cost of the new board or commission,
290 24 and whether a repeal date is needed for the new board or
290 25 commission.